

As Reported by the Committee of Conference

134th General Assembly

Regular Session

2021-2022

Am. Sub. H. B. No. 110

Representative Oelslager

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

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

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5709.631, 5709.632, 5709.92, 5709.93, 5726.20, 5727.75, 5727.80, 344
5727.81, 5731.21, 5731.24, 5731.28, 5731.41, 5739.01, 5739.02, 345
5739.021, 5739.03, 5739.09, 5741.01, 5741.03, 5741.17, 5747.01, 346
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5751.02, 5751.03, 5751.40, 5902.09, 5919.34, 6101.48, 6101.53, 348
6109.121, 6111.027, 6111.13, and 6301.06 be amended; sections 349
9.318 (122.925), 123.151 (122.921), 123.152 (122.922), 123.153 350
(122.923), 123.154 (122.924), 155.011 (155.29), 1509.70 (155.30), 351
1509.71 (155.31), 1509.72 (155.32), 1509.73 (155.33), 1509.74 352
(155.34), 1509.75 (155.35), 1509.77 (155.36), 1509.78 (155.37), 353
3701.881 (3740.11), 3746.071 (3746.07), 4303.233 (4303.236), and 354
4303.234 (4303.235) be amended, for the purpose of adopting new 355
section numbers as indicated in parentheses; and new sections 356
3317.017, 3317.0215, 3317.0217, 3317.0218, 4303.233, and 4303.234 357
and sections 5.246, 5.2527, 9.27, 9.58, 101.55, 107.121, 113.70, 358
113.71, 113.72, 113.73, 113.74, 113.75, 113.76, 113.77, 117.55, 359
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3302.103, 3302.42, 3304.24, 3307.091, 3310.033, 3310.034, 368
3310.036, 3310.411, 3310.70, 3313.6026, 3313.6412, 3313.905, 369
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3317.019, 3317.0110, 3317.026, 3317.071, 3317.072, 3317.11, 371
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4505.104, 4513.602, 4513.603, 4713.351, 4729.284, 4731.152, 380
4731.33, 4731.90, 4743.10, 4779.281, 5101.04, 5101.041, 5101.1416, 381
5101.1417, 5101.1418, 5101.545, 5101.806, 5101.8812, 5103.163, 382
5119.191, 5120.212, 5123.025, 5123.026, 5123.034, 5123.603, 383
5162.82, 5163.52, 5165.261, 5168.90, 5301.05, 5713.083, 5747.72, 384
5747.73, 5747.75, 5747.79, 5751.052, and 5751.091 of the Revised 385
Code be enacted to read as follows: 386

Sec. 1.14. The time within which an act is required by law to 387
be done shall be computed by excluding the first and including the 388
last day; except that, when the last day falls on Sunday or a 389
legal holiday, the act may be done on the next succeeding day that 390
is not Sunday or a legal holiday. 391

When a public office in which an act, required by law, is to 392
be performed is closed to the public for the entire day that 393
constitutes the last day for doing the act or before its usual 394
closing time on that day, the act may be performed on the next 395
succeeding day that is not a Sunday or a legal holiday as defined 396
in this section. 397

"Legal holiday" as used in this section means the following 398
days: 399

- (A) The first day of January, known as New Year's day; 400
- (B) The third Monday in January, known as Martin Luther King 401
day; 402
- (C) The third Monday in February, known as Washington-Lincoln 403

day;	404
(D) The day designated in the "Act of June 28, 1968," 82 Stat. 250, 5 U.S.C. 6103, as amended, for the commemoration of Memorial day;	405 406 407
(E) <u>The nineteenth day of June, known as Juneteenth day;</u>	408
(F) (F) The fourth day of July, known as Independence day;	409
(F) (G) The first Monday in September, known as Labor day;	410
(G) (H) The second Monday in October, known as Columbus day;	411
(H) (I) The eleventh day of November, known as Veterans' day;	412
(I) (J) The fourth Thursday in November, known as Thanksgiving day;	413 414
(J) (K) The twenty-fifth day of December, known as Christmas day;	415 416
(K) (L) Any day appointed and recommended by the governor of this state or the president of the United States as a holiday.	417 418
If any day designated in this section as a legal holiday falls on Sunday, the next succeeding day is a legal holiday.	419 420
Sec. 5.2247. The nineteenth day of June is designated as "Juneteenth National Freedom Day " to acknowledge the freedom, history, and culture that June 19, 1865, the day on which the last slaves in the United States were set free in Texas, has come to symbolize. <u>This day is a legal holiday.</u>	421 422 423 424 425
Sec. 5.246. <u>The month of May is designated as "Maternal Mortality Awareness Month" to increase public awareness regarding the causes of pregnancy-associated deaths and encourage implementation of interventions intended to reduce the incidence of such deaths.</u>	426 427 428 429 430

Sec. 5.2527. The fourth week of June is designated as 431
"Postpartum Cardiomyopathy Awareness Week" to increase public 432
awareness of postpartum cardiomyopathy, which is a form of heart 433
failure that can happen during the last month of pregnancy or up 434
to five months after giving birth. 435

Sec. 9.08. (A) As used in this section: 436

(1) "Computer," "computer network," "computer system," 437
"computer services," "telecommunications service," and 438
"information service" have the same meanings as in section 2913.01 439
of the Revised Code. 440

(2) "Contractor" means either of the following: 441

(a) A person who enters into a contract under section 9.06 of 442
the Revised Code. 443

(b) A person who enters into a contract under section 9.07 of 444
the Revised Code to operate and manage a correctional facility in 445
this state for out-of-state prisoners. 446

(3) "Private correctional facility" means a correctional 447
facility that is operated by a contractor under a contract 448
pursuant to section 9.06 or 9.07 of the Revised Code. 449

(B) No officer or employee of a contractor who is operating 450
and managing a private correctional facility shall provide a 451
prisoner in the private correctional facility access to or permit 452
a prisoner in the private correctional facility to have access to 453
the internet through the use of a computer, computer network, 454
computer system, computer services, telecommunications service, or 455
information service unless both of the following apply: 456

(1) The prisoner is ~~participating in an approved educational~~ 457
~~program with direct supervision that requires the use of the~~ 458
~~internet for training or research purposes~~ accessing the internet 459

solely for a use or purpose approved by the managing officer of 460
that prisoner's institution or by the managing officer's designee. 461

(2) The provision of and access to the internet is in 462
accordance with rules promulgated by the department of 463
rehabilitation and correction pursuant to section 5120.62 of the 464
Revised Code. 465

(C)(1) No prisoner in a private correctional facility shall 466
access the internet through the use of a computer, computer 467
network, computer system, computer services, telecommunications 468
service, or information service unless both of the following 469
apply: 470

(a) The prisoner is ~~participating in an approved educational~~ 471
~~program with direct supervision that requires the use of the~~ 472
~~internet for training or research purposes~~ accessing the internet 473
solely for a use or purpose approved by the managing officer of 474
that prisoner's institution or by the managing officer's designee. 475

(b) The provision of and access to the internet is in 476
accordance with rules promulgated by the department of 477
rehabilitation and correction pursuant to section 5120.62 of the 478
Revised Code. 479

(2) Whoever violates division (C)(1) of this section is 480
guilty of improper internet access, a misdemeanor of the first 481
degree. 482

Sec. 9.27. (A) As used in this section, "state" and "state 483
agency" mean the state of Ohio, including the governor, lieutenant 484
governor, secretary of state, auditor of state, attorney general, 485
and treasurer of state, and all departments, boards, offices, 486
commissions, agencies, institutions, and other instrumentalities 487
of the state of Ohio, but not including the general assembly or 488
any legislative agency, or any court or judicial agency. 489

(B) Except as otherwise required or permitted by state or federal law, a contract entered into by the state for the procurement of goods or services shall not include any of the following: 490
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(1) A provision that requires the state to indemnify or hold harmless another person. 494
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(2) A provision by which the state agrees to binding arbitration or any other binding extra-judicial dispute resolution process. 496
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(3) A provision that names a venue for any action or dispute against the state other than a court of proper jurisdiction in Franklin county, Ohio. 499
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501

(4) A provision that requires the state to agree to limit the liability for any direct loss to the state for bodily injury, death, or damage to property of the state caused by the negligence, intentional or willful misconduct, fraudulent act, recklessness, or other tortious conduct of a person or a person's employees or agents, or a provision that would otherwise impose an indemnification obligation on the state. 502
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(5) A provision that requires the state to be bound by a term or condition that is unknown to the state at the time of signing a contract, that is not specifically negotiated with the state, that may be unilaterally changed by the other party, or that is electronically accepted by a state employee. 509
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(6) A provision that provides for a person other than the attorney general to serve as legal counsel for the state or for any state agency, unless allowed for under the process set forth in section 109.07 of the Revised Code. 514
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(7) A provision that is inconsistent with the state's obligations under section 149.43 of the Revised Code. 518
519

(8) A provision for automatic renewal such that state funds 520
are or would be obligated in subsequent fiscal years. 521

(9) A provision that limits the state's ability to recover 522
the cost of cover for a replacement contractor. 523

(C) If a contract contains a term or condition described in 524
division (B) of this section, the term or condition is void ab 525
initio, and the contract containing that term or condition 526
otherwise shall be enforceable as if it did not contain such term 527
or condition. 528

(D) A contract that contains a term or condition described in 529
division (B) of this section shall be governed by and construed in 530
accordance with Ohio law notwithstanding any term or condition to 531
the contrary in the contract. 532

(E) This section does not apply to a contract in effect 533
before the effective date of this section or to the renewal or 534
extension of a contract in effect before the effective date of 535
this section. 536

Sec. 9.47. (A) Any person desiring to bid on a contract 537
awarded pursuant to Chapter 153. of the Revised Code by an owner 538
referred to in section 153.01 of the Revised Code or awarded by 539
the director of transportation pursuant to Chapter 5525. of the 540
Revised Code may make application for a certificate of compliance 541
with affirmative action programs. Application shall be made to the 542
~~equal employment opportunity coordinator of the department of~~ 543
~~administrative services or the employee who succeeds to that~~ 544
~~officer's duties~~ development. The ~~coordinator~~ director of 545
development's designee shall promptly determine whether the person 546
has complied with all federal affirmative action programs to which 547
the person was subject and any state affirmative action program to 548
which the person was subject pursuant to section 153.59 of the 549
Revised Code which state or federal affirmative action program 550

arose out of a contract the person had with the federal 551
government, the state, or a political subdivision of the state. 552
Where the ~~coordinator~~ director's designee determines the person 553
has not committed any violation of such prior affirmative action 554
programs during the five years immediately preceding the date of 555
determination, the ~~coordinator~~ director's designee shall issue a 556
dated certificate of compliance with affirmative action programs. 557
The ~~coordinator~~ director's designee may issue an updated 558
certificate to a person upon request but not more frequently than 559
once every one hundred eighty days. A person who violates an 560
affirmative action program during the five years preceding the 561
date of determination is ineligible to bid on a contract awarded 562
pursuant to Chapter 153. of the Revised Code by an owner referred 563
to in section 153.01 of the Revised Code or awarded by the 564
director of transportation pursuant to Chapter 5525. of the 565
Revised Code for a period of three years after the date of 566
determination. 567

(B) ~~Notwithstanding division (A) of this section, this~~ 568
~~section is prospective in operation only and applicable to a~~ 569
~~violation of an affirmative action program that occurs after~~ 570
~~December 13, 1979. For the purpose of determining whether or not~~ 571
~~to issue a certificate of compliance with affirmative action~~ 572
~~programs during the five years subsequent to December 13, 1979,~~ 573
~~the coordinator shall make any specific determination based upon~~ 574
~~the period from December 13, 1979 to the date on which the~~ 575
~~determination is made, even though the period involved is less~~ 576
~~than five years. Five years after December 13, 1979, the~~ 577
~~coordinator shall make any determination solely pursuant to~~ 578
~~division (A) of this section.~~ 579

(C) Any person denied a certificate or an updated certificate 580
may appeal to the director of ~~administrative services~~ development 581
for a review of ~~the coordinator's~~ that determination. The appeal 582

must be filed within ten days of the date of the determination. 583
The director shall, within five days after receipt of the appeal, 584
either affirm or reverse the ~~coordinator's~~ determination. 585

~~(D)~~(C) Any person dissatisfied with the decision of the 586
director on review may, within thirty days, appeal the decision of 587
the director to the court of common pleas of Franklin county. The 588
court may affirm or reverse the decision of the director. At the 589
hearing before the court, evidence may be introduced for and 590
against the decision of the director. The decision of the court 591
may be appealed as in other cases. 592

~~(E)~~(D) The director of ~~administrative services development~~, 593
in accordance with Chapter 119. of the Revised Code, shall adopt, 594
and may amend or rescind, rules to implement this section. 595

Sec. 9.58. (A) As used in this section, "public official" 596
means any elected or appointed officer, employee, or agent of the 597
state or any political subdivision, board, commission, bureau, or 598
other public body established by law. 599

(B) In any civil action in a state or federal court, no 600
public official, including any attorney representing or acting on 601
behalf of a public official, has any authority to compromise or 602
settle the action, consent to any condition, or agree to any order 603
in connection therewith if the compromise, settlement, condition, 604
or order nullifies, suspends, enjoins, alters, or conflicts with 605
any provision of the Revised Code. 606

(C) Any compromise, settlement, condition, or order to which 607
a public official agrees that conflicts with division (B) of this 608
section is void and has no legal effect. 609

(D) Nothing in this section shall be construed to limit or 610
otherwise restrict any powers granted by Article IV, Ohio 611
Constitution. 612

Sec. 9.821. (A) The department of administrative services 613
shall direct and manage for state agencies all risk management and 614
insurance programs authorized under section 9.822 of the Revised 615
Code. 616

(B) The office of risk management is hereby established 617
within the department of administrative services. The director of 618
administrative services, or a deputy director appointed by the 619
director, shall control and supervise the office. 620

(C) The office may take any of the following actions that it 621
determines to be in the best interests of the state: 622

(1) Provide all insurance coverages for the state, including, 623
but not limited to, ~~automobile~~ vehicle liability, casualty, 624
property, public liability, and fidelity bonding. The cost of 625
insurance coverage shall be paid from appropriations made to the 626
state agencies that the office has designated to receive the 627
coverage. 628

(2) Provide coverage of legal expenses that are necessary and 629
related to the legal defense of claims against the state; 630

(3) Purchase insurance policies consistent with sections 631
125.01 to 125.111 of the Revised Code, develop and administer 632
self-insurance programs, or do both; 633

(4) Consolidate and combine state insurance coverages; 634

(5) Provide technical services in risk management and 635
insurance to state agencies; 636

(6) Adopt and publish, in accordance with section 111.15 of 637
the Revised Code, necessary rules and procedures governing the 638
administration of the state's insurance and risk management 639
activities. 640

(D) No state agency, except a state agency exempted under 641
section 125.02 or 125.04 of the Revised Code from the department's 642

purchasing authority, shall purchase any insurance described in 643
this section except as authorized by the department, when the 644
office of risk management determines that the purchase is in the 645
best interest of the state pursuant to division (C)(1) of this 646
section, and in accordance with terms, conditions, and procurement 647
methods established by the department. 648

(E) With respect to any civil action, demand, or claim 649
against the state that could be filed in the court of claims, 650
nothing in sections 9.82 to 9.823 of the Revised Code shall be 651
interpreted to permit the settlement or compromise of those civil 652
actions, demands, or claims, except in the manner provided in 653
Chapter 2743. of the Revised Code. 654

(F) The department of administrative services and the office 655
of risk management, while acting pursuant to the responsibilities 656
prescribed in sections 9.82 to 9.83 of the Revised Code, are 657
performing a public duty, as defined in section 2743.01 of the 658
Revised Code. 659

Sec. 9.822. (A) The department of administrative services 660
through the office of risk management shall establish an insurance 661
plan or plans that may provide for self-insurance ~~or~~, the purchase 662
of insurance, or ~~both~~ the purchase of surety bonds, public 663
official bonds, or fidelity bonds, for ~~either~~ any of the following 664
purposes: 665

(1) Insuring state real and personal property against losses 666
occasioned by fire, windstorm, or other accidents and perils; 667

(2) Insuring the state and its officers ~~and~~, employees, and 668
agents against liability resulting from any civil action, demand, 669
or claim against the state or its officers ~~and~~, employees, and 670
agents arising out of any act or omission of an officer ~~or~~, 671
employee, or agent in the performance of official duties, except 672
acts and omissions for which indemnification is prohibited under 673

section 9.87 of the Revised Code; 674

(3) Insuring and maintaining a judicial liability program. 675

(B) The department of administrative services through the 676
office of risk management shall establish ~~one or more insurance~~ 677
~~plans that provide for the purchase of insurance and administer a~~ 678
crime insurance program for the purpose of ~~insuring~~ protecting the 679
state ~~through the fidelity bonding of state officers, employees,~~ 680
~~and agents who are required by law to provide a fidelity bond.~~ 681
~~Nothing in this section shall be construed to allow the department~~ 682
~~of administrative services through the office of risk management~~ 683
~~to administer the state's fidelity bonding program through a~~ 684
program of self insurance, against loss, including loss to third 685
parties, due to the dishonest acts of state officers, employees, 686
and agents. In addition, public official bonds shall be purchased 687
for all officials and employees who are required by law to provide 688
a bond. Such bonds may be in the form of a blanket bond, or 689
scheduled position bond, provided the penal sums meet the 690
statutory requirement. 691

(C) The department of administrative services through the 692
office of risk management shall purchase surety bonds, fidelity 693
bonds, and public official bonds by licensed sureties for their 694
respective purposes. Nothing in this section shall be construed to 695
allow the department of administrative services through the office 696
of risk management to do either of the following: 697

(1) Directly issue or underwrite surety bonds, fidelity 698
bonds, performance bonds, or public official bonds; 699

(2) Provide performance bonds to any party. 700

Sec. 9.83. (A) The state and any political subdivision may 701
procure a policy or policies of insurance insuring its officers 702
and employees against liability for injury, death, or loss to 703

person or property that ~~arises out of the operation of an~~ 704
~~automobile, truck, motor vehicle with auxiliary equipment,~~ 705
~~self-propelling equipment or trailer, aircraft, or watercraft by~~ 706
~~the officers or employees while engaged~~ occurs in the course of 707
their employment or official responsibilities for the state or the 708
political subdivision. The state is authorized to expend funds to 709
pay judgments that are rendered in any court against its officers 710
or employees ~~and that result from such operation,~~ and is 711
authorized to expend funds to compromise claims for liability 712
against its officers or employees ~~that result from such operation.~~ 713
No insurer shall deny coverage under such a policy, and the state 714
shall not refuse to pay judgments or compromise claims, on the 715
ground that an automobile, truck, motor vehicle with auxiliary 716
equipment, self-propelling equipment or trailer, aircraft, or 717
watercraft was not being used in the course of an officer's or 718
employee's employment or official responsibilities for the state 719
or a political subdivision unless the officer or employee who was 720
operating an automobile, truck, motor vehicle with auxiliary 721
equipment, or self-propelling equipment or trailer is convicted of 722
a violation of section 124.71 of the Revised Code as a result of 723
the same events. 724

(B) Funds shall be reserved as necessary, in the exercise of 725
sound and prudent actuarial judgment, to cover potential expense, 726
fees, damage, loss, or other liability. The office of risk 727
management may recommend or, if the state requests of the office 728
of risk management, shall recommend a specific amount for any 729
period of time that, in the opinion of the office of risk 730
management, represents such a judgment. 731

(C) Nothing in this section shall be construed to require the 732
department of administrative services to purchase liability 733
insurance for all ~~state-vehicles~~ liabilities in a single policy of 734
insurance or to cover all ~~state-vehicles~~ liabilities under a 735

single plan of self-insurance. 736

(D) Insurance procured by the state pursuant to this section 737
shall be procured as provided in division (G) of section 125.02 of 738
the Revised Code. 739

(E) For purposes of liability insurance procured under this 740
section to cover the operation of a motor vehicle by a prisoner 741
for whom the insurance is procured, "employee" includes a prisoner 742
in the custody of the department of rehabilitation and correction 743
who is enrolled in a work program that is established by the 744
department pursuant to section 5145.16 of the Revised Code and in 745
which the prisoner is required to operate a motor vehicle, as 746
defined in section 4509.01 of the Revised Code, and who is engaged 747
in the operation of a motor vehicle in the course of the work 748
program. 749

(F) All contributions collected by the director of 750
administrative services under division (H) of this section shall 751
be deposited into the risk management reserve fund created in 752
section 9.823 of the Revised Code to the credit of the ~~vehicle~~ 753
liability program. 754

(G) Reserves shall be maintained in the risk management 755
reserve fund to the credit of the ~~vehicle~~ liability program in any 756
amount that is necessary and adequate, in the exercise of sound 757
and prudent actuarial judgment, to cover potential liability 758
claims, expenses, fees, or damages. Money in the fund may be 759
applied to the payment of liability claims that are filed against 760
the state in the court of claims and determined in the manner 761
provided in Chapter 2743. of the Revised Code. The director of 762
administrative services may procure the services of a qualified 763
actuarial firm for the purpose of recommending the specific amount 764
of money that is required to maintain adequate reserves for a 765
specified period of time. 766

(H) The director of administrative services shall collect 767
from each state agency or any participating state body its 768
contribution to the ~~vehicle~~ liability program for the purpose of 769
purchasing insurance or administering self-insurance programs for 770
coverage authorized under this section. The amount of the 771
contribution shall be determined by the director, with the 772
approval of the director of budget and management. It shall be 773
based upon actuarial assumptions and the relative risk and loss 774
experience of each state agency or participating state body. The 775
amount of the contribution also shall include a reasonable sum to 776
cover administrative costs of the department of administrative 777
services. The amounts collected pursuant to this division shall be 778
deposited in the risk management reserve fund to the credit of the 779
~~vehicle~~ liability program. 780

Sec. 101.55. (A) When a party to an action in state or 781
federal court challenges the constitutionality of a statute, 782
facially or as applied, challenges a statute as violating or 783
preempted by federal law, or otherwise challenges the construction 784
or validity of a statute, as part of a claim or affirmative 785
defense, the house of representatives, the senate, and the general 786
assembly may intervene to defend against the action as set forth 787
under division (A) of this section at any time in the action as a 788
matter of right by serving motion upon the parties as provided in 789
the Rules of Civil Procedure. 790

(1) The speaker of the house of representatives may intervene 791
at any time in the action on behalf of the house of 792
representatives. The speaker may obtain legal counsel other than 793
from the attorney general, with the cost of representation paid 794
from funds appropriated for that purpose, to represent the house 795
of representatives in any action in which the speaker intervenes. 796

(2) The president of the senate may intervene at any time in 797

the action on behalf of the senate. The president may obtain legal 798
counsel other than from the attorney general, with the cost of 799
representation paid from funds appropriated for that purpose, to 800
represent the senate in any action in which the president 801
intervenes. 802

(3) The president of the senate and the speaker of the house 803
of representatives, acting jointly, may intervene at any time in 804
the action on behalf of the general assembly. The president and 805
the speaker, acting jointly, may obtain legal counsel other than 806
from the attorney general, with the cost of representation paid 807
from funds appropriated for that purpose, to represent the general 808
assembly in any action in which the president and speaker jointly 809
intervene. 810

(B) When a party to an action in state or federal court 811
challenges a general assembly district plan, or any of its 812
districts, adopted under Article XI, Ohio Constitution, or 813
challenges a congressional district plan, or any of its districts, 814
adopted by the Ohio redistricting commission under Article XIX, 815
Ohio Constitution, the speaker of the house of representatives, 816
the president of the senate, and the Ohio redistricting commission 817
may intervene to defend against any such action as set forth under 818
division (B) of this section at any time in the action as a matter 819
of right by serving motion upon the parties as provided in the 820
Rules of Civil Procedure. 821

(1) The speaker of the house of representatives may intervene 822
at any time in the action on behalf of the house of 823
representatives. The speaker may obtain legal counsel other than 824
from the attorney general, with the cost of representation paid 825
from funds appropriated for that purpose, to represent the house 826
of representatives in any action in which the speaker intervenes. 827

(2) The president of the senate may intervene at any time in 828
the action on behalf of the senate. The president may obtain legal 829

counsel other than from the attorney general, with the cost of 830
representation paid from funds appropriated for that purpose, to 831
represent the senate in any action in which the president 832
intervenes. 833

(3) The president of the senate and the speaker of the house 834
of representatives, acting jointly, may intervene at any time in 835
the action on behalf of the Ohio redistricting commission. The 836
president and the speaker, acting jointly, may obtain legal 837
counsel other than from the attorney general, with the cost of 838
representation paid from funds appropriated for that purpose, to 839
represent the Ohio redistricting commission in any action in which 840
the president and speaker jointly intervene. 841

(C) No individual member, or group of members, of the senate, 842
the house of representatives, or the Ohio redistricting 843
commission, except the president and the speaker as provided under 844
this section, shall intervene in an action described in this 845
section or obtain legal counsel at public expense under this 846
section, in the member's or group's capacity as a member or 847
members of the senate, the house of representatives, or the Ohio 848
redistricting commission. 849

(D) Notwithstanding any contrary provision of law, the 850
participation of the speaker of the house of representatives or 851
the president of the senate in any state or federal action, as a 852
party or otherwise, does not constitute a waiver of the 853
legislative immunity or legislative privilege of any member, 854
officer, or staff of the general assembly. 855

Sec. 102.02. (A)(1) Except as otherwise provided in division 856
(H) of this section, all of the following shall file with the 857
appropriate ethics commission the disclosure statement described 858
in this division on a form prescribed by the appropriate 859
commission: every person who is elected to or is a candidate for a 860

state, county, or city office and every person who is appointed to 861
fill a vacancy for an unexpired term in such an elective office; 862
all members of the state board of education; the director, 863
assistant directors, deputy directors, division chiefs, or persons 864
of equivalent rank of any administrative department of the state; 865
the president or other chief administrative officer of every state 866
institution of higher education as defined in section 3345.011 of 867
the Revised Code; the executive director and the members of the 868
capitol square review and advisory board appointed or employed 869
pursuant to section 105.41 of the Revised Code; all members of the 870
Ohio casino control commission, the executive director of the 871
commission, all professional employees of the commission, and all 872
technical employees of the commission who perform an internal 873
audit function; the individuals set forth in division (B)(2) of 874
section 187.03 of the Revised Code; the chief executive officer 875
and the members of the board of each state retirement system; each 876
employee of a state retirement board who is a state retirement 877
system investment officer licensed pursuant to section 1707.163 of 878
the Revised Code; the members of the Ohio retirement study council 879
appointed pursuant to division (C) of section 171.01 of the 880
Revised Code; employees of the Ohio retirement study council, 881
other than employees who perform purely administrative or clerical 882
functions; the administrator of workers' compensation and each 883
member of the bureau of workers' compensation board of directors; 884
the bureau of workers' compensation director of investments; the 885
chief investment officer of the bureau of workers' compensation; 886
all members of the board of commissioners on grievances and 887
discipline of the supreme court and the ethics commission created 888
under section 102.05 of the Revised Code; every business manager, 889
treasurer, or superintendent of a city, local, exempted village, 890
joint vocational, or cooperative education school district or an 891
educational service center; every person who is elected to or is a 892
candidate for the office of member of a board of education of a 893

city, local, exempted village, joint vocational, or cooperative 894
education school district or of a governing board of an 895
educational service center that has a total student count of 896
twelve thousand or more as most recently determined by the 897
department of education pursuant to section 3317.03 of the Revised 898
Code; every person who is appointed to the board of education of a 899
municipal school district pursuant to division (B) or (F) of 900
section 3311.71 of the Revised Code; all members of the board of 901
directors of a sanitary district that is established under Chapter 902
6115. of the Revised Code and organized wholly for the purpose of 903
providing a water supply for domestic, municipal, and public use, 904
and that includes two municipal corporations in two counties; 905
every public official or employee who is paid a salary or wage in 906
accordance with schedule C of section 124.15 or schedule E-2 of 907
section 124.152 of the Revised Code; ~~members of the board of~~ 908
~~trustees and the executive director of the southern Ohio~~ 909
~~agricultural and community development foundation;~~ all members 910
appointed to the Ohio livestock care standards board under section 911
904.02 of the Revised Code; all entrepreneurs in residence 912
assigned by the LeanOhio office in the department of 913
administrative services under section 125.65 of the Revised Code 914
and every other public official or employee who is designated by 915
the appropriate ethics commission pursuant to division (B) of this 916
section. 917

(2) The disclosure statement shall include all of the 918
following: 919

(a) The name of the person filing the statement and each 920
member of the person's immediate family and all names under which 921
the person or members of the person's immediate family do 922
business; 923

(b)(i) Subject to divisions (A)(2)(b)(ii) and (iii) of this 924
section and except as otherwise provided in section 102.022 of the 925

Revised Code, identification of every source of income, other than 926
income from a legislative agent identified in division 927
(A)(2)(b)(ii) of this section, received during the preceding 928
calendar year, in the person's own name or by any other person for 929
the person's use or benefit, by the person filing the statement, 930
and a brief description of the nature of the services for which 931
the income was received. If the person filing the statement is a 932
member of the general assembly, the statement shall identify the 933
amount of every source of income received in accordance with the 934
following ranges of amounts: zero or more, but less than one 935
thousand dollars; one thousand dollars or more, but less than ten 936
thousand dollars; ten thousand dollars or more, but less than 937
twenty-five thousand dollars; twenty-five thousand dollars or 938
more, but less than fifty thousand dollars; fifty thousand dollars 939
or more, but less than one hundred thousand dollars; and one 940
hundred thousand dollars or more. Division (A)(2)(b)(i) of this 941
section shall not be construed to require a person filing the 942
statement who derives income from a business or profession to 943
disclose the individual items of income that constitute the gross 944
income of that business or profession, except for those individual 945
items of income that are attributable to the person's or, if the 946
income is shared with the person, the partner's, solicitation of 947
services or goods or performance, arrangement, or facilitation of 948
services or provision of goods on behalf of the business or 949
profession of clients, including corporate clients, who are 950
legislative agents. A person who files the statement under this 951
section shall disclose the identity of and the amount of income 952
received from a person who the public official or employee knows 953
or has reason to know is doing or seeking to do business of any 954
kind with the public official's or employee's agency. 955

(ii) If the person filing the statement is a member of the 956
general assembly, the statement shall identify every source of 957
income and the amount of that income that was received from a 958

legislative agent during the preceding calendar year, in the 959
person's own name or by any other person for the person's use or 960
benefit, by the person filing the statement, and a brief 961
description of the nature of the services for which the income was 962
received. Division (A)(2)(b)(ii) of this section requires the 963
disclosure of clients of attorneys or persons licensed under 964
section 4732.12 of the Revised Code, or patients of persons 965
licensed under section 4731.14 of the Revised Code, if those 966
clients or patients are legislative agents. Division (A)(2)(b)(ii) 967
of this section requires a person filing the statement who derives 968
income from a business or profession to disclose those individual 969
items of income that constitute the gross income of that business 970
or profession that are received from legislative agents. 971

(iii) Except as otherwise provided in division (A)(2)(b)(iii) 972
of this section, division (A)(2)(b)(i) of this section applies to 973
attorneys, physicians, and other persons who engage in the 974
practice of a profession and who, pursuant to a section of the 975
Revised Code, the common law of this state, a code of ethics 976
applicable to the profession, or otherwise, generally are required 977
not to reveal, disclose, or use confidences of clients, patients, 978
or other recipients of professional services except under 979
specified circumstances or generally are required to maintain 980
those types of confidences as privileged communications except 981
under specified circumstances. Division (A)(2)(b)(i) of this 982
section does not require an attorney, physician, or other 983
professional subject to a confidentiality requirement as described 984
in division (A)(2)(b)(iii) of this section to disclose the name, 985
other identity, or address of a client, patient, or other 986
recipient of professional services if the disclosure would 987
threaten the client, patient, or other recipient of professional 988
services, would reveal details of the subject matter for which 989
legal, medical, or professional advice or other services were 990
sought, or would reveal an otherwise privileged communication 991

involving the client, patient, or other recipient of professional 992
services. Division (A)(2)(b)(i) of this section does not require 993
an attorney, physician, or other professional subject to a 994
confidentiality requirement as described in division 995
(A)(2)(b)(iii) of this section to disclose in the brief 996
description of the nature of services required by division 997
(A)(2)(b)(i) of this section any information pertaining to 998
specific professional services rendered for a client, patient, or 999
other recipient of professional services that would reveal details 1000
of the subject matter for which legal, medical, or professional 1001
advice was sought or would reveal an otherwise privileged 1002
communication involving the client, patient, or other recipient of 1003
professional services. 1004

(c) The name of every corporation on file with the secretary 1005
of state that is incorporated in this state or holds a certificate 1006
of compliance authorizing it to do business in this state, trust, 1007
business trust, partnership, or association that transacts 1008
business in this state in which the person filing the statement or 1009
any other person for the person's use and benefit had during the 1010
preceding calendar year an investment of over one thousand dollars 1011
at fair market value as of the thirty-first day of December of the 1012
preceding calendar year, or the date of disposition, whichever is 1013
earlier, or in which the person holds any office or has a 1014
fiduciary relationship, and a description of the nature of the 1015
investment, office, or relationship. Division (A)(2)(c) of this 1016
section does not require disclosure of the name of any bank, 1017
savings and loan association, credit union, or building and loan 1018
association with which the person filing the statement has a 1019
deposit or a withdrawable share account. 1020

(d) All fee simple and leasehold interests to which the 1021
person filing the statement holds legal title to or a beneficial 1022
interest in real property located within the state, excluding the 1023

person's residence and property used primarily for personal recreation; 1024
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(e) The names of all persons residing or transacting business in the state to whom the person filing the statement owes, in the person's own name or in the name of any other person, more than one thousand dollars. Division (A)(2)(e) of this section shall not be construed to require the disclosure of debts owed by the person resulting from the ordinary conduct of a business or profession or debts on the person's residence or real property used primarily for personal recreation, except that the superintendent of financial institutions and any deputy superintendent of banks shall disclose the names of all state-chartered banks and all bank subsidiary corporations subject to regulation under section 1109.44 of the Revised Code to whom the superintendent or deputy superintendent owes any money. 1026
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(f) The names of all persons residing or transacting business in the state, other than a depository excluded under division (A)(2)(c) of this section, who owe more than one thousand dollars to the person filing the statement, either in the person's own name or to any person for the person's use or benefit. Division (A)(2)(f) of this section shall not be construed to require the disclosure of clients of attorneys or persons licensed under section 4732.12 of the Revised Code, or patients of persons licensed under section 4731.14 of the Revised Code, nor the disclosure of debts owed to the person resulting from the ordinary conduct of a business or profession. 1039
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(g) Except as otherwise provided in section 102.022 of the Revised Code, the source of each gift of over seventy-five dollars, or of each gift of over twenty-five dollars received by a member of the general assembly from a legislative agent, received by the person in the person's own name or by any other person for the person's use or benefit during the preceding calendar year, 1050
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except gifts received by will or by virtue of section 2105.06 of 1056
the Revised Code, or received from spouses, parents, grandparents, 1057
children, grandchildren, siblings, nephews, nieces, uncles, aunts, 1058
brothers-in-law, sisters-in-law, sons-in-law, daughters-in-law, 1059
fathers-in-law, mothers-in-law, or any person to whom the person 1060
filing the statement stands in loco parentis, or received by way 1061
of distribution from any inter vivos or testamentary trust 1062
established by a spouse or by an ancestor; 1063

(h) Except as otherwise provided in section 102.022 of the 1064
Revised Code, identification of the source and amount of every 1065
payment of expenses incurred for travel to destinations inside or 1066
outside this state that is received by the person in the person's 1067
own name or by any other person for the person's use or benefit 1068
and that is incurred in connection with the person's official 1069
duties, except for expenses for travel to meetings or conventions 1070
of a national or state organization to which any state agency, 1071
including, but not limited to, any legislative agency or state 1072
institution of higher education as defined in section 3345.011 of 1073
the Revised Code, pays membership dues, or any political 1074
subdivision or any office or agency of a political subdivision 1075
pays membership dues; 1076

(i) Except as otherwise provided in section 102.022 of the 1077
Revised Code, identification of the source of payment of expenses 1078
for meals and other food and beverages, other than for meals and 1079
other food and beverages provided at a meeting at which the person 1080
participated in a panel, seminar, or speaking engagement or at a 1081
meeting or convention of a national or state organization to which 1082
any state agency, including, but not limited to, any legislative 1083
agency or state institution of higher education as defined in 1084
section 3345.011 of the Revised Code, pays membership dues, or any 1085
political subdivision or any office or agency of a political 1086
subdivision pays membership dues, that are incurred in connection 1087

with the person's official duties and that exceed one hundred 1088
dollars aggregated per calendar year; 1089

(j) If the disclosure statement is filed by a public official 1090
or employee described in division (B)(2) of section 101.73 of the 1091
Revised Code or division (B)(2) of section 121.63 of the Revised 1092
Code who receives a statement from a legislative agent, executive 1093
agency lobbyist, or employer that contains the information 1094
described in division (F)(2) of section 101.73 of the Revised Code 1095
or division (G)(2) of section 121.63 of the Revised Code, all of 1096
the nondisputed information contained in the statement delivered 1097
to that public official or employee by the legislative agent, 1098
executive agency lobbyist, or employer under division (F)(2) of 1099
section 101.73 or (G)(2) of section 121.63 of the Revised Code. 1100

(3) A person may file a statement required by this section in 1101
person, by mail, or by electronic means. 1102

(4) A person who is required to file a statement under this 1103
section shall file that statement according to the following 1104
deadlines, as applicable: 1105

(a) Except as otherwise provided in divisions (A)(4)(b), (c), 1106
and (d) of this section, the person shall file the statement not 1107
later than the fifteenth day of May of each year. 1108

(b) A person who is a candidate for elective office shall 1109
file the statement no later than the thirtieth day before the 1110
primary, special, or general election at which the candidacy is to 1111
be voted on, whichever election occurs soonest, except that a 1112
person who is a write-in candidate shall file the statement no 1113
later than the twentieth day before the earliest election at which 1114
the person's candidacy is to be voted on. 1115

(c) A person who is appointed to fill a vacancy for an 1116
unexpired term in an elective office shall file the statement 1117
within fifteen days after the person qualifies for office. 1118

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

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

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

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

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

Disclosure statements filed under this division with the Ohio

ethics commission by members of boards, commissions, or bureaus of 1150
the state for which no compensation is received other than 1151
reasonable and necessary expenses shall be kept confidential. 1152
Disclosure statements filed with the Ohio ethics commission under 1153
division (A) of this section by business managers, treasurers, and 1154
superintendents of city, local, exempted village, joint 1155
vocational, or cooperative education school districts or 1156
educational service centers shall be kept confidential, except 1157
that any person conducting an audit of any such school district or 1158
educational service center pursuant to Chapter 117. of the Revised 1159
Code may examine the disclosure statement of any business manager, 1160
treasurer, or superintendent of that school district or 1161
educational service center. Disclosure statements filed with the 1162
Ohio ethics commission under division (A) of this section by the 1163
individuals set forth in division (B)(2) of section 187.03 of the 1164
Revised Code shall be kept confidential. The Ohio ethics 1165
commission shall examine each disclosure statement required to be 1166
kept confidential to determine whether a potential conflict of 1167
interest exists for the person who filed the disclosure statement. 1168
A potential conflict of interest exists if the private interests 1169
of the person, as indicated by the person's disclosure statement, 1170
might interfere with the public interests the person is required 1171
to serve in the exercise of the person's authority and duties in 1172
the person's office or position of employment. If the commission 1173
determines that a potential conflict of interest exists, it shall 1174
notify the person who filed the disclosure statement and shall 1175
make the portions of the disclosure statement that indicate a 1176
potential conflict of interest subject to public inspection in the 1177
same manner as is provided for other disclosure statements. Any 1178
portion of the disclosure statement that the commission determines 1179
does not indicate a potential conflict of interest shall be kept 1180
confidential by the commission and shall not be made subject to 1181
public inspection, except as is necessary for the enforcement of 1182

Chapters 102. and 2921. of the Revised Code and except as 1183
otherwise provided in this division. 1184

(C) No person shall knowingly fail to file, on or before the 1185
applicable filing deadline established under this section, a 1186
statement that is required by this section. 1187

(D) No person shall knowingly file a false statement that is 1188
required to be filed under this section. 1189

(E)(1) Except as provided in divisions (E)(2) and (3) of this 1190
section, the statement required by division (A) or (B) of this 1191
section shall be accompanied by a filing fee of sixty dollars. 1192

(2) The statement required by division (A) of this section 1193
shall be accompanied by the following filing fee to be paid by the 1194
person who is elected or appointed to, or is a candidate for, any 1195
of the following offices: 1196

For state office, except member of the		1197
state board of education	\$95	1198
For office of member of general assembly	\$40	1199
For county office	\$60	1200
For city office	\$35	1201
For office of member of the state board		1202
of education	\$35	1203
For office of member of a city, local,		1204
exempted village, or cooperative		1205
education board of		1206
education or educational service		1207
center governing board	\$30	1208
For position of business manager,		1209
treasurer, or superintendent of a		1210
city, local, exempted village, joint		1211
vocational, or cooperative education		1212
school district or		1213

educational service center	\$30	1214
(3) No judge of a court of record or candidate for judge of a court of record, and no referee or magistrate serving a court of record, shall be required to pay the fee required under division (E)(1) or (2) or (F) of this section.		1215 1216 1217 1218
(4) For any public official who is appointed to a nonelective office of the state and for any employee who holds a nonelective position in a public agency of the state, the state agency that is the primary employer of the state official or employee shall pay the fee required under division (E)(1) or (F) of this section.		1219 1220 1221 1222 1223
(F) If a statement required to be filed under this section is not filed by the date on which it is required to be filed, the appropriate ethics commission shall assess the person required to file the statement a late filing fee of ten dollars for each day the statement is not filed, except that the total amount of the late filing fee shall not exceed two hundred fifty dollars.		1224 1225 1226 1227 1228 1229
(G)(1) The appropriate ethics commission other than the Ohio ethics commission and the joint legislative ethics committee shall deposit all fees it receives under divisions (E) and (F) of this section into the general revenue fund of the state.		1230 1231 1232 1233
(2) The Ohio ethics commission shall deposit all receipts, including, but not limited to, fees it receives under divisions (E) and (F) of this section, investigative or other fees, costs, or other funds it receives as a result of court orders, and all moneys it receives from settlements under division (G) of section 102.06 of the Revised Code, into the Ohio ethics commission fund, which is hereby created in the state treasury. All moneys credited to the fund shall be used solely for expenses related to the operation and statutory functions of the commission.		1234 1235 1236 1237 1238 1239 1240 1241 1242
(3) The joint legislative ethics committee shall deposit all receipts it receives from the payment of financial disclosure		1243 1244

statement filing fees under divisions (E) and (F) of this section 1245
into the joint legislative ethics committee investigative and 1246
financial disclosure fund. 1247

(H) Division (A) of this section does not apply to a person 1248
elected or appointed to the office of precinct, ward, or district 1249
committee member under Chapter 3517. of the Revised Code; a 1250
presidential elector; a delegate to a national convention; village 1251
or township officials and employees; any physician or psychiatrist 1252
who is paid a salary or wage in accordance with schedule C of 1253
section 124.15 or schedule E-2 of section 124.152 of the Revised 1254
Code and whose primary duties do not require the exercise of 1255
administrative discretion; or any member of a board, commission, 1256
or bureau of any county or city who receives less than one 1257
thousand dollars per year for serving in that position. 1258

Sec. 103.11. There is hereby created, in the legislative 1259
branch of government, the Ohio legislative service commission 1260
consisting of fourteen members as follows: six members shall be 1261
members of the senate appointed by the president of the senate, 1262
not more than four of whom shall be members of the same political 1263
party; six members shall be members of the house of 1264
representatives appointed by the speaker of the house of 1265
representatives, not more than four of whom shall be members of 1266
the same political party; the president of the senate; and the 1267
speaker of the house of representatives. 1268

The members of the commission shall serve only so long as 1269
they are members of the general assembly. A vacancy in the office 1270
of any member of the commission shall be filled for the unexpired 1271
term in the same manner as the original appointment. 1272

~~The commission shall organize by selecting from its~~ 1273
~~membership a~~In each even-numbered general assembly, the president 1274
of the senate shall serve as chairperson of the commission and 1275

athe speaker of the house of representatives shall serve as 1276
vice-chairperson. In each odd-numbered general assembly, the 1277
speaker of the house of representatives shall serve as chairperson 1278
of the commission and the president of the senate shall serve as 1279
vice-chairperson. 1280

The members of the commission and members of committees 1281
thereof shall serve without compensation but shall be reimbursed 1282
for their actual and necessary expenses incurred in the 1283
performance of their official duties. 1284

Sec. 103.22. The Ohio legislative service commission shall 1285
meet as often as is necessary to perform its duties, ~~provided that~~ 1286
~~in any event it shall meet at least once each quarter.~~ Eight 1287
members shall constitute a quorum, and the majority thereof shall 1288
have authority to act on new matters within the jurisdiction of 1289
the commission. They shall formulate rules of procedure and 1290
prescribe the policies for the performance of its duties and 1291
functions. 1292

Sec. 103.41. (A) As used in sections 103.41 to 103.415 of the 1293
Revised Code: 1294

(1) "JMOC" means the joint medicaid oversight committee 1295
created under this section. 1296

(2) "State and local government medicaid agency" means all of 1297
the following: 1298

(a) The department of medicaid; 1299

(b) Each state agency and political subdivision with which 1300
the department of medicaid contracts under section 5162.35 of the 1301
Revised Code to have the state agency or political subdivision 1302
administer one or more components of the medicaid program, or one 1303
or more aspects of a component, under the department's 1304
supervision; 1305

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

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

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

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

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

(D) In odd-numbered years, the speaker shall designate one of the majority members from the house as the JMOC chairperson, the

president shall designate one of the majority members from the senate as the JMOC vice-chairperson, and the president shall designate one of the minority members from the senate as the JMOC ranking minority member. In even-numbered years, the president shall designate one of the majority members from the senate as the JMOC chairperson, the speaker shall designate one of the majority members from the house as the JMOC vice-chairperson, and the speaker shall designate one of the minority members from the house as the JMOC ranking minority member.

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

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

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

(H) The JMOC chairperson may, subject to approval by the speaker of the house of representatives or the speaker's designee and the president of the senate or the president's designee, employ professional, technical, and clerical employees as are necessary for JMOC to be able successfully and efficiently to perform its duties. All such employees are in the unclassified service and may be terminated by the chairperson, subject to approval of the speaker or the speaker's designee and president or

the president's designee. JMOC may contract for the services of 1369
persons who are qualified by education and experience to advise, 1370
consult with, or otherwise assist JMOC in the performance of its 1371
duties. 1372

(I) The JMOC chairperson, when authorized by JMOC and the 1373
president and speaker, may issue subpoenas and subpoenas duces 1374
tecum in aid of JMOC's performance of its duties. A subpoena may 1375
require a witness in any part of the state to appear before JMOC 1376
at a time and place designated in the subpoena to testify. A 1377
subpoena duces tecum may require witnesses or other persons in any 1378
part of the state to produce books, papers, records, and other 1379
tangible evidence before JMOC at a time and place designated in 1380
the subpoena duces tecum. A subpoena or subpoena duces tecum shall 1381
be issued, served, and returned, and has consequences, as 1382
specified in sections 101.41 to 101.45 of the Revised Code. 1383

(J) The JMOC chairperson may administer oaths to witnesses 1384
appearing before JMOC. 1385

Sec. 103.60. (A) As used in this section, "rare disease" 1386
means a disease or condition that affects fewer than 200,000 1387
people living in the United States. 1388

(B) There is hereby created the rare disease advisory 1389
council. The purpose of the council is to advise the general 1390
assembly regarding research, diagnosis, and treatment efforts 1391
related to rare diseases across the state. 1392

(C) The council shall consist of the following ~~twenty-five~~ 1393
thirty-one members: 1394

(1) The following members appointed by the governor: 1395

(a) One individual who is a medical researcher with 1396
experience researching rare diseases; 1397

(b) One individual who represents an academic research 1398

institution in this state that receives funding for rare disease research;	1399 1400
(c) One individual authorized under Chapter 4731. of the Revised Code to practice medicine and surgery or osteopathic medicine and surgery who has experience researching, diagnosing, and treating rare diseases;	1401 1402 1403 1404
(d) One individual authorized under Chapter 4723. of the Revised Code to practice nursing as a registered nurse who has experience providing nursing care to patients with rare diseases;	1405 1406 1407
(e) One individual authorized under Chapter 4778. of the Revised Code to practice as a genetic counselor who is currently practicing at a children's hospital;	1408 1409 1410
(f) Three members of the public who are living with a rare disease or represent an individual living with a rare disease;	1411 1412
(g) One representative of a national organization representing patients with a rare disease;	1413 1414
(h) One representative of a rare disease foundation operating in this state;	1415 1416
(i) Two representatives of the department of health, one of whom is a representative of the children with medical handicaps program;	1417 1418 1419
(j) One representative of the department of medicaid;	1420
(k) One representative of the department of insurance;	1421
(l) One representative of the commission on minority health;	1422
(m) One representative of the Ohio hospital association;	1423
(n) One representative of Ohio health insurers;	1424
(o) One representative of bioOhio;	1425
(p) One representative of the association of Ohio health commissioners;	1426 1427

(q) One representative of the pharmaceutical research and 1428
manufacturers of America. 1429

(2) ~~Two~~ The following members ~~of the senate, one from the~~ 1430
~~majority party and one from the minority party, both~~ appointed by 1431
the president of the senate: 1432

(a) Two members of the senate, one from the majority party 1433
and one from the minority party; 1434

(b) Three members of the public, one of whom is recommended 1435
by the minority leader of the senate. 1436

(3) ~~Two~~ The following members ~~of the house of~~ 1437
~~representatives, one from the majority party and one from the~~ 1438
~~minority party, both~~ appointed by the speaker of the house of 1439
representatives: 1440

(a) Two members of the house of representatives, one from the 1441
majority party and one from the minority party; 1442

(b) Three members of the public, one of whom is recommended 1443
by the minority leader of the house of representatives. 1444

(4) The governor or the governor's designee. 1445

(D)(1) Not later than ~~thirty days after the effective date of~~ 1446
~~this section~~ April 23, 2021, initial appointments shall be made to 1447
the council. Thereafter, appointments shall be made every two 1448
years, not later than thirty days after the commencement of the 1449
first regular session of each general assembly. 1450

(2) Each member shall serve on the council until appointments 1451
are made following the commencement of the next general assembly. 1452
Members may be reappointed; however, no member shall serve more 1453
than four consecutive terms on the council. 1454

(E) Prior to the expiration of each term, the council shall 1455
prepare and submit a report to the general assembly detailing the 1456
following: 1457

(1) The coordination of statewide efforts for studying the incidence of rare diseases in this state;	1458 1459
(2) The council's findings and recommendations regarding rare disease research and care in this state;	1460 1461
(3) Efforts to promote collaboration among rare disease organizations, clinicians, academic research institutions, and the general assembly to better understand the incidence of rare diseases in this state.	1462 1463 1464 1465
(F) The council shall annually select from among its members a chairperson or co-chairpersons.	1466 1467
(G) The council shall meet at the call of the chairperson, but not less than quarterly. A majority of the members of the council shall constitute a quorum. The chairperson shall provide members with at least five days written notice of all meetings.	1468 1469 1470 1471
(H) Members shall serve without compensation except to the extent that serving on the council is considered part of the member's regular duties of employment. The council shall reimburse each member for actual and necessary expenses incurred in the performance of the member's official duties.	1472 1473 1474 1475 1476
Sec. 105.41. (A) There is hereby created in the legislative branch of government the capitol square review and advisory board, consisting of twelve members as follows:	1477 1478 1479
(1) Two members of the senate, appointed by the president of the senate, both of whom shall not be members of the same political party;	1480 1481 1482
(2) Two members of the house of representatives, appointed by the speaker of the house of representatives, both of whom shall not be members of the same political party;	1483 1484 1485
(3) Four members appointed by the governor, with the advice and consent of the senate, not more than three of whom shall be	1486 1487

members of the same political party, one of whom shall be the 1488
chief of staff of the governor's office, one of whom shall 1489
represent the Ohio arts council, one of whom shall represent the 1490
Ohio history connection, and one of whom shall represent the 1491
public at large; 1492

(4) One member, who shall be a former president of the 1493
senate, appointed by the current president of the senate. If the 1494
current president of the senate, in the current president's 1495
discretion, decides for any reason not to make the appointment or 1496
if no person is eligible or available to serve, the seat shall 1497
remain vacant. 1498

(5) One member, who shall be a former speaker of the house of 1499
representatives, appointed by the current speaker of the house of 1500
representatives. If the current speaker of the house of 1501
representatives, in the current speaker's discretion, decides for 1502
any reason not to make the appointment or if no person is eligible 1503
or available to serve, the seat shall remain vacant. 1504

(6) The clerk of the senate and the clerk of the house of 1505
representatives. 1506

(B) Terms of office of each appointed member of the board 1507
shall be for three years, except that members of the general 1508
assembly appointed to the board shall be members of the board only 1509
so long as they are members of the general assembly and the chief 1510
of staff of the governor's office shall be a member of the board 1511
only so long as the appointing governor remains in office. Each 1512
member shall hold office from the date of the member's appointment 1513
until the end of the term for which the member was appointed. In 1514
case of a vacancy occurring on the board, the president of the 1515
senate, the speaker of the house of representatives, or the 1516
governor, as the case may be, shall in the same manner prescribed 1517
for the regular appointment to the commission, fill the vacancy by 1518
appointing a member. Any member appointed to fill a vacancy 1519

occurring prior to the expiration of the term for which the 1520
member's predecessor was appointed shall hold office for the 1521
remainder of the term. Any appointed member shall continue in 1522
office subsequent to the expiration date of the member's term 1523
until the member's successor takes office, or until a period of 1524
sixty days has elapsed, whichever occurs first. 1525

(C) The board shall hold meetings in a manner and at times 1526
prescribed by the rules adopted by the board. A majority of the 1527
board constitutes a quorum, and no action shall be taken by the 1528
board unless approved by at least six members or by at least seven 1529
members if a person is appointed under division (A)(4) or (5) of 1530
this section. At its first meeting, the board shall adopt rules 1531
for the conduct of its business and the election of its officers, 1532
and shall organize by selecting officers other than a chairperson 1533
as it considers necessary. In odd-numbered years, the majority 1534
member from the senate shall serve as chairperson; in 1535
even-numbered years, the majority member from the house of 1536
representatives shall serve as chairperson. Board members shall 1537
serve without compensation but shall be reimbursed for actual and 1538
necessary expenses incurred in the performance of their duties. 1539

(D) The board may do any of the following: 1540

(1) Employ or hire on a consulting basis professional, 1541
technical, and clerical employees as are necessary for the 1542
performance of its duties. All employees of the board are in the 1543
unclassified service and serve at the pleasure of the board. For 1544
purposes of section 4117.01 of the Revised Code, employees of the 1545
board shall be considered employees of the general assembly, 1546
except that employees who are covered by a collective bargaining 1547
agreement on September 29, 2011, shall remain subject to the 1548
agreement until the agreement expires on its terms, and the 1549
agreement shall not be extended or renewed. Upon expiration of the 1550
agreement, the employees are considered employees of the general 1551

assembly for purposes of section 4117.01 of the Revised Code and 1552
are in the unclassified service and serve at the pleasure of the 1553
board. 1554

(2) Hold public hearings at times and places as determined by 1555
the board; 1556

(3) Enter into an indefinite delivery indefinite quantity 1557
contract, under section 153.013 of the Revised Code, for an 1558
architect or engineer; 1559

(4) Adopt, amend, or rescind rules necessary to accomplish 1560
the duties of the board as set forth in this section; 1561

~~(4)~~(5) Sponsor, conduct, and support such social events as 1562
the board may authorize and consider appropriate for the employees 1563
of the board, employees and members of the general assembly, 1564
employees of persons under contract with the board or otherwise 1565
engaged to perform services on the premises of capitol square, or 1566
other persons as the board may consider appropriate. Subject to 1567
the requirements of Chapter 4303. of the Revised Code, the board 1568
may provide beer, wine, and intoxicating liquor, with or without 1569
charge, for those events and may use funds only from the sale of 1570
goods and services fund to purchase the beer, wine, and 1571
intoxicating liquor the board provides; 1572

~~(5)~~(6) Purchase a warehouse in which to store items of the 1573
capitol collection trust and, whenever necessary, equipment or 1574
other property of the board. 1575

(E) The board shall do all of the following: 1576

(1) Have sole authority to coordinate and approve any 1577
improvements, additions, and renovations that are made to the 1578
capitol square. The improvements shall include, but not be limited 1579
to, the placement of monuments and sculpture on the capitol 1580
grounds. 1581

(2) Operate the capitol square, and have sole authority to 1582
regulate all uses of the capitol square. The uses shall include, 1583
but not be limited to, the casual and recreational use of the 1584
capitol square. 1585

(3) Employ, fix the compensation of, and prescribe the duties 1586
of the executive director of the board and other employees the 1587
board considers necessary for the performance of its powers and 1588
duties; 1589

(4) Establish and maintain the capitol collection trust. The 1590
capitol collection trust shall consist of furniture, antiques, and 1591
other items of personal property that the board shall store in 1592
suitable facilities until they are ready to be displayed in the 1593
capitol square. 1594

(5) Perform repair, construction, contracting, purchasing, 1595
maintenance, supervisory, and operating activities the board 1596
determines are necessary for the operation and maintenance of the 1597
capitol square; 1598

(6) Maintain and preserve the capitol square, in accordance 1599
with guidelines issued by the United States secretary of the 1600
interior for application of the secretary's standards for 1601
rehabilitation adopted in 36 C.F.R. part 67; 1602

(7) Plan and develop a center at the capitol building for the 1603
purpose of educating visitors about the history of Ohio, including 1604
its political, economic, and social development and the design and 1605
erection of the capitol building and its grounds. 1606

(F)(1) The board shall lease capital facilities improved by 1607
the department of administrative services or financed by the 1608
treasurer of state pursuant to Chapter 154. of the Revised Code 1609
for the use of the board, and may enter into any other agreements 1610
with the department, the Ohio public facilities commission, or any 1611
other authorized governmental agency ancillary to improvement, 1612

financing, or leasing of those capital facilities, including, but 1613
not limited to, any agreement required by the applicable bond 1614
proceedings authorized by Chapter 154. of the Revised Code. Any 1615
lease of capital facilities authorized by this section shall be 1616
governed by Chapter 154. of the Revised Code. 1617

(2) Fees, receipts, and revenues received by the board from 1618
the state underground parking garage constitute available receipts 1619
as defined in section 154.24 of the Revised Code, and may be 1620
pledged to the payment of bond service charges on obligations 1621
issued by the treasurer of state pursuant to Chapter 154. of the 1622
Revised Code to improve, finance, or purchase capital facilities 1623
useful to the board. The treasurer of state may, with the consent 1624
of the board, provide in the bond proceedings for a pledge of all 1625
or a portion of those fees, receipts, and revenues as the 1626
treasurer of state determines. The treasurer of state may provide 1627
in the bond proceedings or by separate agreement with the board 1628
for the transfer of those fees, receipts, and revenues to the 1629
appropriate bond service fund or bond service reserve fund as 1630
required to pay the bond service charges when due, and any such 1631
provision for the transfer of those fees, receipts, and revenues 1632
shall be controlling notwithstanding any other provision of law 1633
pertaining to those fees, receipts, and revenues. 1634

(3) All moneys received by the treasurer of state on account 1635
of the board and required by the applicable bond proceedings or by 1636
separate agreement with the board to be deposited, transferred, or 1637
credited to the bond service fund or bond service reserve fund 1638
established by the bond proceedings shall be transferred by the 1639
treasurer of state to such fund, whether or not it is in the 1640
custody of the treasurer of state, without necessity for further 1641
appropriation. 1642

(G)(1) Except as otherwise provided in division (G)(2) of 1643
this section, all fees, receipts, and revenues received by the 1644

board from the state underground parking garage shall be deposited 1645
into the state treasury to the credit of the underground parking 1646
garage operating fund, which is hereby created, to be used for the 1647
purposes specified in division (F) of this section and for the 1648
operation and maintenance of the garage. All investment earnings 1649
of the fund shall be credited to the fund. 1650

(2) There is hereby created the parking garage automated 1651
equipment fund, which shall be in the custody of the treasurer of 1652
state but shall not be part of the state treasury. Money in the 1653
fund shall be used to purchase the automated teller machine 1654
quality dollar bills needed for operation of the parking garage 1655
automated equipment. The fund shall consist of fees, receipts, or 1656
revenues received by the board from the state underground parking 1657
garage; provided, however, that the total amount deposited into 1658
the fund at any one time shall not exceed ten thousand dollars. 1659
All investment earnings of the fund shall be credited to the fund. 1660

(H) All donations received by the board shall be deposited 1661
into the state treasury to the credit of the capitol square 1662
renovation gift fund, which is hereby created. The fund shall be 1663
used by the board as follows: 1664

(1) To provide part or all of the funding related to 1665
construction, goods, or services for the renovation of the capitol 1666
square; 1667

(2) To purchase art, antiques, and artifacts for display at 1668
the capitol square; 1669

(3) To award contracts or make grants to organizations for 1670
educating the public regarding the historical background and 1671
governmental functions of the capitol square. Chapters 125., 127., 1672
and 153. and section 3517.13 of the Revised Code do not apply to 1673
purchases made exclusively from the fund, notwithstanding anything 1674
to the contrary in those chapters or that section. All investment 1675

earnings of the fund shall be credited to the fund. 1676

(I) Except as provided in divisions (G), (H), and (J) of this 1677
section, all fees, receipts, and revenues received by the board 1678
shall be deposited into the state treasury to the credit of the 1679
sale of goods and services fund, which is hereby created. Money 1680
credited to the fund shall be used solely to pay costs of the 1681
board other than those specified in divisions (F) and (G) of this 1682
section. All investment earnings of the fund shall be credited to 1683
the fund. 1684

(J) There is hereby created in the state treasury the capitol 1685
square improvement fund, to be used by the board to pay 1686
construction, renovation, and other costs related to the capitol 1687
square for which money is not otherwise available to the board. 1688
Whenever the board determines that there is a need to incur those 1689
costs and that the unencumbered, unobligated balance to the credit 1690
of the underground parking garage operating fund exceeds the 1691
amount needed for the purposes specified in division (F) of this 1692
section and for the operation and maintenance of the garage, the 1693
board may request the director of budget and management to 1694
transfer from the underground parking garage operating fund to the 1695
capitol square improvement fund the amount needed to pay such 1696
construction, renovation, or other costs. The director then shall 1697
transfer the amount needed from the excess balance of the 1698
underground parking garage operating fund. 1699

(K) As the operation and maintenance of the capitol square 1700
constitute essential government functions of a public purpose, the 1701
board shall not be required to pay taxes or assessments upon the 1702
square, upon any property acquired or used by the board under this 1703
section, or upon any income generated by the operation of the 1704
square. 1705

(L) As used in this section, "capitol square" means the 1706
capitol building, senate building, capitol atrium, capitol 1707

grounds, the state underground parking garage, and the warehouse 1708
owned by the board. 1709

(M) The capitol annex shall be known as the senate building. 1710

(N) Any person may possess a firearm in a motor vehicle in 1711
the state underground parking garage at the state capitol 1712
building, if the person's possession of the firearm in the motor 1713
vehicle is not in violation of section 2923.16 of the Revised Code 1714
or any other provision of the Revised Code. Any person may store 1715
or leave a firearm in a locked motor vehicle that is parked in the 1716
state underground parking garage at the state capitol building, if 1717
the person's transportation and possession of the firearm in the 1718
motor vehicle while traveling to the garage was not in violation 1719
of section 2923.16 of the Revised Code or any other provision of 1720
the Revised Code. 1721

Sec. 107.03. (A) As used in this section, "transportation 1722
budget" means the biennial budget that primarily includes the 1723
following: 1724

(1) Motor fuel excise tax-related appropriations for the 1725
department of transportation, public works commission, and 1726
department of development ~~services agency~~; 1727

(2) Other appropriations that pertain to transportation and 1728
infrastructure related to transportation. 1729

(B) The governor shall submit a transportation budget to the 1730
general assembly not later than four weeks after the general 1731
assembly's organization. 1732

(C) The governor shall submit to the general assembly, not 1733
later than four weeks after its organization, a state budget 1734
containing a complete financial plan for the ensuing fiscal 1735
biennium, excluding items of revenue and expenditure described in 1736
section 126.022 of the Revised Code. However, in years of a new 1737

governor's inauguration, this budget shall be submitted not later 1738
than the fifteenth day of March. 1739

(D) In years of a new governor's inauguration, only the new 1740
governor shall submit a budget to the general assembly. In 1741
addition to other things required by law, each of the governor's 1742
budgets shall contain: 1743

(1) A general budget summary by function and agency setting 1744
forth the proposed total expenses from each and all funds and the 1745
anticipated resources for meeting such expenses; such resources to 1746
include any available balances in the several funds at the 1747
beginning of the biennium and a classification by totals of all 1748
revenue receipts estimated to accrue during the biennium under 1749
existing law and proposed legislation. 1750

(2) A detailed statement showing the amounts recommended to 1751
be appropriated from each fund for each fiscal year of the 1752
biennium for current expenses, including, but not limited to, 1753
personal services, supplies and materials, equipment, subsidies 1754
and revenue distribution, merchandise for resale, transfers, and 1755
nonexpense disbursements, obligations, interest on debt, and 1756
retirement of debt, and for the biennium for capital outlay, to 1757
the respective departments, offices, institutions, as defined in 1758
section 121.01 of the Revised Code, and all other public purposes; 1759
and, in comparative form, the actual expenses by source of funds 1760
during each fiscal year of the previous two bienniums for each 1761
such purpose. No alterations shall be made in the requests for the 1762
legislative and judicial branches of the state filed with the 1763
director of budget and management under section 126.02 of the 1764
Revised Code. If any amount of federal money is recommended to be 1765
appropriated or has been expended for a purpose for which state 1766
money also is recommended to be appropriated or has been expended, 1767
the amounts of federal money and state money involved shall be 1768
separately identified. 1769

(3) A detailed estimate of the revenue receipts in each fund 1770
from each source under existing laws during each year of the 1771
biennium; and, in comparative form, actual revenue receipts in 1772
each fund from each source for each year of the two previous 1773
bienniums; 1774

(4) The estimated cash balance in each fund at the beginning 1775
of the biennium covered by the budget; the estimated liabilities 1776
outstanding against each such balance; and the estimated net 1777
balance remaining and available for new appropriations; 1778

(5) A detailed estimate of the additional revenue receipts in 1779
each fund from each source under proposed legislation, if enacted, 1780
during each year of the biennium; 1781

(6) A description of each tax expenditure; a detailed 1782
estimate of the amount of revenues not available to the general 1783
revenue fund under existing laws during each fiscal year of the 1784
biennium covered by the budget due to the operation of each tax 1785
expenditure; and, in comparative form, the amount of revenue not 1786
available to the general revenue fund during each fiscal year of 1787
the immediately preceding biennium due to the operation of each 1788
tax expenditure. The report prepared by the department of taxation 1789
pursuant to section 5703.48 of the Revised Code shall be submitted 1790
to the general assembly as an appendix to the governor's budget. 1791
As used in this division, "tax expenditure" has the same meaning 1792
as in section 5703.48 of the Revised Code. 1793

(7) ~~The most recent report prepared by the tax expenditure~~ 1794
~~review committee under division (F) of section 5703.95 of the~~ 1795
~~Revised Code, which shall be submitted to the general assembly as~~ 1796
~~an appendix to the governor's budget.~~The most recent TANF spending 1797
plan prepared by the department of job and family services under 1798
section 5101.806 of the Revised Code, which shall be submitted to 1799
the general assembly as an appendix to the governor's budget. 1800

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

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

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

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

(1) The services the entity provided;

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

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

Sec. 109.02. The attorney general is the chief law officer for the state and all its departments and shall be provided with adequate office space in Columbus. Except as provided in division (E) of section 120.06 and in sections 101.55 and 3517.152 to 3517.157 of the Revised Code, no state officer or board, or head of a department or institution of the state shall employ, or be represented by, other counsel or attorneys at law. The attorney general shall appear for the state in the trial and argument of all civil and criminal causes in the supreme court in which the state is directly or indirectly interested. When required by the governor or the general assembly, the attorney general shall appear for the state in any court or tribunal in a cause in which the state is a party, or in which the state is directly

interested. Upon the written request of the governor, the attorney 1831
general shall prosecute any person indicted for a crime. 1832

Sec. 109.08. The attorney general may appoint and authorize 1833
special counsel to represent the state and any political 1834
subdivision in connection with all claims of whatsoever nature 1835
which are certified to the attorney general for collection under 1836
any law or which the attorney general is authorized to collect. 1837

Such special counsel shall be paid for their services from 1838
funds collected by them in an amount approved by the attorney 1839
general. In addition to the amount certified, the amounts paid to 1840
special counsel may be assessed as collection costs consistent 1841
with section 131.02 of the Revised Code and shall be fully 1842
recoverable from the party indebted. The amounts assessed as 1843
collection costs under this section are in addition to any amounts 1844
authorized under section 109.081 of the Revised Code. 1845

The attorney general is authorized to provide to the special 1846
counsel the official letterhead stationery of the attorney 1847
general. The attorney general may authorize the special counsel to 1848
use the letterhead stationery, but only in connection with the 1849
collection of such claims arising out of amounts certified by the 1850
state and political subdivisions. 1851

The attorney general may adopt rules under Chapter 119. of 1852
the Revised Code as necessary for the implementation of this 1853
section and section 109.081 of the Revised Code. 1854

Sec. 109.111. There is hereby created in the state treasury 1855
the attorney general court order and settlement fund, ~~which shall~~ 1856
~~be in the custody of the treasurer of state but shall not be part~~ 1857
~~of the state treasury.~~ The fund shall consist of all money 1858
~~collected or received~~ the attorney general receives on behalf of 1859
the state or any agency or officer of the state as a result of an 1860

~~order of any court to be received or secured by, or delivered to,~~ 1861
~~the attorney general for transfer, distribution, disbursement, or~~ 1862
~~allocation pursuant to court order or judgment or any settlement~~ 1863
~~or compromise of claims, other than any amount due to the state or~~ 1864
~~a political subdivision that is being collected under section~~ 1865
~~131.02 of the Revised Code.~~ All money in the fund, including 1866
investment earnings thereon, shall be ~~used~~ distributed solely ~~to~~ 1867
~~make payment as directed pursuant to court order in accordance~~ 1868
~~with section 109.112 of the Revised Code.~~ 1869

Sec. 109.112. ~~If the state of Ohio or any agency or officer~~ 1870
~~of the state is named in a court order to be the recipient of any~~ 1871
~~money collected or received by the attorney general~~ When any money 1872
is deposited in the attorney general court order and settlement 1873
fund created under section 109.111 of the Revised Code, the 1874
attorney general shall ~~notify~~ proceed as follows: 1875

(A) If the total amount of money to be received under the 1876
order, judgment, settlement, or compromise is ten thousand dollars 1877
or more, the attorney general shall notify the governor, the 1878
speaker of the house of representatives, the president of the 1879
senate, and the director of budget and management of the amount. 1880
The controlling board shall determine the appropriate custodial 1881
fund or funds within the state treasury to which the money shall 1882
be transferred, and the director, in consultation with the 1883
attorney general, shall transfer the money from the attorney 1884
general court order and settlement fund to the appropriate fund or 1885
funds. 1886

(B) If the total amount of money to be received under the 1887
order, judgment, settlement, or compromise is less than ten 1888
thousand dollars, the attorney general shall notify the director 1889
of budget and management of the amount ~~of money to be collected or~~ 1890
~~received under, and the terms of, the court order.~~ The director, 1891

in consultation with the attorney general, shall determine ~~the~~ 1892
~~appropriate distribution of the money to~~ the appropriate custodial 1893
fund or funds within the state treasury, ~~consistent with the terms~~ 1894
~~of the order. Upon its collection or receipt~~ to which the money 1895
shall be transferred, and the attorney general shall transfer the 1896
money from the attorney general court order and settlement fund to 1897
the appropriate fund or funds ~~as determined by the director.~~ 1898

Sec. 109.32. (A) All annual filing fees obtained by the 1899
attorney general pursuant to section 109.31 of the Revised Code, 1900
all receipts obtained from the sale of the charitable foundations 1901
directory, all registration fees received by the attorney general, 1902
bond forfeitures, awards of costs and attorney's fees, and civil 1903
penalties assessed under Chapter 1716. of the Revised Code, all 1904
license fees received by the attorney general under section 1905
2915.08, 2915.081, or 2915.082 of the Revised Code, all fees 1906
received by the attorney general under section 2915.15 of the 1907
Revised Code, and all filing fees received by the attorney general 1908
under divisions (F) and (G) of section 2915.02 of the Revised 1909
Code, shall be paid into the state treasury to the credit of the 1910
charitable law fund. ~~The~~ 1911

(B)(1) Except as otherwise provided in divisions (B)(2) and 1912
(3) of this section, the charitable law fund shall be used insofar 1913
as its moneys are available for the expenses of the charitable law 1914
section of the office of the attorney general, ~~except that all,~~ 1915

(2) All annual license fees that are received by the attorney 1916
general under section 2915.08, 2915.081, or 2915.082 of the 1917
Revised Code, and all filing fees received by the attorney general 1918
under divisions (F) and (G) of section 2915.02 of the Revised 1919
Code, that are credited to the fund shall be used by the attorney 1920
general, or any law enforcement agency in cooperation with the 1921
attorney general, for the purposes specified in division (H) of 1922

section 2915.10 of the Revised Code and to administer and enforce 1923
Chapter 2915. of the Revised Code. The 1924

(3) All fees received by the attorney general under section 1925
2915.15 of the Revised Code that are credited to the fund shall be 1926
used for the purposes specified in that section. 1927

(C) The expenses of the charitable law section in excess of 1928
moneys available in the charitable law fund shall be paid out of 1929
regular appropriations to the office of the attorney general. 1930

Sec. 109.57. (A)(1) The superintendent of the bureau of 1931
criminal identification and investigation shall procure from 1932
wherever procurable and file for record photographs, pictures, 1933
descriptions, fingerprints, measurements, and other information 1934
that may be pertinent of all persons who have been convicted of 1935
committing within this state a felony, any crime constituting a 1936
misdemeanor on the first offense and a felony on subsequent 1937
offenses, or any misdemeanor described in division (A)(1)(a), 1938
(A)(5)(a), or (A)(7)(a) of section 109.572 of the Revised Code, of 1939
all children under eighteen years of age who have been adjudicated 1940
delinquent children for committing within this state an act that 1941
would be a felony or an offense of violence if committed by an 1942
adult or who have been convicted of or pleaded guilty to 1943
committing within this state a felony or an offense of violence, 1944
and of all well-known and habitual criminals. The person in charge 1945
of any county, multicounty, municipal, municipal-county, or 1946
multicounty-municipal jail or workhouse, community-based 1947
correctional facility, halfway house, alternative residential 1948
facility, or state correctional institution and the person in 1949
charge of any state institution having custody of a person 1950
suspected of having committed a felony, any crime constituting a 1951
misdemeanor on the first offense and a felony on subsequent 1952
offenses, or any misdemeanor described in division (A)(1)(a), 1953

(A)(5)(a), or (A)(7)(a) of section 109.572 of the Revised Code or 1954
having custody of a child under eighteen years of age with respect 1955
to whom there is probable cause to believe that the child may have 1956
committed an act that would be a felony or an offense of violence 1957
if committed by an adult shall furnish such material to the 1958
superintendent of the bureau. Fingerprints, photographs, or other 1959
descriptive information of a child who is under eighteen years of 1960
age, has not been arrested or otherwise taken into custody for 1961
committing an act that would be a felony or an offense of violence 1962
who is not in any other category of child specified in this 1963
division, if committed by an adult, has not been adjudicated a 1964
delinquent child for committing an act that would be a felony or 1965
an offense of violence if committed by an adult, has not been 1966
convicted of or pleaded guilty to committing a felony or an 1967
offense of violence, and is not a child with respect to whom there 1968
is probable cause to believe that the child may have committed an 1969
act that would be a felony or an offense of violence if committed 1970
by an adult shall not be procured by the superintendent or 1971
furnished by any person in charge of any county, multicounty, 1972
municipal, municipal-county, or multicounty-municipal jail or 1973
workhouse, community-based correctional facility, halfway house, 1974
alternative residential facility, or state correctional 1975
institution, except as authorized in section 2151.313 of the 1976
Revised Code. 1977

(2) Every clerk of a court of record in this state, other 1978
than the supreme court or a court of appeals, shall send to the 1979
superintendent of the bureau a weekly report containing a summary 1980
of each case involving a felony, involving any crime constituting 1981
a misdemeanor on the first offense and a felony on subsequent 1982
offenses, involving a misdemeanor described in division (A)(1)(a), 1983
(A)(5)(a), or (A)(7)(a) of section 109.572 of the Revised Code, or 1984
involving an adjudication in a case in which a child under 1985

eighteen years of age was alleged to be a delinquent child for 1986
committing an act that would be a felony or an offense of violence 1987
if committed by an adult. The clerk of the court of common pleas 1988
shall include in the report and summary the clerk sends under this 1989
division all information described in divisions (A)(2)(a) to (f) 1990
of this section regarding a case before the court of appeals that 1991
is served by that clerk. The summary shall be written on the 1992
standard forms furnished by the superintendent pursuant to 1993
division (B) of this section and shall include the following 1994
information: 1995

(a) The incident tracking number contained on the standard 1996
forms furnished by the superintendent pursuant to division (B) of 1997
this section; 1998

(b) The style and number of the case; 1999

(c) The date of arrest, offense, summons, or arraignment; 2000

(d) The date that the person was convicted of or pleaded 2001
guilty to the offense, adjudicated a delinquent child for 2002
committing the act that would be a felony or an offense of 2003
violence if committed by an adult, found not guilty of the 2004
offense, or found not to be a delinquent child for committing an 2005
act that would be a felony or an offense of violence if committed 2006
by an adult, the date of an entry dismissing the charge, an entry 2007
declaring a mistrial of the offense in which the person is 2008
discharged, an entry finding that the person or child is not 2009
competent to stand trial, or an entry of a nolle prosequi, or the 2010
date of any other determination that constitutes final resolution 2011
of the case; 2012

(e) A statement of the original charge with the section of 2013
the Revised Code that was alleged to be violated; 2014

(f) If the person or child was convicted, pleaded guilty, or 2015
was adjudicated a delinquent child, the sentence or terms of 2016

probation imposed or any other disposition of the offender or the delinquent child. 2017
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If the offense involved the disarming of a law enforcement officer or an attempt to disarm a law enforcement officer, the clerk shall clearly state that fact in the summary, and the superintendent shall ensure that a clear statement of that fact is placed in the bureau's records. 2019
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(3) The superintendent shall cooperate with and assist sheriffs, chiefs of police, and other law enforcement officers in the establishment of a complete system of criminal identification and in obtaining fingerprints and other means of identification of all persons arrested on a charge of a felony, any crime constituting a misdemeanor on the first offense and a felony on subsequent offenses, or a misdemeanor described in division (A)(1)(a), (A)(5)(a), or (A)(7)(a) of section 109.572 of the Revised Code and of all children under eighteen years of age arrested or otherwise taken into custody for committing an act that would be a felony or an offense of violence if committed by an adult. The superintendent also shall file for record the fingerprint impressions of all persons confined in a county, multicounty, municipal, municipal-county, or multicounty-municipal jail or workhouse, community-based correctional facility, halfway house, alternative residential facility, or state correctional institution for the violation of state laws and of all children under eighteen years of age who are confined in a county, multicounty, municipal, municipal-county, or multicounty-municipal jail or workhouse, community-based correctional facility, halfway house, alternative residential facility, or state correctional institution or in any facility for delinquent children for committing an act that would be a felony or an offense of violence if committed by an adult, and any other information that the superintendent may receive from law enforcement officials of the 2024
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state and its political subdivisions. 2049

(4) The superintendent shall carry out Chapter 2950. of the 2050
Revised Code with respect to the registration of persons who are 2051
convicted of or plead guilty to a sexually oriented offense or a 2052
child-victim oriented offense and with respect to all other duties 2053
imposed on the bureau under that chapter. 2054

(5) The bureau shall perform centralized recordkeeping 2055
functions for criminal history records and services in this state 2056
for purposes of the national crime prevention and privacy compact 2057
set forth in section 109.571 of the Revised Code and is the 2058
criminal history record repository as defined in that section for 2059
purposes of that compact. The superintendent or the 2060
superintendent's designee is the compact officer for purposes of 2061
that compact and shall carry out the responsibilities of the 2062
compact officer specified in that compact. 2063

(6) The superintendent shall, upon request, assist a county 2064
coroner in the identification of a deceased person through the use 2065
of fingerprint impressions obtained pursuant to division (A)(1) of 2066
this section or collected pursuant to section 109.572 or 311.41 of 2067
the Revised Code. 2068

(B) The superintendent shall prepare and furnish to every 2069
county, multicounty, municipal, municipal-county, or 2070
multicounty-municipal jail or workhouse, community-based 2071
correctional facility, halfway house, alternative residential 2072
facility, or state correctional institution and to every clerk of 2073
a court in this state specified in division (A)(2) of this section 2074
standard forms for reporting the information required under 2075
division (A) of this section. The standard forms that the 2076
superintendent prepares pursuant to this division may be in a 2077
tangible format, in an electronic format, or in both tangible 2078
formats and electronic formats. 2079

(C)(1) The superintendent may operate a center for 2080
electronic, automated, or other data processing for the storage 2081
and retrieval of information, data, and statistics pertaining to 2082
criminals and to children under eighteen years of age who are 2083
adjudicated delinquent children for committing an act that would 2084
be a felony or an offense of violence if committed by an adult, 2085
criminal activity, crime prevention, law enforcement, and criminal 2086
justice, and may establish and operate a statewide communications 2087
network to be known as the Ohio law enforcement gateway to gather 2088
and disseminate information, data, and statistics for the use of 2089
law enforcement agencies and for other uses specified in this 2090
division. The superintendent may gather, store, retrieve, and 2091
disseminate information, data, and statistics that pertain to 2092
children who are under eighteen years of age and that are gathered 2093
pursuant to sections 109.57 to 109.61 of the Revised Code together 2094
with information, data, and statistics that pertain to adults and 2095
that are gathered pursuant to those sections. 2096

(2) The superintendent or the superintendent's designee shall 2097
gather information of the nature described in division (C)(1) of 2098
this section that pertains to the offense and delinquency history 2099
of a person who has been convicted of, pleaded guilty to, or been 2100
adjudicated a delinquent child for committing a sexually oriented 2101
offense or a child-victim oriented offense for inclusion in the 2102
state registry of sex offenders and child-victim offenders 2103
maintained pursuant to division (A)(1) of section 2950.13 of the 2104
Revised Code and in the internet database operated pursuant to 2105
division (A)(13) of that section and for possible inclusion in the 2106
internet database operated pursuant to division (A)(11) of that 2107
section. 2108

(3) In addition to any other authorized use of information, 2109
data, and statistics of the nature described in division (C)(1) of 2110
this section, the superintendent or the superintendent's designee 2111

may provide and exchange the information, data, and statistics 2112
pursuant to the national crime prevention and privacy compact as 2113
described in division (A)(5) of this section. 2114

(4) The Ohio law enforcement gateway shall contain the name, 2115
confidential address, and telephone number of program participants 2116
in the address confidentiality program established under sections 2117
111.41 to 111.47 of the Revised Code. 2118

(5) The attorney general may adopt rules under Chapter 119. 2119
of the Revised Code establishing guidelines for the operation of 2120
and participation in the Ohio law enforcement gateway. The rules 2121
may include criteria for granting and restricting access to 2122
information gathered and disseminated through the Ohio law 2123
enforcement gateway. The attorney general shall adopt rules under 2124
Chapter 119. of the Revised Code that grant access to information 2125
in the gateway regarding an address confidentiality program 2126
participant under sections 111.41 to 111.47 of the Revised Code to 2127
only chiefs of police, village marshals, county sheriffs, county 2128
prosecuting attorneys, and a designee of each of these 2129
individuals. The attorney general shall permit the state medical 2130
board and board of nursing to access and view, but not alter, 2131
information gathered and disseminated through the Ohio law 2132
enforcement gateway. 2133

The attorney general may appoint a steering committee to 2134
advise the attorney general in the operation of the Ohio law 2135
enforcement gateway that is comprised of persons who are 2136
representatives of the criminal justice agencies in this state 2137
that use the Ohio law enforcement gateway and is chaired by the 2138
superintendent or the superintendent's designee. 2139

(D)(1) The following are not public records under section 2140
149.43 of the Revised Code: 2141

(a) Information and materials furnished to the superintendent 2142

pursuant to division (A) of this section; 2143

(b) Information, data, and statistics gathered or 2144
disseminated through the Ohio law enforcement gateway pursuant to 2145
division (C)(1) of this section; 2146

(c) Information and materials furnished to any board or 2147
person under division (F) or (G) of this section. 2148

(2) The superintendent or the superintendent's designee shall 2149
gather and retain information so furnished under division (A) of 2150
this section that pertains to the offense and delinquency history 2151
of a person who has been convicted of, pleaded guilty to, or been 2152
adjudicated a delinquent child for committing a sexually oriented 2153
offense or a child-victim oriented offense for the purposes 2154
described in division (C)(2) of this section. 2155

(E)(1) The attorney general shall adopt rules, in accordance 2156
with Chapter 119. of the Revised Code and subject to division 2157
(E)(2) of this section, setting forth the procedure by which a 2158
person may receive or release information gathered by the 2159
superintendent pursuant to division (A) of this section. A 2160
reasonable fee may be charged for this service. If a temporary 2161
employment service submits a request for a determination of 2162
whether a person the service plans to refer to an employment 2163
position has been convicted of or pleaded guilty to an offense 2164
listed or described in division (A)(1), (2), or (3) of section 2165
109.572 of the Revised Code, the request shall be treated as a 2166
single request and only one fee shall be charged. 2167

(2) Except as otherwise provided in this division or division 2168
(E)(3) or (4) of this section, a rule adopted under division 2169
(E)(1) of this section may provide only for the release of 2170
information gathered pursuant to division (A) of this section that 2171
relates to the conviction of a person, or a person's plea of 2172
guilty to, a criminal offense or to the arrest of a person as 2173

provided in division (E)(3) of this section. The superintendent 2174
shall not release, and the attorney general shall not adopt any 2175
rule under division (E)(1) of this section that permits the 2176
release of, any information gathered pursuant to division (A) of 2177
this section that relates to an adjudication of a child as a 2178
delinquent child, or that relates to a criminal conviction of a 2179
person under eighteen years of age if the person's case was 2180
transferred back to a juvenile court under division (B)(2) or (3) 2181
of section 2152.121 of the Revised Code and the juvenile court 2182
imposed a disposition or serious youthful offender disposition 2183
upon the person under either division, unless either of the 2184
following applies with respect to the adjudication or conviction: 2185

(a) The adjudication or conviction was for a violation of 2186
section 2903.01 or 2903.02 of the Revised Code. 2187

(b) The adjudication or conviction was for a sexually 2188
oriented offense, the juvenile court was required to classify the 2189
child a juvenile offender registrant for that offense under 2190
section 2152.82, 2152.83, or 2152.86 of the Revised Code, that 2191
classification has not been removed, and the records of the 2192
adjudication or conviction have not been sealed or expunged 2193
pursuant to sections 2151.355 to 2151.358 or sealed pursuant to 2194
section 2952.32 of the Revised Code. 2195

(3) A rule adopted under division (E)(1) of this section may 2196
provide for the release of information gathered pursuant to 2197
division (A) of this section that relates to the arrest of a 2198
person who is eighteen years of age or older when the person has 2199
not been convicted as a result of that arrest if any of the 2200
following applies: 2201

(a) The arrest was made outside of this state. 2202

(b) A criminal action resulting from the arrest is pending, 2203
and the superintendent confirms that the criminal action has not 2204

been resolved at the time the criminal records check is performed. 2205

(c) The bureau cannot reasonably determine whether a criminal 2206
action resulting from the arrest is pending, and not more than one 2207
year has elapsed since the date of the arrest. 2208

(4) A rule adopted under division (E)(1) of this section may 2209
provide for the release of information gathered pursuant to 2210
division (A) of this section that relates to an adjudication of a 2211
child as a delinquent child if not more than five years have 2212
elapsed since the date of the adjudication, the adjudication was 2213
for an act that would have been a felony if committed by an adult, 2214
the records of the adjudication have not been sealed or expunged 2215
pursuant to sections 2151.355 to 2151.358 of the Revised Code, and 2216
the request for information is made under division (F) of this 2217
section or under section 109.572 of the Revised Code. In the case 2218
of an adjudication for a violation of the terms of community 2219
control or supervised release, the five-year period shall be 2220
calculated from the date of the adjudication to which the 2221
community control or supervised release pertains. 2222

(F)(1) As used in division (F)(2) of this section, "head 2223
start agency" means an entity in this state that has been approved 2224
to be an agency for purposes of subchapter II of the "Community 2225
Economic Development Act," 95 Stat. 489 (1981), 42 U.S.C.A. 9831, 2226
as amended. 2227

(2)(a) In addition to or in conjunction with any request that 2228
is required to be made under section 109.572, 2151.86, 3301.32, 2229
3301.541, division (C) of section 3310.58, or section 3319.39, 2230
3319.391, 3327.10, ~~3701.881~~ 3740.11, 5104.013, 5123.081, or 2231
5153.111 of the Revised Code or that is made under section 2232
3314.41, 3319.392, 3326.25, or 3328.20 of the Revised Code, the 2233
board of education of any school district; the director of 2234
developmental disabilities; any county board of developmental 2235
disabilities; any provider or subcontractor as defined in section 2236

5123.081 of the Revised Code; the chief administrator of any 2237
chartered nonpublic school; the chief administrator of a 2238
registered private provider that is not also a chartered nonpublic 2239
school; the chief administrator of any home health agency; the 2240
chief administrator of or person operating any child day-care 2241
center, type A family day-care home, or type B family day-care 2242
home licensed under Chapter 5104. of the Revised Code; the chief 2243
administrator of any head start agency; the executive director of 2244
a public children services agency; a private company described in 2245
section 3314.41, 3319.392, 3326.25, or 3328.20 of the Revised 2246
Code; or an employer described in division (J)(2) of section 2247
3327.10 of the Revised Code may request that the superintendent of 2248
the bureau investigate and determine, with respect to any 2249
individual who has applied for employment in any position after 2250
October 2, 1989, or any individual wishing to apply for employment 2251
with a board of education may request, with regard to the 2252
individual, whether the bureau has any information gathered under 2253
division (A) of this section that pertains to that individual. On 2254
receipt of the request, subject to division (E)(2) of this 2255
section, the superintendent shall determine whether that 2256
information exists and, upon request of the person, board, or 2257
entity requesting information, also shall request from the federal 2258
bureau of investigation any criminal records it has pertaining to 2259
that individual. The superintendent or the superintendent's 2260
designee also may request criminal history records from other 2261
states or the federal government pursuant to the national crime 2262
prevention and privacy compact set forth in section 109.571 of the 2263
Revised Code. Within thirty days of the date that the 2264
superintendent receives a request, subject to division (E)(2) of 2265
this section, the superintendent shall send to the board, entity, 2266
or person a report of any information that the superintendent 2267
determines exists, including information contained in records that 2268
have been sealed under section 2953.32 of the Revised Code, and, 2269

within thirty days of its receipt, subject to division (E)(2) of 2270
this section, shall send the board, entity, or person a report of 2271
any information received from the federal bureau of investigation, 2272
other than information the dissemination of which is prohibited by 2273
federal law. 2274

(b) When a board of education or a registered private 2275
provider is required to receive information under this section as 2276
a prerequisite to employment of an individual pursuant to division 2277
(C) of section 3310.58 or section 3319.39 of the Revised Code, it 2278
may accept a certified copy of records that were issued by the 2279
bureau of criminal identification and investigation and that are 2280
presented by an individual applying for employment with the 2281
district in lieu of requesting that information itself. In such a 2282
case, the board shall accept the certified copy issued by the 2283
bureau in order to make a photocopy of it for that individual's 2284
employment application documents and shall return the certified 2285
copy to the individual. In a case of that nature, a district or 2286
provider only shall accept a certified copy of records of that 2287
nature within one year after the date of their issuance by the 2288
bureau. 2289

(c) Notwithstanding division (F)(2)(a) of this section, in 2290
the case of a request under section 3319.39, 3319.391, or 3327.10 2291
of the Revised Code only for criminal records maintained by the 2292
federal bureau of investigation, the superintendent shall not 2293
determine whether any information gathered under division (A) of 2294
this section exists on the person for whom the request is made. 2295

(3) The state board of education may request, with respect to 2296
any individual who has applied for employment after October 2, 2297
1989, in any position with the state board or the department of 2298
education, any information that a school district board of 2299
education is authorized to request under division (F)(2) of this 2300
section, and the superintendent of the bureau shall proceed as if 2301

the request has been received from a school district board of 2302
education under division (F)(2) of this section. 2303

(4) When the superintendent of the bureau receives a request 2304
for information under section 3319.291 of the Revised Code, the 2305
superintendent shall proceed as if the request has been received 2306
from a school district board of education and shall comply with 2307
divisions (F)(2)(a) and (c) of this section. 2308

(G) In addition to or in conjunction with any request that is 2309
required to be made under section ~~3701.881~~, 3712.09, ~~or~~ 3721.121, 2310
or 3740.11 of the Revised Code with respect to an individual who 2311
has applied for employment in a position that involves providing 2312
direct care to an older adult or adult resident, the chief 2313
administrator of a home health agency, hospice care program, home 2314
licensed under Chapter 3721. of the Revised Code, or adult 2315
day-care program operated pursuant to rules adopted under section 2316
3721.04 of the Revised Code may request that the superintendent of 2317
the bureau investigate and determine, with respect to any 2318
individual who has applied after January 27, 1997, for employment 2319
in a position that does not involve providing direct care to an 2320
older adult or adult resident, whether the bureau has any 2321
information gathered under division (A) of this section that 2322
pertains to that individual. 2323

In addition to or in conjunction with any request that is 2324
required to be made under section 173.27 of the Revised Code with 2325
respect to an individual who has applied for employment in a 2326
position that involves providing ombudsman services to residents 2327
of long-term care facilities or recipients of community-based 2328
long-term care services, the state long-term care ombudsman, the 2329
director of aging, a regional long-term care ombudsman program, or 2330
the designee of the ombudsman, director, or program may request 2331
that the superintendent investigate and determine, with respect to 2332
any individual who has applied for employment in a position that 2333

does not involve providing such ombudsman services, whether the 2334
bureau has any information gathered under division (A) of this 2335
section that pertains to that applicant. 2336

In addition to or in conjunction with any request that is 2337
required to be made under section 173.38 of the Revised Code with 2338
respect to an individual who has applied for employment in a 2339
direct-care position, the chief administrator of a provider, as 2340
defined in section 173.39 of the Revised Code, may request that 2341
the superintendent investigate and determine, with respect to any 2342
individual who has applied for employment in a position that is 2343
not a direct-care position, whether the bureau has any information 2344
gathered under division (A) of this section that pertains to that 2345
applicant. 2346

In addition to or in conjunction with any request that is 2347
required to be made under section 3712.09 of the Revised Code with 2348
respect to an individual who has applied for employment in a 2349
position that involves providing direct care to a pediatric 2350
respite care patient, the chief administrator of a pediatric 2351
respite care program may request that the superintendent of the 2352
bureau investigate and determine, with respect to any individual 2353
who has applied for employment in a position that does not involve 2354
providing direct care to a pediatric respite care patient, whether 2355
the bureau has any information gathered under division (A) of this 2356
section that pertains to that individual. 2357

On receipt of a request under this division, the 2358
superintendent shall determine whether that information exists 2359
and, on request of the individual requesting information, shall 2360
also request from the federal bureau of investigation any criminal 2361
records it has pertaining to the applicant. The superintendent or 2362
the superintendent's designee also may request criminal history 2363
records from other states or the federal government pursuant to 2364
the national crime prevention and privacy compact set forth in 2365

section 109.571 of the Revised Code. Within thirty days of the 2366
date a request is received, subject to division (E)(2) of this 2367
section, the superintendent shall send to the requester a report 2368
of any information determined to exist, including information 2369
contained in records that have been sealed under section 2953.32 2370
of the Revised Code, and, within thirty days of its receipt, shall 2371
send the requester a report of any information received from the 2372
federal bureau of investigation, other than information the 2373
dissemination of which is prohibited by federal law. 2374

(H) Information obtained by a government entity or person 2375
under this section is confidential and shall not be released or 2376
disseminated. 2377

(I) The superintendent may charge a reasonable fee for 2378
providing information or criminal records under division (F)(2) or 2379
(G) of this section. 2380

(J) As used in this section: 2381

(1) "Pediatric respite care program" and "pediatric care 2382
patient" have the same meanings as in section 3712.01 of the 2383
Revised Code. 2384

(2) "Sexually oriented offense" and "child-victim oriented 2385
offense" have the same meanings as in section 2950.01 of the 2386
Revised Code. 2387

(3) "Registered private provider" means a nonpublic school or 2388
entity registered with the superintendent of public instruction 2389
under section 3310.41 of the Revised Code to participate in the 2390
autism scholarship program or section 3310.58 of the Revised Code 2391
to participate in the Jon Peterson special needs scholarship 2392
program. 2393

Sec. 109.572. (A)(1) Upon receipt of a request pursuant to 2394
section 121.08, 3301.32, 3301.541, or 3319.39 of the Revised Code, 2395

a completed form prescribed pursuant to division (C)(1) of this 2396
section, and a set of fingerprint impressions obtained in the 2397
manner described in division (C)(2) of this section, the 2398
superintendent of the bureau of criminal identification and 2399
investigation shall conduct a criminal records check in the manner 2400
described in division (B) of this section to determine whether any 2401
information exists that indicates that the person who is the 2402
subject of the request previously has been convicted of or pleaded 2403
guilty to any of the following: 2404

(a) A violation of section 2903.01, 2903.02, 2903.03, 2405
2903.04, 2903.041, 2903.06, 2903.08, 2903.11, 2903.12, 2903.13, 2406
2903.16, 2903.21, 2903.34, 2905.01, 2905.02, 2905.05, 2905.11, 2407
2905.32, 2907.02, 2907.03, 2907.04, 2907.05, 2907.06, 2907.07, 2408
2907.08, 2907.09, 2907.19, 2907.21, 2907.22, 2907.23, 2907.25, 2409
2907.31, 2907.32, 2907.321, 2907.322, 2907.323, 2911.01, 2911.02, 2410
2911.11, 2911.12, 2919.12, 2919.22, 2919.24, 2919.25, 2923.12, 2411
2923.13, 2923.161, 2923.17, 2923.21, 2923.42, 2925.02, 2925.03, 2412
2925.04, 2925.041, 2925.05, 2925.06, 2925.13, 2925.22, 2925.23, 2413
2925.24, 2925.31, 2925.32, 2925.36, 2925.37, or 3716.11 of the 2414
Revised Code, felonious sexual penetration in violation of former 2415
section 2907.12 of the Revised Code, a violation of section 2416
2905.04 of the Revised Code as it existed prior to July 1, 1996, a 2417
violation of section 2919.23 of the Revised Code that would have 2418
been a violation of section 2905.04 of the Revised Code as it 2419
existed prior to July 1, 1996, had the violation been committed 2420
prior to that date, or a violation of section 2925.11 of the 2421
Revised Code that is not a minor drug possession offense; 2422

(b) A violation of an existing or former law of this state, 2423
any other state, or the United States that is substantially 2424
equivalent to any of the offenses listed in division (A)(1)(a) of 2425
this section; 2426

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

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

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

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

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

prescribed pursuant to division (C)(1) of this section, and a set 2459
of fingerprint impressions obtained in the manner described in 2460
division (C)(2) of this section, the superintendent of the bureau 2461
of criminal identification and investigation shall conduct a 2462
criminal records check of the person for whom the request is made. 2463
The superintendent shall conduct the criminal records check in the 2464
manner described in division (B) of this section to determine 2465
whether any information exists that indicates that the person who 2466
is the subject of the request previously has been convicted of, 2467
has pleaded guilty to, or (except in the case of a request 2468
pursuant to section 5164.34, 5164.341, or 5164.342 of the Revised 2469
Code) has been found eligible for intervention in lieu of 2470
conviction for any of the following, regardless of the date of the 2471
conviction, the date of entry of the guilty plea, or (except in 2472
the case of a request pursuant to section 5164.34, 5164.341, or 2473
5164.342 of the Revised Code) the date the person was found 2474
eligible for intervention in lieu of conviction: 2475

(a) A violation of section 959.13, 959.131, 2903.01, 2903.02, 2476
2903.03, 2903.04, 2903.041, 2903.11, 2903.12, 2903.13, 2903.15, 2477
2903.16, 2903.21, 2903.211, 2903.22, 2903.34, 2903.341, 2905.01, 2478
2905.02, 2905.05, 2905.11, 2905.12, 2905.32, 2905.33, 2907.02, 2479
2907.03, 2907.04, 2907.05, 2907.06, 2907.07, 2907.08, 2907.09, 2480
2907.21, 2907.22, 2907.23, 2907.24, 2907.25, 2907.31, 2907.32, 2481
2907.321, 2907.322, 2907.323, 2907.33, 2909.02, 2909.03, 2909.04, 2482
2909.22, 2909.23, 2909.24, 2911.01, 2911.02, 2911.11, 2911.12, 2483
2911.13, 2913.02, 2913.03, 2913.04, 2913.05, 2913.11, 2913.21, 2484
2913.31, 2913.32, 2913.40, 2913.41, 2913.42, 2913.43, 2913.44, 2485
2913.441, 2913.45, 2913.46, 2913.47, 2913.48, 2913.49, 2913.51, 2486
2917.01, 2917.02, 2917.03, 2917.31, 2919.12, 2919.121, 2919.123, 2487
2919.124, 2919.22, 2919.23, 2919.24, 2919.25, 2921.03, 2921.11, 2488
2921.12, 2921.13, 2921.21, 2921.24, 2921.32, 2921.321, 2921.34, 2489
2921.35, 2921.36, 2921.51, 2923.12, 2923.122, 2923.123, 2923.13, 2490
2923.161, 2923.162, 2923.21, 2923.32, 2923.42, 2925.02, 2925.03, 2491

2925.04, 2925.041, 2925.05, 2925.06, 2925.09, 2925.11, 2925.13, 2492
2925.14, 2925.141, 2925.22, 2925.23, 2925.24, 2925.36, 2925.55, 2493
2925.56, 2927.12, or 3716.11 of the Revised Code; 2494

(b) Felonious sexual penetration in violation of former 2495
section 2907.12 of the Revised Code; 2496

(c) A violation of section 2905.04 of the Revised Code as it 2497
existed prior to July 1, 1996; 2498

(d) A violation of section 2923.01, 2923.02, or 2923.03 of 2499
the Revised Code when the underlying offense that is the object of 2500
the conspiracy, attempt, or complicity is one of the offenses 2501
listed in divisions (A)(3)(a) to (c) of this section; 2502

(e) A violation of an existing or former municipal ordinance 2503
or law of this state, any other state, or the United States that 2504
is substantially equivalent to any of the offenses listed in 2505
divisions (A)(3)(a) to (d) of this section. 2506

(4) On receipt of a request pursuant to section 2151.86 or 2507
2151.904 of the Revised Code, a completed form prescribed pursuant 2508
to division (C)(1) of this section, and a set of fingerprint 2509
impressions obtained in the manner described in division (C)(2) of 2510
this section, the superintendent of the bureau of criminal 2511
identification and investigation shall conduct a criminal records 2512
check in the manner described in division (B) of this section to 2513
determine whether any information exists that indicates that the 2514
person who is the subject of the request previously has been 2515
convicted of or pleaded guilty to any of the following: 2516

(a) A violation of section 959.13, 2903.01, 2903.02, 2903.03, 2517
2903.04, 2903.11, 2903.12, 2903.13, 2903.15, 2903.16, 2903.21, 2518
2903.211, 2903.22, 2903.34, 2905.01, 2905.02, 2905.05, 2907.02, 2519
2907.03, 2907.04, 2907.05, 2907.06, 2907.07, 2907.08, 2907.09, 2520
2907.21, 2907.22, 2907.23, 2907.25, 2907.31, 2907.32, 2907.321, 2521
2907.322, 2907.323, 2909.02, 2909.03, 2909.22, 2909.23, 2909.24, 2522

2911.01, 2911.02, 2911.11, 2911.12, 2913.49, 2917.01, 2917.02, 2523
2919.12, 2919.22, 2919.24, 2919.25, 2923.12, 2923.13, 2923.161, 2524
2925.02, 2925.03, 2925.04, 2925.05, 2925.06, 2927.12, or 3716.11 2525
of the Revised Code, a violation of section 2905.04 of the Revised 2526
Code as it existed prior to July 1, 1996, a violation of section 2527
2919.23 of the Revised Code that would have been a violation of 2528
section 2905.04 of the Revised Code as it existed prior to July 1, 2529
1996, had the violation been committed prior to that date, a 2530
violation of section 2925.11 of the Revised Code that is not a 2531
minor drug possession offense, two or more OVI or OVUAC violations 2532
committed within the three years immediately preceding the 2533
submission of the application or petition that is the basis of the 2534
request, or felonious sexual penetration in violation of former 2535
section 2907.12 of the Revised Code; 2536

(b) A violation of an existing or former law of this state, 2537
any other state, or the United States that is substantially 2538
equivalent to any of the offenses listed in division (A)(4)(a) of 2539
this section. 2540

(5) Upon receipt of a request pursuant to section 5104.013 of 2541
the Revised Code, a completed form prescribed pursuant to division 2542
(C)(1) of this section, and a set of fingerprint impressions 2543
obtained in the manner described in division (C)(2) of this 2544
section, the superintendent of the bureau of criminal 2545
identification and investigation shall conduct a criminal records 2546
check in the manner described in division (B) of this section to 2547
determine whether any information exists that indicates that the 2548
person who is the subject of the request has been convicted of or 2549
pleaded guilty to any of the following: 2550

(a) A violation of section 2151.421, 2903.01, 2903.02, 2551
2903.03, 2903.04, 2903.11, 2903.12, 2903.13, 2903.16, 2903.21, 2552
2903.22, 2903.34, 2905.01, 2905.02, 2905.05, 2905.11, 2905.32, 2553
2907.02, 2907.03, 2907.04, 2907.05, 2907.06, 2907.07, 2907.08, 2554

2907.09, 2907.19, 2907.21, 2907.22, 2907.23, 2907.24, 2907.25, 2555
2907.31, 2907.32, 2907.321, 2907.322, 2907.323, 2909.02, 2909.03, 2556
2909.04, 2909.05, 2911.01, 2911.02, 2911.11, 2911.12, 2913.02, 2557
2913.03, 2913.04, 2913.041, 2913.05, 2913.06, 2913.11, 2913.21, 2558
2913.31, 2913.32, 2913.33, 2913.34, 2913.40, 2913.41, 2913.42, 2559
2913.43, 2913.44, 2913.441, 2913.45, 2913.46, 2913.47, 2913.48, 2560
2913.49, 2917.01, 2917.02, 2917.03, 2917.31, 2919.12, 2919.22, 2561
2919.224, 2919.225, 2919.24, 2919.25, 2921.03, 2921.11, 2921.13, 2562
2921.14, 2921.34, 2921.35, 2923.01, 2923.12, 2923.13, 2923.161, 2563
2925.02, 2925.03, 2925.04, 2925.05, 2925.06, or 3716.11 of the 2564
Revised Code, felonious sexual penetration in violation of former 2565
section 2907.12 of the Revised Code, a violation of section 2566
2905.04 of the Revised Code as it existed prior to July 1, 1996, a 2567
violation of section 2919.23 of the Revised Code that would have 2568
been a violation of section 2905.04 of the Revised Code as it 2569
existed prior to July 1, 1996, had the violation been committed 2570
prior to that date, a violation of section 2925.11 of the Revised 2571
Code that is not a minor drug possession offense, a violation of 2572
section 2923.02 or 2923.03 of the Revised Code that relates to a 2573
crime specified in this division, or a second violation of section 2574
4511.19 of the Revised Code within five years of the date of 2575
application for licensure or certification. 2576

(b) A violation of an existing or former law of this state, 2577
any other state, or the United States that is substantially 2578
equivalent to any of the offenses or violations described in 2579
division (A)(5)(a) of this section. 2580

(6) Upon receipt of a request pursuant to section 5153.111 of 2581
the Revised Code, a completed form prescribed pursuant to division 2582
(C)(1) of this section, and a set of fingerprint impressions 2583
obtained in the manner described in division (C)(2) of this 2584
section, the superintendent of the bureau of criminal 2585
identification and investigation shall conduct a criminal records 2586

check in the manner described in division (B) of this section to 2587
determine whether any information exists that indicates that the 2588
person who is the subject of the request previously has been 2589
convicted of or pleaded guilty to any of the following: 2590

(a) A violation of section 2903.01, 2903.02, 2903.03, 2591
2903.04, 2903.11, 2903.12, 2903.13, 2903.16, 2903.21, 2903.34, 2592
2905.01, 2905.02, 2905.05, 2907.02, 2907.03, 2907.04, 2907.05, 2593
2907.06, 2907.07, 2907.08, 2907.09, 2907.21, 2907.22, 2907.23, 2594
2907.25, 2907.31, 2907.32, 2907.321, 2907.322, 2907.323, 2909.02, 2595
2909.03, 2911.01, 2911.02, 2911.11, 2911.12, 2919.12, 2919.22, 2596
2919.24, 2919.25, 2923.12, 2923.13, 2923.161, 2925.02, 2925.03, 2597
2925.04, 2925.05, 2925.06, or 3716.11 of the Revised Code, 2598
felonious sexual penetration in violation of former section 2599
2907.12 of the Revised Code, a violation of section 2905.04 of the 2600
Revised Code as it existed prior to July 1, 1996, a violation of 2601
section 2919.23 of the Revised Code that would have been a 2602
violation of section 2905.04 of the Revised Code as it existed 2603
prior to July 1, 1996, had the violation been committed prior to 2604
that date, or a violation of section 2925.11 of the Revised Code 2605
that is not a minor drug possession offense; 2606

(b) A violation of an existing or former law of this state, 2607
any other state, or the United States that is substantially 2608
equivalent to any of the offenses listed in division (A)(6)(a) of 2609
this section. 2610

(7) On receipt of a request for a criminal records check from 2611
an individual pursuant to section 4749.03 or 4749.06 of the 2612
Revised Code, accompanied by a completed copy of the form 2613
prescribed in division (C)(1) of this section and a set of 2614
fingerprint impressions obtained in a manner described in division 2615
(C)(2) of this section, the superintendent of the bureau of 2616
criminal identification and investigation shall conduct a criminal 2617
records check in the manner described in division (B) of this 2618

section to determine whether any information exists indicating 2619
that the person who is the subject of the request has been 2620
convicted of or pleaded guilty to any criminal offense in this 2621
state or in any other state. If the individual indicates that a 2622
firearm will be carried in the course of business, the 2623
superintendent shall require information from the federal bureau 2624
of investigation as described in division (B)(2) of this section. 2625
Subject to division (F) of this section, the superintendent shall 2626
report the findings of the criminal records check and any 2627
information the federal bureau of investigation provides to the 2628
director of public safety. 2629

(8) On receipt of a request pursuant to section 1321.37, 2630
1321.53, or 4763.05 of the Revised Code, a completed form 2631
prescribed pursuant to division (C)(1) of this section, and a set 2632
of fingerprint impressions obtained in the manner described in 2633
division (C)(2) of this section, the superintendent of the bureau 2634
of criminal identification and investigation shall conduct a 2635
criminal records check with respect to any person who has applied 2636
for a license, permit, or certification from the department of 2637
commerce or a division in the department. The superintendent shall 2638
conduct the criminal records check in the manner described in 2639
division (B) of this section to determine whether any information 2640
exists that indicates that the person who is the subject of the 2641
request previously has been convicted of or pleaded guilty to any 2642
criminal offense in this state, any other state, or the United 2643
States. 2644

(9) On receipt of a request for a criminal records check from 2645
the treasurer of state under section 113.041 of the Revised Code 2646
or from an individual under section 928.03, 4701.08, 4715.101, 2647
4717.061, 4725.121, 4725.501, 4729.071, 4729.53, 4729.90, 4729.92, 2648
4730.101, 4730.14, 4730.28, 4731.081, 4731.15, 4731.171, 4731.222, 2649
4731.281, 4731.531, 4732.091, 4734.202, 4740.061, 4741.10, 2650

4747.051, 4751.20, 4751.201, 4751.202, 4751.21, 4753.061, 4755.70, 2651
4757.101, 4759.061, 4760.032, 4760.06, 4761.051, 4762.031, 2652
4762.06, 4774.031, 4774.06, 4776.021, 4778.04, 4778.07, 4779.091, 2653
or 4783.04 of the Revised Code, accompanied by a completed form 2654
prescribed under division (C)(1) of this section and a set of 2655
fingerprint impressions obtained in the manner described in 2656
division (C)(2) of this section, the superintendent of the bureau 2657
of criminal identification and investigation shall conduct a 2658
criminal records check in the manner described in division (B) of 2659
this section to determine whether any information exists that 2660
indicates that the person who is the subject of the request has 2661
been convicted of or pleaded guilty to any criminal offense in 2662
this state or any other state. Subject to division (F) of this 2663
section, the superintendent shall send the results of a check 2664
requested under section 113.041 of the Revised Code to the 2665
treasurer of state and shall send the results of a check requested 2666
under any of the other listed sections to the licensing board 2667
specified by the individual in the request. 2668

(10) On receipt of a request pursuant to section 124.74, 2669
718.131, 1121.23, 1315.141, 1733.47, 1761.26, or 5123.169 of the 2670
Revised Code, a completed form prescribed pursuant to division 2671
(C)(1) of this section, and a set of fingerprint impressions 2672
obtained in the manner described in division (C)(2) of this 2673
section, the superintendent of the bureau of criminal 2674
identification and investigation shall conduct a criminal records 2675
check in the manner described in division (B) of this section to 2676
determine whether any information exists that indicates that the 2677
person who is the subject of the request previously has been 2678
convicted of or pleaded guilty to any criminal offense under any 2679
existing or former law of this state, any other state, or the 2680
United States. 2681

(11) On receipt of a request for a criminal records check 2682

from an appointing or licensing authority under section 3772.07 of 2683
the Revised Code, a completed form prescribed under division 2684
(C)(1) of this section, and a set of fingerprint impressions 2685
obtained in the manner prescribed in division (C)(2) of this 2686
section, the superintendent of the bureau of criminal 2687
identification and investigation shall conduct a criminal records 2688
check in the manner described in division (B) of this section to 2689
determine whether any information exists that indicates that the 2690
person who is the subject of the request previously has been 2691
convicted of or pleaded guilty or no contest to any offense under 2692
any existing or former law of this state, any other state, or the 2693
United States that is a disqualifying offense as defined in 2694
section 3772.07 of the Revised Code or substantially equivalent to 2695
such an offense. 2696

(12) On receipt of a request pursuant to section 2151.33 or 2697
2151.412 of the Revised Code, a completed form prescribed pursuant 2698
to division (C)(1) of this section, and a set of fingerprint 2699
impressions obtained in the manner described in division (C)(2) of 2700
this section, the superintendent of the bureau of criminal 2701
identification and investigation shall conduct a criminal records 2702
check with respect to any person for whom a criminal records check 2703
is required under that section. The superintendent shall conduct 2704
the criminal records check in the manner described in division (B) 2705
of this section to determine whether any information exists that 2706
indicates that the person who is the subject of the request 2707
previously has been convicted of or pleaded guilty to any of the 2708
following: 2709

(a) A violation of section 2903.01, 2903.02, 2903.03, 2710
2903.04, 2903.11, 2903.12, 2903.13, 2903.16, 2903.21, 2903.34, 2711
2905.01, 2905.02, 2905.11, 2905.12, 2907.02, 2907.03, 2907.05, 2712
2907.06, 2907.07, 2907.08, 2907.09, 2907.12, 2907.25, 2907.31, 2713
2907.32, 2907.321, 2907.322, 2907.323, 2911.01, 2911.02, 2911.11, 2714

2911.12, 2911.13, 2913.02, 2913.03, 2913.04, 2913.11, 2913.21, 2715
2913.31, 2913.40, 2913.43, 2913.47, 2913.51, 2919.25, 2921.36, 2716
2923.12, 2923.13, 2923.161, 2925.02, 2925.03, 2925.11, 2925.13, 2717
2925.22, 2925.23, or 3716.11 of the Revised Code; 2718

(b) An existing or former law of this state, any other state, 2719
or the United States that is substantially equivalent to any of 2720
the offenses listed in division (A)(12)(a) of this section. 2721

(13) On receipt of a request pursuant to section 3796.12 of 2722
the Revised Code, a completed form prescribed pursuant to division 2723
(C)(1) of this section, and a set of fingerprint impressions 2724
obtained in a manner described in division (C)(2) of this section, 2725
the superintendent of the bureau of criminal identification and 2726
investigation shall conduct a criminal records check in the manner 2727
described in division (B) of this section to determine whether any 2728
information exists that indicates that the person who is the 2729
subject of the request previously has been convicted of or pleaded 2730
guilty to the following: 2731

(a) A disqualifying offense as specified in rules adopted 2732
under section 9.79 and division (B)(2)(b) of section 3796.03 of 2733
the Revised Code if the person who is the subject of the request 2734
is an administrator or other person responsible for the daily 2735
operation of, or an owner or prospective owner, officer or 2736
prospective officer, or board member or prospective board member 2737
of, an entity seeking a license from the department of commerce 2738
under Chapter 3796. of the Revised Code; 2739

(b) A disqualifying offense as specified in rules adopted 2740
under section 9.79 and division (B)(2)(b) of section 3796.04 of 2741
the Revised Code if the person who is the subject of the request 2742
is an administrator or other person responsible for the daily 2743
operation of, or an owner or prospective owner, officer or 2744
prospective officer, or board member or prospective board member 2745
of, an entity seeking a license from the state board of pharmacy 2746

under Chapter 3796. of the Revised Code. 2747

(14) On receipt of a request required by section 3796.13 of 2748
the Revised Code, a completed form prescribed pursuant to division 2749
(C)(1) of this section, and a set of fingerprint impressions 2750
obtained in a manner described in division (C)(2) of this section, 2751
the superintendent of the bureau of criminal identification and 2752
investigation shall conduct a criminal records check in the manner 2753
described in division (B) of this section to determine whether any 2754
information exists that indicates that the person who is the 2755
subject of the request previously has been convicted of or pleaded 2756
guilty to the following: 2757

(a) A disqualifying offense as specified in rules adopted 2758
under division (B)(8)(a) of section 3796.03 of the Revised Code if 2759
the person who is the subject of the request is seeking employment 2760
with an entity licensed by the department of commerce under 2761
Chapter 3796. of the Revised Code; 2762

(b) A disqualifying offense as specified in rules adopted 2763
under division (B)(14)(a) of section 3796.04 of the Revised Code 2764
if the person who is the subject of the request is seeking 2765
employment with an entity licensed by the state board of pharmacy 2766
under Chapter 3796. of the Revised Code. 2767

(15) On receipt of a request pursuant to section 4768.06 of 2768
the Revised Code, a completed form prescribed under division 2769
(C)(1) of this section, and a set of fingerprint impressions 2770
obtained in the manner described in division (C)(2) of this 2771
section, the superintendent of the bureau of criminal 2772
identification and investigation shall conduct a criminal records 2773
check in the manner described in division (B) of this section to 2774
determine whether any information exists indicating that the 2775
person who is the subject of the request has been convicted of or 2776
pleaded guilty to any criminal offense in this state or in any 2777
other state. 2778

(16) On receipt of a request pursuant to division (B) of 2779
section 4764.07 or division (A) of section 4735.143 of the Revised 2780
Code, a completed form prescribed under division (C)(1) of this 2781
section, and a set of fingerprint impressions obtained in the 2782
manner described in division (C)(2) of this section, the 2783
superintendent of the bureau of criminal identification and 2784
investigation shall conduct a criminal records check in the manner 2785
described in division (B) of this section to determine whether any 2786
information exists indicating that the person who is the subject 2787
of the request has been convicted of or pleaded guilty to any 2788
criminal offense in any state or the United States. 2789

(17) On receipt of a request for a criminal records check 2790
under section 147.022 of the Revised Code, a completed form 2791
prescribed under division (C)(1) of this section, and a set of 2792
fingerprint impressions obtained in the manner prescribed in 2793
division (C)(2) of this section, the superintendent of the bureau 2794
of criminal identification and investigation shall conduct a 2795
criminal records check in the manner described in division (B) of 2796
this section to determine whether any information exists that 2797
indicates that the person who is the subject of the request 2798
previously has been convicted of or pleaded guilty or no contest 2799
to any criminal offense under any existing or former law of this 2800
state, any other state, or the United States. 2801

(18) Upon receipt of a request pursuant to division (F) of 2802
section 2915.081 or division (E) of section 2915.082 of the 2803
Revised Code, a completed form prescribed under division (C)(1) of 2804
this section, and a set of fingerprint impressions obtained in the 2805
manner described in division (C)(2) of this section, the 2806
superintendent of the bureau of criminal identification and 2807
investigation shall conduct a criminal records check in the manner 2808
described in division (B) of this section to determine whether any 2809
information exists indicating that the person who is the subject 2810

of the request has been convicted of or pleaded guilty or no 2811
contest to any offense that is a violation of Chapter 2915. of the 2812
Revised Code or to any offense under any existing or former law of 2813
this state, any other state, or the United States that is 2814
substantially equivalent to such an offense. 2815

(B) Subject to division (F) of this section, the 2816
superintendent shall conduct any criminal records check to be 2817
conducted under this section as follows: 2818

(1) The superintendent shall review or cause to be reviewed 2819
any relevant information gathered and compiled by the bureau under 2820
division (A) of section 109.57 of the Revised Code that relates to 2821
the person who is the subject of the criminal records check, 2822
including, if the criminal records check was requested under 2823
section 113.041, 121.08, 124.74, 173.27, 173.38, 173.381, 718.131, 2824
928.03, 1121.23, 1315.141, 1321.37, 1321.53, 1733.47, 1761.26, 2825
2151.86, 3301.32, 3301.541, 3319.39, ~~3701.881~~, 3740.11, 3712.09, 2826
3721.121, 3772.07, 3796.12, 3796.13, 4729.071, 4729.53, 4729.90, 2827
4729.92, 4749.03, 4749.06, 4763.05, 4764.07, 4768.06, 5104.013, 2828
5164.34, 5164.341, 5164.342, 5123.081, 5123.169, or 5153.111 of 2829
the Revised Code, any relevant information contained in records 2830
that have been sealed under section 2953.32 of the Revised Code; 2831

(2) If the request received by the superintendent asks for 2832
information from the federal bureau of investigation, the 2833
superintendent shall request from the federal bureau of 2834
investigation any information it has with respect to the person 2835
who is the subject of the criminal records check, including 2836
fingerprint-based checks of national crime information databases 2837
as described in 42 U.S.C. 671 if the request is made pursuant to 2838
section 2151.86 or 5104.013 of the Revised Code or if any other 2839
Revised Code section requires fingerprint-based checks of that 2840
nature, and shall review or cause to be reviewed any information 2841
the superintendent receives from that bureau. If a request under 2842

section 3319.39 of the Revised Code asks only for information from 2843
the federal bureau of investigation, the superintendent shall not 2844
conduct the review prescribed by division (B)(1) of this section. 2845

(3) The superintendent or the superintendent's designee may 2846
request criminal history records from other states or the federal 2847
government pursuant to the national crime prevention and privacy 2848
compact set forth in section 109.571 of the Revised Code. 2849

(4) The superintendent shall include in the results of the 2850
criminal records check a list or description of the offenses 2851
listed or described in the relevant provision of division ~~(A)(1),~~ 2852
~~(2), (3), (4), (5), (6), (7), (8), (9), (10), (11), (12), (13),~~ 2853
~~(14), (15), (16), or (17)~~ (A) of this section, ~~whichever division~~ 2854
~~requires the superintendent to conduct the criminal records check.~~ 2855
The superintendent shall exclude from the results any information 2856
the dissemination of which is prohibited by federal law. 2857

(5) The superintendent shall send the results of the criminal 2858
records check to the person to whom it is to be sent not later 2859
than the following number of days after the date the 2860
superintendent receives the request for the criminal records 2861
check, the completed form prescribed under division (C)(1) of this 2862
section, and the set of fingerprint impressions obtained in the 2863
manner described in division (C)(2) of this section: 2864

(a) If the superintendent is required by division (A) of this 2865
section (other than division (A)(3) of this section) to conduct 2866
the criminal records check, thirty; 2867

(b) If the superintendent is required by division (A)(3) of 2868
this section to conduct the criminal records check, sixty. 2869

(C)(1) The superintendent shall prescribe a form to obtain 2870
the information necessary to conduct a criminal records check from 2871
any person for whom a criminal records check is to be conducted 2872
under this section. The form that the superintendent prescribes 2873

pursuant to this division may be in a tangible format, in an 2874
electronic format, or in both tangible and electronic formats. 2875

(2) The superintendent shall prescribe standard impression 2876
sheets to obtain the fingerprint impressions of any person for 2877
whom a criminal records check is to be conducted under this 2878
section. Any person for whom a records check is to be conducted 2879
under this section shall obtain the fingerprint impressions at a 2880
county sheriff's office, municipal police department, or any other 2881
entity with the ability to make fingerprint impressions on the 2882
standard impression sheets prescribed by the superintendent. The 2883
office, department, or entity may charge the person a reasonable 2884
fee for making the impressions. The standard impression sheets the 2885
superintendent prescribes pursuant to this division may be in a 2886
tangible format, in an electronic format, or in both tangible and 2887
electronic formats. 2888

(3) Subject to division (D) of this section, the 2889
superintendent shall prescribe and charge a reasonable fee for 2890
providing a criminal records check under this section. The person 2891
requesting the criminal records check shall pay the fee prescribed 2892
pursuant to this division. In the case of a request under section 2893
1121.23, 1155.03, 1163.05, 1315.141, 1733.47, 1761.26, 2151.33, 2894
2151.412, or 5164.34 of the Revised Code, the fee shall be paid in 2895
the manner specified in that section. 2896

(4) The superintendent of the bureau of criminal 2897
identification and investigation may prescribe methods of 2898
forwarding fingerprint impressions and information necessary to 2899
conduct a criminal records check, which methods shall include, but 2900
not be limited to, an electronic method. 2901

(D) The results of a criminal records check conducted under 2902
this section, other than a criminal records check specified in 2903
division (A)(7) of this section, are valid for the person who is 2904
the subject of the criminal records check for a period of one year 2905

from the date upon which the superintendent completes the criminal records check. If during that period the superintendent receives another request for a criminal records check to be conducted under this section for that person, the superintendent shall provide the results from the previous criminal records check of the person at a lower fee than the fee prescribed for the initial criminal records check.

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

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

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

(G) As used in this section:

(1) "Criminal records check" means any criminal records check 2937
conducted by the superintendent of the bureau of criminal 2938
identification and investigation in accordance with division (B) 2939
of this section. 2940

(2) "Minor drug possession offense" has the same meaning as 2941
in section 2925.01 of the Revised Code. 2942

(3) "OVI or OVUAC violation" means a violation of section 2943
4511.19 of the Revised Code or a violation of an existing or 2944
former law of this state, any other state, or the United States 2945
that is substantially equivalent to section 4511.19 of the Revised 2946
Code. 2947

(4) "Registered private provider" means a nonpublic school or 2948
entity registered with the superintendent of public instruction 2949
under section 3310.41 of the Revised Code to participate in the 2950
autism scholarship program or section 3310.58 of the Revised Code 2951
to participate in the Jon Peterson special needs scholarship 2952
program. 2953

Sec. 109.79. (A) The Ohio peace officer training commission 2954
shall establish and conduct a training school for law enforcement 2955
officers of any political subdivision of the state or of the state 2956
public defender's office. The school shall be known as the Ohio 2957
peace officer training academy. No bailiff or deputy bailiff of a 2958
court of record of this state and no criminal investigator 2959
employed by the state public defender shall be permitted to attend 2960
the academy for training unless the employing court of the bailiff 2961
or deputy bailiff or the state public defender, whichever is 2962
applicable, has authorized the bailiff, deputy bailiff, or 2963
investigator to attend the academy. 2964

The Ohio peace officer training commission shall develop the 2965
training program, which shall include courses in both the civil 2966
and criminal functions of law enforcement officers, a course in 2967

crisis intervention with six or more hours of training, training 2968
in the handling of missing children and child abuse and neglect 2969
cases, and training on companion animal encounters and companion 2970
animal behavior, and shall establish rules governing 2971
qualifications for admission to the academy. The commission may 2972
require competitive examinations to determine fitness of 2973
prospective trainees, so long as the examinations or other 2974
criteria for admission to the academy are consistent with the 2975
provisions of Chapter 124. of the Revised Code. 2976

The Ohio peace officer training commission shall determine 2977
tuition costs sufficient in the aggregate to pay the costs of 2978
operating the academy. Tuition paid by a political subdivision of 2979
the state or by the state public defender's office shall be 2980
deposited into the state treasury to the credit of the peace 2981
officer training academy fee fund, which is hereby established. 2982
The attorney general shall use money in the fund to pay costs 2983
associated with operation of the academy. The costs of acquiring 2984
and equipping the academy shall be paid from appropriations made 2985
by the general assembly to the Ohio peace officer training 2986
commission for that purpose, from gifts or grants received for 2987
that purpose, or from fees for goods related to the academy. 2988

The Ohio peace officer training commission shall create a 2989
gaming-related curriculum for gaming agents. The Ohio peace 2990
officer training commission shall use money distributed to the 2991
Ohio peace officer training academy from the Ohio law enforcement 2992
training fund to first support the academy's training programs for 2993
gaming agents and gaming-related curriculum. The Ohio peace 2994
officer training commission may utilize existing training programs 2995
in other states that specialize in training gaming agents. 2996

The law enforcement officers, during the period of their 2997
training, shall receive compensation as determined by the 2998
political subdivision that sponsors them or, if the officer is a 2999

criminal investigator employed by the state public defender, as 3000
determined by the state public defender. The political subdivision 3001
may pay the tuition costs of the law enforcement officers they 3002
sponsor and the state public defender may pay the tuition costs of 3003
criminal investigators of that office who attend the academy. 3004

If trainee vacancies exist, the academy may train and issue 3005
certificates of satisfactory completion to peace officers who are 3006
employed by a campus police department pursuant to section 1713.50 3007
of the Revised Code, by a qualified nonprofit corporation police 3008
department pursuant to section 1702.80 of the Revised Code, or by 3009
a railroad company, who are amusement park police officers 3010
appointed and commissioned by a judge of the appropriate municipal 3011
court or county court pursuant to section 4973.17 of the Revised 3012
Code, or who are bank, savings and loan association, savings bank, 3013
credit union, or association of banks, savings and loan 3014
associations, savings banks, or credit unions, or hospital police 3015
officers appointed and commissioned by the secretary of state 3016
pursuant to sections 4973.17 to 4973.22 of the Revised Code, 3017
provided that no such officer shall be trained at the academy 3018
unless the officer meets the qualifications established for 3019
admission to the academy and the qualified nonprofit corporation 3020
police department; bank, savings and loan association, savings 3021
bank, credit union, or association of banks, savings and loan 3022
associations, savings banks, or credit unions; railroad company; 3023
hospital; or amusement park or the private college or university 3024
that established the campus police department prepays the entire 3025
cost of the training. A qualified nonprofit corporation police 3026
department; bank, savings and loan association, savings bank, 3027
credit union, or association of banks, savings and loan 3028
associations, savings banks, or credit unions; railroad company; 3029
hospital; or amusement park or a private college or university 3030
that has established a campus police department is not entitled to 3031
reimbursement from the state for any amount paid for the cost of 3032

training the bank, savings and loan association, savings bank, 3033
credit union, or association of banks, savings and loan 3034
associations, savings banks, or credit unions peace officers; the 3035
railroad company's peace officers; or the peace officers of the 3036
qualified nonprofit corporation police department, campus police 3037
department, hospital, or amusement park. 3038

The academy shall permit investigators employed by the state 3039
medical board to take selected courses that the board determines 3040
are consistent with its responsibilities for initial and 3041
continuing training of investigators as required under sections 3042
4730.26 and 4731.05 of the Revised Code. The board shall pay the 3043
entire cost of training that investigators receive at the academy. 3044

The academy shall permit tactical medical professionals to 3045
attend training courses at the academy that are designed to 3046
qualify the professionals to carry firearms while on duty under 3047
section 109.771 of the Revised Code and that provide training 3048
comparable to training mandated under the rules required by 3049
division (A) of section 109.748 of the Revised Code. The executive 3050
director of the Ohio peace officer training commission may certify 3051
tactical medical professionals who satisfactorily complete the 3052
training courses. The law enforcement agency served by a tactical 3053
medical professional who attends the academy may pay the tuition 3054
costs of the professional. 3055

(B) As used in this section: 3056

(1) "Law enforcement officers" include any undercover drug 3057
agent, any bailiff or deputy bailiff of a court of record, and any 3058
criminal investigator who is employed by the state public 3059
defender. 3060

(2) "Undercover drug agent" means any person who: 3061

(a) Is employed by a county, township, or municipal 3062
corporation for the purposes set forth in division (B)(2)(b) of 3063

this section but who is not an employee of a county sheriff's 3064
department, of a township constable, or of the police department 3065
of a municipal corporation or township; 3066

(b) In the course of the person's employment by a county, 3067
township, or municipal corporation, investigates and gathers 3068
information pertaining to persons who are suspected of violating 3069
Chapter 2925. or 3719. of the Revised Code, and generally does not 3070
wear a uniform in the performance of the person's duties. 3071

(3) "Crisis intervention training" has the same meaning as in 3072
section 109.71 of the Revised Code. 3073

(4) "Missing children" has the same meaning as in section 3074
2901.30 of the Revised Code. 3075

(5) "Companion animal" has the same meaning as in section 3076
959.131 of the Revised Code. 3077

Sec. 109.803. (A)(1) Subject to divisions (A)(2) and (B) of 3078
this section, every appointing authority shall require each of its 3079
appointed peace officers and troopers to complete up to 3080
twenty-four hours of continuing professional training each 3081
calendar year, as directed by the Ohio peace officer training 3082
commission. The number of hours directed by the commission, up to 3083
twenty-four hours, is intended to be a minimum requirement, and 3084
appointing authorities are encouraged to exceed the number of 3085
hours the commission directs as the minimum. The commission shall 3086
set the required minimum number of hours based upon available 3087
funding for reimbursement as described in this division. If no 3088
funding for the reimbursement is available, no continuing 3089
professional training will be required. 3090

(2) An appointing authority may submit a written request to 3091
the peace officer training commission that requests for a calendar 3092
year because of emergency circumstances an extension of the time 3093

within which one or more of its appointed peace officers or 3094
troopers must complete the required minimum number of hours of 3095
continuing professional training set by the commission, as 3096
described in division (A)(1) of this section. A request made under 3097
this division shall set forth the name of each of the appointing 3098
authority's peace officers or troopers for whom an extension is 3099
requested, identify the emergency circumstances related to that 3100
peace officer or trooper, include documentation of those emergency 3101
circumstances, and set forth the date on which the request is 3102
submitted to the commission. A request shall be made under this 3103
division not later than the fifteenth day of December in the 3104
calendar year for which the extension is requested. 3105

Upon receipt of a written request made under this division, 3106
the executive director of the commission shall review the request 3107
and the submitted documentation. If the executive director of the 3108
commission is satisfied that emergency circumstances exist for any 3109
peace officer or trooper for whom a request was made under this 3110
division, the executive director may approve the request for that 3111
peace officer or trooper and grant an extension of the time within 3112
which that peace officer or trooper must complete the required 3113
minimum number of hours of continuing professional training set by 3114
the commission. An extension granted under this division may be 3115
for any period of time the executive director believes to be 3116
appropriate, and the executive director shall specify in the 3117
notice granting the extension the date on which the extension 3118
ends. Not later than thirty days after the date on which a request 3119
is submitted to the commission, for each peace officer and trooper 3120
for whom an extension is requested, the executive director either 3121
shall approve the request and grant an extension or deny the 3122
request and deny an extension and shall send to the appointing 3123
authority that submitted the request written notice of the 3124
executive director's decision. 3125

If the executive director grants an extension of the time 3126
within which a particular appointed peace officer or trooper of an 3127
appointing authority must complete the required minimum number of 3128
hours of continuing professional training set by the commission, 3129
the appointing authority shall require that peace officer or 3130
trooper to complete the required minimum number of hours of 3131
training not later than the date on which the extension ends. 3132

(B) With the advice of the Ohio peace officer training 3133
commission, the attorney general shall adopt in accordance with 3134
Chapter 119. of the Revised Code rules setting forth minimum 3135
standards for continuing professional training for peace officers 3136
and troopers and governing the administration of continuing 3137
professional training programs for peace officers and troopers. 3138
The rules adopted by the attorney general under division (B) of 3139
this section shall do all of the following: 3140

(1) Allow peace officers and troopers to earn credit for up 3141
to four hours of continuing professional training for time spent 3142
while on duty providing drug use prevention education training 3143
that utilizes evidence-based curricula to students in school 3144
districts, community schools established under Chapter 3314., STEM 3145
schools established under Chapter 3326., and college-preparatory 3146
boarding schools established under Chapter 3328. of the Revised 3147
Code. 3148

(2) Allow a peace officer or trooper appointed by a law 3149
enforcement agency to earn hours of continuing professional 3150
training for other peace officers or troopers appointed by the law 3151
enforcement agency by providing drug use prevention education 3152
training under division (B)(1) of this section so that hours 3153
earned by the peace officer or trooper providing the training in 3154
excess of four hours may be applied to offset the number of 3155
continuing professional training hours required of another peace 3156
officer or trooper appointed by that law enforcement agency. 3157

(3) Prohibit the use of continuing professional training	3158
hours earned under division (B)(1) or (2) of this section from	3159
being used to offset any mandatory hands-on training requirement.	3160
(4) Require a peace officer to complete training on proper	3161
interactions with civilians during traffic stops and other	3162
in-person encounters, which training shall have an online offering	3163
and shall include all of the following topics:	3164
(a) A person's rights during an interaction with a peace	3165
officer, including all of the following:	3166
(i) When a peace officer may require a person to exit a	3167
vehicle;	3168
(ii) Constitutional protections from illegal search and	3169
seizure;	3170
(iii) The rights of a passenger in a vehicle who has been	3171
pulled over for a traffic stop;	3172
(iv) The right for a citizen to record an encounter with a	3173
peace officer.	3174
(b) Proper actions for interacting with a civilian and	3175
methods for diffusing a stressful encounter with a civilian;	3176
(c) Laws regarding questioning and detention by peace	3177
officers, including any law requiring a person to present proof of	3178
identity to a peace officer, and the consequences for a person's	3179
or officer's failure to comply with those laws;	3180
(d) Any other requirements and procedures necessary for the	3181
proper implementation of this section.	3182
(C) The attorney general shall transmit a certified copy of	3183
any rule adopted under this section to the secretary of state.	3184
<u>(D) As used in this section:</u>	3185
<u>(1) "Peace officer" has the same meaning as in section 109.71</u>	3186

<u>of the Revised Code.</u>	3187
<u>(2) "Trooper" means an individual appointed as a state</u>	3188
<u>highway patrol trooper under section 5503.01 of the Revised Code.</u>	3189
<u>(3) "Appointing authority" means any agency or entity that</u>	3190
<u>appoints a peace officer or trooper.</u>	3191
Sec. 111.16. Except as provided in section 1701.041 of the	3192
Revised Code, the secretary of state shall charge and collect, for	3193
the benefit of the state, the following fees:	3194
(A) For filing and recording articles of incorporation of a	3195
domestic corporation, including designation of agent:	3196
(1) Wherein the corporation shall not be authorized to issue	3197
any shares of capital stock, ninety-nine dollars;	3198
(2) Wherein the corporation shall be authorized to issue	3199
shares of capital stock, with or without par value:	3200
(a) Ten cents for each share authorized up to and including	3201
one thousand shares;	3202
(b) Five cents for each share authorized in excess of one	3203
thousand shares up to and including ten thousand shares;	3204
(c) Two cents for each share authorized in excess of ten	3205
thousand shares up to and including fifty thousand shares;	3206
(d) One cent for each share authorized in excess of fifty	3207
thousand shares up to and including one hundred thousand shares;	3208
(e) One-half cent for each share authorized in excess of one	3209
hundred thousand shares up to and including five hundred thousand	3210
shares;	3211
(f) One-quarter cent for each share authorized in excess of	3212
five hundred thousand shares; provided no fee shall be less than	3213
ninety-nine dollars or greater than one hundred thousand dollars.	3214

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

(1) If the domestic corporation is not authorized to issue
any shares of capital stock, fifty dollars;

(2) If the domestic corporation is authorized to issue shares
of capital stock, fifty dollars, and in case of any increase in
the number of shares authorized to be issued, a further sum
computed in accordance with the schedule set forth in division
(A)(2) of this section less a credit computed in the same manner
for the number of shares previously authorized to be issued by the
corporation; provided no fee under division (B)(2) of this section
shall be greater than one hundred thousand dollars;

(3) If the foreign corporation is not authorized to issue any
shares of capital stock, fifty dollars;

(4) If the foreign corporation is authorized to issue shares
of capital stock, fifty dollars.

(C) For filing and recording articles of incorporation of a
savings and loan association, ninety-nine dollars; and for filing
and recording a certificate of amendment to or amended articles of
incorporation of a savings and loan association, fifty dollars;

(D) For filing and recording a certificate of conversion,
including a designation of agent, a certificate of merger, or a
certificate of consolidation, ninety-nine dollars and, in the case
of any new corporation resulting from a consolidation or any
surviving corporation that has an increased number of shares
authorized to be issued resulting from a merger, an additional sum
computed in accordance with the schedule set forth in division
(A)(2) of this section less a credit computed in the same manner

for the number of shares previously authorized to be issued or 3246
represented in this state by each of the corporations for which a 3247
consolidation or merger is effected by the certificate; 3248

(E) For filing and recording articles of incorporation of a 3249
credit union or the American credit union guaranty association, 3250
ninety-nine dollars, and for filing and recording a certificate of 3251
increase in capital stock or any other amendment of the articles 3252
of incorporation of a credit union or the association, fifty 3253
dollars; 3254

(F) For filing and recording articles of organization of a 3255
limited liability company, for filing and recording an application 3256
to become a registered foreign limited liability company, for 3257
filing and recording a registration application to become a 3258
domestic limited liability partnership, or for filing and 3259
recording an application to become a registered foreign limited 3260
liability partnership, ninety-nine dollars; 3261

(G) For filing and recording a certificate of limited 3262
partnership or an application for registration as a foreign 3263
limited partnership, or for filing an initial statement of 3264
partnership authority pursuant to section 1776.33 of the Revised 3265
Code, ninety-nine dollars; 3266

(H) For filing a copy of papers evidencing the incorporation 3267
of a municipal corporation or of annexation of territory by a 3268
municipal corporation, five dollars, to be paid by the municipal 3269
corporation, the petitioners therefor, or their agent; 3270

(I) For filing and recording any of the following: 3271

(1) A license to transact business in this state by a foreign 3272
corporation for profit pursuant to section 1703.04 of the Revised 3273
Code or a foreign nonprofit corporation pursuant to section 3274
1703.27 of the Revised Code, ninety-nine dollars; 3275

(2) A biennial report or biennial statement pursuant to 3276

section 1775.63, 1776.83, or 1785.06 of the Revised Code,	3277
twenty-five dollars;	3278
(3) Except as otherwise provided in this section or any other	3279
section of the Revised Code, any other certificate or paper that	3280
is required to be filed and recorded or is permitted to be filed	3281
and recorded by any provision of the Revised Code with the	3282
secretary of state, twenty-five dollars.	3283
(J) For filing any certificate or paper not required to be	3284
recorded, five dollars;	3285
(K)(1) For making copies of any certificate or other paper	3286
filed in the office of the secretary of state, a fee not to exceed	3287
one dollar per page, except as otherwise provided in the Revised	3288
Code, and for creating and affixing the seal of the office of the	3289
secretary of state to any good standing or other certificate, five	3290
dollars. For copies of certificates or papers required by state	3291
officers for official purpose, no charge shall be made.	3292
(2) For creating and affixing the seal of the office of the	3293
secretary of state to the certificates described in division (E)	3294
of section 1701.81, division (E) of section 1701.811, division (E)	3295
of section 1705.38, division (E) of section 1705.381, division (D)	3296
of section 1702.43, division (E) of section 1775.47, division (E)	3297
of section 1775.55, division (E) of section 1776.70, division (E)	3298
of section 1776.74, division (E) of section 1782.433, or division	3299
(E) of section 1782.4310 of the Revised Code, twenty-five dollars.	3300
(L) For a minister's license to solemnize marriages, ten	3301
dollars;	3302
(M) For examining documents to be filed at a later date for	3303
the purpose of advising as to the acceptability of the proposed	3304
filing, fifty dollars;	3305
(N) Fifty dollars for filing and recording any of the	3306
following:	3307

(1) A certificate of dissolution and accompanying documents,	3308
or a certificate of cancellation, under section 1701.86, 1702.47,	3309
1705.43, 1706.471, 1776.65, or 1782.10 of the Revised Code;	3310
(2) A notice of dissolution of a foreign licensed corporation	3311
or a certificate of surrender of license by a foreign licensed	3312
corporation under section 1703.17 of the Revised Code;	3313
(3) The withdrawal of registration of a foreign or domestic	3314
limited liability partnership under section 1775.61, 1775.64,	3315
1776.81, or 1776.86 of the Revised Code, or the certificate of	3316
cancellation of registration of a foreign limited liability	3317
company under section 1705.57 or 1706.514 of the Revised Code;	3318
(4) The filing of a statement of denial under section 1776.34	3319
of the Revised Code, a statement of dissociation under section	3320
1776.57 of the Revised Code, a statement of disclaimer of general	3321
partner status under Chapter 1782. of the Revised Code, or a	3322
cancellation of disclaimer of general partner status under Chapter	3323
1782. of the Revised Code.	3324
(O) For filing a statement of continued existence by a	3325
nonprofit corporation, twenty-five dollars;	3326
(P) For filing a restatement under section 1705.08, 1706.161,	3327
or 1782.09 of the Revised Code, an amendment to a certificate of	3328
cancellation under section 1782.10 of the Revised Code, an	3329
amendment under section 1705.08, 1706.161, or 1782.09 of the	3330
Revised Code, or a correction under section 1705.55, 1706.173,	3331
1706.511, 1706.513, 1775.61, 1775.64, 1776.12, or 1782.52 of the	3332
Revised Code, fifty dollars;	3333
(Q) For filing for reinstatement of an entity cancelled by	3334
operation of law, by the secretary of state, by order of the	3335
department of taxation, or by order of a court, twenty-five	3336
dollars;	3337
(R) For filing and recording any of the following:	3338

(1) A change of agent, resignation of agent, or change of agent's address under section 1701.07, 1702.06, 1703.041, 1703.27, 1705.06, 1705.55, 1706.09, 1746.04, 1747.03, 1776.07, or 1782.04 of the Revised Code, twenty-five dollars;	3339 3340 3341 3342
(2) A multiple change of agent name or address, standardization of agent address, or resignation of agent under section 1701.07, 1702.06, 1703.041, 1703.27, 1705.06, 1705.55, 1706.09, 1746.04, 1747.03, 1776.07, or 1782.04 of the Revised Code, one hundred twenty-five dollars, plus three dollars per entity record being changed, by the multiple agent update.	3343 3344 3345 3346 3347 3348
(S) For filing and recording any of the following:	3349
(1) An application for the exclusive right to use a name or an application to reserve a name for future use under section 1701.05, 1702.05, 1703.31, 1705.05, 1706.07, or 1746.06 of the Revised Code, thirty-nine dollars;	3350 3351 3352 3353
(2) A trade name or fictitious name registration or report, thirty-nine dollars;	3354 3355
(3) An application to renew any item covered by division (S)(1) or (2) of this section that is permitted to be renewed, twenty-five dollars;	3356 3357 3358
(4) An assignment of rights for use of a name covered by division (S)(1), (2), or (3) of this section, the cancellation of a name registration or name reservation that is so covered, or notice of a change of address of the registrant of a name that is so covered, twenty-five dollars.	3359 3360 3361 3362 3363
(T) For filing and recording a report to operate a business trust or a real estate investment trust, either foreign or domestic, ninety-nine dollars; and for filing and recording an amendment to a report or associated trust instrument, or a surrender of authority, to operate a business trust or real estate investment trust, fifty dollars;	3364 3365 3366 3367 3368 3369

(U)(1) For filing and recording the registration of a trademark, service mark, or mark of ownership, one hundred twenty-five dollars;

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

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

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

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

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

Sec. 111.28. (A) There is hereby created in the state 3401
treasury the help America vote act (HAVA) fund. All moneys 3402
received by the secretary of state from the United States election 3403
assistance commission for purposes established under the "Help 3404
America Vote Act of 2002," Pub. L. No. 107-252, as amended, shall 3405
be credited to the fund. The secretary of state shall use the 3406
moneys credited to the fund for activities conducted pursuant to 3407
the "~~Help America Vote Act of 2002," Pub. L. No. 107-252, 116 3408~~
~~Stat. 1666~~ that act. All investment earnings of the fund shall be 3409
credited to the fund. 3410

(B) There is hereby created in the state treasury the 3411
miscellaneous federal grants fund. All Except as otherwise 3412
provided in division (A) of this section, all moneys the secretary 3413
of state receives as grants from federal sources ~~that are not 3414~~
~~otherwise designated~~ shall be credited to the fund. The secretary 3415
of state shall use the moneys credited to the fund for the 3416
purposes and activities required by the applicable federal grant 3417
agreements. All investment earnings of the fund shall be credited 3418
to the fund. 3419

Sec. 111.48. There is in the state treasury the address 3420
confidentiality program fund. The fund shall consist of money paid 3421
into the fund pursuant to division ~~(B)(10)~~ (B)(11) of section 3422
2929.18 and division (D) of section 2929.28 of the Revised Code 3423
and any money appropriated to the fund by the general assembly or 3424
donated to the fund. The secretary of state shall use the money in 3425
the fund for the purpose of administering the address 3426
confidentiality program described in sections 111.41 to 111.47 of 3427
the Revised Code. 3428

Sec. 113.70. As used in sections 113.70 to 113.77 of the 3429
Revised Code: 3430

(A) "Expenditure" means a payment, distribution, loan, advance, reimbursement, deposit, or gift of money from a state entity to any supplier. 3431
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(B) "Political subdivision" means a county, city, village, public library, township, park district, school district, regional water and sewer district, or regional transit authority. 3434
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(C) "Public library" means a library that is created, maintained, and regulated under Chapter 3375. of the Revised Code. 3437
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(D) "School district" means a city, local, exempted village, or joint vocational school district; a science, technology, engineering, and mathematics school established under Chapter 3326. of the Revised Code; or an educational service center. "School district" does not mean a community school established under Chapter 3314. of the Revised Code. 3439
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(E) "State entity" means the general assembly, the supreme court, the court of claims, the office of an elected state officer, or a department, bureau, board, office, commission, agency, institution, instrumentality, or other governmental entity of this state established by the constitution or laws of this state for the exercise of any function of state government, but excludes a political subdivision, an institution of higher education, a state retirement system, and the city of Cincinnati retirement system. "State entity" does not include the nonprofit corporation formed under section 187.01 of the Revised Code. 3445
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(F) "State retirement system" means the public employees retirement system, the Ohio police and fire pension fund, the state teachers retirement system, the school employees retirement system, and the state highway patrol retirement system. 3455
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(G) "Supplier" means any person, partnership, corporation, association, organization, state entity, or other party, including any executive officer, legislative officer, judicial officer, or 3459
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member or employee of a state entity, that does either of the 3462
following: 3463

(1) Sells, leases, or otherwise provides equipment, 3464
materials, goods, supplies, or services to a state entity pursuant 3465
to a contract between the supplier and a state entity; 3466

(2) Receives reimbursement from a state entity for any 3467
expense. 3468

Sec. 113.71. (A) The treasurer of state, in collaboration 3469
with the directors of budget and management and administrative 3470
services, shall establish and maintain the Ohio state and local 3471
government expenditure database. The database shall be accessible 3472
on the web site of the treasurer of state and the web site of the 3473
office of budget and management. 3474

(B) The database shall include information about expenditures 3475
made in each fiscal year that commences after the effective date 3476
of this section. 3477

(C) The database shall be accessible by members of the public 3478
without charge. 3479

(D) State entities shall assist in the development, 3480
establishment, operation, storage, hosting, and support of the 3481
database. State entities shall comply with sections 113.70 to 3482
113.77 of the Revised Code using existing resources. 3483

(E) The treasurer of state shall enter into an annual 3484
agreement with the directors of budget and management and 3485
administrative services to define data storage, data handling, 3486
user interface requirements, and other provisions considered 3487
necessary to ensure the proper maintenance and operation of the 3488
database. 3489

(F) Nothing in this section shall be construed to prohibit 3490
the treasurer of state from including any information in the base 3491

that is not required to be included under sections 113.70 to 3492
113.77 of the Revised Code and that is available to the public. 3493

Sec. 113.72. For each expenditure, the Ohio state and local 3494
government expenditure database shall include the following 3495
information: 3496

(A) The amount of the expenditure; 3497

(B) The date the expenditure was paid; 3498

(C) The supplier to which the expenditure was paid; 3499

(D) The state entity that made the expenditure or requested 3500
the expenditure be made. 3501

Sec. 113.73. (A) The Ohio state and local government 3502
expenditure database shall include the following features: 3503

(1) A searchable database of all expenditures; 3504

(2) The ability to filter expenditures by the following 3505
categories: 3506

(a) The category of expense; 3507

(b) The Ohio administrative knowledge system accounting code 3508
for a specific good or service. 3509

(3) The ability to search and filter by any of the factors 3510
listed in section 113.72 of the Revised Code; 3511

(4) The ability to aggregate data contained in the database; 3512

(5) The ability to determine the total amount of expenditures 3513
awarded to a supplier by a state entity; 3514

(6) The ability to download information obtained through the 3515
database; 3516

(7) A searchable database of state and school district 3517
employee salary and employment information. 3518

(B) The information required under division (A)(7) of this section shall be provided by the department of administrative services or the department of education, as applicable. 3519
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Sec. 113.74. Not later than one year after the Ohio state and local government expenditure database is implemented, the treasurer of state shall coordinate with the director of budget and management to provide an opportunity for public comment as to the utility of the database. 3522
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Sec. 113.75. The Ohio state and local government expenditure database shall not include any information that is determined to be confidential or is not a public record under the laws of this state. All of the following are not liable for the disclosure of a record contained in the Ohio state and local government expenditure database that is determined to be confidential or is not a public record under the laws of this state: 3527
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(A) The treasurer of state; 3534

(B) Employees of the treasurer of state; 3535

(C) A state entity; 3536

(D) Any employee of a state entity that provides information to the database. 3537
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Sec. 113.76. Each state entity shall display on its web site a prominent internet link to the Ohio state and local government expenditure database. 3539
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Sec. 113.77. A political subdivision or state retirement system may agree to have information on expenditures made by the political subdivision or state retirement system included in the Ohio state and local government expenditure database. If a political subdivision or state retirement system agrees to include 3542
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the information in the database, the political subdivision or 3547
state retirement system shall provide the information to the 3548
treasurer of state and comply with sections 113.70 to 113.77 of 3549
the Revised Code in the same manner as a state entity. 3550

Sec. 117.04. The auditor of state shall appoint a chief 3551
deputy auditor of state, ~~whose~~ who shall be a certified public 3552
accountant with an active Ohio permit. The appointment shall be in 3553
writing under the official seal of the auditor of state and 3554
recorded in the office of the secretary of state. 3555

Sec. 117.05. Before entering upon the discharge of the duties 3556
of ~~his~~ office, the chief deputy auditor of state shall give a bond 3557
to the auditor of state in the sum of ten thousand dollars, with a 3558
surety approved by the auditor of state, conditioned for the 3559
faithful discharge of the duties of ~~his~~ the chief deputy's office. 3560
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Sec. 117.06. During the absence or disability of the auditor 3562
of state, or when so directed by ~~him~~ the auditor of state, the 3563
chief deputy auditor of state may perform all the duties of 3564
auditor of state. 3565

Sec. 117.09. ~~By~~ The auditor of state, by virtue of the 3566
office, ~~the auditor of state~~ shall be the ~~chief inspector and~~ 3567
~~supervisor of~~ lead public official responsible for the 3568
examination, analysis, inspection, and audits of all public 3569
offices ~~and~~. The auditor of state may hire, appoint not more than 3570
~~six deputy inspectors and supervisors and a clerk. Not more than~~ 3571
~~three deputy inspectors and supervisors shall belong to the same~~ 3572
~~political party.~~ 3573

~~The auditor of state shall appoint such state examiners as~~ 3574

~~are necessary, who shall be known as assistant auditors of state, 3575
and such additional employees as the auditor of state requires. No 3576
person shall be appointed an assistant auditor of state unless the 3577
person holds a baccalaureate degree from an accredited college or 3578
university, or has successfully completed at least sixteen 3579
semester hours or the equivalent in accounting or a related field 3580
from an accredited college or university or an accredited trade, 3581
technical, or vocational school beyond the high school level, or 3582
possesses at least three years' experience in accounting or a 3583
related field. 3584~~

~~Any employee called upon to testify in any legal proceedings 3585
in regard to any official matter is entitled to compensation and 3586
expenses provided in this section. Each employee shall be 3587
reimbursed for travel, including meals, hotels, and other actual 3588
and necessary expenses when traveling on official business, under 3589
order of the auditor of state, away from the employee's 3590
headquarters or place of principal assignment, in the manner and 3591
at the same rates as are provided by the rules of the director of 3592
budget and management governing travel. 3593~~

~~The auditor of state may employ experts or assistants 3594
necessary to disclose the facts concerning any matter and, and fix 3595
their the compensation of auditors, investigators, and other staff 3596
necessary to carry out the statutory responsibilities of the 3597
office. 3598~~

Sec. 117.13. (A) The total costs of audits of state agencies, 3599
both direct and indirect, shall be recovered by the auditor of 3600
state in the following manner: 3601

(1) The total costs of all audits of state agencies, both 3602
direct and indirect, shall be paid to the auditor of state on 3603
statements rendered by the auditor of state. Money so received by 3604
the auditor of state shall be paid into the state treasury to the 3605

credit of the public audit expense fund--intrastate, which is 3606
hereby created, and shall be used to pay costs related to such 3607
audits. The costs of audits of a state agency shall be charged to 3608
the state agency being audited, unless otherwise determined by the 3609
auditor of state. The costs of any ~~assistant auditor~~, employee, or 3610
expert employed pursuant to section 117.09 of the Revised Code 3611
called upon to testify in any legal proceedings in regard to any 3612
audit, or called upon to review or discuss any matter related to 3613
any audit, may be charged to the state agency to which the audit 3614
relates. 3615

(2) The auditor of state shall determine and publish annually 3616
rates to be charged to state agencies for recovering the costs of 3617
audits of state agencies. The rates shall take into consideration 3618
federal cost recovery guidelines. 3619

(B) As used in this division, "government auditing standards" 3620
means the government auditing standards published by the 3621
comptroller general of the United States general accounting 3622
office. 3623

(1) Except as provided in divisions (B)(2) and (3) of this 3624
section, any costs of an audit of a private institution, 3625
association, board, or corporation receiving public money for its 3626
use shall be charged to the public office providing the public 3627
money in the same manner as costs of an audit of the public 3628
office. 3629

(2) If an audit of a private child placing agency or private 3630
noncustodial agency receiving public money from a public children 3631
services agency for providing child welfare or child protection 3632
services sets forth that money has been illegally expended, 3633
converted, misappropriated, or is unaccounted for, the costs of 3634
the audit shall be charged to the agency being audited in the same 3635
manner as costs of an audit of a public office, unless the 3636
findings are inconsequential, as defined by government auditing 3637

standards. 3638

(3) If such an audit does not set forth that money has been 3639
illegally expended, converted, misappropriated, or is unaccounted 3640
for or sets forth findings that are inconsequential, as defined by 3641
government auditing standards, the costs of the audit shall be 3642
charged as follows: 3643

(a) One-third of the costs to the agency being audited; 3644

(b) One-third of the costs to the public children services 3645
agency that provided the public money to the agency being audited; 3646

(c) One-third of the costs to the department of job and 3647
family services. 3648

(C) The total costs of audits of local public offices, both 3649
direct and indirect, shall be recovered by the auditor of state in 3650
the following manner: 3651

(1) The total costs of all audits of local public offices, 3652
both direct and indirect, shall be paid to the auditor of state on 3653
statements rendered by the auditor of state. Money so received by 3654
the auditor of state shall be paid into the state treasury to the 3655
credit of the public audit expense fund-local government, which is 3656
hereby created, and shall be used to pay costs related to such 3657
audits. The costs of audits of a local public office shall be 3658
charged to the local public office being audited, unless otherwise 3659
determined by the auditor of state. The charges billed to the 3660
local public office for the cost of audits performed shall be 3661
offset subject to the availability of resources from the local 3662
government audit support fund created under section 117.131 of the 3663
Revised Code, the general revenue fund, or other state sources 3664
provided to the auditor of state for such purposes. The auditor of 3665
state shall establish the manner in which the offset shall be 3666
determined. The costs of any ~~assistant auditor~~, employee, or 3667
expert employed pursuant to section 117.09 of the Revised Code 3668

called upon to testify in any legal proceedings in regard to any 3669
audit, or called upon to review or discuss any matter related to 3670
any audit, may be charged to the public office to which the audit 3671
relates. 3672

(2) At the conclusion of each audit, or analysis and report 3673
made pursuant to section 117.24 of the Revised Code, the fiscal 3674
officer of the local public office audited may allocate the 3675
charges billed for the cost of the audit, or of the audit and the 3676
analysis and report to appropriate funds using a methodology that 3677
follows guidance provided by the auditor of state. 3678

(3) The auditor of state shall provide each local public 3679
office a statement or certification of the amount due from the 3680
public office for services performed by the auditor of state under 3681
this or any other section of the Revised Code, as well as the date 3682
upon which payment is due to the auditor of state. The auditor of 3683
state is authorized to negotiate with any local public office and, 3684
upon agreement between the auditor of state and the local public 3685
office, may adopt a schedule for payment of the amount due under 3686
this section. Any local public office that does not pay the amount 3687
due to the auditor of state by that date may be assessed by the 3688
auditor of state for interest from the date upon which the payment 3689
is due at the rate per annum prescribed by section 5703.47 of the 3690
Revised Code. All interest charges assessed by the auditor of 3691
state may be collected in the same manner as audit costs pursuant 3692
to division (D) of this section. 3693

(4) The auditor of state shall determine and publish annually 3694
rates to be charged to local public offices for recovering the 3695
costs of audits of local public offices. 3696

(D) If the auditor of state fails to receive payment for any 3697
amount due, including, but not limited to, fines, fees, and costs, 3698
from a public office for services performed under this or any 3699
other section of the Revised Code, the auditor of state may seek 3700

payment through the office of budget and management. (Amounts due 3701
include any amount due to an independent public accountant with 3702
whom the auditor has contracted to perform services, all costs and 3703
fees associated with participation in the uniform accounting 3704
network, and all costs associated with the auditor's provision of 3705
local government services.) Upon certification by the auditor of 3706
state to the director of budget and management of any such amount 3707
due, the director shall withhold from the public office any amount 3708
available, up to and including the amount certified as due, from 3709
any funds under the director's control that belong to or are 3710
lawfully payable or due to the public office. The director shall 3711
promptly pay the amount withheld to the auditor of state. If the 3712
director determines that no funds due and payable to the public 3713
office are available or that insufficient amounts of such funds 3714
are available to cover the amount due, the director shall withhold 3715
and pay to the auditor of state the amounts available and, in the 3716
case of a local public office, certify the remaining amount to the 3717
county auditor of the county in which the local public office is 3718
located. The county auditor shall withhold from the local public 3719
office any amount available, up to and including the amount 3720
certified as due, from any funds under the county auditor's 3721
control and belonging to or lawfully payable or due to the local 3722
public office. The county auditor shall promptly pay any such 3723
amount withheld to the auditor of state. 3724

Sec. 117.22. The public accountant conducting an audit under 3725
this chapter may request the auditor of state, the chief deputy 3726
auditor of state, ~~a deputy inspector and supervisor of public~~ 3727
~~offices, or an assistant or an auditor or investigator of the~~ 3728
auditor of state, to exercise any authority granted under section 3729
117.18 of the Revised Code for the purpose of assisting in the 3730
conduct of the audit. ~~Assistant auditors of state and experts or~~ 3731
~~other assistants shall be compensated as provided by sections~~ 3732

~~117.09 and 117.12 of the Revised Code.~~ 3733

Sec. 117.55. (A) As used in this section: 3734

(1) "Entity" means, whether for profit or nonprofit, a corporation, association, partnership, limited liability company, sole proprietorship, or other business entity. "Entity" does not include an individual who receives state assistance that is not related to the individual's business. 3735
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(2) "State award for economic development" means state financial assistance and expenditure in any of the following forms: grants, subgrants, loans, awards, cooperative agreements, or other similar and related forms of financial assistance and contracts, subcontracts, purchase orders, task orders, delivery orders, or other similar and related transactions. It does not include compensation received as an employee of the state or any state financial assistance and expenditure received from the general assembly or any legislative agency, any court or judicial agency, or from the offices of the attorney general, the secretary of state, the auditor of state, or the treasurer of state. 3740
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(B) Not later than thirty days after the end of the state fiscal year, the department of development shall send the auditor of state a list of state awards for economic development. The auditor of state shall review each award and determine if an entity is in compliance with the terms and conditions, including performance metrics, of a state award for economic development received by that entity. 3751
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(C) The auditor of state shall publish a report of its reviews and determinations not later than ninety days after receipt of the list of state awards from the department of development. 3758
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(D) When the auditor of state finds that an entity that 3762

receives or has received a state award for economic development is 3763
not in compliance with a performance metric that is specified in 3764
the terms and conditions of the award, the auditor of state shall 3765
report the findings to the attorney general. The attorney general 3766
may pursue against and from that entity such remedies and 3767
recoveries as are available under law. 3768

(E) If the auditor of state is authorized to conduct an audit 3769
of an entity that receives or has received a state award for 3770
economic development, the audit shall be conducted in accordance 3771
with Chapter 117. of the Revised Code. 3772

Sec. 121.02. The following administrative departments and 3773
their respective directors are hereby created: 3774

(A) The office of budget and management, which shall be 3775
administered by the director of budget and management; 3776

(B) The department of commerce, which shall be administered 3777
by the director of commerce; 3778

(C) The department of administrative services, which shall be 3779
administered by the director of administrative services; 3780

(D) The department of transportation, which shall be 3781
administered by the director of transportation; 3782

(E) The department of agriculture, which shall be 3783
administered by the director of agriculture; 3784

(F) The department of natural resources, which shall be 3785
administered by the director of natural resources; 3786

(G) The department of health, which shall be administered by 3787
the director of health; 3788

(H) The department of job and family services, which shall be 3789
administered by the director of job and family services; 3790

(I) Until July 1, 1997, the department of liquor control, 3791

which shall be administered by the director of liquor control;	3792
(J) The department of public safety, which shall be administered by the director of public safety;	3793 3794
(K) The department of mental health and addiction services, which shall be administered by the director of mental health and addiction services;	3795 3796 3797
(L) The department of developmental disabilities, which shall be administered by the director of developmental disabilities;	3798 3799
(M) The department of insurance, which shall be administered by the superintendent of insurance as director thereof;	3800 3801
(N) The <u>department of development services</u> agency , which shall be administered by the director of development services ;	3802 3803
(O) The department of youth services, which shall be administered by the director of youth services;	3804 3805
(P) The department of rehabilitation and correction, which shall be administered by the director of rehabilitation and correction;	3806 3807 3808
(Q) The environmental protection agency, which shall be administered by the director of environmental protection;	3809 3810
(R) The department of aging, which shall be administered by the director of aging;	3811 3812
(S) The department of veterans services, which shall be administered by the director of veterans services;	3813 3814
(T) The department of medicaid, which shall be administered by the medicaid director.	3815 3816
The director of each department shall exercise the powers and perform the duties vested by law in such department.	3817 3818
Sec. 121.03. The following administrative department heads	3819

shall be appointed by the governor, with the advice and consent of	3820
the senate, and shall hold their offices during the term of the	3821
appointing governor, and are subject to removal at the pleasure of	3822
the governor.	3823
(A) The director of budget and management;	3824
(B) The director of commerce;	3825
(C) The director of transportation;	3826
(D) The director of agriculture;	3827
(E) The director of job and family services;	3828
(F) Until July 1, 1997, the director of liquor control;	3829
(G) The director of public safety;	3830
(H) The superintendent of insurance;	3831
(I) The director of development services ;	3832
(J) The tax commissioner;	3833
(K) The director of administrative services;	3834
(L) The director of natural resources;	3835
(M) The director of mental health and addiction services;	3836
(N) The director of developmental disabilities;	3837
(O) The director of health;	3838
(P) The director of youth services;	3839
(Q) The director of rehabilitation and correction;	3840
(R) The director of environmental protection;	3841
(S) The director of aging;	3842
(T) The administrator of workers' compensation who meets the	3843
qualifications required under division (A) of section 4121.121 of	3844
the Revised Code;	3845
(U) The director of veterans services who meets the	3846

qualifications required under section 5902.01 of the Revised Code; 3847

(V) The chancellor of higher education; 3848

(W) The medicaid director. 3849

Sec. 121.07. (A) Except as otherwise provided in this 3850
division, the officers mentioned in sections 121.04 and 121.05 of 3851
the Revised Code and the offices and divisions they administer 3852
shall be under the direction, supervision, and control of the 3853
directors of their respective departments, and shall perform such 3854
duties as the directors prescribe. In performing or exercising any 3855
of the examination or regulatory functions, powers, or duties 3856
vested by Title XI, Chapters 1733. and 1761., and sections 1315.01 3857
to 1315.18 of the Revised Code in the superintendent of financial 3858
institutions, the superintendent of financial institutions and the 3859
division of financial institutions are independent of and are not 3860
subject to the control of the department or the director of 3861
commerce. In the absence of the superintendent of financial 3862
institutions, the director of commerce shall, for a limited period 3863
of time, perform or exercise any of those functions, powers, or 3864
duties or authorize the deputy superintendent for banks to perform 3865
or exercise any of the functions, ~~power~~ powers, or duties vested 3866
by Title XI and sections 1315.01 to 1315.18 of the Revised Code in 3867
the superintendent and the deputy superintendent for credit unions 3868
to perform or exercise any of the functions, powers, or duties 3869
vested by Chapters 1733. and 1761. of the Revised Code in the 3870
superintendent. 3871

(B) With the approval of the governor, the director of each 3872
department shall establish divisions within the department, and 3873
distribute the work of the department among such divisions. Each 3874
officer created by section 121.04 of the Revised Code shall be the 3875
head of such a division, except for the equal opportunity 3876
employment coordinator, who shall report to a position determined 3877

by the director of administrative services. 3878

With the approval of the governor, the director of each 3879
department may consolidate any two or more of the offices created 3880
in the department by section 121.04 of the Revised Code, or reduce 3881
the number of or create new divisions therein. 3882

The director of each department may prescribe rules for the 3883
government of the department, the conduct of its employees, the 3884
performance of its business, and the custody, use, and 3885
preservation of the records, papers, books, documents, and 3886
property pertaining thereto. 3887

Sec. 121.08. (A) There is hereby created in the department of 3888
commerce the position of deputy director of administration. This 3889
officer shall be appointed by the director of commerce, serve 3890
under the director's direction, supervision, and control, perform 3891
the duties the director prescribes, and hold office during the 3892
director's pleasure. The director of commerce may designate an 3893
assistant director of commerce to serve as the deputy director of 3894
administration. The deputy director of administration shall 3895
perform the duties prescribed by the director of commerce in 3896
supervising the activities of the division of administration of 3897
the department of commerce. 3898

(B) Except as provided in section 121.07 of the Revised Code, 3899
the department of commerce shall have all powers and perform all 3900
duties vested in the deputy director of administration, the state 3901
fire marshal, the superintendent of financial institutions, the 3902
superintendent of real estate and professional licensing, the 3903
superintendent of liquor control, the superintendent of industrial 3904
compliance, the superintendent of unclaimed funds, and the 3905
commissioner of securities, and shall have all powers and perform 3906
all duties vested by law in all officers, deputies, and employees 3907
of those offices. Except as provided in section 121.07 of the 3908

Revised Code, wherever powers are conferred or duties imposed upon 3909
any of those officers, the powers and duties shall be construed as 3910
vested in the department of commerce. 3911

(C)(1) There is hereby created in the department of commerce 3912
a division of financial institutions, which shall have all powers 3913
and perform all duties vested by law in the superintendent of 3914
financial institutions. Wherever powers are conferred or duties 3915
imposed upon the superintendent of financial institutions, those 3916
powers and duties shall be construed as vested in the division of 3917
financial institutions. The division of financial institutions 3918
shall be administered by the superintendent of financial 3919
institutions. 3920

(2) All provisions of law governing the superintendent of 3921
financial institutions shall apply to and govern the 3922
superintendent of financial institutions provided for in this 3923
section; all authority vested by law in the superintendent of 3924
financial institutions with respect to the management of the 3925
division of financial institutions shall be construed as vested in 3926
the superintendent of financial institutions created by this 3927
section with respect to the division of financial institutions 3928
provided for in this section; and all rights, privileges, and 3929
emoluments conferred by law upon the superintendent of financial 3930
institutions shall be construed as conferred upon the 3931
superintendent of financial institutions as head of the division 3932
of financial institutions. The director of commerce shall not 3933
transfer from the division of financial institutions any of the 3934
functions specified in division (C)(2) of this section. 3935

(D) There is hereby created in the department of commerce a 3936
division of liquor control, which shall have all powers and 3937
perform all duties vested by law in the superintendent of liquor 3938
control. Wherever powers are conferred or duties are imposed upon 3939
the superintendent of liquor control, those powers and duties 3940

shall be construed as vested in the division of liquor control. 3941
The division of liquor control shall be administered by the 3942
superintendent of liquor control. 3943

(E) The director of commerce shall not be interested, 3944
directly or indirectly, in any firm or corporation which is a 3945
dealer in securities as defined in sections 1707.01 and 1707.14 of 3946
the Revised Code, or in any firm or corporation licensed under 3947
sections 1321.01 to 1321.19 of the Revised Code. 3948

(F) The director of commerce shall not have any official 3949
connection with a savings and loan association, a savings bank, a 3950
bank, a bank holding company, a savings and loan association 3951
holding company, a consumer finance company, or a credit union 3952
that is under the supervision of the division of financial 3953
institutions, or a subsidiary of any of the preceding entities, or 3954
be interested in the business thereof. 3955

(G) There is hereby created in the state treasury the 3956
division of administration fund. The fund shall receive 3957
assessments on the operating funds of the department of commerce 3958
in accordance with procedures prescribed by the director of 3959
commerce ~~and approved by the director of budget and management.~~ 3960
All operating expenses of the division of administration shall be 3961
paid from the division of administration fund. 3962

(H) There is hereby created in the department of commerce a 3963
division of real estate and professional licensing, which shall be 3964
under the control and supervision of the director of commerce. The 3965
division of real estate and professional licensing shall be 3966
administered by the superintendent of real estate and professional 3967
licensing. The superintendent of real estate and professional 3968
licensing shall exercise the powers and perform the functions and 3969
duties delegated to the superintendent under Chapters 4735., 3970
4763., 4764., 4767., and 4768. of the Revised Code. 3971

(I) There is hereby created in the department of commerce a 3972
division of industrial compliance, which shall have all powers and 3973
perform all duties vested by law in the superintendent of 3974
industrial compliance. Wherever powers are conferred or duties 3975
imposed upon the superintendent of industrial compliance, those 3976
powers and duties shall be construed as vested in the division of 3977
industrial compliance. The division of industrial compliance shall 3978
be under the control and supervision of the director of commerce 3979
and be administered by the superintendent of industrial 3980
compliance. 3981

(J) There is hereby created in the department of commerce a 3982
division of unclaimed funds, which shall have all powers and 3983
perform all duties delegated to or vested by law in the 3984
superintendent of unclaimed funds. Wherever powers are conferred 3985
or duties imposed upon the superintendent of unclaimed funds, 3986
those powers and duties shall be construed as vested in the 3987
division of unclaimed funds. The division of unclaimed funds shall 3988
be under the control and supervision of the director of commerce 3989
and shall be administered by the superintendent of unclaimed 3990
funds. The superintendent of unclaimed funds shall exercise the 3991
powers and perform the functions and duties delegated to the 3992
superintendent by the director of commerce under section 121.07 3993
and Chapter 169. of the Revised Code, and as may otherwise be 3994
provided by law. 3995

(K) The department of commerce or a division of the 3996
department created by the Revised Code that is acting with 3997
authorization on the department's behalf may request from the 3998
bureau of criminal identification and investigation pursuant to 3999
section 109.572 of the Revised Code, or coordinate with 4000
appropriate federal, state, and local government agencies to 4001
accomplish, criminal records checks for the persons whose 4002
identities are required to be disclosed by an applicant for the 4003

issuance or transfer of a permit, license, certificate of 4004
registration, or certification issued or transferred by the 4005
department or division. At or before the time of making a request 4006
for a criminal records check, the department or division may 4007
require any person whose identity is required to be disclosed by 4008
an applicant for the issuance or transfer of such a license, 4009
permit, certificate of registration, or certification to submit to 4010
the department or division valid fingerprint impressions in a 4011
format and by any media or means acceptable to the bureau of 4012
criminal identification and investigation and, when applicable, 4013
the federal bureau of investigation. The department or division 4014
may cause the bureau of criminal identification and investigation 4015
to conduct a criminal records check through the federal bureau of 4016
investigation only if the person for whom the criminal records 4017
check would be conducted resides or works outside of this state or 4018
has resided or worked outside of this state during the preceding 4019
five years, or if a criminal records check conducted by the bureau 4020
of criminal identification and investigation within this state 4021
indicates that the person may have a criminal record outside of 4022
this state. 4023

In the case of a criminal records check under section 109.572 4024
of the Revised Code, the department or division shall forward to 4025
the bureau of criminal identification and investigation the 4026
requisite form, fingerprint impressions, and fee described in 4027
division (C) of that section. When requested by the department or 4028
division in accordance with this section, the bureau of criminal 4029
identification and investigation shall request from the federal 4030
bureau of investigation any information it has with respect to the 4031
person who is the subject of the requested criminal records check 4032
and shall forward the requisite fingerprint impressions and 4033
information to the federal bureau of investigation for that 4034
criminal records check. After conducting a criminal records check 4035
or receiving the results of a criminal records check from the 4036

federal bureau of investigation, the bureau of criminal 4037
identification and investigation shall provide the results to the 4038
department or division. 4039

The department or division may require any person about whom 4040
a criminal records check is requested to pay to the department or 4041
division the amount necessary to cover the fee charged to the 4042
department or division by the bureau of criminal identification 4043
and investigation under division (C)(3) of section 109.572 of the 4044
Revised Code, including, when applicable, any fee for a criminal 4045
records check conducted by the federal bureau of investigation. 4046

(L) The director of commerce, or the director's designee, may 4047
adopt rules to enhance compliance with statutes pertaining to, and 4048
rules adopted by, divisions under the direction, supervision, and 4049
control of the department or director by offering incentive-based 4050
programs that ensure safety and soundness while promoting growth 4051
and prosperity in the state. 4052

Sec. 121.084. (A) All moneys collected under sections 4053
3783.05, 3791.07, 4104.07, 4104.18, 4104.44, 4105.17, 4105.20, 4054
4169.03, and 5104.051 of the Revised Code, and any other moneys 4055
collected by the division of industrial compliance shall be paid 4056
into the state treasury to the credit of the industrial compliance 4057
operating fund, which is hereby created. The department of 4058
commerce shall use the moneys in the fund for paying the operating 4059
expenses of the division and the administrative assessment 4060
described in division (B) of this section. 4061

(B) The director of commerce, ~~with the approval of the~~ 4062
~~director of budget and management,~~ shall prescribe procedures for 4063
assessing the industrial compliance operating fund a proportionate 4064
share of the administrative costs of the department of commerce. 4065
The assessment shall be made in accordance with those procedures 4066
and be paid from the industrial compliance operating fund to the 4067

division of administration fund created in section 121.08 of the Revised Code.

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

(B) As used in this section:

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

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

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

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

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

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

(a) A student in a state or local public educational

institution; 4098

(b) A person who is, voluntarily or involuntarily, an inmate, 4099
patient, or resident of a state or local institution because of 4100
criminal behavior, mental illness, an intellectual disability, 4101
disease, disability, age, or other condition requiring custodial 4102
care. 4103

(4) "Public office" has the same meaning as in section 4104
149.011 of the Revised Code. 4105

(C) All meetings of any public body are declared to be public 4106
meetings open to the public at all times. A member of a public 4107
body shall be present in person at a meeting open to the public to 4108
be considered present or to vote at the meeting and for purposes 4109
of determining whether a quorum is present at the meeting. 4110

The minutes of a regular or special meeting of any public 4111
body shall be promptly prepared, filed, and maintained and shall 4112
be open to public inspection. The minutes need only reflect the 4113
general subject matter of discussions in executive sessions 4114
authorized under division (G) or (J) of this section. 4115

(D) This section does not apply to any of the following: 4116

(1) A grand jury; 4117

(2) An audit conference conducted by the auditor of state or 4118
independent certified public accountants with officials of the 4119
public office that is the subject of the audit; 4120

(3) The adult parole authority when its hearings are 4121
conducted at a correctional institution for the sole purpose of 4122
interviewing inmates to determine parole or pardon and the 4123
department of rehabilitation and correction when its hearings are 4124
conducted at a correctional institution for the sole purpose of 4125
making determinations under section 2967.271 of the Revised Code 4126
regarding the release or maintained incarceration of an offender 4127

to whom that section applies;	4128
(4) The organized crime investigations commission established under section 177.01 of the Revised Code;	4129 4130
(5) Meetings of a child fatality review board established under section 307.621 of the Revised Code, meetings related to a review conducted pursuant to guidelines established by the director of health under section 3701.70 of the Revised Code, and meetings conducted pursuant to sections 5153.171 to 5153.173 of the Revised Code;	4131 4132 4133 4134 4135 4136
(6) The state medical board when determining whether to suspend a license or certificate without a prior hearing pursuant to division (G) of either section 4730.25 or 4731.22 of the Revised Code;	4137 4138 4139 4140
(7) The board of nursing when determining whether to suspend a license or certificate without a prior hearing pursuant to division (B) of section 4723.281 of the Revised Code;	4141 4142 4143
(8) The state board of pharmacy when determining whether to do either of the following:	4144 4145
(a) Suspend a license, certification, or registration without a prior hearing, including during meetings conducted by telephone conference, pursuant to Chapters 3719., 3796., 4729., and 4752. of the Revised Code and rules adopted thereunder; or	4146 4147 4148 4149
(b) Restrict a person from obtaining further information from the drug database established in section 4729.75 of the Revised Code without a prior hearing pursuant to division (C) of section 4729.86 of the Revised Code.	4150 4151 4152 4153
(9) The state chiropractic board when determining whether to suspend a license without a hearing pursuant to section 4734.37 of the Revised Code;	4154 4155 4156
(10) The executive committee of the emergency response	4157

commission when determining whether to issue an enforcement order	4158
or request that a civil action, civil penalty action, or criminal	4159
action be brought to enforce Chapter 3750. of the Revised Code;	4160
(11) The board of directors of the nonprofit corporation	4161
formed under section 187.01 of the Revised Code or any committee	4162
thereof, and the board of directors of any subsidiary of that	4163
corporation or a committee thereof;	4164
(12) An audit conference conducted by the audit staff of the	4165
department of job and family services with officials of the public	4166
office that is the subject of that audit under section 5101.37 of	4167
the Revised Code;	4168
(13) The occupational therapy section of the occupational	4169
therapy, physical therapy, and athletic trainers board when	4170
determining whether to suspend a license or limited permit without	4171
a hearing pursuant to division (E) of section 4755.11 of the	4172
Revised Code;	4173
(14) The physical therapy section of the occupational	4174
therapy, physical therapy, and athletic trainers board when	4175
determining whether to suspend a license without a hearing	4176
pursuant to division (F) of section 4755.47 of the Revised Code;	4177
(15) The athletic trainers section of the occupational	4178
therapy, physical therapy, and athletic trainers board when	4179
determining whether to suspend a license without a hearing	4180
pursuant to division (E) of section 4755.64 of the Revised Code;	4181
(16) Meetings of the pregnancy-associated mortality review	4182
board established under section 3738.01 of the Revised Code;	4183
(17) Meetings of a fetal-infant mortality review board	4184
established under section 3707.71 of the Revised Code;	4185
<u>(18) Meetings of a drug overdose fatality review committee</u>	4186
<u>described in section 307.631 of the Revised Code;</u>	4187

<u>(19) Meetings of a suicide fatality review committee</u>	4188
<u>described in section 307.641 of the Revised Code.</u>	4189
(E) The controlling board, the tax credit authority, or the	4190
minority development financing advisory board, when meeting to	4191
consider granting assistance pursuant to Chapter 122. or 166. of	4192
the Revised Code, in order to protect the interest of the	4193
applicant or the possible investment of public funds, by unanimous	4194
vote of all board or authority members present, may close the	4195
meeting during consideration of the following information	4196
confidentially received by the authority or board from the	4197
applicant:	4198
(1) Marketing plans;	4199
(2) Specific business strategy;	4200
(3) Production techniques and trade secrets;	4201
(4) Financial projections;	4202
(5) Personal financial statements of the applicant or members	4203
of the applicant's immediate family, including, but not limited	4204
to, tax records or other similar information not open to public	4205
inspection.	4206
The vote by the authority or board to accept or reject the	4207
application, as well as all proceedings of the authority or board	4208
not subject to this division, shall be open to the public and	4209
governed by this section.	4210
(F) Every public body, by rule, shall establish a reasonable	4211
method whereby any person may determine the time and place of all	4212
regularly scheduled meetings and the time, place, and purpose of	4213
all special meetings. A public body shall not hold a special	4214
meeting unless it gives at least twenty-four hours' advance notice	4215
to the news media that have requested notification, except in the	4216
event of an emergency requiring immediate official action. In the	4217

event of an emergency, the member or members calling the meeting 4218
shall notify the news media that have requested notification 4219
immediately of the time, place, and purpose of the meeting. 4220

The rule shall provide that any person, upon request and 4221
payment of a reasonable fee, may obtain reasonable advance 4222
notification of all meetings at which any specific type of public 4223
business is to be discussed. Provisions for advance notification 4224
may include, but are not limited to, mailing the agenda of 4225
meetings to all subscribers on a mailing list or mailing notices 4226
in self-addressed, stamped envelopes provided by the person. 4227

(G) Except as provided in divisions (G)(8) and (J) of this 4228
section, the members of a public body may hold an executive 4229
session only after a majority of a quorum of the public body 4230
determines, by a roll call vote, to hold an executive session and 4231
only at a regular or special meeting for the sole purpose of the 4232
consideration of any of the following matters: 4233

(1) To consider the appointment, employment, dismissal, 4234
discipline, promotion, demotion, or compensation of a public 4235
employee or official, or the investigation of charges or 4236
complaints against a public employee, official, licensee, or 4237
regulated individual, unless the public employee, official, 4238
licensee, or regulated individual requests a public hearing. 4239
Except as otherwise provided by law, no public body shall hold an 4240
executive session for the discipline of an elected official for 4241
conduct related to the performance of the elected official's 4242
official duties or for the elected official's removal from office. 4243
If a public body holds an executive session pursuant to division 4244
(G)(1) of this section, the motion and vote to hold that executive 4245
session shall state which one or more of the approved purposes 4246
listed in division (G)(1) of this section are the purposes for 4247
which the executive session is to be held, but need not include 4248
the name of any person to be considered at the meeting. 4249

(2) To consider the purchase of property for public purposes, 4250
the sale of property at competitive bidding, or the sale or other 4251
disposition of unneeded, obsolete, or unfit-for-use property in 4252
accordance with section 505.10 of the Revised Code, if premature 4253
disclosure of information would give an unfair competitive or 4254
bargaining advantage to a person whose personal, private interest 4255
is adverse to the general public interest. No member of a public 4256
body shall use division (G)(2) of this section as a subterfuge for 4257
providing covert information to prospective buyers or sellers. A 4258
purchase or sale of public property is void if the seller or buyer 4259
of the public property has received covert information from a 4260
member of a public body that has not been disclosed to the general 4261
public in sufficient time for other prospective buyers and sellers 4262
to prepare and submit offers. 4263

If the minutes of the public body show that all meetings and 4264
deliberations of the public body have been conducted in compliance 4265
with this section, any instrument executed by the public body 4266
purporting to convey, lease, or otherwise dispose of any right, 4267
title, or interest in any public property shall be conclusively 4268
presumed to have been executed in compliance with this section 4269
insofar as title or other interest of any bona fide purchasers, 4270
lessees, or transferees of the property is concerned. 4271

(3) Conferences with an attorney for the public body 4272
concerning disputes involving the public body that are the subject 4273
of pending or imminent court action; 4274

(4) Preparing for, conducting, or reviewing negotiations or 4275
bargaining sessions with public employees concerning their 4276
compensation or other terms and conditions of their employment; 4277

(5) Matters required to be kept confidential by federal law 4278
or regulations or state statutes; 4279

(6) Details relative to the security arrangements and 4280

emergency response protocols for a public body or a public office, 4281
if disclosure of the matters discussed could reasonably be 4282
expected to jeopardize the security of the public body or public 4283
office; 4284

(7) In the case of a county hospital operated pursuant to 4285
Chapter 339. of the Revised Code, a joint township hospital 4286
operated pursuant to Chapter 513. of the Revised Code, or a 4287
municipal hospital operated pursuant to Chapter 749. of the 4288
Revised Code, to consider trade secrets, as defined in section 4289
1333.61 of the Revised Code; 4290

(8) To consider confidential information related to the 4291
marketing plans, specific business strategy, production 4292
techniques, trade secrets, or personal financial statements of an 4293
applicant for economic development assistance, or to negotiations 4294
with other political subdivisions respecting requests for economic 4295
development assistance, provided that both of the following 4296
conditions apply: 4297

(a) The information is directly related to a request for 4298
economic development assistance that is to be provided or 4299
administered under any provision of Chapter 715., 725., 1724., or 4300
1728. or sections 701.07, 3735.67 to 3735.70, 5709.40 to 5709.43, 4301
5709.61 to 5709.69, 5709.73 to 5709.75, or 5709.77 to 5709.81 of 4302
the Revised Code, or that involves public infrastructure 4303
improvements or the extension of utility services that are 4304
directly related to an economic development project. 4305

(b) A unanimous quorum of the public body determines, by a 4306
roll call vote, that the executive session is necessary to protect 4307
the interests of the applicant or the possible investment or 4308
expenditure of public funds to be made in connection with the 4309
economic development project. 4310

If a public body holds an executive session to consider any 4311

of the matters listed in divisions (G)(2) to (8) of this section, 4312
the motion and vote to hold that executive session shall state 4313
which one or more of the approved matters listed in those 4314
divisions are to be considered at the executive session. 4315

A public body specified in division (B)(1)(c) of this section 4316
shall not hold an executive session when meeting for the purposes 4317
specified in that division. 4318

(H) A resolution, rule, or formal action of any kind is 4319
invalid unless adopted in an open meeting of the public body. A 4320
resolution, rule, or formal action adopted in an open meeting that 4321
results from deliberations in a meeting not open to the public is 4322
invalid unless the deliberations were for a purpose specifically 4323
authorized in division (G) or (J) of this section and conducted at 4324
an executive session held in compliance with this section. A 4325
resolution, rule, or formal action adopted in an open meeting is 4326
invalid if the public body that adopted the resolution, rule, or 4327
formal action violated division (F) of this section. 4328

~~(I)(1) Any (I)(1)(a) In order to enforce this section, any~~ 4329
~~person may bring an action to enforce this section. An only do one~~ 4330
~~of the following, and not both:~~ 4331

(i) File a complaint with the clerk of the court of claims or 4332
the clerk of the court of common pleas under section 2743.76 of 4333
the Revised Code; 4334

(ii) Bring an action for injunction in the court of common 4335
pleas in the county in which the public body involved is located. 4336

(b) An action under division ~~(I)(1)~~ (I)(1)(a)(ii) of this 4337
section shall be brought within two years after the date of the 4338
alleged violation or threatened violation. Upon proof of a 4339
violation or threatened violation of this section in an action 4340
brought by any person under that division, the court of common 4341
pleas shall issue an injunction to compel the members of the 4342

public body to comply with its provisions. 4343

(2)(a) If the court of common pleas issues an injunction 4344
pursuant to division ~~(I)(1)~~ (I)(1)(b) of this section, the court 4345
shall order the public body that it enjoins to pay a civil 4346
forfeiture of five hundred dollars to the party that sought the 4347
injunction and shall award to that party all court costs and, 4348
subject to reduction as described in division (I)(2) of this 4349
section, reasonable attorney's fees. The court, in its discretion, 4350
may reduce an award of attorney's fees to the party that sought 4351
the injunction or not award attorney's fees to that party if the 4352
court determines both of the following: 4353

(i) That, based on the ordinary application of statutory law 4354
and case law as it existed at the time of violation or threatened 4355
violation that was the basis of the injunction, a well-informed 4356
public body reasonably would believe that the public body was not 4357
violating or threatening to violate this section; 4358

(ii) That a well-informed public body reasonably would 4359
believe that the conduct or threatened conduct that was the basis 4360
of the injunction would serve the public policy that underlies the 4361
authority that is asserted as permitting that conduct or 4362
threatened conduct. 4363

(b) If the court of common pleas does not issue an injunction 4364
pursuant to division ~~(I)(1)~~ (I)(1)(b) of this section and the 4365
court determines at that time that the bringing of the action was 4366
frivolous conduct, as defined in division (A) of section 2323.51 4367
of the Revised Code, the court shall award to the public body all 4368
court costs and reasonable attorney's fees, as determined by the 4369
court. 4370

(3) Irreparable harm and prejudice to the party that sought 4371
the injunction shall be conclusively and irrebuttably presumed 4372
upon proof of a violation or threatened violation of this section. 4373

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

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

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

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

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

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

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

Sec. 122.01. (A) As used in the Revised Code, the "~~department~~ 4405
of development services agency" means the department of 4406
development ~~services agency~~ and the "director of development 4407
services" means the director of development ~~services~~. Whenever the 4408
~~department~~ development services agency or director of development 4409
services is referred to or designated in any statute, rule, 4410
contract, grant, or other document, the reference or designation 4411
shall be deemed to refer to the department of development ~~services~~ 4412
~~agency~~ or director of development ~~services~~, as the case may be. 4413

(B) As used in this chapter: 4414

(1) "Community problems" includes, but is not limited to, 4415
taxation, fiscal administration, governmental structure and 4416
organization, intergovernmental cooperation, education and 4417
training, employment needs, community planning and development, 4418
air and water pollution, public safety and the administration of 4419
justice, housing, mass transportation, community facilities and 4420
services, health, welfare, recreation, open space, and the 4421
development of human resources. 4422

(2) "Professional personnel" means either of the following: 4423

(a) Personnel who have earned a bachelor's degree from a 4424
college or university; 4425

(b) Personnel who serve as or have the working title of 4426
director, assistant director, deputy director, assistant deputy 4427
director, manager, office chief, assistant office chief, or 4428
program director. 4429

(3) "Technical personnel" means any of the following: 4430

(a) Personnel who provide technical assistance according to 4431
their job description or in accordance with the Revised Code; 4432

(b) Personnel employed in the director of ~~development~~ 4433
~~services~~ development's office or the legal office, communications 4434

office, finance office, legislative affairs office, or human 4435
resources office of the department of development ~~services agency~~; 4436

(c) Personnel employed in the technology division of the 4437
~~agency~~ department. 4438

Sec. 122.011. (A) The department of development ~~services~~ 4439
~~agency~~ shall develop and promote plans and programs designed to 4440
assure that state resources are efficiently used, economic growth 4441
is properly balanced, community growth is developed in an orderly 4442
manner, and local governments are coordinated with each other and 4443
the state, and for such purposes may do all of the following: 4444

(1) Serve as a clearinghouse for information, data, and other 4445
materials that may be helpful or necessary to persons or local 4446
governments, as provided in section 122.073 of the Revised Code; 4447

(2) Prepare and activate plans for the retention, 4448
development, expansion, and use of the resources and commerce of 4449
the state, as provided in section 122.04 of the Revised Code; 4450

(3) Assist and cooperate with federal, state, and local 4451
governments and agencies of federal, state, and local governments 4452
in the coordination of programs to carry out the functions and 4453
duties of the ~~agency~~ department; 4454

(4) Encourage and foster research and development activities, 4455
conduct studies related to the solution of community problems, and 4456
develop recommendations for administrative or legislative actions, 4457
as provided in section 122.03 of the Revised Code; 4458

(5) Serve as the economic and community development planning 4459
agency, which shall prepare and recommend plans and programs for 4460
the orderly growth and development of this state and which shall 4461
provide planning assistance, as provided in section 122.06 of the 4462
Revised Code; 4463

(6) Cooperate with and provide technical assistance to state 4464

departments, political subdivisions, regional and local planning 4465
commissions, tourist associations, councils of government, 4466
community development groups, community action agencies, and other 4467
appropriate organizations for carrying out the functions and 4468
duties of the department of development ~~services agency~~ or for the 4469
solution of community problems; 4470

(7) Coordinate the activities of state agencies that have an 4471
impact on carrying out the functions and duties of the department 4472
of development ~~services agency~~; 4473

(8) Encourage and assist the efforts of and cooperate with 4474
local governments to develop mutual and cooperative solutions to 4475
their common problems that relate to carrying out the purposes of 4476
this section; 4477

(9) Study existing structure, operations, and financing of 4478
regional or local government and those state activities that 4479
involve significant relations with regional or local governmental 4480
units, recommend to the governor and to the general assembly such 4481
changes in these provisions and activities as will improve the 4482
operations of regional or local government, and conduct other 4483
studies of legal provisions that affect problems related to 4484
carrying out the purposes of this section; 4485

(10) Create and operate a division of community development 4486
to develop and administer programs and activities that are 4487
authorized by federal statute or the Revised Code; 4488

(11) Until October 15, 2007, establish fees and charges, in 4489
consultation with the director of agriculture, for purchasing 4490
loans from financial institutions and providing loan guarantees 4491
under the family farm loan program created under sections 901.80 4492
to 901.83 of the Revised Code; 4493

(12) Provide loan servicing for the loans purchased and loan 4494
guarantees provided under section 901.80 of the Revised Code as 4495

that section existed prior to October 15, 2007; 4496

(13) Until October 15, 2007, and upon approval by the 4497
controlling board under division (A)(3) of section 901.82 of the 4498
Revised Code of the release of money to be used for purchasing a 4499
loan or providing a loan guarantee, request the release of that 4500
money in accordance with division (B) of section 166.03 of the 4501
Revised Code for use for the purposes of the fund created by 4502
section 166.031 of the Revised Code. 4503

(14) Allocate that portion of the national recovery zone 4504
economic development bond limitation and that portion of the 4505
national recovery zone facility bond limitation that has been 4506
allocated to the state under section 1400U-1 of the Internal 4507
Revenue Code, 26 U.S.C. 1400U-1. If any county or municipal 4508
corporation waives any portion of an allocation it receives under 4509
division (A)(14) of this section, the ~~agency~~ department may 4510
reallocate that amount. Any allocation or reallocation shall be 4511
made in accordance with this section and section 1400U-1 of the 4512
Internal Revenue Code. 4513

(B) The director of development ~~services~~ may request the 4514
attorney general to, and the attorney general, in accordance with 4515
section 109.02 of the Revised Code, shall bring a civil action in 4516
any court of competent jurisdiction. The director may be sued in 4517
the director's official capacity, in connection with this chapter, 4518
in accordance with Chapter 2743. of the Revised Code. 4519

(C) The director shall execute a contract pursuant to section 4520
187.04 of the Revised Code with the nonprofit corporation formed 4521
under section 187.01 of the Revised Code, and may execute any 4522
additional contracts with the corporation providing for the 4523
corporation to assist the director or ~~agency~~ department in 4524
carrying out any duties of the director or ~~agency~~ department under 4525
this chapter, under any other provision of the Revised Code 4526
dealing with economic development, or under a contract with the 4527

director, subject to section 187.04 of the Revised Code. 4528

Sec. 122.041. The director of development shall do all of the 4529
following with regard to the encouraging diversity, growth, and 4530
equity program created under section ~~123.152~~122.922 of the Revised 4531
Code: 4532

(A) Conduct outreach, marketing, and recruitment of EDGE 4533
business enterprises, as defined in that section; 4534

~~(B) Provide assistance to the department of administrative 4535
services, as needed, to certify new EDGE business enterprises and 4536
to train appropriate state agency staff;~~ 4537

~~(C)~~(B) Provide business development services to EDGE business 4538
enterprises in the developmental and transitional stages of the 4539
program, including financial and bonding assistance and management 4540
and technical assistance; 4541

~~(D)~~(C) Develop a mentor program to bring businesses into a 4542
working relationship with EDGE business enterprises in a way that 4543
commercially benefits both entities and serves the purpose of the 4544
EDGE program; 4545

~~(E) Not later than December 31, 2003, prepare and submit to 4546
the governor a detailed report outlining and evaluating the 4547
progress made in implementing the encouraging diversity, growth, 4548
and equity program;~~ 4549

~~(F)~~(D) Establish processes by which an EDGE business 4550
enterprise may apply for contract assistance, financial and 4551
bonding assistance, management and technical assistance, and 4552
mentoring opportunities. 4553

Sec. 122.09. (A) As used in this section: 4554

(1) "Development costs" means expenditures paid or incurred 4555
by the property owner in completing a certified transformational 4556

mixed use development project, including architectural or 4557
engineering fees paid or incurred in connection with the project 4558
and expenses incurred before the date the project is certified by 4559
the tax credit authority under division (C) of this section. In 4560
the case of a certified transformational mixed use development 4561
project that is part of a larger contiguous project that is 4562
planned to be completed in phases, "development costs" include 4563
only expenditures associated with the portion of the project that 4564
is certified by the tax credit authority and do not include 4565
expenditures incurred for other phases of the project. 4566

(2) "Owner" means a person or persons holding a fee simple or 4567
leasehold interest in real property, including interests in real 4568
property acquired through a capital lease arrangement. "Owner" 4569
does not include the state or a state agency, or any political 4570
subdivision as defined in section 9.23 of the Revised Code. For 4571
the purpose of this division, "fee simple interest," "leasehold 4572
interest," and "capital lease" shall be construed in accordance 4573
with generally accepted accounting principles. 4574

(3) "Transformational mixed use development" means a project 4575
that consists of new construction or the redevelopment, 4576
rehabilitation, expansion, or other improvement of vacant 4577
buildings or structures, or a combination of the foregoing, and 4578
that: 4579

(a) Will have a transformational economic impact on the 4580
development site and the surrounding area; 4581

(b) Integrates some combination of retail, office, 4582
residential, recreation, structured parking, and other similar 4583
uses into one mixed use development; and 4584

(c) Satisfies one of the following criteria: 4585

(i) If the development site is located within ten miles of a 4586
major city, the project includes at least one new or previously 4587

vacant building that is fifteen or more stories in height or has a floor area of at least three hundred fifty thousand square feet, or after completion will be the site of employment accounting for at least four million dollars in annual payroll, or includes two or more buildings that are connected to each other, are located on the same parcel or on contiguous parcels, and that collectively have a floor area of at least three hundred fifty thousand square feet;

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

"Transformational mixed use development" may include a portion of a larger contiguous project that is planned to be completed in phases as long as the phases collectively meet the criteria described in division (A)(3) of this section.

(4) "Increase in tax collections" means the difference, if positive, of the amount of state and local taxes derived from economic activity occurring within the development site and the surrounding area during a period of time minus the amount of such taxes that are estimated to be derived from such economic activity in that site and surrounding area during the same period if the transformational mixed use project were not completed.

(5) "Completion period" means the time period beginning on the day after a transformational mixed use development is certified by the tax credit authority and ending on the fifth anniversary of the day the project is completed.

(6) "Insurance company" means a person subject to the tax

imposed under section 5725.18 or 5729.03 of the Revised Code. 4619

(7) "Contribute capital" means to invest, loan, or donate 4620
cash in exchange for an equity interest in an asset, a debt 4621
instrument, or no consideration. 4622

(8) "Major city" means a municipal corporation that has a 4623
population greater than one hundred thousand. 4624

(9) "Tax credit authority" means the tax credit authority 4625
created under section 122.17 of the Revised Code. 4626

(10) "Adjusted development costs" means the development costs 4627
attributed to a complete transformational mixed use development 4628
project minus the sum of the capital contributions of any 4629
insurance companies that are preliminarily approved for a tax 4630
credit in connection with the same project. 4631

(11) A "property owner's share" of the increase in tax 4632
collections equals the product obtained by multiplying the total 4633
increase in tax collections since the date the transformational 4634
mixed use development project was certified by a fraction, the 4635
numerator of which is the adjusted development costs and the 4636
denominator of which is the actual development costs attributed to 4637
the project. 4638

(12) An "insurance company's share" of the increase in tax 4639
collections equals the product obtained by multiplying the total 4640
increase in tax collections since the date the transformational 4641
mixed use development project was certified by a fraction, the 4642
numerator of which is the insurance company's capital contribution 4643
to the project and the denominator of which is the actual 4644
development costs attributed to the project. 4645

(B) The owner of one or more parcels of land in this state 4646
within which a transformational mixed use development is planned 4647
or an insurance company that contributes capital to be used in the 4648
planning or construction of such a development may apply to the 4649

tax credit authority for certification of the development and 4650
preliminary approval of a tax credit. Each application shall be 4651
filed in the form and manner prescribed by the director of 4652
development ~~services~~ and shall, at minimum, include a development 4653
plan comprised of all of the following information: 4654

(1) The location of the development site and an indication of 4655
whether it is located within ten miles of a major city; 4656

(2) A detailed description of the proposed transformational 4657
mixed use development including site plans, construction drawings, 4658
architectural renderings, or other means sufficient to convey the 4659
appearance, size, purposes, capacity, and scope of the project 4660
and, if applicable, previously completed and future phases of the 4661
project; 4662

(3) A viable financial plan that estimates the development 4663
costs that have been or will be incurred in the completion of the 4664
project and that designates a source of financing or a strategy 4665
for obtaining financing; 4666

(4) An estimated schedule for the progression and completion 4667
of the project including, if applicable, previously completed and 4668
future phases of the project; 4669

(5) An assessment of the projected economic impact of the 4670
project on the development site and the surrounding area; 4671

(6) Evidence that the increase in tax collections during the 4672
completion period will exceed ten per cent of the estimated 4673
development costs reported under division (B)(3) of this section; 4674

(7) If the applicant is an insurance company that is not the 4675
property owner, the amount of the insurance company's capital 4676
contribution to the development and the date on which it was or 4677
will be made; 4678

(8) Evidence that the project will not be completed unless 4679

the applicant receives the credit. 4680

(C)(1) In determining whether to certify a project that is 4681
the subject of an application submitted under division (B) of this 4682
section, the tax credit authority shall consider the potential 4683
impact of the transformational mixed use development on the 4684
development site and the surrounding area in terms of 4685
architecture, accessibility to pedestrians, retail entertainment 4686
and dining sales, job creation, property values, connectivity, and 4687
revenue from sales, income, lodging, and property taxes. The tax 4688
credit authority shall not certify a project unless it satisfies 4689
the following conditions: 4690

(a) The project qualifies as a transformational mixed use 4691
development and satisfies all other criteria prescribed by this 4692
section or by rule of the director of development ~~services~~; 4693

(b) The estimated increase in tax collections during the 4694
completion period exceeds ten per cent of the estimated 4695
development costs for the project reported under division (B)(3) 4696
of this section; 4697

(c) The project will not be completed unless the applicant 4698
receives the credit; 4699

(d) If the development site is located within ten miles of a 4700
major city, the estimated development costs to complete the 4701
project plus, if applicable, the estimated expenditures that have 4702
been or will be incurred to complete all other contiguous phases 4703
of the project, exceed fifty million dollars. 4704

In making its determination of whether or not to approve an 4705
application, the tax credit authority may conduct an interview of 4706
the applicant. 4707

(2) If the tax credit authority approves an application, the 4708
authority shall issue a statement certifying the associated 4709
transformational mixed use development project and preliminarily 4710

approving a tax credit. The statement shall stipulate that receipt 4711
of a tax credit certificate is contingent upon completion of the 4712
transformational mixed use development as described in the 4713
development plan. The statement shall specify the estimated amount 4714
of the tax credit, but state that the amount of the credit is 4715
dependent upon determination of the actual development costs 4716
attributed to the project and, unless the tax credit authority 4717
grants a request by the property owner under division (F) of this 4718
section, of the increase in tax collections during the completion 4719
period. 4720

(3) Except as otherwise provided in this division, if the 4721
applicant is an insurance company that is not the property owner, 4722
the estimated amount of the tax credit shall equal ten per cent of 4723
the insurance company's capital contribution to the project as 4724
reported in the development plan pursuant to division (B)(7) of 4725
this section. Except as otherwise provided in this division, if 4726
the applicant is the property owner, the estimated amount of the 4727
tax credit shall equal ten per cent of the estimated development 4728
costs for the project as reported in the development plan pursuant 4729
to division (B)(3) of this section minus any estimated credit 4730
amounts that have been preliminarily approved for insurance 4731
companies contributing capital to the project. The estimated 4732
credit amounts may be reduced by the tax credit authority as a 4733
condition of certifying the project if such a reduction is 4734
necessary to comply with the limitations on the amount of credits 4735
that may be preliminarily approved as prescribed by division 4736
(C)(5) of this section. The estimated credit amounts shall not be 4737
adjusted after the statement described in division (C)(2) of this 4738
section has been issued. 4739

(4) If the tax credit authority denies an application, the 4740
authority shall notify the applicant of the reason or reasons for 4741
such determination. The authority's determination is final, but an 4742

applicant may revise and resubmit a previously denied application. 4743

(5)(a) The tax credit authority shall not certify any 4744
transformational mixed use development projects after June 30, 4745
~~2023~~ 2025. 4746

(b) The tax credit authority may not preliminarily approve 4747
more than one hundred million dollars of estimated tax credits in 4748
each of fiscal years ~~2020, 2021,~~ 2022, and 2023, 2024, and 2025. 4749

(c) Not more than eighty million dollars of estimated tax 4750
credits in each such fiscal year may be preliminarily approved in 4751
connection with projects that are located within ten miles of a 4752
major city. 4753

(d) Not more than forty million dollars of estimated tax 4754
credits may be preliminarily approved in connection with the same 4755
transformational mixed use development project. 4756

(6) If the dollar amount of tax credits applied for under 4757
division (B) of this section in connection with projects that are 4758
located within ten miles of a major city exceeds eighty million 4759
dollars for a fiscal year, the tax credit authority shall rank 4760
those applications and certify the associated projects in order, 4761
starting with the project that presents the best combination of 4762
economic value and transformational impact. If the dollar amount 4763
of tax credits applied for in connection with projects not located 4764
within ten miles of a major city exceeds twenty million dollars 4765
for a fiscal year, the tax credit authority shall rank those 4766
applications and certify the associated projects in order, 4767
starting with the project that presents the best combination of 4768
economic value and transformational impact. In either case, the 4769
authority shall consider the following factors in ranking the 4770
applications: 4771

(a) The projected increase in tax collections during the 4772
completion period as a percentage of the total amount of estimated 4773

tax credits that would be preliminarily approved in connection 4774
with the project; 4775

(b) The economic impact of the project on the development 4776
site and the surrounding area and the impact of the project in 4777
terms of architecture, accessibility to pedestrians, retail 4778
entertainment and dining sales, job creation, property values, and 4779
connectivity; 4780

(c) The expeditiousness of the schedule for completing the 4781
project, realizing the increase in tax collections, and attaining 4782
the economic and other impacts on the development site and the 4783
surrounding area. 4784

(D) Within twelve months of the date a project is certified, 4785
the property owner shall provide the tax credit authority with an 4786
updated schedule for the progression and completion of the project 4787
and documentation sufficient to demonstrate that construction of 4788
the project has begun. If the property owner does not provide the 4789
schedule and documentation or if construction of the project has 4790
not begun within the time prescribed by this division, the tax 4791
credit authority shall rescind certification of the project and 4792
send notice of the rescission to the property owner and each 4793
insurance company that is preliminarily approved for a tax credit 4794
in connection with the project. A property owner that receives 4795
notice of rescission may submit a new application concerning the 4796
same project under division (B) of this section. 4797

(E) An applicant that is the property owner and is 4798
preliminarily approved for a tax credit under this section may 4799
sell or transfer the rights to that credit to one or more persons 4800
for the purpose of raising capital for the certified project. The 4801
applicant shall notify the tax credit authority upon selling or 4802
transferring the rights to the credit. The notice shall identify 4803
the person or persons to which the credit was sold or transferred 4804
and the credit amount sold or transferred to each such person. 4805

Only an applicant that owns the property may sell or transfer a 4806
credit under this division. A credit may be divided among multiple 4807
purchasers through more than one transaction but once a particular 4808
credit amount is acquired by a person other than the applicant it 4809
may not be sold or transferred again. 4810

(F) After a transformational mixed use development project is 4811
certified and before it is completed, the property owner may 4812
request that the value of the tax credit certificates awarded in 4813
connection with the project be computed using the alternative 4814
method described in division (I) of this section. The tax credit 4815
authority shall grant the request if the authority determines, and 4816
a third party engaged by the authority at the expense of the 4817
property owner affirms, that it is reasonably certain that the 4818
increase in tax collections will exceed ten per cent of the 4819
estimated development costs within one year after the project is 4820
completed. Otherwise, the authority shall deny the request and the 4821
amount of each credit awarded in connection with the project shall 4822
be computed under division (H) of this section. The authority's 4823
determination under this division shall be delivered in writing 4824
and is final and not appealable. 4825

(G)(1) The property owner shall notify the tax credit 4826
authority upon completion of a certified transformational mixed 4827
use development project. The notification shall include a report 4828
prepared by a third-party certified public accountant that 4829
contains a detailed accounting of the actual development costs 4830
attributed to the project. 4831

(2) Upon receiving such a notice, unless the tax credit 4832
authority has previously granted a request by the property owner 4833
under division (F) of this section, the authority shall determine 4834
the increase in tax collections since the date the project was 4835
certified by consulting with the tax commissioner and with the tax 4836
administrator of any municipal corporation that levies an income 4837

tax within the project site and the surrounding area. The tax 4838
commissioner and the tax administrators that are consulted 4839
pursuant to this division shall provide the tax credit authority 4840
with any information that is necessary to determine the increase 4841
in tax collections. 4842

(3) After determining the increase in tax collections under 4843
division (G)(2) of this section, if required, and computing the 4844
value of the tax credit under division (H) or (I) of this section, 4845
as applicable, the tax credit authority shall issue a tax credit 4846
certificate to each applicant that is preliminarily approved for a 4847
credit associated with the project or to the person or persons to 4848
which such an applicant sold or transferred the rights to the 4849
credit under division (E) of this section. If the amount of the 4850
tax credit awarded to the property owner is less than the credit 4851
amount estimated under division (C) of this section and the 4852
property owner sold or transferred the rights to the credit, the 4853
tax credit authority shall reduce the amount of each tax credit 4854
certificate issued to each purchaser or recipient on a pro rata 4855
basis unless the property owner requests an alternative allocation 4856
of the credit. 4857

(H)(1) Unless the tax credit authority granted a request by 4858
the property owner under division (F) of this section, the 4859
aggregate value of the tax credit certificates issued under 4860
division (G) of this section to the property owner and to any 4861
persons to whom the property owner sold or transferred the rights 4862
to the credit shall equal the lesser of the following: 4863

(a) Ten per cent of the adjusted development costs; 4864

(b) Five per cent of the adjusted development costs plus any 4865
amount by which the property owner's share of the increase in tax 4866
collections since the date the project was certified exceeds five 4867
per cent of the adjusted development costs; 4868

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

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

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

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

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

(I) If the tax credit authority granted a request by the property owner under division (F) of this section, the value of the tax credit certificates issued in connection with the transformational mixed use development project shall be computed as follows:

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

(2) For an insurance company that contributed capital to the

project, ten per cent of the insurance company's actual capital contribution. 4900
4901

(J) If the value of a tax credit certificate was computed 4902
under division (H) of this section for a project, the property 4903
owner, on or before the thirtieth day following the first, second, 4904
third, fourth, and fifth anniversaries of the date the certified 4905
transformational mixed use development project is completed, may 4906
request in writing that the tax credit authority update the 4907
increase in tax collections during the completion period. Upon 4908
receiving such a request, the tax credit authority shall update 4909
the increase in tax collections in the same manner described by 4910
division (G) of this section. If the tax credit authority 4911
determines that the value of the tax credit certificates computed 4912
under division (H) of this section would be greater if computed 4913
based on the updated increase in tax collections, the authority 4914
shall issue an additional tax credit certificate to each person 4915
that previously received a certificate for the project under those 4916
divisions. The value of each additional tax credit certificate 4917
shall equal the amount by which the tax credit certificate 4918
computed under division (H) of this section upon completion of the 4919
project would have been greater had the value of such certificate 4920
been computed based on the updated increase in tax collections, 4921
less the value of any additional tax credit certificates 4922
previously issued under this division to the same person 4923
respecting the same project. 4924

(K) The aggregate value of all tax credit certificates issued 4925
under this section for the same transformational mixed use 4926
development project shall not exceed (1) ten per cent of the 4927
actual development costs of that project or (2) the sum of all 4928
estimated credit amounts preliminarily approved by the tax credit 4929
authority in connection with the project. 4930

(L) Issuance of a tax credit certificate under this section 4931

does not represent a verification or certification by the tax 4932
credit authority of the actual development costs of the project or 4933
the capital contributions to the project by an insurance company. 4934
Such amounts are subject to inspection and examination by the 4935
superintendent of insurance. 4936

(M) Upon the issuance of a tax credit certificate under 4937
division (G) or (J) of this section, the tax credit authority 4938
shall certify to the superintendent of insurance (1) the name of 4939
each person that was issued a tax credit certificate, (2) whether 4940
the person is the property owner, an insurance company that 4941
contributed capital to the development, or a person that acquired 4942
the rights to the tax credit certificate from the property owner, 4943
(3) the credit amount shown on each tax credit certificate, and 4944
(4) any other information required by the rules adopted under this 4945
section. A person that holds the rights to a tax credit 4946
certificate issued under this section and that is an insurance 4947
company may claim a tax credit under section 5725.35 or 5729.18 of 4948
the Revised Code. 4949

(N) The tax credit authority shall publish information about 4950
each transformational mixed use development on the web site of the 4951
department of development ~~services agency~~ not later than the first 4952
day of August following certification of the project. The tax 4953
credit authority shall update the published information annually 4954
until the project is complete and the credit or credits are fully 4955
claimed. The published information shall include all of the 4956
following: 4957

(1) The location of the transformational mixed use 4958
development and the name by which it is known; 4959

(2) The estimated schedule for progression and completion of 4960
the project included in the development plan pursuant to division 4961
(B)(4) of this section; 4962

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

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

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

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

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

(1) Forms and procedures by which applicants may apply for a transformational investment tax credit, and any deadlines for applying;

(2) Criteria and procedures for reviewing, evaluating, ranking, and approving applications within the limitations prescribed by this section, including rules prescribing the timing and frequency by which the tax credit authority must rank applications and preliminarily approve tax credits under division (C) of this section;

(3) Eligibility requirements for obtaining a tax credit certificate under this section;

(4) The form of the tax credit certificate;	4993
(5) Reporting requirements and monitoring procedures;	4994
(6) Procedures for computing the increase in tax collections within the project site and the surrounding area;	4995 4996
(7) Forms and procedures by which property owners may request the alternative method of computing the value of tax credit certificates under division (I) of this section that are awarded in connection with a project and criteria for evaluating and making a determination on such requests;	4997 4998 4999 5000 5001
(8) Any other rules necessary to implement and administer this section.	5002 5003
Sec. 122.15. As used in this section and sections 122.151 to 122.156 of the Revised Code:	5004 5005
(A) "Affiliate" means a person that directly, or indirectly through one or more intermediaries, controls, is controlled by, or is under common control with another person. For the purposes of this division, a person is "controlled by" another person if the controlling person holds, directly or indirectly, the majority voting or ownership interest in the controlled person or has control over the day-to-day operations of the controlled person by contract or by law.	5006 5007 5008 5009 5010 5011 5012 5013
(B) " <u>Border county</u> " means a county in this state that borders <u>another state.</u>	5014 5015
(C) "Closing date" means the date on which a rural business growth fund has collected all of the amounts specified by divisions (G)(1) and (2) of section 122.151 of the Revised Code.	5016 5017 5018
(C) (D) "Credit-eligible capital contribution" means an investment of cash by a person subject to the tax imposed by section 3901.86, 5725.18, 5729.03, or 5729.06 of the Revised Code in a rural business growth fund that equals the amount specified	5019 5020 5021 5022

on a notice of tax credit allocation issued by the department of 5023
development ~~services~~ ~~agency~~ under division (I)(1) of section 5024
122.151 of the Revised Code. The investment shall purchase an 5025
equity interest in the fund or purchase, at par value or premium, 5026
a debt instrument issued by the fund that meets all of the 5027
following criteria: 5028

(1) The debt instrument has an original maturity date of at 5029
least five years after the date of issuance. 5030

(2) The debt instrument has a repayment schedule that is not 5031
faster than a level principal amortization over five years. 5032

(3) The debt instrument has no interest, distribution, or 5033
payment features dependent on the fund's profitability or the 5034
success of the fund's growth investments. 5035

~~(D)~~(E) "Eligible investment authority" means the amount 5036
stated on the notice issued under division (F) of section 122.151 5037
of the Revised Code certifying the rural business growth fund. 5038
Sixty per cent of a fund's eligible investment authority shall be 5039
comprised of credit-eligible capital contributions. 5040

~~(E)~~(F) "Full-time equivalent employee" means the quotient 5041
obtained by dividing the total number of hours for which employees 5042
were compensated for employment over the preceding twelve-month 5043
period by two thousand eighty. 5044

~~(F)~~(G) "Growth investment" means any capital or equity 5045
investment in a rural business concern or any loan to a rural 5046
business concern with a stated maturity of at least one year. A 5047
secured loan or the provision of a revolving line of credit to a 5048
rural business concern is a growth investment only if the rural 5049
business growth fund obtains an affidavit from the president or 5050
chief executive officer of the rural business concern attesting 5051
that the rural business concern sought and was denied similar 5052
financing from a commercial bank. 5053

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

- (1) A country club;
- (2) A racetrack or other facility used for gambling;
- (3) A store the principal purpose of which is the sale of alcoholic beverages for consumption off premises;
- (4) A massage parlor;
- (5) A hot tub facility;
- (6) A suntan facility;
- (7) A business engaged in the development or holding of intangibles for sale;
- (8) A private or commercial golf course;
- (9) A business that derives or projects to derive fifteen per cent or more of its net income from the rental or sale of real property, except any business that is a special purpose entity principally owned by a principal user of that property formed solely for the purpose of renting, either directly or indirectly, or selling real property back to such principal user if such principal user does not derive fifteen per cent or more of its gross annual revenue from the rental or sale of real property;
- (10) A publicly traded business.

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

~~(H)~~(I) "Population" means that shown by the most recent

decennial census or the most recent annual population estimate 5083
published or released by the United States census bureau, 5084
whichever is more recent. 5085

(J) A business's "principal business operations" are in this 5086
state if at least eighty per cent of the business's employees 5087
reside in this state, the individuals who receive eighty per cent 5088
of the business's payroll reside in this state, or the business 5089
has agreed to use the proceeds of a growth investment to relocate 5090
at least eighty per cent of its employees to this state or pay at 5091
least eighty per cent of its payroll to individuals residing in 5092
this state. For the purpose of growth investments by a program two 5093
rural business growth fund, a business's "principal business 5094
operations" are also in this state if it is headquartered in a 5095
border county and at least sixty-five per cent of the business's 5096
employees reside in this state, the individuals who receive 5097
sixty-five per cent of the business's payroll reside in this 5098
state, or the business has agreed to use the proceeds of a growth 5099
investment to relocate at least sixty-five per cent of its 5100
employees to this state or pay at least sixty-five per cent of its 5101
payroll to individuals residing in this state. 5102

(K) "Program one" refers to rural business growth funds 5103
certified by the department of development under section 122.151 5104
of the Revised Code before the effective date of this amendment. 5105

(L) "Program two" refers to rural business growth funds 5106
certified by the department of development under section 122.151 5107
of the Revised Code on or after the effective date of this 5108
amendment. 5109

~~(I)~~(M) "Rural area" means any county in this state having a 5110
population less than two hundred thousand as of the most recent 5111
decennial census or the most recent annual population estimate 5112
published or released by the United States census bureau. 5113

~~(J)~~(N) "Rural business concern" means an operating company 5114
that has its principal business operations located in a rural 5115
area. 5116

~~(K)~~ (O) "Rural business growth fund" and "fund" mean an entity 5117
certified by the department of development ~~services agency~~ under 5118
section 122.151 of the Revised Code. 5119

~~(L)~~(P) "Taxable year" means the calendar year ending on the 5120
thirty-first day of December next preceding the day the annual 5121
statement is required to be returned under section 5725.18 or 5122
5729.02 of the Revised Code. 5123

(O) "Tier one rural area" means any county in this state 5124
having a population less than two hundred thousand and more than 5125
one hundred fifty thousand. 5126

(R) "Tier two rural area" means any county in this state 5127
having a population of more than seventy-five thousand but not 5128
more than one hundred fifty thousand. 5129

(S) "Tier three rural area" means any county in this state 5130
having a population of not more than seventy-five thousand. 5131

Sec. 122.151. (A) ~~On and after the effective date of the~~ 5132
~~enactment of this section,~~ a A person that has developed a 5133
business plan to invest in rural business concerns in this state 5134
and has successfully solicited private investors to make 5135
credit-eligible capital contributions in support of the plan may 5136
apply to the department of development ~~services agency~~ for 5137
certification as a rural business growth fund. The application 5138
shall include all of the following: 5139

(1) The total eligible investment authority sought by the 5140
applicant under the business plan; 5141

(2) Documents and other evidence sufficient to prove, to the 5142
satisfaction of the agency, that the applicant meets all of the 5143

following criteria: 5144

(a) The applicant or an affiliate of the applicant is 5145
licensed as a rural business investment company under 7 U.S.C. 5146
2009cc, or as a small business investment company under 15 U.S.C. 5147
681. 5148

(b) As of the date the application is submitted, the 5149
applicant has invested more than one hundred million dollars in 5150
operating companies, including at least fifty million dollars in 5151
operating companies located in rural areas. In computing 5152
investments under this division, the applicant may include 5153
investments made by affiliates of the applicant and investments 5154
made in businesses that are not operating companies but would 5155
qualify as operating companies if the principal business 5156
operations were located in this state. 5157

(3) The industries in which the applicant proposes to make 5158
growth investments and the percentage of the growth investments 5159
that will be made in each industry. The applicant shall identify 5160
each industry by using the codes utilized by the north American 5161
industry classification system. 5162

(4) An estimate of the number of new full-time equivalent 5163
employees and retained full-time equivalent employees that will 5164
result from the applicant's growth investments; 5165

(5) A revenue impact assessment for the applicant's proposed 5166
growth investments prepared by a nationally recognized third-party 5167
independent economic forecasting firm using a dynamic economic 5168
forecasting model. The revenue impact assessment shall analyze the 5169
applicant's business plan over the ten years following the date 5170
the application is submitted to the agency. 5171

(6) A signed affidavit from each investor successfully 5172
solicited by the applicant to make a credit eligible capital 5173
contribution in support of the business plan. Each affidavit shall 5174

include information sufficient for the agency and the 5175
superintendent of insurance to identify the investor and shall 5176
state the amount of the investor's credit-eligible capital 5177
contribution. 5178

(7) A nonrefundable application fee of five thousand dollars. 5179

(B)(1) Except as provided in division (B)(2) of this section, 5180
the agency shall review and make a determination with respect to 5181
each application submitted under division (A) of this section 5182
within sixty days of receipt. The agency shall review and make 5183
determinations on the applications in the order in which the 5184
applications are received by the agency. Applications received by 5185
the agency on the same day shall be deemed to have been received 5186
simultaneously. The agency shall approve not more than 5187
seventy-five million dollars in eligible investment authority and 5188
not more than forty-five million dollars in credit-eligible 5189
capital contributions under this section for program one rural 5190
business growth funds. The agency shall approve not more than 5191
seventy-five million dollars in eligible investment authority and 5192
not more than forty-five million dollars in credit-eligible 5193
contributions under this section for program two rural business 5194
growth funds. 5195

(2) If the agency denies an application for certification as 5196
a fund, and approving a subsequently submitted application would 5197
result in exceeding the dollar limitation on eligible investment 5198
authority or credit-eligible contributions prescribed by division 5199
(B)(1) of this section assuming the previously denied application 5200
were completed, clarified, or cured under division (D) of this 5201
section, the agency shall refrain from making a determination on 5202
the subsequently submitted application until the previously denied 5203
application is reconsidered or the fifteen-day period for 5204
submitting additional information respecting that application has 5205
passed, whichever comes first. 5206

(C) The agency shall deny an application submitted under this section if any of the following are true:

(1) The application is incomplete.

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

(3) The applicant does not satisfy all the criteria described in division (A)(2) of this section.

(4) The revenue impact assessment submitted under division (A)(5) of this section does not demonstrate that the applicant's business plan will result in a positive economic impact on this state over a ten-year period that exceeds the cumulative amount of tax credits that would be issued under section 122.152 of the Revised Code if the application were approved.

(5) The credit-eligible capital contributions described in affidavits submitted under division (A)(6) of this section do not equal sixty per cent of the total amount of eligible investment authority sought under the applicant's business plan.

(6) The agency has already approved the maximum total eligible investment authority and credit-eligible capital contributions allowed under division (B) of this section.

(D) If the agency denies an application under division (C) of this section, the agency shall send notice of its determination to the applicant. The notice shall include the reason or reasons that the application was denied. If the application was denied for any reason other than the reason specified in division (C)(6) of this section, the applicant may provide additional information to the agency to complete, clarify, or cure defects in the application. The additional information must be submitted within fifteen days after the date the notice of denial was dispatched by the agency. If the person submits additional information within fifteen days, the agency shall reconsider the application within thirty days after receiving the additional information. The application shall

be reviewed and considered before any pending application 5238
submitted after the original submission date of the reconsidered 5239
application. If the person does not submit additional information 5240
within fifteen days after dispatch of the notice of denial, the 5241
person may submit a new application with a new submission date at 5242
any time. 5243

(E) If approving multiple simultaneously submitted 5244
applications would result in exceeding the overall eligible 5245
investment limit prescribed by division (B) of this section, the 5246
agency shall proportionally reduce the eligible investment 5247
authority and the credit-eligible capital contributions for each 5248
approved application as necessary to avoid exceeding the limit. 5249

(F) The agency shall not deny a rural business growth fund 5250
application or reduce the requested eligible investment authority 5251
for reasons other than those described in divisions (C) and (E) of 5252
this section. If the agency approves such an application, the 5253
agency shall issue a written notice to the applicant certifying 5254
that the applicant qualifies as a rural business growth fund and 5255
specifying the amount of the applicant's eligible investment 5256
authority. 5257

(G) A fund shall do all of the following within sixty days 5258
after receiving the certification issued under division (F) of 5259
this section: 5260

(1) Collect the credit-eligible capital contributions from 5261
each investor whose affidavit was included in the application. If 5262
the rural business growth fund's requested eligible investment 5263
authority is proportionally reduced under division (E) of this 5264
section, the investor's required credit-eligible capital 5265
contribution shall be reduced by the same proportion. 5266

(2) Collect one or more investments of cash that, when added 5267
to the contributions collected under division (G)(1) of this 5268

section, equal the fund's eligible investment authority. At least 5269
ten per cent of the fund's eligible investment authority shall be 5270
comprised of equity investments contributed directly or indirectly 5271
by affiliates of the fund, including employees, officers, and 5272
directors of such affiliates. 5273

(H) Within sixty-five days after receiving the certification 5274
issued under division (F)(1) of this section, the fund shall send 5275
to the agency documentation sufficient to prove that the amounts 5276
described in divisions (G)(1) and (2) of this section have been 5277
collected. The fund shall identify any affiliate of an investor 5278
described in division (G)(1) of this section that will seek to 5279
claim the credit allowed by section 122.152 of the Revised Code. 5280
If the fund fails to fully comply with division (G) of this 5281
section, the fund's certification shall lapse. 5282

Eligible investment authority and corresponding 5283
credit-eligible capital contributions that lapse under this 5284
division do not count toward limits on total eligible investment 5285
authority and credit-eligible capital contributions prescribed by 5286
division (B) of this section. Once eligible investment authority 5287
has lapsed, the agency shall first award lapsed authority pro rata 5288
to each fund that was awarded less than the requested eligible 5289
investment authority because of the operation of division (E) of 5290
this section. Any remaining eligible investment authority may be 5291
awarded by the agency to new applicants. 5292

(I) After receiving documentation sufficient to prove that 5293
the amounts described in divisions (G)(1) and (2) of this section 5294
have been collected, the agency shall issue the following notices: 5295

(1) To each investor or affiliate identified in division (H) 5296
of this section, a notice of the amount and utilization schedule 5297
of the tax credits allocated to that investor or affiliate as a 5298
result of its credit-eligible capital contribution; 5299

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

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

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

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

(a) Invest fifty per cent of its eligible investment authority in growth investments within one year of the closing date; and

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

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

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

(b) Invest fifty per cent of its eligible investment authority in growth investments within two years of the closing

date; and 5330

(c) Invest one hundred per cent of its eligible investment 5331
authority in growth investments within three years of the closing 5332
date, including seventy-five per cent of its eligible investment 5333
authority in rural business concerns that have their principal 5334
business operations in tier two or tier three rural areas, and 5335
twenty-five per cent of its eligible investment authority in rural 5336
business concerns that have their principal business operations in 5337
tier three rural areas. The amount by which a rural business 5338
growth fund's growth investments in rural business concerns that 5339
have their principal business operations in tier one rural areas 5340
exceeds twenty-five per cent of the fund's eligible investment 5341
authority shall not count towards the satisfaction of the 5342
requirements prescribed by division (A)(2)(c) of this section. 5343

(B) The agency shall recapture tax credits claimed under 5344
section 122.152 of the Revised Code if any of the following occur 5345
with respect to the rural business growth fund: 5346

(1) The fund, after investing one hundred per cent of its 5347
eligible investment authority in growth investments in this state, 5348
fails to maintain that investment until the sixth anniversary of 5349
the closing date. For the purposes of this division, an investment 5350
is maintained even if the investment is sold or repaid so long as 5351
the fund reinvests an amount equal to the capital returned or 5352
recovered by the fund from the original investment, exclusive of 5353
any profits realized, in other growth investments in this state 5354
within one year of the receipt of such capital. 5355

(2) The fund makes a distribution or payment after the fund 5356
complies with division (G) of section 122.151 of the Revised Code 5357
and before the fund decertifies under division (D) of this section 5358
that results in the fund having less than one hundred per cent of 5359
its eligible investment authority invested in growth investments 5360
in this state. 5361

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

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

~~(C)(1)~~ The amount by which one or more growth investments by a ~~fund~~ program one rural business growth fund in the same rural business concern exceeds twenty per cent of the fund's eligible investment authority shall not be counted as a growth investment for the purposes of this section. The amount by which one or more growth investments by a program two rural business growth fund in the same business concern exceeds five million dollars shall not be counted as a growth investment for the purposes of this section. A growth investment returned or repaid by a rural business concern to a program one or program two rural business growth fund and then reinvested by the fund in the same rural business concern does not count as an investment in the same rural business concern for the purposes of the limitations prescribed by division (C)(1) of this section.

(2) The aggregate amount of growth investments by all rural business growth funds in the same rural business concern, including amounts reinvested in a rural business concern following a returned or repayment of a growth investment, shall not exceed

fifteen million dollars. 5394

(3) A growth investment in an affiliate of a rural business 5395
concern shall be treated as a growth investment in that rural 5396
business concern for the purposes of ~~this~~ division (C) of this 5397
section. 5398

(D) If the agency recaptures a tax credit under this section, 5399
the agency shall notify the superintendent of insurance of the 5400
recapture. The superintendent shall make an assessment under 5401
Chapter 5725. or 5729. of the Revised Code for the amount of the 5402
credit claimed by each certificate owner associated with the fund 5403
before the recapture was finalized. The time limitations on 5404
assessments under those chapters do not apply to an assessment 5405
under this division, but the superintendent shall make the 5406
assessment within one year after the date the agency notifies the 5407
superintendent of the recapture. Following the recapture of a tax 5408
credit under this section, no tax credit certificate associated 5409
with the fund may be utilized. Notwithstanding division (B) of 5410
section 122.152 of the Revised Code, if a tax credit is recaptured 5411
under this section the agency shall not issue future tax credit 5412
certificates to taxpayers that made credit-eligible capital 5413
contributions to the fund. 5414

(E)(1) On or after the sixth anniversary of the closing date, 5415
a fund that has not committed any of the acts described in 5416
division (B) of this section may apply to the agency to decertify 5417
as a rural business growth fund. The agency shall respond to the 5418
application within sixty days after receiving the application. In 5419
evaluating the application, the fact that no tax credit has been 5420
recaptured with respect to the fund shall be sufficient evidence 5421
to prove that the fund is eligible for decertification. The agency 5422
shall not unreasonably deny an application submitted under this 5423
division. 5424

(2) The agency shall send notice of its determination with 5425

respect to an application submitted under division (E)(1) of this section to the fund. If the application is denied, the notice shall include the reason or reasons for the determination.

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

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

(1) A bank statement evidencing each growth investment;

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

(3) The number of employment positions that existed at each

business described in division (A)(2) of this section on the date 5457
the business received the growth investment; 5458

(4) The number of new full-time equivalent employees 5459
resulting from each of the fund's growth investments made or 5460
maintained in the preceding calendar year; 5461

(5) Any other information required by the agency. 5462

(B) Each fund shall submit a report to the agency on or 5463
before the fifth business day after the first ~~and~~, second, and for 5464
program two funds, third anniversaries of the closing date that 5465
provides documentation sufficient to prove that the fund has met 5466
the investment thresholds described in division (A) of section 5467
122.153 of the Revised Code and has not implicated any of the 5468
other recapture provisions described in division (B) of that 5469
section. 5470

(C) Each certified rural business growth fund shall pay the 5471
agency an annual fee of twenty thousand dollars. The initial 5472
annual fee required of a fund shall be due and payable to the 5473
agency along with the submission of documentation required under 5474
division (H) of section 122.151 of the Revised Code. Each 5475
subsequent annual fee is due and payable on the last day of 5476
February following the first and each ensuing anniversary of the 5477
closing date. If the fund is required to submit an annual report 5478
under division (A) of this section, the annual fee shall be 5479
submitted along with the report. No fund shall be required to pay 5480
an annual fee after the fund has decertified under section 122.153 5481
of the Revised Code. Annual fees paid to the agency under this 5482
section shall be credited to the tax incentives operating fund 5483
created under section 122.174 of the Revised Code. 5484

(D) The director of development ~~services~~, after consultation 5485
with the superintendent of insurance and in accordance with 5486
Chapter 119. of the Revised Code, may adopt rules necessary to 5487

implement sections 122.15 to 122.156 of the Revised Code. 5488

Sec. 122.156. A rural business growth fund, before investing 5489
in a business, may request a written opinion from the department 5490
of development services agency as to whether the business 5491
qualifies as a rural business concern based on the criteria 5492
prescribed by section 122.15 of the Revised Code. The request 5493
shall be submitted in a form prescribed by rule of the agency. The 5494
agency shall issue a written opinion to the fund within thirty 5495
business days of receiving such a request. Notwithstanding 5496
division ~~(H)~~(J) of section 122.15 of the Revised Code, if the 5497
agency determines that the business qualifies as a rural business 5498
concern or if the agency fails to timely issue the written opinion 5499
as required under this section, the business shall be considered a 5500
rural business concern for the purposes of sections 122.15 to 5501
122.156 of the Revised Code. 5502

Sec. 122.17. (A) As used in this section: 5503

(1) "Payroll" means the total taxable income paid by the 5504
employer during the employer's taxable year, or during the 5505
calendar year that includes the employer's tax period, to each 5506
employee or each home-based employee employed in the project to 5507
the extent such payroll is not used to determine the credit under 5508
section 122.171 of the Revised Code. "Payroll" excludes amounts 5509
paid before the day the taxpayer becomes eligible for the credit 5510
and retirement or other benefits paid or contributed by the 5511
employer to or on behalf of employees. 5512

(2) "Baseline payroll" means Ohio employee payroll, except 5513
that the applicable measurement period is the twelve months 5514
immediately preceding the date the tax credit authority approves 5515
the taxpayer's application or the date the tax credit authority 5516
receives the recommendation described in division (C)(2)(a) of 5517

this section, whichever occurs first, multiplied by the sum of one 5518
plus an annual pay increase factor to be determined by the tax 5519
credit authority. 5520

(3) "Ohio employee payroll" means the amount of compensation 5521
used to determine the withholding obligations in division (A) of 5522
section 5747.06 of the Revised Code and paid by the employer 5523
during the employer's taxable year, or during the calendar year 5524
that includes the employer's tax period, to the following: 5525

(a) An employee employed in the project who is a resident of 5526
this state including a qualifying work-from-home employee not 5527
designated as a home-based employee by an applicant under division 5528
(C)(1) of this section; 5529

(b) An employee employed at the project location who is not a 5530
resident and whose compensation is not exempt from the tax imposed 5531
under section 5747.02 of the Revised Code pursuant to a 5532
reciprocity agreement with another state under division (A)(3) of 5533
section 5747.05 of the Revised Code; 5534

(c) A home-based employee employed in the project. 5535

"Ohio employee payroll" excludes any such compensation to the 5536
extent it is used to determine the credit under section 122.171 of 5537
the Revised Code, and excludes amounts paid before the day the 5538
taxpayer becomes eligible for the credit under this section. 5539

(4) "Excess payroll" means Ohio employee payroll minus 5540
baseline payroll. 5541

(5) "Home-based employee" means an employee whose services 5542
are performed primarily from the employee's residence in this 5543
state exclusively for the benefit of the project and whose rate of 5544
pay is at least one hundred thirty-one per cent of the federal 5545
minimum wage under 29 U.S.C. 206. 5546

(6) "Full-time equivalent employees" means the quotient 5547

obtained by dividing the total number of hours for which employees 5548
were compensated for employment in the project by two thousand 5549
eighty. "Full-time equivalent employees" excludes hours that are 5550
counted for a credit under section 122.171 of the Revised Code. 5551

(7) "Metric evaluation date" means the date by which the 5552
taxpayer must meet all of the commitments included in the 5553
agreement. 5554

(8) "Qualifying work-from-home employee" means an employee 5555
who is a resident of this state and whose services are supervised 5556
from the employer's project location and performed primarily from 5557
a residence of the employee located in this state. 5558

(9) "Resident" or "resident of this state" means an 5559
individual who is a resident as defined in section 5747.01 of the 5560
Revised Code. 5561

(10) "Reporting period" means a period corresponding to the 5562
annual report required under division (D)(6) of this section. 5563

(11) "Megaproject" means a project in this state that meets 5564
all of the following requirements: 5565

(a) The project requires unique sites, extremely robust 5566
utility service, and a technically skilled workforce. 5567

(b) The megaproject operator of the project compensates the 5568
project's employees at an average hourly wage of at least three 5569
hundred per cent of the federal minimum wage under 29 U.S.C. 206, 5570
exclusive of employee benefits, at the time the tax credit 5571
authority approves the project for a credit under this section. 5572

(c) The project satisfies either of the following by the 5573
metric evaluation date applicable to the project: 5574

(i) The megaproject operator makes at least one billion 5575
dollars, as adjusted under division (V)(1) of this section, in 5576
fixed-asset investments in the project. 5577

(ii) The megaproject operator creates at least seventy-five million dollars, as adjusted under division (V)(1) of this section, in Ohio employee payroll at the project. 5578
5579
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(d) If the project satisfies division (A)(11)(c)(ii) of this section, then, on and after the metric evaluation date and until the end of the last year for which the megaproject qualifies for the credit authorized under this section, the megaproject operator maintains at least the amount in Ohio employee payroll at the project required under that division for each year in that period. 5581
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(12) "Megaproject operator" means a taxpayer that undertakes and operates a megaproject. 5587
5588

(13) "Megaproject supplier" means a supplier in this state that sells tangible personal property directly to a megaproject operator and meets all of the following requirements: 5589
5590
5591

(a) Satisfies both of the following by the metric evaluation date applicable to the megaproject supplier: 5592
5593

(i) Makes at least one hundred million dollars, as adjusted under division (V)(2) of this section, in fixed-asset investments in this state; 5594
5595
5596

(ii) Creates at least ten million dollars, as adjusted under division (V)(2) of this section, in Ohio employee payroll. 5597
5598

(b) On and after the metric evaluation date, until the end of the last year for which the megaproject supplier qualifies for the credit authorized under this section, maintains at least the amount in Ohio employee payroll required under division (A)(13)(a)(ii) of this section for each year in that period. 5599
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(B) The tax credit authority may make grants under this section to foster job creation in this state. Such a grant shall take the form of a refundable credit allowed against the tax imposed by section 5725.18, 5726.02, 5729.03, 5733.06, 5736.02, or 5604
5605
5606
5607

5747.02 or levied under Chapter 5751. of the Revised Code. The 5608
credit shall be claimed for the taxable years or tax periods 5609
specified in the taxpayer's agreement with the tax credit 5610
authority under division (D) of this section. With respect to 5611
taxes imposed under section 5726.02, 5733.06, or 5747.02 or 5612
Chapter 5751. of the Revised Code, the credit shall be claimed in 5613
the order required under section 5726.98, 5733.98, 5747.98, or 5614
5751.98 of the Revised Code. The amount of the credit available 5615
for a taxable year or for a calendar year that includes a tax 5616
period equals the excess payroll for that year multiplied by the 5617
percentage specified in the agreement with the tax credit 5618
authority. 5619

(C)(1) A taxpayer or potential taxpayer who proposes a 5620
project to create new jobs in this state may apply to the tax 5621
credit authority to enter into an agreement for a tax credit under 5622
this section. 5623

An application shall not propose to include both home-based 5624
employees and employees who are not home-based employees in the 5625
computation of Ohio employee payroll for the purposes of the same 5626
tax credit agreement, except that a qualifying work-from-home 5627
employee shall not be considered to be a home-based employee 5628
unless so designated by the applicant. If a taxpayer or potential 5629
taxpayer employs both home-based employees and employees who are 5630
not home-based employees in a project, the taxpayer shall submit 5631
separate applications for separate tax credit agreements for the 5632
project, one of which shall include home-based employees in the 5633
computation of Ohio employee payroll and one of which shall 5634
include all other employees in the computation of Ohio employee 5635
payroll. 5636

The director of development ~~services~~ shall prescribe the form 5637
of the application. After receipt of an application, the authority 5638
may enter into an agreement with the taxpayer for a credit under 5639

this section if it determines all of the following: 5640

(a) The taxpayer's project will increase payroll; 5641

(b) The taxpayer's project is economically sound and will 5642
benefit the people of this state by increasing opportunities for 5643
employment and strengthening the economy of this state; 5644

(c) Receiving the tax credit is a major factor in the 5645
taxpayer's decision to go forward with the project. 5646

(2)(a) A taxpayer that chooses to begin the project prior to 5647
receiving the determination of the authority may, upon submitting 5648
the taxpayer's application to the authority, request that the 5649
chief investment officer of the nonprofit corporation formed under 5650
section 187.01 of the Revised Code and the director review the 5651
taxpayer's application and recommend to the authority that the 5652
taxpayer's application be considered. As soon as possible after 5653
receiving such a request, the chief investment officer and the 5654
director shall review the taxpayer's application and, if they 5655
determine that the application warrants consideration by the 5656
authority, make that recommendation to the authority not later 5657
than six months after the application is received by the 5658
authority. 5659

(b) The authority shall consider any taxpayer's application 5660
for which it receives a recommendation under division (C)(2)(a) of 5661
this section. If the authority determines that the taxpayer does 5662
not meet all of the criteria set forth in division (C)(1) of this 5663
section, the authority and the department of development services 5664
~~agency~~ shall proceed in accordance with rules adopted by the 5665
director pursuant to division (I) of this section. 5666

(D) An agreement under this section shall include all of the 5667
following: 5668

(1) A detailed description of the project that is the subject 5669
of the agreement; 5670

(2)(a) The term of the tax credit, which, except as provided 5671
in division (D)(2)(b) or (C) of this section, shall not exceed 5672
fifteen years, and the first taxable year, or first calendar year 5673
that includes a tax period, for which the credit may be claimed; 5674

(b) If the tax credit is computed on the basis of home-based 5675
employees, the term of the credit shall expire on or before the 5676
last day of the taxable or calendar year ending before the 5677
beginning of the seventh year after September 6, 2012, the 5678
effective date of H.B. 327 of the 129th general assembly. 5679

(c) If the taxpayer is a megaproject operator or a 5680
megaproject supplier, the term of the tax credit shall not exceed 5681
thirty years. 5682

(3) A requirement that the taxpayer shall maintain operations 5683
at the project location for at least the greater of seven years or 5684
the term of the credit plus three years; 5685

(4) The percentage, as determined by the tax credit 5686
authority, of excess payroll that will be allowed as the amount of 5687
the credit for each taxable year or for each calendar year that 5688
includes a tax period; 5689

(5) The pay increase factor to be applied to the taxpayer's 5690
baseline payroll; 5691

(6) A requirement that the taxpayer annually shall report to 5692
the director of development ~~services~~ full-time equivalent 5693
employees, payroll, Ohio employee payroll, investment, the 5694
provision of health care benefits and tuition reimbursement if 5695
required in the agreement, and other information the director 5696
needs to perform the director's duties under this section; 5697

(7) A requirement that the director of development ~~services~~ 5698
annually review the information reported under division (D)(6) of 5699
this section and verify compliance with the agreement; if the 5700
taxpayer is in compliance, a requirement that the director issue a 5701

certificate to the taxpayer stating that the information has been 5702
verified and identifying the amount of the credit that may be 5703
claimed for the taxable or calendar year~~r~~. If the taxpayer is a 5704
megaproject supplier, the director shall issue such a certificate 5705
to the supplier and to any megaproject operator (a) to which the 5706
supplier directly sells tangible personal property and (b) that is 5707
authorized to claim the credit pursuant to division (D)(10) of 5708
this section. 5709

(8) A provision providing that the taxpayer may not relocate 5710
a substantial number of employment positions from elsewhere in 5711
this state to the project location unless the director of 5712
development ~~services~~ determines that the legislative authority of 5713
the county, township, or municipal corporation from which the 5714
employment positions would be relocated has been notified by the 5715
taxpayer of the relocation. 5716

For purposes of this section, the movement of an employment 5717
position from one political subdivision to another political 5718
subdivision shall be considered a relocation of an employment 5719
position unless the employment position in the first political 5720
subdivision is replaced. The movement of a qualifying 5721
work-from-home employee to a different residence located in this 5722
state or to the project location shall not be considered a 5723
relocation of an employment position. 5724

(9) If the tax credit is computed on the basis of home-based 5725
employees, that the tax credit may not be claimed by the taxpayer 5726
until the taxable year or tax period in which the taxpayer employs 5727
at least two hundred employees more than the number of employees 5728
the taxpayer employed on June 30, 2011; 5729

(10) If the taxpayer is a megaproject supplier, the 5730
percentage of the annual tax credit certified under division 5731
(D)(7) of this section, up to one hundred per cent, that may be 5732
claimed by each megaproject operator to which the supplier 5733

directly sells tangible personal property, rather than by that 5734
supplier, on the condition that the megaproject operator continues 5735
to qualify as a megaproject operator; 5736

(11) If the taxpayer is a megaproject operator or megaproject 5737
supplier, a requirement that the taxpayer continue to qualify as a 5738
megaproject operator or megaproject supplier, respectively, until 5739
the end of the last year for which the taxpayer qualifies for the 5740
credit authorized under this section. 5741

(E) If a taxpayer fails to meet or comply with any condition 5742
or requirement set forth in a tax credit agreement, the tax credit 5743
authority may amend the agreement to reduce the percentage or term 5744
of the tax credit. The reduction of the percentage or term may 5745
take effect in the current taxable or calendar year. 5746

(F) Projects that consist solely of point-of-final-purchase 5747
retail facilities are not eligible for a tax credit under this 5748
section. If a project consists of both point-of-final-purchase 5749
retail facilities and nonretail facilities, only the portion of 5750
the project consisting of the nonretail facilities is eligible for 5751
a tax credit and only the excess payroll from the nonretail 5752
facilities shall be considered when computing the amount of the 5753
tax credit. If a warehouse facility is part of a 5754
point-of-final-purchase retail facility and supplies only that 5755
facility, the warehouse facility is not eligible for a tax credit. 5756
Catalog distribution centers are not considered 5757
point-of-final-purchase retail facilities for the purposes of this 5758
division, and are eligible for tax credits under this section. 5759

(G) Financial statements and other information submitted to 5760
the department of development services agency or the tax credit 5761
authority by an applicant or recipient of a tax credit under this 5762
section, and any information taken for any purpose from such 5763
statements or information, are not public records subject to 5764
section 149.43 of the Revised Code. However, the chairperson of 5765

the authority may make use of the statements and other information 5766
for purposes of issuing public reports or in connection with court 5767
proceedings concerning tax credit agreements under this section. 5768
Upon the request of the tax commissioner or, if the applicant or 5769
recipient is an insurance company, upon the request of the 5770
superintendent of insurance, the chairperson of the authority 5771
shall provide to the commissioner or superintendent any statement 5772
or information submitted by an applicant or recipient of a tax 5773
credit in connection with the credit. The commissioner or 5774
superintendent shall preserve the confidentiality of the statement 5775
or information. 5776

(H) A taxpayer claiming a credit under this section shall 5777
submit to the tax commissioner or, if the taxpayer is an insurance 5778
company, to the superintendent of insurance, a copy of the 5779
director of ~~development services~~ development's certificate of 5780
verification under division (D)(7) of this section with the 5781
taxpayer's tax report or return for the taxable year or for the 5782
calendar year that includes the tax period. Failure to submit a 5783
copy of the certificate with the report or return does not 5784
invalidate a claim for a credit if the taxpayer submits a copy of 5785
the certificate to the commissioner or superintendent within the 5786
time prescribed by section 5703.0510 of the Revised Code or within 5787
thirty days after the commissioner or superintendent requests it. 5788

(I) The director of development ~~services~~, after consultation 5789
with the tax commissioner and the superintendent of insurance and 5790
in accordance with Chapter 119. of the Revised Code, shall adopt 5791
rules necessary to implement this section, including rules that 5792
establish a procedure to be followed by the tax credit authority 5793
and the department of development ~~services agency~~ in the event the 5794
authority considers a taxpayer's application for which it receives 5795
a recommendation under division (C)(2)(a) of this section but does 5796
not approve it. The rules may provide for recipients of tax 5797

credits under this section to be charged fees to cover 5798
administrative costs of the tax credit program. For the purposes 5799
of these rules, a qualifying work-from-home employee shall be 5800
considered to be an employee employed at the applicant's project 5801
location. The fees collected shall be credited to the tax 5802
incentives operating fund created in section 122.174 of the 5803
Revised Code. At the time the director gives public notice under 5804
division (A) of section 119.03 of the Revised Code of the adoption 5805
of the rules, the director shall submit copies of the proposed 5806
rules to the chairpersons of the standing committees on economic 5807
development in the senate and the house of representatives. 5808

(J) For the purposes of this section, a taxpayer may include 5809
a partnership, a corporation that has made an election under 5810
subchapter S of chapter one of subtitle A of the Internal Revenue 5811
Code, or any other business entity through which income flows as a 5812
distributive share to its owners. A partnership, S-corporation, or 5813
other such business entity may elect to pass the credit received 5814
under this section through to the persons to whom the income or 5815
profit of the partnership, S-corporation, or other entity is 5816
distributed. The election shall be made on the annual report 5817
required under division (D)(6) of this section. The election 5818
applies to and is irrevocable for the credit for which the report 5819
is submitted. If the election is made, the credit shall be 5820
apportioned among those persons in the same proportions as those 5821
in which the income or profit is distributed. 5822

(K)(1) If the director of development ~~services~~ determines 5823
that a taxpayer who has received a credit under this section is 5824
not complying with the requirements of the agreement, the director 5825
shall notify the tax credit authority of the noncompliance. After 5826
receiving such a notice, and after giving the taxpayer an 5827
opportunity to explain the noncompliance, the tax credit authority 5828
may require the taxpayer to refund to this state a portion of the 5829

credit in accordance with the following: 5830

(a) If the taxpayer fails to comply with the requirement 5831
under division (D)(3) of this section, an amount determined in 5832
accordance with the following: 5833

(i) If the taxpayer maintained operations at the project 5834
location for a period less than or equal to the term of the 5835
credit, an amount not exceeding one hundred per cent of the sum of 5836
any credits allowed and received under this section; 5837

(ii) If the taxpayer maintained operations at the project 5838
location for a period longer than the term of the credit, but less 5839
than the greater of seven years or the term of the credit plus 5840
three years, an amount not exceeding seventy-five per cent of the 5841
sum of any credits allowed and received under this section. 5842

(b) If, on the metric evaluation date, the taxpayer fails to 5843
substantially meet the job creation, payroll, or investment 5844
requirements included in the agreement, an amount determined at 5845
the discretion of the authority; 5846

(c) If the taxpayer fails to substantially maintain the 5847
number of new full-time equivalent employees or amount of payroll 5848
required under the agreement at any time during the term of the 5849
agreement after the metric evaluation date, an amount determined 5850
at the discretion of the authority. 5851

(2) If a taxpayer files for bankruptcy and fails as described 5852
in division (K)(1)(a), (b), or (c) of this section, the director 5853
may immediately commence an action to recoup an amount not 5854
exceeding one hundred per cent of the sum of any credits received 5855
by the taxpayer under this section. 5856

(3) In determining the portion of the tax credit to be 5857
refunded to this state, the tax credit authority shall consider 5858
the effect of market conditions on the taxpayer's project and 5859
whether the taxpayer continues to maintain other operations in 5860

this state. After making the determination, the authority shall 5861
certify the amount to be refunded to the tax commissioner or 5862
superintendent of insurance, as appropriate. If the amount is 5863
certified to the commissioner, the commissioner shall make an 5864
assessment for that amount against the taxpayer under Chapter 5865
5726., 5733., 5736., 5747., or 5751. of the Revised Code. If the 5866
amount is certified to the superintendent, the superintendent 5867
shall make an assessment for that amount against the taxpayer 5868
under Chapter 5725. or 5729. of the Revised Code. The time 5869
limitations on assessments under those chapters do not apply to an 5870
assessment under this division, but the commissioner or 5871
superintendent, as appropriate, shall make the assessment within 5872
one year after the date the authority certifies to the 5873
commissioner or superintendent the amount to be refunded. 5874

(L) On or before the first day of August each year, the 5875
director of development ~~services~~ shall submit a report to the 5876
governor, the president of the senate, and the speaker of the 5877
house of representatives on the tax credit program under this 5878
section. The report shall include information on the number of 5879
agreements that were entered into under this section during the 5880
preceding calendar year, a description of the project that is the 5881
subject of each such agreement, and an update on the status of 5882
projects under agreements entered into before the preceding 5883
calendar year. 5884

(M) There is hereby created the tax credit authority, which 5885
consists of the director of development ~~services~~ and four other 5886
members appointed as follows: the governor, the president of the 5887
senate, and the speaker of the house of representatives each shall 5888
appoint one member who shall be a specialist in economic 5889
development; the governor also shall appoint a member who is a 5890
specialist in taxation. Terms of office shall be for four years. 5891
Each member shall serve on the authority until the end of the term 5892

for which the member was appointed. Vacancies shall be filled in 5893
the same manner provided for original appointments. Any member 5894
appointed to fill a vacancy occurring prior to the expiration of 5895
the term for which the member's predecessor was appointed shall 5896
hold office for the remainder of that term. Members may be 5897
reappointed to the authority. Members of the authority shall 5898
receive their necessary and actual expenses while engaged in the 5899
business of the authority. The director of development ~~services~~ 5900
shall serve as chairperson of the authority, and the members 5901
annually shall elect a vice-chairperson from among themselves. 5902
Three members of the authority constitute a quorum to transact and 5903
vote on the business of the authority. The majority vote of the 5904
membership of the authority is necessary to approve any such 5905
business, including the election of the vice-chairperson. 5906

The director of development ~~services~~ may appoint a 5907
professional employee of the department of development ~~services~~ 5908
~~agency~~ to serve as the director's substitute at a meeting of the 5909
authority. The director shall make the appointment in writing. In 5910
the absence of the director from a meeting of the authority, the 5911
appointed substitute shall serve as chairperson. In the absence of 5912
both the director and the director's substitute from a meeting, 5913
the vice-chairperson shall serve as chairperson. 5914

(N) For purposes of the credits granted by this section 5915
against the taxes imposed under sections 5725.18 and 5729.03 of 5916
the Revised Code, "taxable year" means the period covered by the 5917
taxpayer's annual statement to the superintendent of insurance. 5918

(O) On or before the first day of March of each of the five 5919
calendar years beginning with 2014, each taxpayer subject to an 5920
agreement with the tax credit authority under this section on the 5921
basis of home-based employees shall report the number of 5922
home-based employees and other employees employed by the taxpayer 5923
in this state to the department of development ~~services~~ ~~agency~~. 5924

(P) On or before the first day of January of 2019, the 5925
director of development ~~services~~ shall submit a report to the 5926
governor, the president of the senate, and the speaker of the 5927
house of representatives on the effect of agreements entered into 5928
under this section in which the taxpayer included home-based 5929
employees in the computation of income tax revenue, as that term 5930
was defined in this section prior to the amendment of this section 5931
by H.B. 64 of the 131st general assembly. The report shall include 5932
information on the number of such agreements that were entered 5933
into in the preceding six years, a description of the projects 5934
that were the subjects of such agreements, and an analysis of 5935
nationwide home-based employment trends, including the number of 5936
home-based jobs created from July 1, 2011, through June 30, 2017, 5937
and a description of any home-based employment tax incentives 5938
provided by other states during that time. 5939

(Q) The director of development ~~services~~ may require any 5940
agreement entered into under this section for a tax credit 5941
computed on the basis of home-based employees to contain a 5942
provision that the taxpayer makes available health care benefits 5943
and tuition reimbursement to all employees. 5944

(R) Original agreements approved by the tax credit authority 5945
under this section in 2014 or 2015 before September 29, 2015, may 5946
be revised at the request of the taxpayer to conform with the 5947
amendments to this section and sections 5733.0610, 5736.50, 5948
5747.058, and 5751.50 of the Revised Code by H.B. 64 of the 131st 5949
general assembly, upon mutual agreement of the taxpayer and the 5950
department of development ~~services agency~~, and approval by the tax 5951
credit authority. 5952

(S)(1) As used in division (S) of this section: 5953

(a) "Eligible agreement" means an agreement approved by the 5954
tax credit authority under this section on or before December 31, 5955
2013. 5956

(b) ~~"Reporting period" means a period corresponding to the annual report required under division (D)(6) of this section.~~ 5957
5958

~~(e)~~ "Income tax revenue" has the same meaning as under this section as it existed before September 29, 2015, the effective date of the amendment of this section by H.B. 64 of the 131st general assembly. 5959
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(2) In calendar year 2016 and thereafter, the tax credit authority shall annually determine a withholding adjustment factor to be used in the computation of income tax revenue for eligible agreements. The withholding adjustment factor shall be a numerical percentage that equals the percentage that employer income tax withholding rates have been increased or decreased as a result of changes in the income tax rates prescribed by section 5747.02 of the Revised Code by amendment of that section taking effect on or after June 29, 2013. 5963
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(3) Except as provided in division (S)(4) of this section, for reporting periods ending in 2015 and thereafter for taxpayers subject to eligible agreements, the tax credit authority shall adjust the income tax revenue reported on the taxpayer's annual report by multiplying the withholding adjustment factor by the taxpayer's income tax revenue and doing one of the following: 5972
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(a) If the income tax rates prescribed by section 5747.02 of the Revised Code have decreased by amendment of that section taking effect on or after June 29, 2013, add the product to the taxpayer's income tax revenue. 5978
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(b) If the income tax rates prescribed by section 5747.02 of the Revised Code have increased by amendment of that section taking effect on or after June 29, 2013, subtract the product from the taxpayer's income tax revenue. 5982
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(4) Division (S)(3) of this section shall not apply unless all of the following apply for the reporting period with respect 5986
5987

to the eligible agreement: 5988

(a) The taxpayer has achieved one hundred per cent of the new 5989
employment commitment identified in the agreement. 5990

(b) If applicable, the taxpayer has achieved one hundred per 5991
cent of the new payroll commitment identified in the agreement. 5992

(c) If applicable, the taxpayer has achieved one hundred per 5993
cent of the investment commitment identified in the agreement. 5994

(5) Failure by a taxpayer to have achieved any of the 5995
applicable commitments described in divisions (S)(4)(a) to (c) of 5996
this section in a reporting period does not disqualify the 5997
taxpayer for the adjustment under division (S) of this section for 5998
an ensuing reporting period. 5999

(T) For reporting periods ending in calendar year 2020 or 6000
thereafter, any taxpayer may include qualifying work-from-home 6001
employees in its report required under division (D)(6) of this 6002
section, and the compensation of such employees shall qualify as 6003
Ohio employee payroll under division (A)(3)(a) of this section, 6004
even if the taxpayer's application to the tax credit authority to 6005
enter into an agreement for a tax credit under this section was 6006
approved before September 29, 2017, the effective date of the 6007
amendment of this section by H.B. 49 of the 132nd general 6008
assembly. 6009

(U) The director of development services shall notify the tax 6010
commissioner if the director determines that a megaproject 6011
operator or megaproject supplier is not in compliance with the 6012
agreement pursuant to a review conducted under division (D)(7) of 6013
this section. 6014

(V) Beginning in 2025 and in each fifth calendar year 6015
thereafter, the tax commissioner shall adjust the following 6016
amounts in September of that year: 6017

(1) The fixed-asset investment threshold described in 6018
division (A)(11)(c)(i) of this section and the Ohio employee 6019
payroll threshold described in division (A)(11)(c)(ii) of this 6020
section by completing the following calculations: 6021

(a) Determine the percentage increase in the gross domestic 6022
product deflator determined by the bureau of economic analysis of 6023
the United States department of commerce from the first day of 6024
January of the fifth preceding calendar year to the last day of 6025
December of the preceding calendar year; 6026

(b) Multiply that percentage increase by the fixed-asset 6027
investment threshold and the Ohio employee payroll threshold for 6028
the current year; 6029

(c) Add the resulting products to the corresponding 6030
fixed-asset investment threshold and Ohio employee payroll 6031
threshold for the current year; 6032

(d) Round the resulting fixed-asset investment sum to the 6033
nearest multiple of ten million dollars and the Ohio employee 6034
payroll sum to the nearest multiple of one million dollars. 6035

(2) The fixed-asset investment threshold described in 6036
division (A)(13)(a)(i) of this section and the Ohio employee 6037
payroll threshold described in division (A)(13)(a)(ii) of this 6038
section by completing the calculations described in divisions 6039
(V)(1)(a) to (c) of this section and rounding the resulting 6040
fixed-asset investment sum to the nearest multiple of one million 6041
dollars and the Ohio employee payroll sum to the nearest multiple 6042
of one hundred thousand dollars. 6043

The commissioner shall certify the amount of the adjustments 6044
under divisions (V)(1) and (2) of this section to the director of 6045
development services and to the tax credit authority not later 6046
than the first day of December of the year the commissioner 6047
computes the adjustment. Each certified amount applies to the 6048

ensuing calendar year and each calendar year thereafter until the 6049
tax commissioner makes a new adjustment. The tax commissioner 6050
shall not calculate a new adjustment in any year in which the 6051
resulting amount from the adjustment would be less than the 6052
corresponding amount for the current year. 6053

Sec. 122.171. (A) As used in this section: 6054

(1) "Capital investment project" means a plan of investment 6055
at a project site for the acquisition, construction, renovation, 6056
or repair of buildings, machinery, or equipment, or for 6057
capitalized costs of basic research and new product development 6058
determined in accordance with generally accepted accounting 6059
principles, but does not include any of the following: 6060

(a) Payments made for the acquisition of personal property 6061
through operating leases; 6062

(b) Project costs paid before January 1, 2002; 6063

(c) Payments made to a related member as defined in section 6064
5733.042 of the Revised Code or to a consolidated elected taxpayer 6065
or a combined taxpayer as defined in section 5751.01 of the 6066
Revised Code. 6067

(2) "Eligible business" means a taxpayer and its related 6068
members with Ohio operations that had a capital investment project 6069
reviewed and approved by the tax credit authority as provided in 6070
divisions (C), (D), and (E) of this section and that satisfies 6071
either of the following requirements: 6072

(a) If engaged at the project site primarily in significant 6073
corporate administrative functions, as defined by the director of 6074
development ~~services~~ by rule, the taxpayer meets both of the 6075
following criteria: 6076

(i) The taxpayer either is located in a foreign trade zone, 6077
employs at least five hundred full-time equivalent employees, or 6078

has an annual Ohio employee payroll of at least thirty-five 6079
million dollars at the time the tax credit authority grants the 6080
tax credit under this section; 6081

(ii) The taxpayer makes or causes to be made payments for the 6082
capital investment project of at least twenty million dollars in 6083
the aggregate at the project site during a period of three 6084
consecutive calendar years including the calendar year that 6085
includes a day of the taxpayer's taxable year or tax period with 6086
respect to which the credit is granted. 6087

(b) If engaged at the project site primarily as a 6088
manufacturer, the taxpayer makes or causes to be made payments for 6089
the capital investment project at the project site during a period 6090
of three consecutive calendar years, including the calendar year 6091
that includes a day of the taxpayer's taxable year or tax period 6092
with respect to which the credit is granted, in an amount that in 6093
the aggregate equals or exceeds the lesser of the following: 6094

(i) Fifty million dollars; 6095

(ii) Five per cent of the net book value of all tangible 6096
personal property used at the project site as of the last day of 6097
the three-year period in which the capital investment payments are 6098
made. 6099

(3) "Full-time equivalent employees" means the quotient 6100
obtained by dividing the total number of hours for which employees 6101
were compensated for employment in the project by two thousand 6102
eighty. "Full-time equivalent employees" shall exclude hours that 6103
are counted for a credit under section 122.17 of the Revised Code. 6104

(4) "Ohio employee payroll" has the same meaning as in 6105
section 122.17 of the Revised Code. 6106

(5) "Manufacturer" has the same meaning as in section 6107
5739.011 of the Revised Code. 6108

(6) "Project site" means an integrated complex of facilities 6109
in this state, as specified by the tax credit authority under this 6110
section, within a fifteen-mile radius where a taxpayer is 6111
primarily operating as an eligible business. 6112

(7) "Related member" has the same meaning as in section 6113
5733.042 of the Revised Code as that section existed on the 6114
effective date of its amendment by Am. Sub. H.B. 215 of the 122nd 6115
general assembly, September 29, 1997. 6116

(8) "Taxable year" includes, in the case of a domestic or 6117
foreign insurance company, the calendar year ending on the 6118
thirty-first day of December preceding the day the superintendent 6119
of insurance is required to certify to the treasurer of state 6120
under section 5725.20 or 5729.05 of the Revised Code the amount of 6121
taxes due from insurance companies. 6122

(9) "Foreign trade zone" means a general purpose foreign 6123
trade zone or a special purpose subzone for which, pursuant to 19 6124
U.S.C. 81a, as amended, a permit for foreign trade zone status has 6125
been granted and remains active, including special purpose 6126
subzones for which a permit has been granted and remains active. 6127

(B) The tax credit authority created under section 122.17 of 6128
the Revised Code may grant a nonrefundable tax credit to an 6129
eligible business under this section for the purpose of fostering 6130
job retention in this state. Upon application by an eligible 6131
business and upon consideration of the determination of the 6132
director of budget and management, tax commissioner, and the 6133
superintendent of insurance in the case of an insurance company, 6134
~~and~~ the recommendation and determination of the director of 6135
development ~~services~~ under division (C)(1) of this section, and a 6136
review of the criteria described in division (C)(2) of this 6137
section, the tax credit authority may grant the credit against the 6138
tax imposed by section 5725.18, 5726.02, 5729.03, 5733.06, 6139
5736.02, 5747.02, or 5751.02 of the Revised Code. 6140

The credit authorized in this section may be granted for a 6141
period up to fifteen taxable years or, in the case of the tax 6142
levied by section 5736.02 or 5751.02 of the Revised Code, for a 6143
period of up to fifteen calendar years. The credit amount for a 6144
taxable year or a calendar year that includes the tax period for 6145
which a credit may be claimed equals the Ohio employee payroll for 6146
that year multiplied by the percentage specified in the agreement 6147
with the tax credit authority. The credit shall be claimed in the 6148
order required under section 5725.98, 5726.98, 5729.98, 5733.98, 6149
5747.98, or 5751.98 of the Revised Code. In determining the 6150
percentage and term of the credit, the tax credit authority shall 6151
consider both the number of full-time equivalent employees and the 6152
value of the capital investment project. The credit amount may not 6153
be based on the Ohio employee payroll for a calendar year before 6154
the calendar year in which the tax credit authority specifies the 6155
tax credit is to begin, and the credit shall be claimed only for 6156
the taxable years or tax periods specified in the eligible 6157
business' agreement with the tax credit authority. In no event 6158
shall the credit be claimed for a taxable year or tax period 6159
terminating before the date specified in the agreement. 6160

If a credit allowed under this section for a taxable year or 6161
tax period exceeds the taxpayer's tax liability for that year or 6162
period, the excess may be carried forward for the three succeeding 6163
taxable or calendar years, but the amount of any excess credit 6164
allowed in any taxable year or tax period shall be deducted from 6165
the balance carried forward to the succeeding year or period. 6166

(C)(1) A taxpayer that proposes a capital investment project 6167
to retain jobs in this state may apply to the tax credit authority 6168
to enter into an agreement for a tax credit under this section. 6169
The director of development ~~services~~ shall prescribe the form of 6170
the application. After receipt of an application, the authority 6171
shall forward copies of the application to the director of budget 6172

and management, the tax commissioner, and the superintendent of 6173
insurance in the case of an insurance company, each of whom shall 6174
review the application to determine the economic impact the 6175
proposed project would have on the state and the affected 6176
political subdivisions and shall submit a summary of their 6177
determinations to the authority. The authority shall also forward 6178
a copy of the application to the director of development ~~services~~, 6179
who shall review the application to determine the economic impact 6180
the proposed project would have on the state and the affected 6181
political subdivisions and shall submit a summary of the 6182
director's determinations and recommendations to the authority. 6183

(2) The director of development, in reviewing applications 6184
and making recommendations to the tax credit authority, and the 6185
authority, in selecting taxpayers with which to enter into an 6186
agreement under division (D) of this section, shall give priority 6187
to applications that meet one or more of the following criteria, 6188
with greater priority given to applications that meet more of the 6189
criteria: 6190

(a) Within the preceding five years, the applicant has not 6191
received a credit under this section or section 122.17 of the 6192
Revised Code for a project at the same project site as that 6193
proposed in the application. 6194

(b) The applicant is not currently receiving a credit under 6195
this section or section 122.17 of the Revised Code. 6196

(c) The applicant has operated at the project site for at 6197
least the preceding ten years. 6198

(d) The project involves a significant upgrade of the project 6199
site, rather than only routine maintenance of existing facilities, 6200
such as an increase in capacity of a facility, new product 6201
development, or technology upgrades or other facility 6202
modernization. 6203

(e) The applicant intends to use machinery, equipment, and materials supplied by Ohio businesses in the project when possible. 6204
6205
6206

(D) Upon review and consideration of the determinations and, 6207
recommendations, and criteria described in division (C) of this 6208
section, the tax credit authority may enter into an agreement with 6209
the taxpayer for a credit under this section if the authority 6210
determines all of the following: 6211

(1) The taxpayer's capital investment project will result in 6212
the retention of employment in this state. 6213

(2) The taxpayer is economically sound and has the ability to 6214
complete the proposed capital investment project. 6215

(3) The taxpayer intends to and has the ability to maintain 6216
operations at the project site for at least the greater of (a) the 6217
term of the credit plus three years, or (b) seven years. 6218

(4) Receiving the credit is a major factor in the taxpayer's 6219
decision to begin, continue with, or complete the project. 6220

(E) An agreement under this section shall include all of the 6221
following: 6222

(1) A detailed description of the project that is the subject 6223
of the agreement, including the amount of the investment, the 6224
period over which the investment has been or is being made, the 6225
number of full-time equivalent employees at the project site, and 6226
the anticipated Ohio employee payroll to be generated. 6227

(2) The term of the credit, the percentage of the tax credit, 6228
the maximum annual value of tax credits that may be allowed each 6229
year, and the first year for which the credit may be claimed. 6230

(3) A requirement that the taxpayer maintain operations at 6231
the project site for at least the greater of (a) the term of the 6232
credit plus three years, or (b) seven years. 6233

(4)(a) If the taxpayer is engaged at the project site 6234
primarily in significant corporate administrative functions, a 6235
requirement that the taxpayer either retain at least five hundred 6236
full-time equivalent employees at the project site and within this 6237
state for the entire term of the credit, maintain an annual Ohio 6238
employee payroll of at least thirty-five million dollars for the 6239
entire term of the credit, or remain located in a foreign trade 6240
zone for the entire term of the credit; 6241

(b) If the taxpayer is engaged at the project site primarily 6242
as a manufacturer, a requirement that the taxpayer maintain at 6243
least the number of full-time equivalent employees specified in 6244
the agreement pursuant to division (E)(1) of this section at the 6245
project site and within this state for the entire term of the 6246
credit. 6247

(5) A requirement that the taxpayer annually report to the 6248
director of development ~~services~~ full-time equivalent employees, 6249
Ohio employee payroll, capital investment, and other information 6250
the director needs to perform the director's duties under this 6251
section. 6252

(6) A requirement that the director of development ~~services~~ 6253
annually review the annual reports of the taxpayer to verify the 6254
information reported under division (E)(5) of this section and 6255
compliance with the agreement. Upon verification, the director 6256
shall issue a certificate to the taxpayer stating that the 6257
information has been verified and identifying the amount of the 6258
credit for the taxable year or calendar year that includes the tax 6259
period. In determining the number of full-time equivalent 6260
employees, no position shall be counted that is filled by an 6261
employee who is included in the calculation of a tax credit under 6262
section 122.17 of the Revised Code. 6263

(7) A provision providing that the taxpayer may not relocate 6264
a substantial number of employment positions from elsewhere in 6265

this state to the project site unless the director of development 6266
~~services~~ determines that the taxpayer notified the legislative 6267
authority of the county, township, or municipal corporation from 6268
which the employment positions would be relocated. 6269

For purposes of this section, the movement of an employment 6270
position from one political subdivision to another political 6271
subdivision shall be considered a relocation of an employment 6272
position unless the movement is confined to the project site. The 6273
transfer of an employment position from one political subdivision 6274
to another political subdivision shall not be considered a 6275
relocation of an employment position if the employment position in 6276
the first political subdivision is replaced by another employment 6277
position. 6278

(8) A waiver by the taxpayer of any limitations periods 6279
relating to assessments or adjustments resulting from the 6280
taxpayer's failure to comply with the agreement. 6281

(F) If a taxpayer fails to meet or comply with any condition 6282
or requirement set forth in a tax credit agreement, the tax credit 6283
authority may amend the agreement to reduce the percentage or term 6284
of the credit. The reduction of the percentage or term may take 6285
effect in the current taxable or calendar year. 6286

(G) Financial statements and other information submitted to 6287
the department of development ~~services~~ or the tax credit authority 6288
by an applicant for or recipient of a tax credit under this 6289
section, and any information taken for any purpose from such 6290
statements or information, are not public records subject to 6291
section 149.43 of the Revised Code. However, the chairperson of 6292
the authority may make use of the statements and other information 6293
for purposes of issuing public reports or in connection with court 6294
proceedings concerning tax credit agreements under this section. 6295
Upon the request of the tax commissioner, or the superintendent of 6296
insurance in the case of an insurance company, the chairperson of 6297

the authority shall provide to the commissioner or superintendent 6298
any statement or other information submitted by an applicant for 6299
or recipient of a tax credit in connection with the credit. The 6300
commissioner or superintendent shall preserve the confidentiality 6301
of the statement or other information. 6302

(H) A taxpayer claiming a tax credit under this section shall 6303
submit to the tax commissioner or, in the case of an insurance 6304
company, to the superintendent of insurance, a copy of the 6305
director of ~~development services~~ development's certificate of 6306
verification under division (E)(6) of this section with the 6307
taxpayer's tax report or return for the taxable year or for the 6308
calendar year that includes the tax period. Failure to submit a 6309
copy of the certificate with the report or return does not 6310
invalidate a claim for a credit if the taxpayer submits a copy of 6311
the certificate to the commissioner or superintendent within the 6312
time prescribed by section 5703.0510 of the Revised Code or within 6313
thirty days after the commissioner or superintendent requests it. 6314

(I) For the purposes of this section, a taxpayer may include 6315
a partnership, a corporation that has made an election under 6316
subchapter S of chapter one of subtitle A of the Internal Revenue 6317
Code, or any other business entity through which income flows as a 6318
distributive share to its owners. A partnership, S-corporation, or 6319
other such business entity may elect to pass the credit received 6320
under this section through to the persons to whom the income or 6321
profit of the partnership, S-corporation, or other entity is 6322
distributed. The election shall be made on the annual report 6323
required under division (E)(5) of this section. The election 6324
applies to and is irrevocable for the credit for which the report 6325
is submitted. If the election is made, the credit shall be 6326
apportioned among those persons in the same proportions as those 6327
in which the income or profit is distributed. 6328

(J)(1) If the director of development ~~services~~ determines 6329

that a taxpayer that received a certificate under division (E)(6) 6330
of this section is not complying with the requirements of the 6331
agreement, the director shall notify the tax credit authority of 6332
the noncompliance. After receiving such a notice, and after giving 6333
the taxpayer an opportunity to explain the noncompliance, the 6334
authority may terminate the agreement and require the taxpayer, or 6335
any related member or members that claimed the tax credit under 6336
division (N) of this section, to refund to the state all or a 6337
portion of the credit claimed in previous years, as follows: 6338

(a) If the taxpayer fails to comply with the requirement 6339
under division (E)(3) of this section, an amount determined in 6340
accordance with the following: 6341

(i) If the taxpayer maintained operations at the project site 6342
for less than or equal to the term of the credit, an amount not to 6343
exceed one hundred per cent of the sum of any tax credits allowed 6344
and received under this section. 6345

(ii) If the taxpayer maintained operations at the project 6346
site longer than the term of the credit, but less than the greater 6347
of seven years or the term of the credit plus three years, the 6348
amount required to be refunded shall not exceed seventy-five per 6349
cent of the sum of any tax credits allowed and received under this 6350
section. 6351

(b) If the taxpayer fails to substantially, satisfy the 6352
employment, payroll, or location requirements required under the 6353
agreement, as prescribed under division (E)(4)(a) or (b), as 6354
applicable to the taxpayer, at any time during the term of the 6355
agreement or during the post-term reporting period, an amount 6356
determined at the discretion of the authority. 6357

(2) If a taxpayer files for bankruptcy and fails as described 6358
in division (J)(1)(a) or (b) of this section, the director may 6359
immediately commence an action to recoup an amount not exceeding 6360

one hundred per cent of the sum of any credits received by the 6361
taxpayer under this section. 6362

(3) In determining the portion of the credit to be refunded 6363
to this state, the authority shall consider the effect of market 6364
conditions on the taxpayer's project and whether the taxpayer 6365
continues to maintain other operations in this state. After making 6366
the determination, the authority shall certify the amount to be 6367
refunded to the tax commissioner or the superintendent of 6368
insurance. If the taxpayer, or any related member or members who 6369
claimed the tax credit under division (N) of this section, is not 6370
an insurance company, the commissioner shall make an assessment 6371
for that amount against the taxpayer under Chapter 5726., 5733., 6372
5736., 5747., or 5751. of the Revised Code. If the taxpayer, or 6373
any related member or members that claimed the tax credit under 6374
division (N) of this section, is an insurance company, the 6375
superintendent of insurance shall make an assessment under section 6376
5725.222 or 5729.102 of the Revised Code. The time limitations on 6377
assessments under those chapters and sections do not apply to an 6378
assessment under this division, but the commissioner or 6379
superintendent shall make the assessment within one year after the 6380
date the authority certifies to the commissioner or superintendent 6381
the amount to be refunded. 6382

(K) The director of development ~~services~~, after consultation 6383
with the tax commissioner and the superintendent of insurance and 6384
in accordance with Chapter 119. of the Revised Code, shall adopt 6385
rules necessary to implement this section. The rules may provide 6386
for recipients of tax credits under this section to be charged 6387
fees to cover administrative costs of the tax credit program. The 6388
fees collected shall be credited to the tax incentives operating 6389
fund created in section 122.174 of the Revised Code. At the time 6390
the director gives public notice under division (A) of section 6391
119.03 of the Revised Code of the adoption of the rules, the 6392

director shall submit copies of the proposed rules to the 6393
chairpersons of the standing committees on economic development in 6394
the senate and the house of representatives. 6395

(L) On or before the first day of August of each year, the 6396
director of development ~~services~~ shall submit a report to the 6397
governor, the president of the senate, and the speaker of the 6398
house of representatives on the tax credit program under this 6399
section. The report shall include information on the number of 6400
agreements that were entered into under this section during the 6401
preceding calendar year, a description of the project that is the 6402
subject of each such agreement, and an update on the status of 6403
projects under agreements entered into before the preceding 6404
calendar year. 6405

(M) The aggregate amount of nonrefundable tax credits issued 6406
under this section during any calendar year for capital investment 6407
projects reviewed and approved by the tax credit authority may not 6408
exceed the following amounts: 6409

(1) For 2010, thirteen million dollars; 6410

(2) For 2011 through 2023, the amount of the limit for the 6411
preceding calendar year plus thirteen million dollars; 6412

(3) For 2024 and each year thereafter, one hundred 6413
ninety-five million dollars. 6414

The limitations in division (M) of this section do not apply 6415
to credits for capital investment projects approved by the tax 6416
credit authority before July 1, 2009. 6417

(N) This division applies only to an eligible business that 6418
is part of an affiliated group that includes a diversified savings 6419
and loan holding company or a grandfathered unitary savings and 6420
loan holding company, as those terms are defined in section 6421
5726.01 of the Revised Code. Notwithstanding any contrary 6422
provision of the agreement between such an eligible business and 6423

the tax credit authority, any credit granted under this section 6424
against the tax imposed by section 5725.18, 5729.03, 5733.06, 6425
5747.02, or 5751.02 of the Revised Code to the eligible business, 6426
at the election of the eligible business and without any action by 6427
the tax credit authority, may be shared with any member or members 6428
of the affiliated group that includes the eligible business, which 6429
member or members may claim the credit against the taxes imposed 6430
by section 5725.18, 5726.02, 5729.03, 5733.06, 5747.02, or 5751.02 6431
of the Revised Code. Credits shall be claimed by the eligible 6432
business in sequential order, as applicable, first claiming the 6433
credits to the fullest extent possible against the tax that the 6434
certificate holder is subject to, then against the tax imposed by, 6435
sequentially, section 5729.03, 5725.18, 5747.02, 5751.02, and 6436
lastly 5726.02 of the Revised Code. The credits may be allocated 6437
among the members of the affiliated group in such manner as the 6438
eligible business elects, but subject to the sequential order 6439
required under this division. This division applies to credits 6440
granted before, on, or after March 27, 2013, the effective date of 6441
H.B. 510 of the 129th general assembly. Credits granted before 6442
that effective date that are shared and allocated under this 6443
division may be claimed in those calendar years in which the 6444
remaining taxable years specified in the agreement end. 6445

As used in this division, "affiliated group" means a group of 6446
two or more persons with fifty per cent or greater of the value of 6447
each person's ownership interests owned or controlled directly, 6448
indirectly, or constructively through related interests by common 6449
owners during all or any portion of the taxable year, and the 6450
common owners. "Affiliated group" includes, but is not limited to, 6451
any person eligible to be included in a consolidated elected 6452
taxpayer group under section 5751.011 of the Revised Code or a 6453
combined taxpayer group under section 5751.012 of the Revised 6454
Code. 6455

(O)(1) As used in division (O) of this section:	6456
(a) "Eligible agreement" means an agreement approved by the tax credit authority under this section on or before December 31, 2013.	6457 6458 6459
(b) "Reporting period" means a period corresponding to the annual report required under division (E)(5) of this section.	6460 6461
(c) "Income tax revenue" has the same meaning as under division (S) of section 122.17 of the Revised Code.	6462 6463
(2) In calendar year 2016 and thereafter, the tax credit authority shall annually determine a withholding adjustment factor to be used in the computation of income tax revenue for eligible agreements. The withholding adjustment factor shall be a numerical percentage that equals the percentage that employer income tax withholding rates have been increased or decreased as a result of changes in the income tax rates prescribed by section 5747.02 of the Revised Code by amendment of that section taking effect on or after June 29, 2013.	6464 6465 6466 6467 6468 6469 6470 6471 6472
(3) Except as provided in division (O)(4) of this section, for reporting periods ending in 2015 and thereafter for taxpayers subject to eligible agreements, the tax credit authority shall adjust the income tax revenue reported on the taxpayer's annual report by multiplying the withholding adjustment factor by the taxpayer's income tax revenue and doing one of the following:	6473 6474 6475 6476 6477 6478
(a) If the income tax rates prescribed by section 5747.02 of the Revised Code have decreased by amendment of this section taking effect on or after June 29, 2013, add the product to the taxpayer's income tax revenue.	6479 6480 6481 6482
(b) If the income tax rates prescribed by section 5747.02 of the Revised Code have increased by amendment of this section taking effect on or after June 29, 2013, subtract the product from the taxpayer's income tax revenue.	6483 6484 6485 6486

(4) Division (O)(3) of this section shall not apply unless 6487
all of the following apply with respect to the eligible agreement: 6488

(a) If applicable, the taxpayer has achieved one hundred per 6489
cent of the job retention commitment identified in the agreement. 6490

(b) If applicable, the taxpayer has achieved one hundred per 6491
cent of the payroll retention commitment identified in the 6492
agreement." 6493

(c) If applicable, the taxpayer has achieved one hundred per 6494
cent of the investment commitment identified in the agreement. 6495

(5) Failure by a taxpayer to have achieved any of the 6496
applicable commitments described in divisions (O)(4)(a) to (c) of 6497
this section in a reporting period does not disqualify the 6498
taxpayer for the adjustment under division (O) of this section for 6499
an ensuing reporting period. 6500

Sec. 122.178. (A) As used in this section, "microcredential" 6501
means an industry-recognized credential or certificate that an 6502
applicant may complete in not more than one year and that is 6503
approved by the chancellor of higher education. 6504

(B) There is hereby created the TechCred program to reimburse 6505
employers from appropriations made for that purpose for training 6506
costs for prospective and incumbent employees to earn a 6507
microcredential. The department of development ~~services agency~~, in 6508
consultation with the governor's office of workforce 6509
transformation and the department of higher education, shall 6510
develop the program. 6511

(C)(1) An employer seeking to participate in the program 6512
shall submit an application to the director of development 6513
~~services~~ during an application period established by the director. 6514
The employer shall include in the application all of the following 6515
information: 6516

(a) Proof that the employer is registered to do business in this state;	6517 6518
(b) Proof that the employer is current on all tax obligations to the state;	6519 6520
(c) Proof that the employer is in compliance with all environmental regulations applicable to the employer;	6521 6522
(d) The name of the training provider from which a prospective or incumbent employee will receive the training and earn the microcredential;	6523 6524 6525
(e) The cost of the training;	6526
(f) The positions for which earning the microcredential will make a prospective or incumbent employee qualified or the occupational skill set that the prospective or incumbent employee will acquire on completing the training;	6527 6528 6529 6530
(g) The address of the facility or location at which the prospective or incumbent employee is expected to be employed after completing the training;	6531 6532 6533
(h) Any other information the director requires.	6534
(2) In addition to the information required under division (C)(1) of this section, an employer seeking to participate in the program also may submit any of the following information the employer wishes to provide to the director:	6535 6536 6537 6538
(a) The estimated wage after completing the training and earning the microcredential;	6539 6540
(b) The employer's certification as a minority business enterprise under section 123.151 <u>122.921</u> of the Revised Code or certification as an EDGE business enterprise under section 123.152 <u>122.922</u> of the Revised Code if applicable;	6541 6542 6543 6544
(c) The demographic information of the employer, including race and gender;	6545 6546

(d) Any demographic information of a prospective or incumbent employee that the employee provides to the employer, including race and gender;

(e) Any other information the employer wishes to provide to the director.

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

(a) The duration of the training program;

(b) The cost of the training;

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

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

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

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

(3) If the director approves an employer's application for participation in the program, the approval is valid as long as the employer maintains accurate application information under division

(C)(1) of this section with the director. The employer shall 6577
submit the updated information to the director at the beginning of 6578
the third fiscal year the employer participates in the program and 6579
every other subsequent fiscal year thereafter. 6580

(4) The director shall not approve an application for 6581
participation in the program if the employer has violated Chapter 6582
4111. of the Revised Code within the four fiscal years immediately 6583
preceding the date of application. 6584

(E)(1) Each participating employer seeking reimbursement for 6585
training costs for a prospective or incumbent employee shall 6586
submit an application to the director that includes all of the 6587
following information for each prospective or incumbent employee: 6588

(a) The prospective or incumbent employee's name and 6589
position, if applicable, at the time of submitting the 6590
application; 6591

(b) The actual amount the employer paid to the training 6592
provider for the training; 6593

(c) Evidence that the prospective or incumbent employee 6594
earned a microcredential; 6595

(d) Evidence that the prospective or incumbent employee is a 6596
resident of this state. 6597

(2) The amount of the reimbursement shall be not more than 6598
two thousand dollars for each microcredential a prospective or 6599
incumbent employee receives. 6600

(F) No participating employer shall require a prospective or 6601
incumbent employee who receives a microcredential because the 6602
employer participated in and received a reimbursement through the 6603
employer's participation in the TechCred program to accept or 6604
continue employment with the employer. 6605

(G) For the purposes of determining regional diversity under 6606

this section, the following constitute the regions of the state: 6607

(1) The counties of Allen, Crawford, Defiance, Fulton, 6608
Hancock, Hardin, Henry, Lucas, Ottawa, Paulding, Putnam, Sandusky, 6609
Seneca, Van Wert, Williams, Wood, and Wyandot are one region; 6610

(2) The counties of Ashland, Ashtabula, Columbiana, Cuyahoga, 6611
Erie, Geauga, Huron, Lake, Lorain, Mahoning, Medina, Portage, 6612
Richland, Stark, Summit, Trumbull, Tuscarawas, and Wayne are one 6613
region; 6614

(3) The counties of Auglaize, Champaign, Clark, Clinton, 6615
Darke, Fayette, Greene, Mercer, Miami, Montgomery, Preble, and 6616
Shelby are one region; 6617

(4) The counties of Delaware, Fairfield, Franklin, Knox, 6618
Licking, Logan, Madison, Marion, Morrow, Pickaway, and Union are 6619
one region; 6620

(5) The counties of Adams, Athens, Gallia, Highland, Hocking, 6621
Jackson, Lawrence, Meigs, Pike, Ross, Scioto, and Vinton are one 6622
region; 6623

(6) The counties of Belmont, Carroll, Coshocton, Guernsey, 6624
Harrison, Holmes, Jefferson, Monroe, Morgan, Muskingum, Noble, 6625
Perry, and Washington are one region; 6626

(7) The counties of Brown, Butler, Clermont, Hamilton, and 6627
Warren are one region. 6628

(H)(1) The director shall do both of the following regarding 6629
the operation of the program: 6630

(a) Create an application to participate in the program and 6631
an application for reimbursement; 6632

(b) Create an internet web site with the applications for and 6633
information regarding the program created in this section. 6634

(2) The governor's office of workforce transformation shall 6635
include on the office's internet web site either of the following: 6636

(a) The applications for and information regarding the program created in this section; 6637
6638

(b) An internet link to the internet web site created under division (H)(1)(b) of this section. 6639
6640

(I) The director may adopt rules in accordance with Chapter 119. of the Revised Code regarding the operation of the program as the director considers necessary to administer the program, including establishing priority guidelines for approving applications under division (D) of this section. 6641
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Sec. 122.23. As used in sections 122.23 to 122.27 of the Revised Code: 6646
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(A) "Distressed area" means a county with a population of less than one hundred twenty-five thousand that meets at least two of the following criteria of economic distress: 6648
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6650

(1) Its average rate of unemployment, during the most recent five-year period for which data are available, is equal to at least one hundred twenty-five per cent of the average rate of unemployment for the United States for the same period. 6651
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(2) It has a per capita income equal to or below eighty per cent of the median county per capita income of the United States as determined by the most recently available figures from the United States census bureau. 6655
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(3) In intercensal years, the county has a ratio of transfer payment income to total county income equal to or greater than twenty-five per cent. 6659
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(B) "Eligible applicant" means any of the following that is designated by the governing body of an eligible area as provided in division (B)(1) of section 122.27 of the Revised Code: 6662
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6664

(1) A port authority as defined in division (A) of section 4582.01 or division (A) of section 4582.21 of the Revised Code; 6665
6666

- (2) A community improvement corporation as defined in section 1724.01 of the Revised Code; 6667
6668
- (3) A community-based organization or action group that provides social services and has experience in economic development; 6669
6670
6671
- (4) Any other nonprofit economic development entity; 6672
- (5) A private developer that previously has not received financial assistance under section 122.24 of the Revised Code and that has experience and a successful history in industrial development. 6673
6674
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- (C) "Eligible area" means a distressed area, a labor surplus area, a rural area, or a situational distress area, as designated annually by the director of development pursuant to division (A) of section 122.25 of the Revised Code. 6677
6678
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- (D) "Labor surplus area" means an area designated as a labor surplus area by the United States department of labor. 6681
6682
- (E) "Official poverty line" has the same meaning as in division (A) of section 3923.51 of the Revised Code. 6683
6684
- (F) "Situational distress area" means a county that has a population of less than one hundred twenty-five thousand, or a municipal corporation in such a county, that has experienced or is experiencing a closing or downsizing of a major employer that will adversely affect the county's or municipal corporation's economy. In order to be designated as a situational distress area for a period not to exceed thirty-six months, the county or municipal corporation may petition the director of development. The petition shall include documentation that demonstrates all of the following: 6685
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- (1) The number of jobs lost by the closing or downsizing; 6695
- (2) The impact that the job loss has on the county's or 6696

municipal corporation's unemployment rate as measured by the	6697
director of job and family services;	6698
(3) The annual payroll associated with the job loss;	6699
(4) The amount of state and local taxes associated with the	6700
job loss;	6701
(5) The impact that the closing or downsizing has on the	6702
suppliers located in the rural county or municipal corporation.	6703
(G) "Governing body" means, in the case of a county, the	6704
board of county commissioners; in the case of a municipal	6705
corporation, the legislative authority; and in the case of a	6706
township, the board of township trustees.	6707
(H) "Infrastructure improvements" includes site preparation,	6708
including building demolition and removal; retention ponds and	6709
flood and drainage improvements; streets, roads, bridges, and	6710
traffic control devices; parking lots and facilities; water and	6711
sewer lines and treatment plants; gas, electric, and	6712
telecommunications hook-ups; and waterway and railway access	6713
improvements.	6714
(I) "Private developer" means any individual, firm,	6715
corporation, or entity, other than a nonprofit entity, limited	6716
profit entity, or governmental entity.	6717
(J) " <u>Rural area</u> " means any Ohio county that was an eligible	6718
<u>area immediately prior to the effective date of this amendment and</u>	6719
<u>any other Ohio county that is not designated as part of a</u>	6720
<u>metropolitan statistical area by the United States office of</u>	6721
<u>management and budget.</u>	6722
Sec. 122.403. (A)(1) There is hereby created, within the	6723
<u>department of development services agency</u> , the broadband expansion	6724
program authority, which shall consist of the director of	6725
development services or the director's designee, the director of	6726

the office of InnovateOhio or the director's designee, and three 6727
other members as follows: one member appointed by the president of 6728
the senate, one member appointed by the speaker of the house of 6729
representatives, and one member appointed by the governor. 6730

(2) Appointed members shall have expertise in broadband 6731
infrastructure and technology. Appointed members may not be 6732
affiliated with or employed by the broadband industry or in a 6733
position to benefit from a program grant. 6734

~~(3) The assignment of designees by the director of 6735
development services and the director of InnovateOhio shall be 6736
made in writing. 6737~~

(B) Appointed members shall serve four year terms and are 6738
eligible for reappointment. 6739

(C) Vacancies shall be filled in the same manner as provided 6740
for original appointments. Any member appointed to fill a vacancy 6741
occurring prior to the expiration of the term for which the 6742
member's predecessor was appointed shall hold office for the 6743
remainder of that term. 6744

(D)(1)(a) ~~Appointed~~ Beginning on January 1, 2022, and ending 6745
on December 31, 2025, appointed members shall receive a monthly 6746
stipend as calculated under section 145.016 of the Revised Code in 6747
an amount that will qualify each member for one year of retirement 6748
service credit under the Ohio public employees retirement system 6749
for each year of ~~the member's term~~ service as a member of the 6750
authority during that period. 6751

(b) Notwithstanding the requirement of section 145.58 of the 6752
Revised Code that eligibility for health care coverage provided 6753
under that section be based on years and types of service credit 6754
in accordance with rules adopted by the public employees 6755
retirement board, if the board provides health care coverage under 6756

that section, no service credit earned for service as a member of 6757
the authority shall be considered for purposes of determining 6758
eligibility for coverage under that section. 6759

(c) Members shall receive reimbursement for their necessary 6760
and actual expenses incurred in performing the business of the 6761
authority. The reimbursements constitute, as applicable, 6762
administrative costs of the Ohio residential broadband expansion 6763
grant program. 6764

(2) An appointed member of the authority who is currently 6765
serving as an administrative department head under section 121.03 6766
of the Revised Code is not eligible to receive a stipend under 6767
division (A) of this section. 6768

(3) The agency shall be responsible for paying all 6769
reimbursements ~~and stipends~~ for meals and expenses under this 6770
section and, for the period beginning on January 1, 2022, and 6771
ending on December 31, 2025, all stipends under this section. 6772

(E) The director of development ~~services~~, or the director's 6773
designee, shall serve as chairperson of the authority. The members 6774
of the authority annually shall elect a vice-chairperson from the 6775
members of the authority. Three members of the authority 6776
constitute a quorum to transact and vote on the business of the 6777
authority. An affirmative vote of three members is necessary to 6778
approve any business, including the election of the 6779
vice-chairperson. 6780

(F) The assignment of designees by the director of 6781
development and the director of InnovateOhio shall be made in 6782
writing. If the director of development ~~services~~ assigns a 6783
designee to serve on the authority, the director ~~of development~~ 6784
~~services~~ shall appoint a professional employee of the department 6785
of development ~~services~~ agency to serve as the director's designee 6786
at authority meetings. In the absence of the director of 6787

development ~~services~~ or the director's designee, the 6788
vice-chairperson of the authority shall serve as chairperson of 6789
authority meetings. 6790

(G) The authority is not an agency for purposes of sections 6791
101.82 to 101.87 of the Revised Code. 6792

Sec. 122.42. (A) The director of development ~~services~~ shall 6793
do all of the following: 6794

(1) Receive applications for assistance under sections 122.39 6795
and 122.41 to 122.62 of the Revised Code; 6796

(2) Make a final determination whether to approve the 6797
application for assistance; 6798

(3) Transmit determinations to approve assistance to the 6799
controlling board together with any information the controlling 6800
board requires for the board's review and decision as to whether 6801
to approve the assistance; 6802

(4) Issue revenue bonds of the state through the treasurer of 6803
state, as necessary, payable solely from revenues and other 6804
sources as provided in sections 122.39 and 122.41 to 122.62 of the 6805
Revised Code. 6806

(B) The director may do all of the following: 6807

(1) Fix the rate of interest and charges to be made upon or 6808
with respect to moneys loaned by the director and the terms upon 6809
which mortgages and lease rentals may be guaranteed and the rates 6810
of charges to be made for the loans and guarantees and to make 6811
provisions for the operation of the funds established by the 6812
director in accordance with this section and sections 122.54, 6813
122.55, 122.56, and 122.57 of the Revised Code; 6814

(2) Loan moneys from the fund established in accordance with 6815
section 122.54 of the Revised Code pursuant to and in compliance 6816
with sections 122.39 and 122.41 to 122.62 of the Revised Code; 6817

(3) Acquire in the name of the director any property of any 6818
kind or character in accordance with sections 122.39 and 122.41 to 6819
122.62 of the Revised Code, by purchase, purchase at foreclosure, 6820
or exchange on such terms and in such manner as the director 6821
considers proper; 6822

(4) Make and enter into all contracts and agreements 6823
necessary or incidental to the performance of the director's 6824
duties and the exercise of the director's powers under sections 6825
122.39 and 122.41 to 122.62 of the Revised Code; 6826

(5) Maintain, protect, repair, improve, and insure any 6827
property which the director has acquired and dispose of the same 6828
by sale, exchange, or lease for the consideration and on the terms 6829
and in the manner as the director considers proper, but is not 6830
authorized to operate any such property as a business except as 6831
the lessor of the property; 6832

(6)(a) When the cost of any contract for the maintenance, 6833
protection, repair, or improvement of any property held by the 6834
director other than compensation for personal services involves an 6835
expenditure of more than one thousand dollars, the director shall 6836
make a written contract with the lowest responsive and responsible 6837
bidder in accordance with section 9.312 of the Revised Code after 6838
advertisement for not less than two consecutive weeks in a 6839
newspaper of general circulation in the county where such 6840
contract, or some substantial part of it, is to be performed, and 6841
in such other publications as the director determines, which 6842
notice shall state the general character of the work and the 6843
general character of the materials to be furnished, the place 6844
where plans and specifications may be examined, and the time and 6845
place of receiving bids. 6846

(b) Each bid for a contract for the construction, demolition, 6847
alteration, repair, or reconstruction of an improvement shall 6848
contain the full name of every person interested in it and meet 6849

the requirements of section 153.54 of the Revised Code. 6850

(c) Each bid for a contract, except as provided in division 6851
(B)(6)(b) of this section, shall contain the full name of every 6852
person interested in it and shall be accompanied by bond or 6853
certified check on a solvent bank, in such amount as the director 6854
considers sufficient, that if the bid is accepted a contract will 6855
be entered into and the performance of the proposal secured. 6856

(d) The director may reject any and all bids. 6857

(e) A bond with good and sufficient surety, approved by the 6858
director, shall be required of every contractor awarded a contract 6859
except as provided in division (B)(6)(b) of this section, in an 6860
amount equal to at least fifty per cent of the contract price, 6861
conditioned upon faithful performance of the contract. 6862

(7) Employ financial consultants, appraisers, consulting 6863
engineers, superintendents, managers, construction and accounting 6864
experts, attorneys, and other employees and agents as are 6865
necessary in the director's judgment and fix their compensation; 6866

(8) Assist qualified persons in the coordination and 6867
formation of a small business development company, having a 6868
statewide area of operation, conditional upon the company's 6869
agreeing to seek to obtain certification from the federal small 6870
business administration as a certified statewide development 6871
company and participation in the guaranteed loan program 6872
administered by the small business administration pursuant to the 6873
Act of July 2, 1980, 94 Stat. 837, 15 U.S.C.A. 697. During the 6874
initial period of formation of the statewide small business 6875
development company, the director shall provide technical and 6876
financial expertise, legal and managerial assistance, and other 6877
services as are necessary and proper to enable the company to 6878
obtain and maintain federal certification and participation in the 6879
federal guaranteed loan program. The director may charge a fee, in 6880

such amount and on such terms and conditions as the director 6881
determines necessary and proper, for assistance and services 6882
provided pursuant to division (B)(8) of this section. 6883

Persons chosen by the director to receive assistance in the 6884
formation of a statewide small business development company 6885
pursuant to division (B)(8) of this section shall make a special 6886
effort to use their participation in the federal guaranteed loan 6887
program to assist small businesses which are minority business 6888
enterprises as defined in division (E) of section 122.71 of the 6889
Revised Code. The director, with the assistance of the minority 6890
business development division of the department of development, 6891
shall provide technical and financial expertise, legal and 6892
managerial assistance, and other services in such a manner to 6893
enable the development company to provide assistance to small 6894
businesses which are minority business enterprises, and shall make 6895
available to the development company information pertaining to 6896
assistance available to minority business enterprises under 6897
programs established pursuant to sections 122.71 to 122.83, 122.87 6898
to 122.89, 122.92 to 122.94, ~~123.151~~ 122.921, and 125.081 of the 6899
Revised Code. 6900

(9) Receive and accept grants, gifts, and contributions of 6901
money, property, labor, and other things of value to be held, 6902
used, and applied only for the purpose for which such grants, 6903
gifts, and contributions are made, from individuals, private and 6904
public corporations, from the United States or any agency of the 6905
United States, from the state or any agency of the state, and from 6906
any political subdivision of the state, and may agree to repay any 6907
contribution of money or to return any property contributed or the 6908
value of the property at such times, in such amounts, and on such 6909
terms and conditions, excluding the payment of interest, as the 6910
director determines at the time such contribution is made, and may 6911
evidence such obligations by notes, bonds, or other written 6912

instruments; 6913

(10) Establish with the treasurer of state the funds provided 6914
in sections 122.54, 122.55, 122.56, and 122.57 of the Revised 6915
Code, in addition to such funds as the director determines are 6916
necessary or proper; 6917

(11) Do all acts and things necessary or proper to carry out 6918
the powers expressly granted and the duties imposed in sections 6919
122.39 and 122.41 to 122.62 and Chapter 163. of the Revised Code. 6920

(C) All expenses and obligations incurred by the director in 6921
carrying out the director's powers and in exercising the 6922
director's duties under sections 122.39 and 122.41 to 122.62 of 6923
the Revised Code, shall be payable solely from the proceeds of 6924
revenue bonds issued pursuant to those sections, from revenues or 6925
other receipts or income of the director, from grants, gifts, and 6926
contributions, or funds established in accordance with those 6927
sections. Those sections do not authorize the director to incur 6928
indebtedness or to impose liability on the state or any political 6929
subdivision of the state. 6930

(D) Financial statements and financial data submitted to the 6931
director by any corporation, partnership, or person in connection 6932
with a loan application, or any information taken from such 6933
statements or data for any purpose, shall not be open to public 6934
inspection. 6935

Sec. 122.60. As used in sections 122.60 to 122.605 of the 6936
Revised Code: 6937

(A) "Capital access loan" means a loan made by a 6938
participating financial institution to an eligible business that 6939
may be secured by a deposit of money from the fund into the 6940
participating financial institution's program reserve account. 6941

(B) ~~"Department of development" means the development~~ 6942

~~services agency.~~ 6943

~~(C)~~ "Eligible business" means a for-profit business entity, 6944
or a nonprofit entity, that had total annual sales in its most 6945
recently completed fiscal year of less than ten million dollars 6946
and that has a principal place of for-profit business or nonprofit 6947
entity activity within the state, the operation of which, alone or 6948
in conjunction with other facilities, will create new jobs or 6949
preserve existing jobs and employment opportunities and will 6950
improve the economic welfare of the people of the state. As used 6951
in this division, "new jobs" does not include existing jobs 6952
transferred from another facility within the state, and "existing 6953
jobs" means only existing jobs at facilities within the same 6954
municipal corporation or township in which the project, activity, 6955
or enterprise that is the subject of a capital access loan is 6956
located. 6957

~~(D)~~~~(C)~~ "Financial institution" means any bank, trust company, 6958
savings bank, or savings and loan association that is chartered by 6959
and has a significant presence in the state, or any national bank, 6960
federal savings and loan association, or federal savings bank that 6961
has a significant presence in the state. 6962

~~(E)~~~~(D)~~ "Fund" means the capital access loan program fund. 6963

~~(F)~~~~(E)~~ "Minority business supplier development council" has 6964
the same meaning as in section 122.71 of the Revised Code. 6965

~~(G)~~~~(F)~~ "Participating financial institution" means a 6966
financial institution that has a valid, current participation 6967
agreement with the department of development ~~services agency~~. 6968

~~(H)~~~~(G)~~ "Participation agreement" means the agreement between 6969
a financial institution and the ~~agency~~ department under which a 6970
financial institution may participate in the program. 6971

~~(I)~~~~(H)~~ "Passive real estate ownership" means the ownership of 6972
real estate for the sole purpose of deriving income from it by 6973

speculation, trade, or rental. 6974

~~(J)~~(I) "Program" means the capital access loan program 6975
created under section 122.602 of the Revised Code. 6976

~~(K)~~(J) "Program reserve account" means a dedicated account at 6977
each participating financial institution that is the property of 6978
the state and may be used by the participating financial 6979
institution only for the purpose of recovering a claim under 6980
section 122.604 of the Revised Code arising from a default on a 6981
loan made by the participating financial institution under the 6982
program. 6983

Sec. 122.601. There is hereby created in the state treasury 6984
the capital access loan program fund. The fund shall consist of 6985
money deposited into it from the minority business enterprise loan 6986
fund pursuant to section 122.80 of the Revised Code and the 6987
facilities establishment fund pursuant to section 166.03 of the 6988
Revised Code and all money deposited into it pursuant to section 6989
122.602 of the Revised Code. The total amount of money deposited 6990
into the fund from the minority business enterprise loan fund or 6991
the facilities establishment fund shall not exceed three million 6992
dollars during any particular fiscal year of the department of 6993
development ~~services agency~~. 6994

The ~~agency~~ department shall disburse money from the fund only 6995
to pay the operating costs of the program, including the 6996
administrative costs incurred by the ~~agency~~ department in 6997
connection with the program, and only in keeping with the purposes 6998
specified in sections 122.60 to 122.605 of the Revised Code. 6999

Sec. 122.603. (A)(1) Upon approval by the director of 7000
development ~~services~~ and after entering into a participation 7001
agreement with the department of development ~~services agency~~, a 7002
participating financial institution making a capital access loan 7003

shall establish a program reserve account. The account shall be an 7004
interest-bearing account and shall contain only moneys deposited 7005
into it under the program and the interest payable on the moneys 7006
in the account. 7007

(2) All interest payable on the moneys in the program reserve 7008
account shall be added to the moneys and held as an additional 7009
loss reserve. The director may require that a portion or all of 7010
the accrued interest so held in the account be released to the 7011
agency department. If the director causes a release of accrued 7012
interest, the director shall deposit the released amount into the 7013
capital access loan program fund created in section 122.601 of the 7014
Revised Code. The director shall not require the release of that 7015
accrued interest more than twice in a fiscal year. 7016

(B) When a participating financial institution makes a 7017
capital access loan, it shall require the eligible business to pay 7018
to the participating financial institution a fee in an amount that 7019
is not less than one and one-half per cent, and not more than 7020
three per cent, of the principal amount of the loan. The 7021
participating financial institution shall deposit the fee into its 7022
program reserve account, and it also shall deposit into the 7023
account an amount of its own funds equal to the amount of the fee. 7024
The participating financial institution may recover from the 7025
eligible business all or part of the amount that the participating 7026
financial institution is required to deposit into the account 7027
under this division in any manner agreed to by the participating 7028
financial institution and the eligible business. 7029

(C) For each capital access loan made by a participating 7030
financial institution, the participating financial institution 7031
shall certify to the director, within a period specified by the 7032
director, that the participating financial institution has made 7033
the loan. The certification shall include the amount of the loan, 7034

the amount of the fee received from the eligible business, the 7035
amount of its own funds that the participating financial 7036
institution deposited into its program reserve account to reflect 7037
that fee, and any other information specified by the director. The 7038
certification also shall indicate if the eligible business 7039
receiving the capital access loan is a minority business 7040
enterprise as defined in section 122.71 of the Revised Code or 7041
certified by the minority business supplier development council. 7042

(D)(1)(a) Upon receipt of each of the first three 7043
certifications from a participating financial institution made 7044
under division (C) of this section and subject to section 122.602 7045
of the Revised Code, the director shall disburse to the 7046
participating financial institution from the capital access loan 7047
program fund an amount not to exceed fifty per cent of the 7048
principal amount of the particular capital access loan for deposit 7049
into the participating financial institution's program reserve 7050
account. Thereafter, upon receipt of a certification from that 7051
participating financial institution made under division (C) of 7052
this section and subject to section 122.602 of the Revised Code, 7053
the director shall disburse to the participating financial 7054
institution from the capital access loan program fund an amount 7055
equal to ten per cent of the principal amount of the particular 7056
capital access loan for deposit into the participating financial 7057
institution's program reserve account. 7058

(b) Notwithstanding division (D)(1)(a) of this section, and 7059
subject to section 122.602 of the Revised Code, upon receipt of 7060
any certification from a participating financial institution made 7061
under division (C) of this section with respect to a capital 7062
access loan made to an eligible business that is a minority 7063
business enterprise, the director shall disburse to the 7064
participating financial institution from the capital access loan 7065
program fund an amount not to exceed eighty per cent of the 7066

principal amount of the particular capital access loan for deposit 7067
into the participating financial institution's program reserve 7068
account. 7069

(2) The disbursement of moneys from the fund to a 7070
participating financial institution does not require approval from 7071
the controlling board. 7072

(E) If the amount in a program reserve account exceeds an 7073
amount equal to thirty-three per cent of a participating financial 7074
institution's outstanding capital access loans, the ~~agency~~ 7075
department may cause the withdrawal of the excess amount and the 7076
deposit of the withdrawn amount into the capital access loan 7077
program fund. 7078

(F)(1) The ~~agency~~ department may cause the withdrawal of the 7079
total amount in a participating financial institution's program 7080
reserve account if any of the following applies: 7081

(a) The financial institution is no longer eligible to 7082
participate in the program. 7083

(b) The participation agreement expires without renewal by 7084
the ~~agency~~ department or the financial institution. 7085

(c) The financial institution has no outstanding capital 7086
access loans. 7087

(d) The financial institution has not made a capital access 7088
loan within the preceding twenty-four months. 7089

(2) If the ~~agency~~ department causes a withdrawal under 7090
division (F)(1) of this section, the ~~agency~~ department shall 7091
deposit the withdrawn amount into the capital access loan program 7092
fund. 7093

Sec. 122.65. As used in sections 122.65 to 122.659 of the 7094
Revised Code: 7095

(A) "Applicable cleanup standards" means either of the	7096
following:	7097
(1) For property to which Chapter 3734. of the Revised Code	7098
and rules adopted under it apply, the requirements for closure or	7099
corrective action established in rules adopted under section	7100
3734.12 of the Revised Code;	7101
(2) For property to which Chapter 3746. of the Revised Code	7102
and rules adopted under it apply, the cleanup standards that are	7103
established in rules adopted under section 3746.04 of the Revised	7104
Code.	7105
(B) "Applicant" means a county, township, municipal	7106
corporation, port authority, or conservancy district or a park	7107
district, other similar park authority, nonprofit organization, or	7108
organization for profit that has entered into an agreement with a	7109
county, township, municipal corporation, port authority, or	7110
conservancy district to work in conjunction with that county,	7111
township, municipal corporation, port authority, or conservancy	7112
district for the purposes of sections 122.65 to 122.658 of the	7113
Revised Code.	7114
(C) "Assessment" means a phase I and phase II property	7115
assessment conducted in accordance with section 3746.04 of the	7116
Revised Code and rules adopted under that section.	7117
(D) "Brownfield" means an abandoned, idled, or under-used	7118
industrial, commercial, or institutional property where expansion	7119
or redevelopment is complicated by known or potential releases of	7120
hazardous substances or petroleum.	7121
(E) "Certified professional," "hazardous substance,"	7122
"petroleum," and "release" have the same meanings as in section	7123
3746.01 of the Revised Code.	7124
(F) "Cleanup or remediation" means any action to contain,	7125
remove, or dispose of hazardous substances or petroleum at a	7126

brownfield. "Cleanup or remediation" includes the acquisition of a brownfield, demolition performed at a brownfield, and the installation or upgrade of the minimum amount of infrastructure that is necessary to make a brownfield operational for economic development activity.

(G) "Distressed area" means either a municipal corporation with a population of at least fifty thousand or a county that meets any two of the following criteria:

(1) Its average rate of unemployment, during the most recent five-year period for which data are available, is equal to at least one hundred twenty-five per cent of the average rate of unemployment for the United States for the same period.

(2) It has a per capita income equal to or below eighty per cent of the median county per capita income of the United States as determined by the most recently available figures from the United States census bureau.

(3)(a) In the case of a municipal corporation, at least twenty per cent of the residents have a total income for the most recent census year that is below the official poverty line.

(b) In the case of a county, in intercensal years, the county has a ratio of transfer payment income to total county income equal to or greater than twenty-five per cent.

"Distressed area" includes a municipal corporation the majority of the population of which is situated in a county that is a distressed area.

(H) "Eligible area" means a distressed area, an inner city area, a labor surplus area, or a situational distress area.

(I) "Inner city area" means an area in a municipal corporation that has a population of at least one hundred thousand, is not a labor surplus area, and is a targeted

investment area established by the municipal corporation that is 7157
comprised of block tracts identified in the most recently 7158
available figures from the United States census bureau in which at 7159
least twenty per cent of the population in the area is at or below 7160
the official poverty line or of contiguous block tracts meeting 7161
those criteria. 7162

(J) "Institutional property" means property currently or 7163
formerly owned or controlled by the state that is or was used for 7164
a public or charitable purpose. However, "institutional property" 7165
does not mean property that is or was used for educational 7166
purposes. 7167

(K) "Integrating committee" means a district public works 7168
integrating committee established under section 164.04 of the 7169
Revised Code. 7170

(L) "Labor surplus area" means an area designated as a labor 7171
surplus area by the United States department of labor. 7172

(M) "Loan" includes credit enhancement. 7173

(N) "No further action letter" means a letter that is 7174
prepared by a certified professional when, on the basis of the 7175
best knowledge, information, and belief of the certified 7176
professional, the certified professional concludes that the 7177
cleanup or remediation of a brownfield meets the applicable 7178
cleanup standards and that contains all of the information 7179
specified in rules adopted under division ~~(B)(7)~~(B)(6) of section 7180
3746.04 of the Revised Code. 7181

(O) "Nonprofit organization" means a corporation, 7182
association, group, institution, society, or other organization 7183
that is exempt from federal income taxation under section 7184
501(c)(3) of the "Internal Revenue Code of 1986," 100 Stat. 2085, 7185
26 U.S.C. 501(c)(3), as amended. 7186

(P) "Property" means any parcel of real property, or portion 7187

of such a parcel, and any improvements to it. 7188

(Q) "Public health project" means the cleanup or remediation 7189
of a release or threatened release of hazardous substances or 7190
petroleum at a property where little or no economic redevelopment 7191
potential exists. 7192

(R) "Official poverty line" has the same meaning as in 7193
section 3923.51 of the Revised Code. 7194

(S) "Situational distress area" means a county or a municipal 7195
corporation that has experienced or is experiencing a closing or 7196
downsizing of a major employer that will adversely affect the 7197
county or municipal corporation's economy and that has applied to 7198
the director of development to be designated as a situational 7199
distress area for not more than thirty months by demonstrating all 7200
of the following: 7201

(1) The number of jobs lost by the closing or downsizing; 7202

(2) The impact that the job loss has on the county or 7203
municipal corporation's unemployment rate as measured by the 7204
director of job and family services; 7205

(3) The annual payroll associated with the job loss; 7206

(4) The amount of state and local taxes associated with the 7207
job loss; 7208

(5) The impact that the closing or downsizing has on 7209
suppliers located in the county or municipal corporation. 7210

Sec. 122.6511. (A) As used in this section and section 7211
122.6512 of the Revised Code, "brownfield" and "remediation" have 7212
the same meanings as in section 122.65 of the Revised Code. 7213

(B)(1) There is hereby created the brownfield remediation 7214
program to award grants for the remediation of brownfield sites 7215
throughout Ohio. The program shall be administered by the director 7216

of development pursuant to this section and rules adopted pursuant 7217
to division (B)(2) of this section. 7218

(2) The director shall adopt rules, under Chapter 119. of the 7219
Revised Code, for the administration of the program. The rules 7220
shall include provisions for determining project and project 7221
sponsor eligibility, program administration, and any other 7222
provisions the director finds necessary. 7223

(3) The director shall ensure that the program is operational 7224
and accepting proposals for grants not later than ninety days 7225
after the effective date of this section. 7226

(C)(1) There is hereby created in the state treasury the 7227
brownfield remediation fund. The fund shall consist of moneys 7228
appropriated to it by the general assembly, and investment 7229
earnings on moneys in the fund shall be credited to the fund. 7230

(2) The director shall reserve funds from each appropriation 7231
to the fund to each county in the state. The amount reserved shall 7232
be one million dollars per county, or, if an appropriation is less 7233
than eighty-eight million dollars, a proportionate amount to each 7234
county. Amounts reserved pursuant to this section are reserved for 7235
one calendar year from the date of the appropriation. After one 7236
calendar year, the funds shall be available pursuant to division 7237
(C)(3) of this section. 7238

(3) Funds from an appropriation not reserved under division 7239
(C)(2) of this section shall be available for grants to projects 7240
located anywhere in the state, and grants from those funds shall 7241
be awarded to qualifying projects on a first-come, first-served 7242
basis. Grants awarded pursuant to this division shall be limited 7243
to seventy-five per cent of a project's total cost. 7244

Sec. 122.6512. (A)(1) There is hereby created the building 7245
demolition and site revitalization program to award grants for the 7246

demolition of commercial and residential buildings and 7247
revitalization of surrounding properties on sites that are not 7248
brownfields. The program shall be administered by the director of 7249
development pursuant to this section and rules adopted pursuant to 7250
division (A)(2) of this section. 7251

(2) The director shall adopt rules, under Chapter 119. of the 7252
Revised Code, for the administration of the program. The rules 7253
shall include provisions for determining project and project 7254
sponsor eligibility, program administration, and any other 7255
provisions the director finds necessary. 7256

(3) The director shall ensure that the program is operational 7257
and accepting proposals for grants not later than ninety days 7258
after the effective date of this section. 7259

(B)(1) There is hereby created in the state treasury the 7260
building demolition and site revitalization fund. The fund shall 7261
consist of moneys appropriated to it by the general assembly, and 7262
investment earnings on moneys in the fund shall be credited to the 7263
fund. 7264

(2) The director shall reserve funds from each appropriation 7265
to the fund to each county in the state. The amount reserved shall 7266
be five hundred thousand dollars per county, or, if an 7267
appropriation is less than forty-four million dollars, a 7268
proportionate amount to each county. Amounts reserved pursuant to 7269
this section are reserved for one calendar year from the date of 7270
the appropriation. After one calendar year, the funds shall be 7271
available pursuant to division (B)(3) of this section. 7272

(3) Funds from an appropriation not reserved under division 7273
(B)(2) of this section shall be available for grants to projects 7274
located anywhere in the state, and grants from those funds shall 7275
be awarded to qualifying projects on a first-come, first-served 7276
basis. Grants awarded pursuant to this division shall be limited 7277

to seventy-five per cent of a project's total cost. 7278

Sec. 122.72. (A) There is hereby created the minority 7279
development financing advisory board to assist in carrying out the 7280
programs created pursuant to sections 122.71 to 122.83 and 122.87 7281
to 122.89 of the Revised Code. 7282

(B) The board shall consist of ten members. The director of 7283
development or the director's designee shall be a voting member on 7284
the board. Seven members shall be appointed by the governor with 7285
the advice and consent of the senate and selected because of their 7286
knowledge of and experience in industrial, business, and 7287
commercial financing, suretyship, construction, and their 7288
understanding of the problems of minority business enterprises; 7289
one member also shall be a member of the senate and appointed by 7290
the president of the senate, and one member also shall be a member 7291
of the house of representatives and appointed by the speaker of 7292
the house of representatives. With respect to the board, all of 7293
the following apply: 7294

(1) Not more than four of the members of the board appointed 7295
by the governor shall be of the same political party. 7296

(2) Each member shall hold office from the date of the 7297
member's appointment until the end of the term for which the 7298
member was appointed. 7299

(3) The terms of office for the seven members appointed by 7300
the governor shall be for seven years, commencing on the first day 7301
of October and ending on the thirtieth day of September of the 7302
seventh year, except that of the original seven members, three 7303
shall be appointed for three years and two shall be appointed for 7304
five years. 7305

(4) Any member of the board is eligible for reappointment. 7306

(5) Any member appointed to fill a vacancy occurring prior to 7307

the expiration of the term for which the member's predecessor was 7308
appointed shall hold office for the remainder of the predecessor's 7309
term. 7310

(6) Any member shall continue in office subsequent to the 7311
expiration date of the member's term until the member's successor 7312
takes office, or until a period of sixty days has elapsed, 7313
whichever occurs first. 7314

(7) Before entering upon official duties as a member of the 7315
board, each member shall take an oath as provided by Section 7 of 7316
Article XV, Ohio Constitution. 7317

(8) The governor may, at any time, remove any member 7318
appointed by the governor pursuant to section 3.04 of the Revised 7319
Code. 7320

(9) Notwithstanding section 101.26 of the Revised Code, 7321
members shall receive their necessary and actual expenses while 7322
engaged in the business of the board and shall be paid at the per 7323
diem rate of step 1 of pay range 31 of section 124.15 of the 7324
Revised Code. 7325

(10) Six members of the board constitute a quorum and the 7326
affirmative vote of six members is necessary for any action taken 7327
by the board. 7328

(11) In the event of the absence of a member appointed by the 7329
president of the senate or by the speaker of the house of 7330
representatives, either of the following persons may serve in the 7331
member's absence: 7332

(a) The president of the senate or the speaker of the house 7333
of representatives, whoever appointed the absent member; 7334

(b) A member of the senate or of the house of representatives 7335
of the same political party as the absent member, as designated by 7336
the president of the senate or the speaker of the house of 7337

representatives, whoever appointed the absent member. 7338

(12) The board shall annually elect one of its members as 7339
chairperson and another as vice-chairperson. 7340

Sec. 122.73. (A) The minority development financing advisory 7341
board and the director of development are invested with the powers 7342
and duties provided in sections 122.71 to 122.83 and 122.87 to 7343
122.89 of the Revised Code, in order to promote the welfare of the 7344
people of the state by encouraging the establishment and expansion 7345
of minority business enterprises; to stabilize the economy; to 7346
provide employment; to assist in the development within the state 7347
of industrial, commercial, distribution, and research activities 7348
required for the people of the state, and for their gainful 7349
employment; or otherwise to create or preserve jobs and employment 7350
opportunities, or improve the economic welfare of the people of 7351
the state. It is hereby determined that the accomplishment of 7352
those purposes is essential so that the people of the state may 7353
maintain their present high standards of living in comparison with 7354
the people of other states and so that opportunities for 7355
employment and for favorable markets for the products of the 7356
state's natural resources, agriculture, and manufacturing shall be 7357
improved. It further is determined that it is necessary for the 7358
state to establish the programs authorized under sections 122.71 7359
to 122.83 and 122.87 to 122.89 of the Revised Code to establish 7360
the minority development financing advisory board, and to invest 7361
it and the director of development with the powers and duties 7362
provided in those sections ~~122.71 to 122.89~~ of the Revised Code. 7363

(B) The minority development financing advisory board shall 7364
do all of the following: 7365

(1) Make recommendations to the director as to applications 7366
for assistance pursuant to sections 122.71 to 122.83 and 122.87 to 7367
122.89 of the Revised Code. The board may revise its 7368

recommendations to reflect any changes in the proposed assistance 7369
made by the director. 7370

(2) Advise the director in the administration of sections 7371
122.71 to 122.83 and 122.87 to 122.89 of the Revised Code. 7372

(3) Adopt bylaws to govern the conduct of the business of the 7373
board. 7374

Sec. 122.74. (A)(1) The director of development shall do all 7375
of the following: 7376

(a) Receive applications for assistance under sections 122.71 7377
to 122.83 and 122.87 to 122.89 of the Revised Code and 7378
applications from surety companies for bond guarantees under 7379
section 122.90 of the Revised Code, and, after processing but 7380
subject to division (A)(2) of this section, forward them to the 7381
minority development financing advisory board together with 7382
necessary supporting information; 7383

(b) Receive the recommendations of the board and make a final 7384
determination whether to approve the application for assistance; 7385

(c) Receive recommendations from a regional economic 7386
development entity for loans made under section 122.76 of the 7387
Revised Code and make a final determination, notwithstanding 7388
divisions (A)(1) and (2) of this section, whether to approve the 7389
proposed loan; 7390

(d) Transmit the director's determinations to approve 7391
assistance to the controlling board unless such assistance falls 7392
under section 122.90 of the Revised Code and has been previously 7393
approved by the controlling board, together with any information 7394
the controlling board requires for its review and decision as to 7395
whether to approve the assistance. 7396

(2) The director is not required to submit any determination, 7397
data, terms, or any other application materials or information to 7398

the minority development financing advisory board when provision 7399
of the assistance has been recommended to the director by a 7400
regional economic development entity or when an application for a 7401
surety company for bond guarantees under section 122.90 of the 7402
Revised Code has been previously approved by the controlling 7403
board. 7404

(B) The director may do all of the following: 7405

(1) Fix the rate of interest and charges to be made upon or 7406
with respect to moneys loaned or guaranteed by the director and 7407
the terms upon which mortgages and lease rentals may be guaranteed 7408
and the rates of charges to be made for them and make provisions 7409
for the operation of the funds established by the director in 7410
accordance with this section and sections 122.80, 122.88, and 7411
122.90 of the Revised Code; 7412

(2) Loan and guarantee moneys from the fund established in 7413
accordance with section 122.80 of the Revised Code pursuant to and 7414
in compliance with sections 122.71 to 122.83 and 122.87 to 122.90 7415
of the Revised Code. 7416

(3) Acquire in the name of the director any property of any 7417
kind or character in accordance with sections 122.71 to 122.83 and 7418
122.87 to 122.90 of the Revised Code, by purchase, purchase at 7419
foreclosure, or exchange on such terms and in such manner as the 7420
director considers proper; 7421

(4) Make and enter into all contracts and agreements 7422
necessary or incidental to the performance of the director's 7423
duties and the exercise of the director's powers under sections 7424
122.71 to 122.83 and 122.87 to 122.90 of the Revised Code; 7425

(5) Maintain, protect, repair, improve, and insure any 7426
property that the director has acquired and dispose of it by sale, 7427
exchange, or lease for the consideration and on the terms and in 7428
the manner as the director considers proper, but the director 7429

shall not operate any such property as a business except as the lessor of it;

(6)(a) When the cost of any contract for the maintenance, protection, repair, or improvement of any property held by the director, other than compensation for personal services, involves an expenditure of more than fifty thousand dollars, the director shall make a written contract with the lowest responsive and responsible bidder in accordance with section 9.312 of the Revised Code after advertisement for not less than two consecutive weeks in a newspaper of general circulation in the county where such contract, or some substantial part of it, is to be performed, and in such other publications as the director determines, which notice shall state the general character of the work and the general character of the materials to be furnished, the place where plans and specifications therefor may be examined, and the time and place of receiving bids.

(b) Each bid for a contract for the construction, demolition, alteration, repair, or reconstruction of an improvement shall contain the full name of every person interested in it and meet the requirements of section 153.54 of the Revised Code.

(c) Each bid for a contract, except as provided in division (B)(6)(b) of this section, shall contain the full name of every person interested in it and shall be accompanied by bond or certified check on a solvent bank, in such amount as the director considers sufficient, that if the bid is accepted a contract will be entered into and the performance of the proposal secured.

(d) The director may reject any and all bids.

(e) A bond with good and sufficient surety, approved by the director, shall be required of every contractor awarded a contract except as provided in division (B)(6)(b) of this section, in an amount equal to at least fifty per cent of the contract price,

conditioned upon faithful performance of the contract. 7461

(7) Employ or contract with financial consultants, 7462
appraisers, consulting engineers, superintendents, managers, 7463
construction and accounting experts, attorneys, and other 7464
employees and agents as are necessary in the director's judgment 7465
and fix their compensation; 7466

(8) Receive and accept grants, gifts, and contributions of 7467
money, property, labor, and other things of value to be held, 7468
used, and applied only for the purpose for which the grants, 7469
gifts, and contributions are made, from individuals, private and 7470
public corporations, from the United States or any agency thereof, 7471
from the state or any agency thereof, and from any political 7472
subdivision of the state, and may agree to repay any contribution 7473
of money or to return any property contributed or the value 7474
thereof at such times, in amounts, and on terms and conditions, 7475
excluding the payment of interest, as the director determines at 7476
the time the contribution is made, and may evidence the 7477
obligations by notes, bonds, or other written instruments; 7478

(9) Establish with the treasurer of state the funds provided 7479
in sections 122.80 and 122.88 of the Revised Code in addition to 7480
such funds as the director determines are necessary or proper; 7481

(10) Adopt rules under Chapter 119. of the Revised Code 7482
necessary to implement sections 122.71 to 122.83 and 122.87 to 7483
122.90 of the Revised Code. 7484

(11) Do all acts and things necessary or proper to carry out 7485
the powers expressly granted and the duties imposed in sections 7486
122.71 to 122.83 and 122.87 to 122.90 of the Revised Code. 7487

(C)(1) All expenses and obligations incurred by the director 7488
in carrying out the director's powers and in exercising the 7489
director's duties under sections 122.71 to 122.83 and 122.87 to 7490
122.90 of the Revised Code shall be payable solely from revenues 7491

or other receipts or income of the director, from grants, gifts, 7492
and contributions, or funds established in accordance with such 7493
sections. Such sections do not authorize the director to incur 7494
indebtedness or to impose liability on the state or any political 7495
subdivision of the state. 7496

(2) Financial statements and other data submitted to the 7497
director by any corporation, partnership, or person in connection 7498
with financial assistance provided under sections 122.71 to 122.83 7499
and 122.87 to 122.90 of the Revised Code, or any information taken 7500
from such statements or data for any purpose, shall not be open to 7501
public inspection. 7502

Sec. 122.751. The minority development financing advisory 7503
board or a regional economic development entity shall only 7504
consider an application for a loan from any applicant after a 7505
determination that the applicant is a community development 7506
corporation, or after a certification by the ~~equal employment~~ 7507
~~opportunity coordinator~~ director of ~~the department of~~ 7508
~~administrative services~~ development under division (B)(1) of 7509
section ~~123.151~~ 122.921 of the Revised Code that the applicant is 7510
a minority business enterprise, or after a certification by the 7511
minority business supplier development council that the applicant 7512
is a minority business, and that the applicant satisfies all 7513
criteria regarding eligibility for assistance pursuant to section 7514
122.76 of the Revised Code. 7515

Sec. 122.76. (A) The director of development ~~services~~, with 7516
controlling board approval, may lend funds to minority business 7517
enterprises and to community improvement corporations, Ohio 7518
development corporations, minority contractors business assistance 7519
organizations, and minority business supplier development councils 7520
for the purpose of loaning funds to minority business enterprises, 7521
for the purpose of procuring or improving real or personal 7522

property, or both, for the establishment, location, or expansion 7523
of industrial, distribution, commercial, or research facilities in 7524
the state, and for the purpose of contract financing, and to 7525
community development corporations that predominantly benefit 7526
minority business enterprises or are located in a census tract 7527
that has a population that is sixty per cent or more minority, if 7528
the director determines, in the director's sole discretion, that 7529
all of the following apply: 7530

(1) The project is economically sound and will benefit the 7531
people of the state by increasing opportunities for employment, by 7532
strengthening the economy of the state, or expanding minority 7533
business enterprises. 7534

(2) The proposed minority business enterprise borrower is 7535
unable to finance the proposed project through ordinary financial 7536
channels at comparable terms. 7537

(3) The value of the project is or, upon completion, will be 7538
at least equal to the total amount of the money expended in the 7539
procurement or improvement of the project. 7540

(4) The amount to be loaned by the director will not exceed 7541
seventy-five per cent of the total amount expended in the 7542
procurement or improvement of the project. 7543

(5) The amount to be loaned by the director will be 7544
adequately secured by a first or second mortgage upon the project 7545
or by mortgages, leases, liens, assignments, or pledges on or of 7546
other property or contracts as the director requires, and such 7547
mortgage will not be subordinate to any other liens or mortgages 7548
except the liens securing loans or investments made by financial 7549
institutions referred to in division (A)(3) of this section, and 7550
the liens securing loans previously made by any financial 7551
institution in connection with the procurement or expansion of all 7552
or part of a project. 7553

(B) Any proposed minority business enterprise borrower 7554
submitting an application for assistance under this section shall 7555
not have defaulted on a previous loan from the director, and no 7556
full or limited partner, major shareholder, or holder of an equity 7557
interest of the proposed minority business enterprise borrower 7558
shall have defaulted on a loan from the director. 7559

(C) The proposed minority business enterprise borrower shall 7560
demonstrate to the satisfaction of the director that it is able to 7561
successfully compete in the private sector if it obtains the 7562
necessary financial, technical, or managerial support and that 7563
support is available through the director, the minority business 7564
development ~~office~~ division of the department of development 7565
~~services agency~~, or other identified and acceptable sources. In 7566
determining whether a minority business enterprise borrower will 7567
be able to successfully compete, the director may give 7568
consideration to such factors as the successful completion of or 7569
participation in courses of study, recognized by the ~~board~~ 7570
department of ~~regents~~ higher education as providing financial, 7571
technical, or managerial skills related to the operation of the 7572
business, by the economically disadvantaged individual, owner, or 7573
partner, and the prior success of the individual, owner, or 7574
partner in personal, career, or business activities, as well as to 7575
other factors identified by the director. 7576

(D) The director shall not lend funds for the purpose of 7577
procuring or improving motor vehicles or accounts receivable. 7578

Sec. 122.77. (A) The director of development with controlling 7579
board approval may make loan guarantees to small businesses and 7580
corporations for the purpose of guaranteeing loans made to small 7581
businesses by financial institutions for the purpose of procuring 7582
or improving real or personal property, or both, for the 7583
establishment, location, or expansion of industrial, distribution, 7584

commercial, or research facilities in the state, if the director 7585
determines, in the director's sole discretion, that all of the 7586
following apply: 7587

(1) The project is economically sound and will benefit the 7588
people of the state by increasing opportunities for employment, by 7589
strengthening the economy of the state, or expanding minority 7590
business enterprises. 7591

(2) The proposed small business borrower is unable to finance 7592
the proposed project through ordinary financial channels at 7593
comparable terms. 7594

(3) The value of the project is, or upon completion of it 7595
will be, at least equal to the total amount of the money expended 7596
in the procurement or improvement of the project and of which 7597
amount one or more financial institutions or other governmental 7598
entities have loaned not less than thirty per cent. 7599

(4) The amount to be guaranteed by the director will not 7600
exceed eighty per cent of the total amount expended in the 7601
procurement or improvement of the project. 7602

(5) The amount to be guaranteed by the director will be 7603
adequately secured by a first or second mortgage upon the project, 7604
or by mortgages, leases, liens, assignments, or pledges on or of 7605
other property or contracts as the director shall require and that 7606
such mortgage will not be subordinate to any other liens or 7607
mortgages except the liens securing loans or investments made by 7608
financial institutions referred to in division (A)(3) of this 7609
section, and the liens securing loans previously made by any 7610
financial institution in connection with the procurement or 7611
expansion of all or part of a project. 7612

(B) The proposed small business borrower shall not have 7613
defaulted on a previous loan or guarantee from the director, and 7614
no full or limited partner, or major shareholder, or holder of any 7615

equity interest of the proposed minority business enterprise 7616
borrower shall have defaulted on a loan or guarantee from the 7617
director. 7618

(C) The proposed small business borrower shall demonstrate to 7619
the satisfaction of the director that it is able to successfully 7620
compete in the private sector if it obtains the necessary 7621
financial, technical, or managerial support and that support is 7622
available through the director, the minority business development 7623
~~office~~ division of the department of development, or other 7624
identified and acceptable sources. In determining whether a small 7625
business borrower will be able to successfully compete, the 7626
director may give consideration to such factors as the successful 7627
completion of or participation in courses of study, recognized by 7628
the ~~board~~ department of ~~regents~~ higher education as providing 7629
financial, technical, or managerial skills related to the 7630
operation of the business, by the economically disadvantaged 7631
individual, owner, or partner, and the prior success of the 7632
individual, owner, or partner in personal, career, or business 7633
activities, as well as to other factors identified by the 7634
director. 7635

(D) The director shall not guarantee funds for the purpose of 7636
procuring or improving motor vehicles or accounts receivable. 7637

Sec. 122.78. Fees, charges, rates of interest, times of 7638
payment of interest and principal, and other terms, conditions, 7639
and provisions of the loans and guarantees made by the director of 7640
development pursuant to sections 122.71 to 122.83 and 122.87 to 7641
122.90 of the Revised Code shall be such as the director 7642
determines to be appropriate and in furtherance of the purpose for 7643
which the loans and guarantees are made, but the mortgage lien 7644
securing any money loaned or guaranteed by the director may be 7645
subordinate to the mortgage lien securing any money loaned or 7646

invested by a financial institution, but shall be superior to that 7647
securing any money loaned or expended by any other corporation or 7648
person. The funds used in making these loans or guarantees shall 7649
be disbursed upon order of the director. 7650

Sec. 122.79. The exercise of the powers granted by sections 7651
122.71 to 122.83 and 122.87 to 122.90 of the Revised Code, will be 7652
in all respects for the benefit of the people of the state, for 7653
the increase of their commerce and prosperity, for the increase 7654
and expansion of minority business enterprises, and for the 7655
improvement of conditions of employment, and will constitute the 7656
performance of essential governmental functions; therefore, the 7657
director of development shall not be required to pay any taxes 7658
upon any property or assets held by the director, or upon any 7659
property acquired or used by the director under sections 122.71 to 7660
122.83 and 122.87 to 122.90 of the Revised Code, or upon the 7661
income from it, provided that this exemption shall not apply to 7662
any property held by the director while it is in the possession of 7663
a private person, partnership, or corporation and used for private 7664
purposes for profit, in which case such tax liability shall accrue 7665
to the private person, partnership, or corporation. 7666

Sec. 122.82. All moneys, funds, properties, and assets 7667
acquired by the director of development shall be held by the 7668
director in trust to carry out the director's powers and duties, 7669
shall be used as provided in sections 122.71 to 122.83 and 122.87 7670
to 122.90 of the Revised Code, and shall at no time be part of 7671
other public funds. 7672

Sec. 122.84. (A) As used in this section: 7673

(1) "Ohio qualified opportunity fund" means a qualified 7674
opportunity fund that holds one hundred per cent of its invested 7675
assets in qualified opportunity zone property situated in an Ohio 7676

opportunity zone. 7677

In the case of qualified opportunity zone property that is 7678
qualified opportunity zone stock or qualified opportunity zone 7679
partnership interest, the stock or interest is situated in an Ohio 7680
opportunity zone only if, during all of the qualified opportunity 7681
fund's holding period for such stock or interest, all of the use 7682
of the corporation's or partnership's tangible property was in an 7683
Ohio opportunity zone. In the case of qualified opportunity zone 7684
property that is qualified opportunity zone business property, the 7685
property is situated in an Ohio opportunity zone only if, during 7686
all of the fund's holding period for such property, all of the use 7687
of the property was in an Ohio opportunity zone. 7688

All terms used in division (A) of this section have the same 7689
meaning as in 26 U.S.C. 1400Z-2, except that "all" shall be 7690
substituted for "substantially all" wherever "substantially all" 7691
appears in the definition of those terms or in the definition of 7692
terms used in those terms. 7693

(2) "Ohio opportunity zone" means a qualified opportunity 7694
zone designated in this state under 26 U.S.C. 1400Z-1 before, on, 7695
or after the effective date of the enactment of this section by 7696
H.B. 166 of the 133rd general assembly. 7697

(3) "Taxpayer" and "taxable year" have the same meanings as 7698
in section 5747.01 of the Revised Code. 7699

(4) "Qualifying taxable year" means a taxpayer's taxable year 7700
that includes the first day of a calendar year during which an 7701
Ohio qualified opportunity fund in which the taxpayer invests 7702
makes an investment in a project located in an Ohio opportunity 7703
zone. 7704

(B) A taxpayer that invests in one or more Ohio qualified 7705
opportunity funds may apply to the director of development 7706
~~services~~ for a nonrefundable credit against the tax levied under 7707

section 5747.02 of the Revised Code. The application shall be made 7708
on forms prescribed by the director on or after the first day of 7709
January and on or before the first day of February of each year. 7710
The credit shall equal ten per cent of the amount of the 7711
taxpayer's investment in the fund that the fund invested during 7712
the preceding calendar year in projects located in Ohio 7713
opportunity zones. 7714

The taxpayer shall include the following information with the 7715
taxpayer's application: 7716

(1) The amount of the taxpayer's investment in Ohio qualified 7717
opportunity funds during the taxpayer's qualifying taxable year, 7718
arranged according to the amount invested in each such fund if the 7719
taxpayer invested in more than one such fund; 7720

(2) A statement from an employee or officer of each Ohio 7721
qualified opportunity fund identified by the taxpayer under 7722
division (B)(1) of this section certifying the amount of the 7723
taxpayer's investment in the fund and the amount of that 7724
investment the fund invested in projects located in Ohio 7725
opportunity zones during the preceding calendar year. The 7726
statement shall describe each project funded by the investment and 7727
state each project's location and the portion of the taxpayer's 7728
investment invested in each such project. Unless the fund 7729
demonstrates otherwise to the director's satisfaction, the amount 7730
of a taxpayer's investment that the fund invested in a project 7731
located in an Ohio opportunity zone equals the same proportion of 7732
the amount of the fund's investment in the project as the 7733
taxpayer's investment in the fund bears to the total investment by 7734
all investors in that fund on the date the fund makes the 7735
investment in the project. 7736

The director shall review applications in the order in which 7737
applications are received. 7738

(C)(1) Subject to division (C)(2) of this section, if the director determines that the applicant qualifies for a credit under this section, the director shall issue, within sixty days after the receipt of a complete application under division (B) of this section, a tax credit certificate to the taxpayer identified with a unique number and listing the amount of credit the director determines the taxpayer is eligible to claim.

(2) The director shall not issue certificates in a total amount that would cause the tax credits claimed in any fiscal biennium to exceed fifty million dollars. The director shall not issue certificates to a single applicant ~~in an amount that would cause the tax credits claimed in any fiscal biennium by that applicant, and any person to whom the applicant transfers the certificate under division (E) of this section, to exceed one in an amount that exceeds two~~ million dollars.

The director may not issue a certificate under this section on the basis of any investment for which a small business investment certificate has been issued under section 122.86 of the Revised Code.

(3) The credit may be claimed for the taxpayer's qualifying taxable year or the next ensuing taxable year. The taxpayer shall claim the credit in the order prescribed by section 5747.98 of the Revised Code. Any unused amount may be carried forward for the following five taxable years. If the certificate is issued to a pass-through entity for an investment by the entity, any taxpayer that is a direct or indirect investor in the pass-through entity on the last day of the entity's qualifying taxable year may claim the taxpayer's proportionate or distributive share of the credit against the taxpayer's aggregate amount of tax levied under that section.

(D) A taxpayer claiming a credit under this section shall submit a copy of the certificate with the taxpayer's return or

report. 7771

(E) A taxpayer that holds an unclaimed certificate under this 7772
section may notify the tax commissioner, in writing, that the 7773
taxpayer is transferring the right to claim the credit stated on 7774
the certificate. The taxpayer shall identify in that notification 7775
the certificate's number and the name and the tax identification 7776
number of the transferee. Pursuant to division (D) of this 7777
section, the transferee may claim the credit stated on the 7778
certificate, subject to the limitations of this section. A 7779
transferee may not transfer the right to claim the credit to any 7780
other person. 7781

(F) On or before the first day of August each year, the 7782
director of development ~~services~~ shall submit a report to the 7783
governor, the president and minority leader of the senate, and the 7784
speaker and minority leader of the house of representatives on the 7785
tax credit program authorized under this section. The report shall 7786
include the following information: 7787

(1) The number of projects funded by investments for which a 7788
tax credit application was submitted under this section during the 7789
preceding year, the Ohio opportunity zone in which each such 7790
project is located, the number of projects funded by investments 7791
for which certificates were allocated during the preceding year, a 7792
description of each such project, and the composition of an Ohio 7793
qualified opportunity fund's investments in each project funded by 7794
investments for which a tax credit application was submitted under 7795
this section; 7796

(2) The number of taxpayers that invested in an Ohio 7797
qualified opportunity fund and applied for a tax credit based on 7798
the fund's investment in a project during the preceding year, the 7799
name of the fund in which each such investment was made, the 7800
number of taxpayers allocated a credit for such investments under 7801
this section, and the dollar amount of those credits; 7802

(3) A map that shows the location of each Ohio opportunity zone and that indicates which zones include existing or pending projects that are, or will be, funded by tax credit-eligible investments.

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

(1) "Tax credit-eligible production" means a motion picture or Broadway theatrical production certified by the director of development ~~services~~ under division (B) of this section as qualifying the production company ~~and its production contractors~~ for a tax credit under section 5726.55, 5733.59, 5747.66, or 5751.54 of the Revised Code.

(2) "Certificate owner" means a production company ~~or production contractor~~ to which a tax credit certificate is issued.

(3) "Production company" means an individual, corporation, partnership, limited liability company, or other form of business association that is registered with the secretary of state and that is producing a motion picture or Broadway theatrical production.

(4) "Eligible expenditures" means expenditures made after June 30, 2009, for goods or services purchased and consumed in this state by a production company directly for the production of a tax credit-eligible production ~~or~~, for postproduction activities, or for advertising and promotion of the production.

"Eligible expenditures" ~~includes, but is not limited to,~~ include expenditures for cast and crew wages, accommodations, costs of set construction and operations, editing and related services, photography, sound synchronization, lighting, wardrobe, makeup and accessories, film processing, transfer, sound mixing, special and visual effects, music, location fees, and the purchase

or rental of facilities and equipment. 7833

(5) "Motion picture" means entertainment content created in 7834
whole or in part within this state for distribution or exhibition 7835
to the general public, including, but not limited to, 7836
feature-length films; documentaries; long-form, specials, 7837
miniseries, series, and interstitial television programming; 7838
interactive web sites; sound recordings; videos; music videos; 7839
interactive television; interactive games; video games; 7840
commercials; any format of digital media; and any trailer, pilot, 7841
video teaser, or demo created primarily to stimulate the sale, 7842
marketing, promotion, or exploitation of future investment in 7843
either a product or a motion picture by any means and media in any 7844
digital media format, film, or videotape, provided the motion 7845
picture qualifies as a motion picture. "Motion picture" does not 7846
include any television program created primarily as news, weather, 7847
or financial market reports, a production featuring current events 7848
or sporting events, an awards show or other gala event, a 7849
production whose sole purpose is fundraising, a long-form 7850
production that primarily markets a product or service or in-house 7851
corporate advertising or other similar productions, a production 7852
for purposes of political advocacy, or any production for which 7853
records are required to be maintained under 18 U.S.C. 2257 with 7854
respect to sexually explicit content. 7855

(6) "Broadway theatrical production" means a prebroadway 7856
production, long run production, or tour launch that is directed, 7857
managed, and performed by a professional cast and crew and that is 7858
directly associated with New York city's Broadway theater 7859
district. 7860

(7) "Prebroadway production" means a live stage production 7861
that is scheduled for presentation in New York city's Broadway 7862
theater district after the original or adaptive version is 7863
performed in a qualified production facility. 7864

(8) "Long run production" means a live stage production that 7865
is scheduled to be performed at a qualified production facility 7866
for more than five weeks, with an average of at least six 7867
performances per week. 7868

(9) "Tour launch" means a live stage production for which the 7869
activities comprising the technical period are conducted at a 7870
qualified production facility before a tour of the original or 7871
adaptive version of the production begins. 7872

(10) "Qualified production facility" means a facility located 7873
in this state that is used in the development or presentation to 7874
the public of theater productions. 7875

~~(11) "Production contractor" means an individual, 7876
corporation, partnership, limited liability company, or other form 7877
of business association that is registered with the secretary of 7878
state and that, pursuant to a contract with a production company 7879
producing a motion picture in this state, provides any of the 7880
following services to the production company with respect to that 7881
production: editing, postproduction, photography, lighting, 7882
cinematography, sound design, catering, special effects, 7883
production coordination, hair styling or makeup, art design, or 7884
distribution. 7885~~

(B) For the purpose of encouraging and developing strong film 7886
and theater industries in this state, the director of development 7887
~~services~~ may certify a motion picture or Broadway theatrical 7888
production produced by a production company as a tax 7889
credit-eligible production. In the case of a television series, 7890
the director may certify the production of each episode of the 7891
series as a separate tax credit-eligible production. A production 7892
company shall apply for certification of a motion picture or 7893
Broadway theatrical production as a tax credit-eligible production 7894
on a form and in the manner prescribed by the director. Each 7895
application shall include the following information: 7896

(1) The name and telephone number of the production company;	7897
(2) The name and telephone number of the company's contact person;	7898 7899
(3) A list of the first preproduction date through the last production and postproduction dates in Ohio and, in the case of a Broadway theatrical production, a list of each scheduled performance in a qualified production facility;	7900 7901 7902 7903
(4) The Ohio production office or qualified production facility address and telephone number;	7904 7905
(5) The total production budget;	7906
(6) The total budgeted eligible expenditures and the percentage that amount is of the total production budget of the motion picture or Broadway theatrical production;	7907 7908 7909
(7) In the case of a motion picture, the total percentage of the production being shot in Ohio;	7910 7911
(8) The level of employment of cast and crew who reside in Ohio;	7912 7913
(9) A synopsis of the script;	7914
(10) In the case of a motion picture, the shooting script;	7915
(11) A creative elements list that includes the names of the principal cast and crew and the producer and director;	7916 7917
(12) Documentation of financial ability to undertake and complete the motion picture or Broadway theatrical production, including documentation that shows that the company has secured funding equal to at least fifty per cent of the total production budget;	7918 7919 7920 7921 7922
(13) Estimated value of the tax credit based upon total budgeted eligible expenditures;	7923 7924
(14) Estimated amount of state and local taxes to be	7925

generated in this state from the production; 7926

(15) Estimated economic impact of the production in this 7927
state; 7928

(16) Any other information considered necessary by the 7929
director. 7930

Within ninety days after certification of a motion picture or 7931
broadway theatrical production as a tax credit-eligible 7932
production, and any time thereafter upon the request of the 7933
director ~~of development services~~, the production company shall 7934
present to the director sufficient evidence of reviewable 7935
progress. If the production company fails to present sufficient 7936
evidence, the director may rescind the certification. If the 7937
production of a motion picture or Broadway theatrical production 7938
does not begin within ninety days after the date it is certified 7939
as a tax credit-eligible production, the director shall rescind 7940
the certification unless the director finds that the production 7941
company shows good cause for the delay, meaning that the 7942
production was delayed due to unforeseeable circumstances beyond 7943
the production company's control or due to action or inaction by a 7944
government agency. Upon rescission, the director shall notify the 7945
applicant that the certification has been rescinded. Nothing in 7946
this section prohibits an applicant whose tax credit-eligible 7947
production certification has been rescinded from submitting a 7948
subsequent application for certification. 7949

(C)(1) A production company whose motion picture or Broadway 7950
theatrical production has been certified as a tax credit-eligible 7951
production may apply to the director of development ~~services~~ on or 7952
after July 1, 2009, for a refundable credit against the tax 7953
imposed by section 5726.02, 5733.06, 5747.02, or 5751.02 of the 7954
Revised Code. The director in consultation with the tax 7955
commissioner shall prescribe the form and manner of the 7956
application and the information or documentation required to be 7957

submitted with the application. ~~The application shall state the~~ 7958
~~name and address of each production contractor with which the~~ 7959
~~production company contracted for services and the amount of~~ 7960
~~eligible expenditures paid or incurred under the contract with~~ 7961
~~respect to the production.~~ 7962

The credit is determined as follows: 7963

(a) If the total budgeted eligible expenditures stated in the 7964
application submitted under division (B) of this section or the 7965
actual eligible expenditures as finally determined under division 7966
(D) of this section, whichever is least, is less than or equal to 7967
three hundred thousand dollars, no credit is allowed; 7968

(b) If the total budgeted eligible expenditures stated in the 7969
application submitted under division (B) of this section or the 7970
actual eligible expenditures as finally determined under division 7971
(D) of this section, whichever is least, is greater than three 7972
hundred thousand dollars, the credit ~~for the production company~~ 7973
equals thirty per cent of the least of such budgeted or actual 7974
eligible expenditure amounts ~~and the credit for each production~~ 7975
~~contractor equals thirty per cent of the amount of eligible~~ 7976
~~expenditures paid or incurred under the contract with respect to~~ 7977
~~the production.~~ 7978

(2) Except as provided in division (C)(4) of this section, if 7979
the director of development ~~services~~ approves a production 7980
company's application for a credit, the director shall issue a tax 7981
credit certificate to the company ~~and to each of the company's~~ 7982
~~production contractors identified in the application.~~ The director 7983
in consultation with the tax commissioner shall prescribe the form 7984
and manner of issuing certificates. The director shall assign a 7985
unique identifying number to each tax credit certificate and shall 7986
record the certificate in a register devised and maintained by the 7987
director for that purpose. The certificate shall state the amount 7988
of the eligible expenditures on which the credit is based and the 7989

amount of the credit. Upon the issuance of a certificate, the 7990
director shall certify to the tax commissioner the name of the 7991
production company ~~or contractor~~ to which the certificate was 7992
issued, the amount of eligible expenditures shown on the 7993
certificate, the amount of the credit, and any other information 7994
required by the rules adopted to administer this section. 7995

(3) The amount of eligible expenditures for which a tax 7996
credit may be claimed is subject to inspection and examination by 7997
the tax commissioner or employees of the commissioner under 7998
section 5703.19 of the Revised Code and any other applicable law. 7999
Once the eligible expenditures are finally determined under 8000
section 5703.19 of the Revised Code and division (D) of this 8001
section, the credit amount is not subject to adjustment unless the 8002
director determines an error was committed in the computation of 8003
the credit amount. 8004

(4) No tax credit certificate may be issued before the 8005
completion of the tax credit-eligible production. Not more than 8006
forty million dollars of tax credit may be allowed per fiscal year 8007
provided that, for any fiscal year in which the amount of tax 8008
credits allowed under this section is less than that maximum 8009
annual amount, the amount not allowed for that fiscal year shall 8010
be added to the maximum annual amount that may be allowed for the 8011
following fiscal year. 8012

(5) The director shall review and approve applications for 8013
tax credits in two rounds each fiscal year. The first round of 8014
credits shall be awarded not later than the last day of July of 8015
the fiscal year, and the second round of credits shall be awarded 8016
not later than the last day of the ensuing January. The amount of 8017
credits awarded in the first round of applications each fiscal 8018
year shall not exceed twenty million dollars plus any credit 8019
allotment that was not awarded in the preceding fiscal year and 8020
carried over under division (C)(4) of this section. For each 8021

round, the director shall rank applications on the basis of the 8022
extent of positive economic impact each tax credit-eligible 8023
production is likely to have in this state and the effect on 8024
developing a permanent workforce in motion picture or theatrical 8025
production industries in the state. For the purpose of such 8026
ranking, the director shall give priority to tax-credit eligible 8027
productions that are television series or miniseries due to the 8028
long-term commitment typically associated with such productions. 8029
The economic impact ranking shall be based on the production 8030
company's total expenditures in this state directly associated 8031
with the tax credit-eligible production. The effect on developing 8032
a permanent workforce in the motion picture or theatrical 8033
production industries shall be evaluated first by the number of 8034
new jobs created and second by amount of payroll added with 8035
respect to employees in this state. 8036

The director shall approve productions in the order of their 8037
ranking, from those with the greatest positive economic impact and 8038
workforce development effect to those with the least positive 8039
economic impact and workforce development effect. 8040

(D) A production company whose motion picture or Broadway 8041
theatrical production has been certified as a tax credit-eligible 8042
production shall engage, at the company's expense, an independent 8043
certified public accountant to examine the company's production, 8044
postproduction, and advertising and promotion expenditures to 8045
identify the expenditures that qualify as eligible expenditures. 8046
The certified public accountant shall issue a report to the 8047
company and to the director of development ~~services~~ certifying the 8048
company's eligible expenditures and any other information required 8049
by the director. Upon receiving and examining the report, the 8050
director may disallow any expenditure the director determines is 8051
not an eligible expenditure. ~~If any expenditure disallowed under~~ 8052
~~this division was included in the expenditure for a contract with~~ 8053

~~a production contractor, the contractor's credit amount shall be~~ 8054
~~reduced in proportion to such disallowed expenditure.~~ If the 8055
director disallows an expenditure, the director shall issue a 8056
written notice to the production company ~~or affected production~~ 8057
~~contractor~~ stating that the expenditure is disallowed and the 8058
reason for the disallowance. Upon examination of the report and 8059
disallowance of any expenditures, the director shall determine 8060
finally the lesser of the total budgeted eligible expenditures 8061
stated in the application submitted under division (B) of this 8062
section or the actual eligible expenditures for the purpose of 8063
computing the amount of the credit. 8064

(E) No credit shall be allowed under section 5726.55, 8065
5733.59, 5747.66, or 5751.54 of the Revised Code unless the 8066
director has reviewed the report and made the determination 8067
prescribed by division (D) of this section. 8068

(F) This state reserves the right to refuse the use of this 8069
state's name in the credits of any tax credit-eligible motion 8070
picture production or program of any Broadway theatrical 8071
production. 8072

(G)(1) The director of development ~~services~~ in consultation 8073
with the tax commissioner shall adopt rules for the administration 8074
of this section, including rules setting forth and governing the 8075
criteria for determining whether a motion picture or Broadway 8076
theatrical production is a tax credit-eligible production; 8077
activities that constitute the production or postproduction of a 8078
motion picture or Broadway theatrical production; reporting 8079
sufficient evidence of reviewable progress; expenditures that 8080
qualify as eligible expenditures; a schedule and deadlines for 8081
applications to be submitted and reviewed; a competitive process 8082
for approving credits based on likely economic impact in this 8083
state and development of a permanent workforce in motion picture 8084
or theatrical production industries in this state; consideration 8085

of geographic distribution of credits; and implementation of the 8086
program described in division (H) of this section. The rules shall 8087
be adopted under Chapter 119. of the Revised Code. 8088

(2) To cover the administrative costs of the program, the 8089
director shall require each applicant to pay an application fee 8090
equal to the lesser of ten thousand dollars or one per cent of the 8091
estimated value of the tax credit as stated in the application. 8092
The fees collected shall be credited to the tax incentives 8093
operating fund created in section 122.174 of the Revised Code. All 8094
grants, gifts, fees, and contributions made to the director for 8095
marketing and promotion of the motion picture industry within this 8096
state shall also be credited to the fund. 8097

(H) The director of development ~~services~~ shall establish a 8098
program for the training of Ohio residents who are or wish to be 8099
employed in the film or multimedia industry. Under the program, 8100
the director shall: 8101

(1) Certify individuals as film and multimedia trainees. In 8102
order to receive such a certification, an individual must be an 8103
Ohio resident, have participated in relevant on-the-job training 8104
or have completed a relevant training course approved by the 8105
director, and have met any other requirements established by the 8106
director. 8107

(2) Accept applications from production companies that intend 8108
to hire and provide on-the-job training to one or more certified 8109
film and multimedia trainees who will be employed in the company's 8110
tax credit-eligible production. 8111

(3) Upon completion of a tax-credit eligible production, and 8112
upon the receipt of any salary information and other documentation 8113
required by the director, authorize a reimbursement payment to 8114
each production company whose application was approved under 8115
division (H)(2) of this section. The payment shall equal fifty per 8116

cent of the salaries paid to film and multimedia trainees employed 8117
in the production. 8118

Sec. 122.851. (A) As used in this section: 8119

(1) "Venture capital operating company" has the same meaning 8120
as in 29 C.F.R. 2510.3-101. 8121

(2) "Ohio venture capital operating company" means a venture 8122
capital operating company certified by the director of development 8123
as having met the requirements prescribed by division (B) of this 8124
section. A venture capital operating company is an Ohio venture 8125
capital operating company only for so long as the certification is 8126
valid. 8127

(3) "Ohio business" means a business that, in either the 8128
calendar year in which a capital gain from the business is 8129
recognized by the Ohio venture capital operating company or its 8130
direct or indirect investors or the calendar year in which the 8131
Ohio venture capital operating company distributes an equity 8132
interest or security in the business, has its headquarters in this 8133
state and employs more than one-half of the total number of its 8134
full-time equivalent employees in this state. For the purpose of 8135
this section, an employee is employed in this state if the 8136
business is required to withhold income tax under section 5747.06 8137
of the Revised Code for fifty per cent or more of the compensation 8138
paid to the employee in either the calendar year in which the Ohio 8139
venture capital operating company or its direct or indirect 8140
investors recognize a capital gain from the business or the 8141
calendar year in which the Ohio venture capital operating company 8142
distributes an equity interest or security in the business, as 8143
applicable. 8144

(4) "Qualifying interest" means a direct or indirect 8145
ownership interest acquired through an investment of cash or cash 8146
equivalent made in, or the provision of services to, a venture 8147

capital operating company during the period for which it was 8148
certified as an Ohio venture capital operating company. 8149

(B)(1) A venture capital operating company may apply to the 8150
director of development for certification as an Ohio venture 8151
capital operating company if it manages, or has capital 8152
commitments of, at least fifty million dollars in active assets 8153
and at least two-thirds of its managing and general partners are 8154
residents of Ohio under division (I) of section 5747.01 of the 8155
Revised Code. The director, in consultation with the tax 8156
commissioner, shall prescribe the form and manner of the 8157
application and the information or documentation required to be 8158
submitted with the application. 8159

(2) The director shall review and make a determination with 8160
respect to each application submitted under this division within 8161
sixty days of receipt. The director shall grant certification to 8162
any applicant that meets the criteria prescribed by this division. 8163
The director shall decline certification of any applicant that 8164
does not meet such criteria. The director shall notify the 8165
applicant and the tax commissioner of the director's determination 8166
in writing. 8167

(C)(1) Certification as an Ohio venture capital operating 8168
company is valid for as long as the company continues to qualify 8169
as a venture capital operating company and meets the criteria 8170
prescribed by division (B)(1) of this section. 8171

(2) A company that no longer qualifies as a venture capital 8172
operating company or no longer meets the criteria prescribed by 8173
division (B)(1) of this section shall notify the director within 8174
thirty days of the date the company ceases to qualify. 8175

(3) Upon receiving such a notification or upon otherwise 8176
discovering that an Ohio venture capital operating company no 8177
longer qualifies for certification, the director shall issue a 8178

written notice of revocation to the venture capital operating 8179
company and the tax commissioner. The notice shall state the 8180
effective date of the revocation, which shall be the date the 8181
company ceased to qualify for certification as an Ohio venture 8182
capital operating company. 8183

(4) An Ohio venture capital operating company receiving such 8184
a notice may contest the director's decision to revoke its 8185
certification or the effective date of that revocation by 8186
submitting additional information or documentation to the director 8187
and requesting reconsideration in writing within thirty days of 8188
the notice of revocation based on that information or 8189
documentation. The director shall review and evaluate any such 8190
requests within thirty days of receipt. The director shall notify 8191
the company and tax commissioner in writing of the director's 8192
decision on the request, which shall not be subject to appeal or 8193
further review. 8194

(D)(1) On or after the first day of January and on or before 8195
the first day of February of each year, a company that is 8196
certified as an Ohio venture capital operating company shall 8197
provide the following information, on forms prescribed by the 8198
director of development, to the director and the tax commissioner: 8199

(a) The name, social security or federal employer 8200
identification number, and ownership percentage of each person 8201
with a qualifying interest in the company; 8202

(b) The amount of capital gains generated during the portion 8203
of the previous calendar year during which the company was 8204
certified as an Ohio venture capital operating company; 8205

(c) A description of the company's investments that generated 8206
the capital gains described in division (D)(1)(b) of this section, 8207
including the date of sale and whether the investment was in an 8208
Ohio business; 8209

(d) The amount of, and basis in, any equity interests or securities distributed to each investor, arranged by entity, while the company was certified as an Ohio venture capital operating company and whether the entity is an Ohio business; 8210
8211
8212
8213

(e) Any other information the director, in consultation with the tax commissioner, considers relevant and necessary to administer the deduction allowed under division (A)(35) of section 5747.01 of the Revised Code. 8214
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(2) The director shall review the information submitted under division (D)(1) of this section by an Ohio venture capital operating company within sixty days of receipt. If the company generated capital gains that qualify for the deduction allowed under division (A)(35) of section 5747.01 of the Revised Code or distributed equity interests or securities that, when sold, will qualify for the deduction once income is recognized from its disposition, the director shall issue a certificate to the company. The certificate shall include a unique number and the following information: 8218
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8227

(a) The total amount of capital gains generated during the portion of the year during which the company was certified as an Ohio venture capital operating company; 8228
8229
8230

(b) The portion of the capital gains attributable to the company's investments in Ohio businesses; and 8231
8232

(c) The total amount of, and basis in, any equity interests or securities distributed during the portion of the year during which the company was certified as an Ohio venture capital operating company; 8233
8234
8235
8236

(d) The portion of the distributed equity interests or securities attributable to the company's investments in Ohio businesses; 8237
8238
8239

(e) The portion of the amounts described in divisions 8240

(D)(2)(a) and (b) of this section attributable to each individual 8241
with a qualifying interest in the company; 8242

(f) Any other information the director or tax commissioner 8243
considers necessary for the administration of the deduction 8244
allowed under division (A)(35) of section 5747.01 of the Revised 8245
Code. 8246

(E) An Ohio venture capital operating company shall provide 8247
each person with a qualifying interest in the company with a copy 8248
of the certificate issued under division (D) of this section and 8249
any other documentation necessary to compute the adjustments under 8250
division (A)(35) of section 5747.01 of the Revised Code. A 8251
pass-through entity that receives a certificate issued under this 8252
division from an Ohio venture capital operating company shall 8253
provide its investors with a copy of the certificate and any other 8254
documentation necessary to compute the adjustments under division 8255
(A)(35) of section 5747.01 of the Revised Code. 8256

A taxpayer claiming a deduction under division (A)(35)(a) of 8257
section 5747.01 of the Revised Code shall provide, upon request of 8258
the tax commissioner, a copy of that certificate. The taxpayer 8259
shall retain a copy of the certificate for four years from the 8260
later of the final filing date of the return on which the 8261
deduction was claimed or the date the return on which the 8262
deduction was claimed is filed. 8263

(F) The director of development, in consultation with the tax 8264
commissioner, may adopt rules in accordance with Chapter 119. of 8265
the Revised Code as are necessary to administer this section. 8266

Sec. 122.87. As used in sections 122.87 to 122.90 of the 8267
Revised Code: 8268

(A) "Surety company" means a company that is authorized by 8269
the department of insurance to issue bonds as surety. 8270

(B) "Minority business" means any of the following	8271
occupations:	8272
(1) Minority construction contractor;	8273
(2) Minority seller;	8274
(3) Minority service vendor.	8275
(C) "Minority construction contractor" means a person who is	8276
both a construction contractor and an owner of a minority business	8277
enterprise certified under division (B) of section 123.151 <u>122.921</u>	8278
of the Revised Code.	8279
(D) "Minority seller" means a person who is both a seller of	8280
goods and an owner of a minority business enterprise listed on the	8281
special minority business enterprise bid notification list under	8282
section 125.08 of the Revised Code.	8283
(E) "Minority service vendor" means a person who is both a	8284
vendor of services and an owner of a minority business enterprise	8285
listed on the special minority business enterprise bid	8286
notification list under section 125.08 of the Revised Code.	8287
(F) "Minority business enterprise" has the meaning given in	8288
section 122.71 of the Revised Code.	8289
(G) "EDGE business enterprise" means a sole proprietorship,	8290
association, partnership, corporation, limited liability	8291
corporation, or joint venture certified as a participant in the	8292
encouraging diversity, growth, and equity program by the director	8293
of administrative services under section 123.152 <u>122.922</u> of the	8294
Revised Code.	8295
Sec. 122.89. (A) The director of development services may	8296
execute bonds as surety for minority businesses as principals, on	8297
contracts with the state, any political subdivision or	8298
instrumentality thereof, or any person as the obligee. The	8299
director as surety may exercise all the rights and powers of a	8300

company authorized by the department of insurance to execute bonds 8301
as surety but shall not be subject to any requirements of a surety 8302
company under Title XXXIX of the Revised Code nor to any rules of 8303
the department of insurance. 8304

(B) The director, with the advice of the minority development 8305
financing advisory board, shall adopt rules under Chapter 119. of 8306
the Revised Code establishing procedures for application for 8307
surety bonds by minority businesses and for review and approval of 8308
applications. The board shall review each application in 8309
accordance with the rules and, based on the bond worthiness of 8310
each applicant, shall refer all qualified applicants to the 8311
director. Based on the recommendation of the board, the director 8312
shall determine whether or not the applicant shall receive 8313
bonding. 8314

(C) The rules of the board shall require the minority 8315
business to pay a premium in advance for the bond to be 8316
established by the director, with the advice of the board after 8317
the director receives advice from the superintendent of insurance 8318
regarding the standard market rates for premiums for similar 8319
bonds. All premiums paid by minority businesses shall be paid into 8320
the minority business bonding program administrative and loss 8321
reserve fund. 8322

(D) The rules of the board shall provide for a retainage of 8323
money paid to the minority business or EDGE business enterprise of 8324
fifteen per cent for a contract valued at more than fifty thousand 8325
dollars and for a retainage of twelve per cent for a contract 8326
valued at fifty thousand dollars or less. 8327

(E) The penal sum amounts of all outstanding bonds issued by 8328
the director shall not exceed the amount of moneys in the minority 8329
business bonding fund and available to the fund under division (B) 8330
of section 169.05 of the Revised Code. 8331

(F) The superintendent of insurance shall provide such 8332
technical and professional assistance as is considered necessary 8333
by the director, including providing advice regarding the standard 8334
market rates for bond premiums as described under division (C) of 8335
this section. 8336

(G) Notwithstanding any provision of the Revised Code to the 8337
contrary, a minority business or EDGE business enterprise may bid 8338
or enter into a contract with the state or with any 8339
instrumentality of the state without being required to provide a 8340
bond as follows: 8341

(1) For the first contract that a minority business or EDGE 8342
business enterprise enters into with the state or with any 8343
particular instrumentality of the state, the minority business or 8344
EDGE business enterprise may bid or enter into a contract valued 8345
at twenty-five thousand dollars or less without being required to 8346
provide a bond, but only if the minority business or EDGE business 8347
enterprise is participating in a qualified contractor assistance 8348
program or has successfully completed a qualified contractor 8349
assistance program after October 16, 2009; 8350

(2) After the state or any particular instrumentality of the 8351
state has accepted the first contract as completed and all 8352
subcontractors and suppliers on the contract have been paid, the 8353
minority business or EDGE business enterprise may bid or enter 8354
into a second contract with the state or with that particular 8355
instrumentality of the state valued at fifty thousand dollars or 8356
less without being required to provide a bond, but only if the 8357
minority business or EDGE business enterprise is participating in 8358
a qualified contractor assistance program or has successfully 8359
completed a qualified contractor assistance program after October 8360
16, 2009; 8361

(3) After the state or any particular instrumentality of the 8362
state has accepted the second contract as completed and all 8363

subcontractors and suppliers on the contract have been paid, the 8364
minority business or EDGE business enterprise may bid or enter 8365
into a third contract with the state or with that particular 8366
instrumentality of the state valued at one hundred thousand 8367
dollars or less without being required to provide a bond, but only 8368
if the minority business or EDGE business enterprise has 8369
successfully completed a qualified contractor assistance program 8370
after October 16, 2009; 8371

(4) After the state or any particular instrumentality of the 8372
state has accepted the third contract as completed and all 8373
subcontractors and suppliers on the contract have been paid, the 8374
minority business or EDGE business enterprise may bid or enter 8375
into a fourth contract with the state or with that particular 8376
instrumentality of the state valued at three hundred thousand 8377
dollars or less without being required to provide a bond, but only 8378
if the minority business or EDGE business enterprise has 8379
successfully completed a qualified contractor assistance program 8380
after October 16, 2009; 8381

(5) After the state or any instrumentality of the state has 8382
accepted the fourth contract as completed and all subcontractors 8383
and suppliers on the contract have been paid, upon a showing that 8384
with respect to a contract valued at four hundred thousand dollars 8385
or less with the state or with any particular instrumentality of 8386
the state, that the minority business or EDGE business enterprise 8387
either has been denied a bond by two surety companies or that the 8388
minority business or EDGE business enterprise has applied to two 8389
surety companies for a bond and, at the expiration of sixty days 8390
after making the application, has neither received nor been denied 8391
a bond, the minority business or EDGE business enterprise may 8392
repeat its participation in the unbonded state contractor program. 8393
Under no circumstances shall a minority business or EDGE business 8394
enterprise be permitted to participate in the unbonded state 8395

contractor program more than twice. 8396

(H) Notwithstanding any provision of the Revised Code to the 8397
contrary, a minority business or EDGE business enterprise may bid 8398
or enter into a contract with any political subdivision of the 8399
state or with any instrumentality of a political subdivision 8400
without being required to provide a bond as follows: 8401

(1) For the first contract that the minority business or EDGE 8402
business enterprise enters into with any particular political 8403
subdivision of the state or with any particular instrumentality of 8404
a political subdivision, the minority business or EDGE business 8405
enterprise may bid or enter into a contract valued at twenty-five 8406
thousand dollars or less without being required to provide a bond, 8407
but only if the minority business or EDGE business enterprise is 8408
participating in a qualified contractor assistance program or has 8409
successfully completed a qualified contractor assistance program 8410
after October 16, 2009; 8411

(2) After any political subdivision of the state or any 8412
instrumentality of a political subdivision has accepted the first 8413
contract as completed and all subcontractors and suppliers on the 8414
contract have been paid, the minority business or EDGE business 8415
enterprise may bid or enter into a second contract with that 8416
particular political subdivision of the state or with that 8417
particular instrumentality of a political subdivision valued at 8418
fifty thousand dollars or less without being required to provide a 8419
bond, but only if the minority business or EDGE business 8420
enterprise is participating in a qualified contractor assistance 8421
program or has successfully completed a qualified contractor 8422
assistance program after October 16, 2009; 8423

(3) After any political subdivision of the state or any 8424
instrumentality of a political subdivision has accepted the second 8425
contract as completed and all subcontractors and suppliers on the 8426
contract have been paid, the minority business or EDGE business 8427

enterprise may bid or enter into a third contract with that 8428
particular political subdivision of the state or with that 8429
particular instrumentality of a political subdivision valued at 8430
one hundred thousand dollars or less without being required to 8431
provide a bond, but only if the minority business or EDGE business 8432
enterprise has successfully completed a qualified contractor 8433
assistance program after October 16, 2009; 8434

(4) After any political subdivision of the state or any 8435
instrumentality of a political subdivision has accepted the third 8436
contract as completed and all subcontractors and suppliers on the 8437
contract have been paid, the minority business or EDGE business 8438
enterprise may bid or enter into a fourth contract with that 8439
particular political subdivision of the state or with that 8440
particular instrumentality of a political subdivision valued at 8441
two hundred thousand dollars or less without being required to 8442
provide a bond, but only if the minority business or EDGE business 8443
enterprise has successfully completed a qualified contractor 8444
assistance program after October 16, 2009; 8445

(5) After any political subdivision of the state or any 8446
instrumentality of a political subdivision has accepted the fourth 8447
contract as completed and all subcontractors and suppliers on the 8448
contract have been paid, upon a showing that with respect to a 8449
contract valued at three hundred thousand dollars or less with any 8450
political subdivision of the state or any instrumentality of a 8451
political subdivision, that the minority business or EDGE business 8452
enterprise either has been denied a bond by two surety companies 8453
or that the minority business or EDGE business enterprise has 8454
applied to two surety companies for a bond and, at the expiration 8455
of sixty days after making the application, has neither received 8456
nor been denied a bond, the minority business or EDGE business 8457
enterprise may repeat its participation in the unbonded political 8458
subdivision contractor program. Under no circumstances shall a 8459

minority business or EDGE business enterprise be permitted to 8460
participate in the unbonded political subdivision contractor 8461
program more than twice. 8462

(I) Notwithstanding any provision of the Revised Code to the 8463
contrary, if a minority business or EDGE business enterprise has 8464
entered into two or more contracts with the state or with any 8465
instrumentality of the state, the minority business or EDGE 8466
business enterprise may bid or enter into a contract with a 8467
political subdivision of the state or with any instrumentality of 8468
a political subdivision valued at the level at which the minority 8469
business or EDGE business enterprise would qualify if entering 8470
into an additional contract with the state. 8471

(J) The director of development ~~services~~ shall coordinate and 8472
oversee the unbonded state contractor program described in 8473
division (G) of this section, the unbonded political subdivision 8474
contractor program described in division (H) of this section, and 8475
the approval of a qualified contractor assistance program. The 8476
director shall prepare an annual report and submit it to the 8477
governor and the general assembly on or before the first day of 8478
August that includes the following: information on the director's 8479
activities for the preceding calendar year regarding the unbonded 8480
state contractor program, the unbonded political subdivision 8481
contractor program, and the qualified contractor assistance 8482
program; a summary and description of the operations and 8483
activities of these programs; an assessment of the achievements of 8484
these programs; and a recommendation as to whether these programs 8485
need to continue. 8486

(K) As used in this section: 8487

(1) "EDGE business enterprise" means an EDGE business 8488
enterprise certified under section ~~123.152~~ 122.922 of the Revised 8489
Code. 8490

(2) "Qualified contractor assistance program" means an 8491
educational program or technical assistance program for business 8492
development that is designed to assist a minority business or EDGE 8493
business enterprise in becoming eligible for bonding and has been 8494
approved by the director of development ~~services~~ for use as 8495
required under this section. 8496

(3) "Successfully completed a qualified contractor assistance 8497
program" means the minority business or EDGE business enterprise 8498
completed such a program on or after October 16, 2009. 8499

(4) "Unbonded state contractor program" means the program 8500
described in division (G) of this section. 8501

(5) "Unbonded political subdivision contractor program" means 8502
the program described in division (H) of this section. 8503

Sec. 122.90. (A) The director of development may guarantee 8504
bonds executed by sureties for minority businesses and EDGE 8505
business enterprises certified under section ~~123.152~~ 122.922 of 8506
the Revised Code as principals on contracts with the state, any 8507
political subdivision or instrumentality, or any person as the 8508
obligee. The director, as guarantor, may exercise all the rights 8509
and powers of a company authorized by the department of insurance 8510
to guarantee bonds under Chapter 3929. of the Revised Code but 8511
otherwise is not subject to any laws related to a guaranty company 8512
under Title XXXIX of the Revised Code nor to any rules of the 8513
department of insurance. 8514

(B) The director shall adopt rules under Chapter 119. of the 8515
Revised Code to establish procedures for the application for bond 8516
guarantees and the review and approval of applications for bond 8517
guarantees submitted by sureties that execute bonds eligible for 8518
guarantees under division (A) of this section. 8519

(C) In accordance with rules adopted pursuant to this 8520

section, the director may guarantee up to ninety per cent of the 8521
loss incurred and paid by sureties on bonds guaranteed under 8522
division (A) of this section. 8523

(D) The penal sum amounts of all outstanding guarantees made 8524
by the director under this section shall not exceed three times 8525
the difference between the amount of moneys in the minority 8526
business bonding fund and available to the fund under division (B) 8527
of section 169.05 of the Revised Code and the amount of all 8528
outstanding bonds issued by the director in accordance with 8529
division (A) of section 122.89 of the Revised Code. 8530

(E) The director of development, with controlling board 8531
approval, may approve one application per fiscal year from each 8532
surety bond company for bond guarantees in an amount requested to 8533
support one fiscal year of that company's activity under this 8534
section. A surety bond company that applies for a bond guarantee 8535
under this division, whether or not the guarantee is approved, is 8536
not restricted from also applying for individual bond guarantees 8537
under division (A) of this section. 8538

Sec. 122.92. There is hereby created in the department of 8539
development a minority business development division. The division 8540
shall do all of the following: 8541

(A) Provide technical, managerial, and counseling services 8542
and assistance to minority business enterprises; 8543

(B) Provide procurement and bid packaging assistance to 8544
minority business enterprises; 8545

(C) Provide bonding technical assistance to minority business 8546
enterprises; 8547

(D) Participate with other state departments and agencies as 8548
appropriate in developing specific plans and specific program 8549
goals for programs to assist in the establishment and development 8550

of minority business enterprises and establish regular performance 8551
monitoring and reporting systems to ensure that those goals are 8552
being achieved; 8553

(E) Implement state law and policy supporting minority 8554
business enterprise development, and assist in the coordination of 8555
plans, programs, and operations of state government which affect 8556
or may contribute to the establishment, preservation, and 8557
strengthening of minority business enterprises; 8558

(F) Assist in the coordination of activities and resources of 8559
state agencies and local governments, business and trade 8560
associations, universities, foundations, professional 8561
organizations, and volunteer and other groups, to promote the 8562
growth of minority business enterprises; 8563

(G) Establish a center for the development, collection, and 8564
dissemination of information that will be helpful to persons in 8565
establishing or expanding minority business enterprises in this 8566
state; 8567

(H) Design, implement, and assist in experimental and 8568
demonstration projects designed to overcome the special problems 8569
of minority business enterprises; 8570

(I) Coordinate reviews of all proposed state training and 8571
technical assistance activities in direct support of minority 8572
business enterprise programs to ensure consistency with program 8573
goals and to preclude duplication of efforts by other state 8574
agencies; 8575

(J) Recommend appropriate legislative or executive actions to 8576
enhance minority business enterprise opportunities in the state; 8577

(K) Assist minority business enterprises in obtaining 8578
governmental or commercial financing for business expansion, 8579
establishment of new businesses, or industrial development 8580
projects; 8581

(L) Assist minority business enterprises in contract procurement from government and commercial sources;	8582 8583
(M) Establish procedures to identify groups who have been disadvantaged because of racial, cultural, or ethnic circumstances without regard to the individual qualities of the members of the group;	8584 8585 8586 8587
(N) Establish procedures to identify persons who have been economically disadvantaged;	8588 8589
(O) Provide grant assistance to nonprofit entities that promote economic development, development corporations, community improvement corporations, and incubator business entities, if the entities or corporations focus on business, technical, and financial assistance to minority business enterprises to assist the enterprises with fixed asset financing;	8590 8591 8592 8593 8594 8595
(P) <u>Implement the minority business enterprise program described in section 122.921 of the Revised Code, the encouraging diversity, growth, and equity program described in section 122.922 of the Revised Code, the women-owned business enterprise program described in section 122.924 of the Revised Code, and the veteran-friendly business enterprise program described in section 122.925 of the Revised Code.</u>	8596 8597 8598 8599 8600 8601 8602
(Q) Do all acts and things necessary or proper to carry out the powers expressly granted and duties imposed by sections 122.92 to 122.94 of the Revised Code.	8603 8604 8605
Sec. 123.151 122.921. (A) As used in this section, "minority business enterprise" has the same meaning as in division (E)(1) of section 122.71 of the Revised Code.	8606 8607 8608
(B)(1) The director of administrative services <u>development</u> shall make rules in accordance with Chapter 119. of the Revised Code establishing procedures by which minority businesses may	8609 8610 8611

apply to the ~~equal employment opportunity coordinator~~ department 8612
of development for certification as minority business enterprises. 8613

(2) The ~~coordinator~~ director shall approve the application of 8614
any minority business enterprise that complies with the rules 8615
adopted under this division. Any person adversely affected by an 8616
order of the ~~coordinator~~ director denying certification as a 8617
minority business enterprise may appeal as provided in Chapter 8618
119. of the Revised Code. The ~~coordinator~~ director shall prepare 8619
and maintain a list of certified minority business enterprises. 8620

(C) ~~The department of administrative services, every other~~ 8621
Every state agency authorized to enter into contracts for 8622
construction or contracts for purchases of equipment, materials, 8623
supplies, insurance, or services, and every port authority shall 8624
file a report every ninety days with the ~~equal employment~~ 8625
~~opportunity coordinator~~ department of development. The report 8626
shall be filed at a time and in a form prescribed by the 8627
~~coordinator~~ director of development. The report shall include the 8628
name of each minority business enterprise that the state agency or 8629
port authority entered into a contract with during the preceding 8630
ninety-day period and the total value and type of each such 8631
contract. No later than thirty days after the end of each fiscal 8632
year, the ~~coordinator~~ director shall notify in writing each state 8633
agency and port authority that has not complied with the reporting 8634
requirements of this division for the prior fiscal year. A copy of 8635
this notification regarding a state agency shall be submitted to 8636
the director of budget and management. No later than thirty days 8637
after the notification, the state agency or port authority shall 8638
submit to the ~~coordinator~~ director the information necessary to 8639
comply with the reporting requirements of this division. 8640

If, after the expiration of this thirty-day period, a state 8641
agency has not complied with the reporting requirements of this 8642
division, the ~~coordinator~~ director of development shall certify to 8643

the director of budget and management that the state agency has 8644
not complied with the reporting requirements. A copy of this 8645
certification shall be submitted to the state agency. Thereafter, 8646
no funds of the state agency shall be expended during the fiscal 8647
year for construction or purchases of equipment, materials, 8648
supplies, contracts of insurance, or services until the 8649
~~coordinator~~ director of development certifies to the director of 8650
budget and management that the state agency has complied with the 8651
reporting requirements of this division for the prior fiscal year. 8652

If any port authority has not complied with the reporting 8653
requirement after the expiration of the thirty-day period, the 8654
~~coordinator~~ director of development shall certify to the speaker 8655
of the house of representatives and the president of the senate 8656
that the port authority has not complied with the reporting 8657
requirements of this division. A copy of this certification shall 8658
be submitted to the port authority. Upon receipt of the 8659
certification, the speaker of the house of representatives and the 8660
president of the senate shall take such action or make such 8661
recommendations to the members of the general assembly as they 8662
consider necessary to correct the situation. 8663

Sec. ~~123.152~~ 122.922. (A) As used in this section, "EDGE 8664
business enterprise" means a sole proprietorship, association, 8665
partnership, corporation, limited liability corporation, or joint 8666
venture certified as a participant in the encouraging diversity, 8667
growth, and equity program by the director of ~~administrative~~ 8668
~~services~~ development under this section of the Revised Code. 8669

(B) The director of ~~administrative services~~ development shall 8670
establish a business assistance program known as the encouraging 8671
diversity, growth, and equity program and shall adopt rules in 8672
accordance with Chapter 119. of the Revised Code to administer the 8673
program that do all of the following: 8674

(1) Establish procedures by which a sole proprietorship, 8675
association, partnership, corporation, limited liability 8676
corporation, or joint venture may apply for certification as an 8677
EDGE business enterprise; 8678

(2) Except as provided in division (B)(14) of this section, 8679
establish agency procurement goals for contracting with EDGE 8680
business enterprises in the award of contracts under Chapters 8681
123., 125., and 153. of the Revised Code based on the availability 8682
of eligible program participants by region or geographic area, as 8683
determined by the director, and by standard industrial code or 8684
equivalent code classification. 8685

(a) Goals established under division (B)(2) of this section 8686
shall be based on a percentage level of participation and a 8687
percentage of contractor availability. 8688

(b) Goals established under division (B)(2) of this section 8689
shall be applied at the contract level, relative to an overall 8690
dollar goal for each state agency, in accordance with the 8691
following certification categories: construction, architecture, 8692
and engineering; professional services; goods and services; and 8693
information technology services. 8694

(3) Establish a system of certifying EDGE business 8695
enterprises based on a requirement that the business owner or 8696
owners show both social and economic disadvantage based on the 8697
following, as determined to be sufficient by the director: 8698

(a) Relative wealth of the business seeking certification as 8699
well as the personal wealth of the owner or owners of the 8700
business; 8701

(b) Social disadvantage based on any of the following: 8702

(i) A rebuttable presumption when the business owner or 8703
owners demonstrate membership in a racial minority group or show 8704
personal disadvantage due to color, ethnic origin, gender, 8705

physical disability, long-term residence in an environment	8706
isolated from the mainstream of American society, location in an	8707
area of high unemployment;	8708
(ii) Some other demonstration of personal disadvantage not	8709
common to other small businesses;	8710
(iii) By business location in a qualified census tract.	8711
(c) Economic disadvantage based on economic and business size	8712
thresholds and eligibility criteria designed to stimulate economic	8713
development through contract awards to businesses located in	8714
qualified census tracts.	8715
(4) Establish standards to determine when an EDGE business	8716
enterprise no longer qualifies for EDGE business enterprise	8717
certification;	8718
(5) Develop a process for evaluating and adjusting goals	8719
established by this section to determine what adjustments are	8720
necessary to achieve participation goals established by the	8721
director;	8722
(6) Establish a point system or comparable system to evaluate	8723
bid proposals to encourage EDGE business enterprises to	8724
participate in the procurement of professional design and	8725
information technology services;	8726
(7) Establish a system to track data and analyze each	8727
certification category established under division (B)(2)(b) of	8728
this section;	8729
(8) Establish a process to mediate complaints and to review	8730
EDGE business enterprise certification appeals;	8731
(9) Implement an outreach program to educate potential	8732
participants about the encouraging diversity, growth, and equity	8733
program;	8734
(10) Establish a system to assist state agencies in	8735

identifying and utilizing EDGE business enterprises in their 8736
contracting processes; 8737

(11) Implement a system of self-reporting by EDGE business 8738
enterprises as well as an on-site inspection process to validate 8739
the qualifications of an EDGE business enterprise; 8740

(12) Establish a waiver mechanism to waive program goals or 8741
participation requirements for those companies that, despite their 8742
best-documented efforts, are unable to contract with certified 8743
EDGE business enterprises; 8744

(13) Establish a process for monitoring overall program 8745
compliance in which equal employment opportunity officers 8746
primarily are responsible for monitoring their respective 8747
agencies; 8748

(14) Establish guidelines for state universities as defined 8749
in section 3345.011 of the Revised Code and the Ohio facilities 8750
construction commission created in section 123.20 of the Revised 8751
Code for awarding contracts pursuant to Chapters 153., 3318., and 8752
3345. of the Revised Code to allow the universities and commission 8753
to establish agency procurement goals for contracting with EDGE 8754
business enterprises. 8755

(C) Business and personal financial information and trade 8756
secrets submitted by encouraging diversity, growth, and equity 8757
program applicants to the director pursuant to this section are 8758
not public records for purposes of section 149.43 of the Revised 8759
Code, unless the director presents the financial information or 8760
trade secrets at a public hearing or public proceeding regarding 8761
the applicant's eligibility to participate in the program. 8762

Sec. ~~123.153~~ 122.923. (A) As used in this section: 8763

(1) "Minority business enterprise" has the same meaning as in 8764
section ~~123.151~~ 122.921 of the Revised Code. 8765

(2) "EDGE business enterprise" has the same meaning as in section ~~123.152~~ 122.922 of the Revised Code. 8766
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(3) "Women-owned business enterprise" has the same meaning as in section ~~123.154~~ 122.924 of the Revised Code. 8768
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"Veteran-friendly business enterprise" has the same meaning as in section 122.925 of the Revised Code. 8770
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(B) Not later than the first day of October in each year, the director of ~~administrative services~~ development shall submit a written report to the governor and to each member of the general assembly describing the progress made by state agencies in advancing the minority business enterprise program, the encouraging diversity, growth, and equity program, ~~and~~ the women-owned business enterprise program, and the veteran-friendly business enterprise program. The report shall highlight the initiatives implemented to encourage participation of minority-owned, socially and economically disadvantaged, ~~and~~ women-owned businesses, and veteran-friendly businesses in programs funded by state money or federal money received by the state. The report shall also include the total number of procurement contracts each agency has entered into with certified minority business enterprises, EDGE business enterprises, ~~and~~ women-owned business enterprises, and veteran-friendly business enterprises. 8772
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Sec. ~~123.154~~ 122.924. (A) As used in this section: 8789

"Women-owned business enterprise" means any individual, partnership, corporation, or joint venture of any kind that is owned and controlled by women who are United States citizens and residents of this state or of a reciprocal state. 8790
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"Owned and controlled" means that at least fifty-one per cent of the business, including corporate stock if it is a corporation, 8794
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is owned by women and that such owners have control over the 8796
day-to-day operations of the business and an interest in the 8797
capital, assets, and profits and losses of the business 8798
proportionate to their percentage of ownership. In order to 8799
qualify as a women-owned business, a business shall have been 8800
owned by such owners at least one year. 8801

(B) The director of ~~administrative services~~development shall 8802
establish a business assistance program known as the women-owned 8803
business enterprise program and shall adopt rules in accordance 8804
with Chapter 119. of the Revised Code to administer the program 8805
that do all of the following: 8806

(1) Establish procedures by which a business enterprise may 8807
apply for certification as a women-owned business enterprise; 8808

(2) Establish standards to determine when a women-owned 8809
business enterprise no longer qualifies for women-owned business 8810
enterprise certification; 8811

(3) Establish a system to make publicly available a list of 8812
women-owned business enterprises certified under this section; 8813

(4) Establish a process to mediate complaints and to review 8814
women-owned business enterprise certification appeals; 8815

(5) Implement an outreach program to educate potential 8816
participants about the women-owned business enterprise program; 8817

(6) Establish a system to assist state agencies in 8818
identifying and utilizing women-owned business enterprises in 8819
their contracting processes; 8820

(7) Implement a system of self-reporting by women-owned 8821
business enterprises as well as an on-site inspection process to 8822
validate the qualifications of women-owned business enterprises. 8823

(C) Business and personal financial information and trade 8824
secrets submitted by women-owned business enterprise applicants to 8825

the director pursuant to this section are not public records for 8826
purposes of section 149.43 of the Revised Code, unless the 8827
director presents the financial information or trade secrets at a 8828
public hearing or public proceeding regarding the applicant's 8829
eligibility to participate in the program. 8830

(D) The director of ~~administrative services~~development, upon 8831
approval of the attorney general, may enter into a reciprocal 8832
agreement with the appropriate officials of one or more states, 8833
when the other state has a business assistance program or programs 8834
substantially similar to the women-owned business enterprise 8835
program of this state. The agreement shall provide that a business 8836
certified by the other state as a women-owned business enterprise, 8837
which is owned and controlled by a resident or residents of that 8838
other state, shall be considered a women-owned business enterprise 8839
in this state under this section. The agreement shall provide that 8840
a women-owned business enterprise certified under this section, 8841
which is owned and controlled by a resident or residents of this 8842
state, shall be considered certified in the other state and 8843
eligible for programs of that state that provide an advantage or 8844
benefit to such businesses. 8845

Sec. ~~9-318~~ 122.925. (A) As used in this section: 8846

"Armed forces" means the armed forces of the United States, 8847
including the army, navy, air force, marine corps, coast guard, or 8848
any reserve component of those forces; the national guard of any 8849
state; the commissioned corps of the United States public health 8850
service; the merchant marine service during wartime; such other 8851
service as may be designated by congress; and the Ohio organized 8852
militia when engaged in full-time national guard duty for a period 8853
of more than thirty days. 8854

"State agency" has the meaning defined in section 1.60 of the 8855
Revised Code. 8856

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

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

(B) The director of ~~administrative services~~development and
the director of transportation shall establish and maintain the
veteran-friendly business procurement program. The director of
~~administrative services~~development shall adopt rules to administer
the program for all state agencies except the department of
transportation, and the director of transportation shall adopt
rules to administer the program for the department of
transportation. The rules shall be adopted under Chapter 119. of
the Revised Code. The rules, as adopted separately by but with the
greatest degree of consistency possible between the two directors,
shall do all of the following:

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

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

(3) Establish procedures for certifying a sole proprietorship, association, partnership, corporation, limited liability company, or joint venture as a veteran-friendly business enterprise; 8888
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(4) Establish standards for determining when a veteran-friendly business enterprise no longer qualifies for certification as a veteran-friendly business enterprise; 8892
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(5) Establish procedures, to be used by state agencies or the department of transportation, for the evaluation and ranking of proposals, which provide preference or bonus points to each certified veteran-friendly business enterprise that submits a bid or other proposal for a contract with the state or an agency of the state other than the department of transportation, or with the department of transportation, for the rendering of services, or the supplying of materials, or for the construction, demolition, alteration, repair, or reconstruction of any public building, structure, highway, or other improvement; 8895
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(6) Implement an outreach program to educate potential participants about the veteran-friendly business procurement program; and 8905
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(7) Establish a process for monitoring overall performance of the veteran-friendly business procurement program. 8908
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Sec. 122.98. (A) There is hereby created the Ohio aerospace and aviation technology committee, consisting of the following members: 8910
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(1) Three members of the senate, appointed by the president of the senate, not more than two of whom may be members of the same political party; 8913
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(2) Three members of the house of representatives, appointed by the speaker of the house of representatives, not more than two 8916
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of whom may be members of the same political party; 8918

(3) Fifteen members representing the aviation, aerospace, or 8919
technology industry, the military, or academia. One such member 8920
shall be appointed by the governor, and fourteen such members 8921
shall be appointed by majority vote of the six members 8922
representing the senate and house of representatives. 8923

The legislative members of the committee shall be appointed 8924
not later than September 1, 2014, and the remaining members shall 8925
be appointed within ten days thereafter. The initial term of all 8926
members shall end on December 31, 2016. Thereafter, the term of 8927
all members shall end on the thirty-first day of December of the 8928
year following the year of appointment. Vacancies shall be filled 8929
in the manner of the original appointment. 8930

The first legislator appointed to the committee by the 8931
speaker of the house of representatives after the effective date 8932
of H.B. 292 of the 130th general assembly, September 17, 2014, 8933
shall serve as the first chairperson of the committee and shall 8934
serve until December 31, 2016. Every general assembly thereafter, 8935
~~the chairperson shall alternate between the first legislator~~ 8936
~~appointed by the president of the senate and the first legislator~~ 8937
~~appointed by the speaker of the house of representatives~~ committee 8938
shall select a chairperson from among its legislative members. 8939

(B) The duties of the committee shall include, but are not 8940
limited to, all of the following: 8941

(1) Studying and developing comprehensive strategies to 8942
promote the aviation, aerospace, and technology industry 8943
throughout the state, including through the commercialization of 8944
aviation, aerospace, and technology products and ideas; 8945

(2) Encouraging communication and resource-sharing among 8946
individuals and organizations involved in the aviation, aerospace, 8947
and technology industry, including business, the military, and 8948

academia;	8949
(3) Promoting research and development in the aviation, aerospace, and technology industry, including research and development of unmanned aerial vehicles;	8950 8951 8952
(4) Providing assistance related to military base realignment and closure.	8953 8954
(C) The Ohio aerospace and aviation council shall serve as an advisory council to the committee.	8955 8956
(D) The committee shall compile an annual report of its activities, findings, and recommendations and shall furnish a copy of the report to the governor, president of the senate, and speaker of the house of representatives not later than the thirty-first day of December of each year.	8957 8958 8959 8960 8961
Sec. 123.01. (A) The department of administrative services, in addition to those powers enumerated in Chapters 124. and 125. of the Revised Code and provided elsewhere by law, shall exercise the following powers:	8962 8963 8964 8965
(1) To prepare and suggest comprehensive plans for the development of grounds and buildings under the control of a state agency;	8966 8967 8968
(2) To acquire, by purchase, gift, devise, lease, or grant, all real estate required by a state agency, in the exercise of which power the department may exercise the power of eminent domain, in the manner provided by sections 163.01 to 163.22 of the Revised Code;	8969 8970 8971 8972 8973
(3) To erect, supervise, and maintain all public monuments and memorials erected by the state, except where the supervision and maintenance is otherwise provided by law;	8974 8975 8976
(4) To procure, by lease, storage accommodations for a state agency;	8977 8978

(5) To lease or grant easements or licenses for unproductive 8979
and unused lands or other property under the control of a state 8980
agency. Such leases, easements, or licenses may be granted to any 8981
person or entity, shall be for a period not to exceed fifteen 8982
years, unless a longer period is authorized by division (A)(5) of 8983
this section, and shall be executed for the state by the director 8984
of administrative services, ~~provided that the~~. The director shall 8985
grant leases, easements, or licenses of university land for 8986
periods not to exceed twenty-five years for purposes approved by 8987
the respective university's board of trustees wherein the uses are 8988
compatible with the uses and needs of the university and may grant 8989
leases of university land for periods not to exceed forty years 8990
for purposes approved by the respective university's board of 8991
trustees pursuant to section 123.17 of the Revised Code. The 8992
director may grant perpetual easements to public utilities, as 8993
defined in section 4905.02 of the Revised Code or described in 8994
section 4905.03 of the Revised Code. 8995

(6) To lease space for the use of a state agency; 8996

(7) To have general supervision and care of the storerooms, 8997
offices, and buildings leased for the use of a state agency; 8998

(8) To exercise general custodial care of all real property 8999
of the state; 9000

(9) To assign and group together state offices in any city in 9001
the state and to establish, in cooperation with the state agencies 9002
involved, rules governing space requirements for office or storage 9003
use; 9004

(10) To lease for a period not to exceed forty years, 9005
pursuant to a contract providing for the construction thereof 9006
under a lease-purchase plan, buildings, structures, and other 9007
improvements for any public purpose, and, in conjunction 9008
therewith, to grant leases, easements, or licenses for lands under 9009

the control of a state agency for a period not to exceed forty 9010
years. The lease-purchase plan shall provide that at the end of 9011
the lease period, the buildings, structures, and related 9012
improvements, together with the land on which they are situated, 9013
shall become the property of the state without cost. 9014

(a) Whenever any building, structure, or other improvement is 9015
to be so leased by a state agency, the department shall retain 9016
either basic plans, specifications, bills of materials, and 9017
estimates of cost with sufficient detail to afford bidders all 9018
needed information or, alternatively, all of the following plans, 9019
details, bills of materials, and specifications: 9020

(i) Full and accurate plans suitable for the use of mechanics 9021
and other builders in the improvement; 9022

(ii) Details to scale and full sized, so drawn and 9023
represented as to be easily understood; 9024

(iii) Accurate bills showing the exact quantity of different 9025
kinds of material necessary to the construction; 9026

(iv) Definite and complete specifications of the work to be 9027
performed, together with such directions as will enable a 9028
competent mechanic or other builder to carry them out and afford 9029
bidders all needed information; 9030

(v) A full and accurate estimate of each item of expense and 9031
of the aggregate cost thereof. 9032

(b) The department shall give public notice, in such 9033
newspaper, in such form, and with such phraseology as the director 9034
of administrative services prescribes, published once each week 9035
for four consecutive weeks, of the time when and place where bids 9036
will be received for entering into an agreement to lease to a 9037
state agency a building, structure, or other improvement. The last 9038
publication shall be at least eight days preceding the day for 9039
opening the bids. The bids shall contain the terms upon which the 9040

builder would propose to lease the building, structure, or other 9041
improvement to the state agency. The form of the bid approved by 9042
the department shall be used, and a bid is invalid and shall not 9043
be considered unless that form is used without change, alteration, 9044
or addition. Before submitting bids pursuant to this section, any 9045
builder shall comply with Chapter 153. of the Revised Code. 9046

(c) On the day and at the place named for receiving bids for 9047
entering into lease agreements with a state agency, the director 9048
of administrative services shall open the bids and shall publicly 9049
proceed immediately to tabulate the bids upon duplicate sheets. No 9050
lease agreement shall be entered into until the bureau of workers' 9051
compensation has certified that the person to be awarded the lease 9052
agreement has complied with Chapter 4123. of the Revised Code, 9053
until, if the builder submitting the lowest and best bid is a 9054
foreign corporation, the secretary of state has certified that the 9055
corporation is authorized to do business in this state, until, if 9056
the builder submitting the lowest and best bid is a person 9057
nonresident of this state, the person has filed with the secretary 9058
of state a power of attorney designating the secretary of state as 9059
its agent for the purpose of accepting service of summons in any 9060
action brought under Chapter 4123. of the Revised Code, and until 9061
the agreement is submitted to the attorney general and the 9062
attorney general's approval is certified thereon. Within thirty 9063
days after the day on which the bids are received, the department 9064
shall investigate the bids received and shall determine that the 9065
bureau and the secretary of state have made the certifications 9066
required by this section of the builder who has submitted the 9067
lowest and best bid. Within ten days of the completion of the 9068
investigation of the bids, the department shall award the lease 9069
agreement to the builder who has submitted the lowest and best bid 9070
and who has been certified by the bureau and secretary of state as 9071
required by this section. If bidding for the lease agreement has 9072
been conducted upon the basis of basic plans, specifications, 9073

bills of materials, and estimates of costs, upon the award to the 9074
builder the department, or the builder with the approval of the 9075
department, shall appoint an architect or engineer licensed in 9076
this state to prepare such further detailed plans, specifications, 9077
and bills of materials as are required to construct the building, 9078
structure, or improvement. The department shall adopt such rules 9079
as are necessary to give effect to this section. The department 9080
may reject any bid. Where there is reason to believe there is 9081
collusion or combination among bidders, the bids of those 9082
concerned therein shall be rejected. 9083

(11) To acquire by purchase, gift, devise, or grant and to 9084
transfer, lease, or otherwise dispose of all real property 9085
required to assist in the development of a conversion facility as 9086
defined in section 5709.30 of the Revised Code as that section 9087
existed before its repeal by Amended Substitute House Bill 95 of 9088
the 125th general assembly; 9089

(12) To lease for a period not to exceed forty years, 9090
notwithstanding any other division of this section, the 9091
state-owned property located at 408-450 East Town Street, 9092
Columbus, Ohio, formerly the state school for the deaf, to a 9093
developer in accordance with this section. "Developer," as used in 9094
this section, has the same meaning as in section 123.77 of the 9095
Revised Code. 9096

Such a lease shall be for the purpose of development of the 9097
land for use by senior citizens by constructing, altering, 9098
renovating, repairing, expanding, and improving the site as it 9099
existed on June 25, 1982. A developer desiring to lease the land 9100
shall prepare for submission to the department a plan for 9101
development. Plans shall include provisions for roads, sewers, 9102
water lines, waste disposal, water supply, and similar matters to 9103
meet the requirements of state and local laws. The plans shall 9104
also include provision for protection of the property by insurance 9105

or otherwise, and plans for financing the development, and shall 9106
set forth details of the developer's financial responsibility. 9107

The department may employ, as employees or consultants, 9108
persons needed to assist in reviewing the development plans. Those 9109
persons may include attorneys, financial experts, engineers, and 9110
other necessary experts. The department shall review the 9111
development plans and may enter into a lease if it finds all of 9112
the following: 9113

(a) The best interests of the state will be promoted by 9114
entering into a lease with the developer; 9115

(b) The development plans are satisfactory; 9116

(c) The developer has established the developer's financial 9117
responsibility and satisfactory plans for financing the 9118
development. 9119

The lease shall contain a provision that construction or 9120
renovation of the buildings, roads, structures, and other 9121
necessary facilities shall begin within one year after the date of 9122
the lease and shall proceed according to a schedule agreed to 9123
between the department and the developer or the lease will be 9124
terminated. The lease shall contain such conditions and 9125
stipulations as the director considers necessary to preserve the 9126
best interest of the state. Moneys received by the state pursuant 9127
to this lease shall be paid into the general revenue fund. The 9128
lease shall provide that at the end of the lease period the 9129
buildings, structures, and related improvements shall become the 9130
property of the state without cost. 9131

(13) To manage the use of space owned and controlled by the 9132
department by doing all of the following: 9133

(a) Biennially implementing, by state agency location, a 9134
census of agency employees assigned space; 9135

(b) Periodically in the discretion of the director of administrative services:	9136 9137
(i) Requiring each state agency to categorize the use of space allotted to the agency between office space, common areas, storage space, and other uses, and to report its findings to the department;	9138 9139 9140 9141
(ii) Creating and updating a master space utilization plan for all space allotted to state agencies. The plan shall incorporate space utilization metrics.	9142 9143 9144
(iii) Conducting a cost-benefit analysis to determine the effectiveness of state-owned buildings;	9145 9146
(iv) Assessing the alternatives associated with consolidating the commercial leases for buildings located in Columbus.	9147 9148
(c) Commissioning a comprehensive space utilization and capacity study in order to determine the feasibility of consolidating existing commercially leased space used by state agencies into a new state-owned facility.	9149 9150 9151 9152
(14) To adopt rules to ensure that energy efficiency and conservation is considered in the purchase of products and equipment, except motor vehicles, by any state agency, department, division, bureau, office, unit, board, commission, authority, quasi-governmental entity, or institution. The department may require minimum energy efficiency standards for purchased products and equipment based on federal testing and labeling if available or on standards developed by the department. When possible, the rules shall apply to the competitive selection of energy consuming systems, components, and equipment under Chapter 125. of the Revised Code.	9153 9154 9155 9156 9157 9158 9159 9160 9161 9162 9163
(15) To ensure energy efficient and energy conserving purchasing practices by doing all of the following:	9164 9165

(a) Identifying available energy efficiency and conservation opportunities;	9166 9167
(b) Providing for interchange of information among purchasing agencies;	9168 9169
(c) Identifying laws, policies, rules, and procedures that should be modified;	9170 9171
(d) Monitoring experience with and the cost-effectiveness of this state's purchase and use of motor vehicles and of major energy-consuming systems, components, equipment, and products having a significant impact on energy consumption by the government;	9172 9173 9174 9175 9176
(e) Providing technical assistance and training to state employees involved in the purchasing process;	9177 9178
(f) Working with the <u>department of development services</u> agency to make recommendations regarding planning and implementation of purchasing policies and procedures that are supportive of energy efficiency and conservation.	9179 9180 9181 9182
(16) To require all state agencies, departments, divisions, bureaus, offices, units, commissions, boards, authorities, quasi-governmental entities, institutions, and state institutions of higher education to implement procedures to ensure that all of the passenger automobiles they acquire in each fiscal year, except for those passenger automobiles acquired for use in law enforcement or emergency rescue work, achieve a fleet average fuel economy of not less than the fleet average fuel economy for that fiscal year as the department shall prescribe by rule. The department shall adopt the rule prior to the beginning of the fiscal year, in accordance with the average fuel economy standards established by federal law for passenger automobiles manufactured during the model year that begins during the fiscal year.	9183 9184 9185 9186 9187 9188 9189 9190 9191 9192 9193 9194 9195
Each state agency, department, division, bureau, office,	9196

unit, commission, board, authority, quasi-governmental entity, 9197
institution, and state institution of higher education shall 9198
determine its fleet average fuel economy by dividing the total 9199
number of passenger vehicles acquired during the fiscal year, 9200
except for those passenger vehicles acquired for use in law 9201
enforcement or emergency rescue work, by a sum of terms, each of 9202
which is a fraction created by dividing the number of passenger 9203
vehicles of a given make, model, and year, except for passenger 9204
vehicles acquired for use in law enforcement or emergency rescue 9205
work, acquired during the fiscal year by the fuel economy measured 9206
by the administrator of the United States environmental protection 9207
agency, for the given make, model, and year of vehicle, that 9208
constitutes an average fuel economy for combined city and highway 9209
driving. 9210

As used in division (A)(16) of this section, "acquired" means 9211
leased for a period of sixty continuous days or more, or 9212
purchased. 9213

(17) To correct legal descriptions or title defects, or 9214
release fractional interests in real property, as necessary to 9215
cure title clouds reflected in public records, including those 9216
resulting from boundary disputes, ingress or egress issues, title 9217
transfers precipitated through retirement of bond requirements, 9218
and the retention of fractional interests in real estate otherwise 9219
disposed of in previous title transfers. 9220

(18) To, with controlling board approval, sell state-owned 9221
real property that is appraised at not more than one hundred 9222
thousand dollars by an independent third-party appraiser. 9223

Notwithstanding any provision of law to the contrary, net 9224
proceeds from any disposition of real property made pursuant to 9225
division (A)(18) of this section shall, at the direction of the 9226
director of budget and management, be credited to a fund or funds 9227
in the state treasury, or to accounts held by a state institution 9228

of higher education for purposes to be determined by the 9229
institution. 9230

(B) This section and section 125.02 of the Revised Code shall 9231
not interfere with any of the following: 9232

(1) The power of the adjutant general to purchase military 9233
supplies, or with the custody of the adjutant general of property 9234
leased, purchased, or constructed by the state and used for 9235
military purposes, or with the functions of the adjutant general 9236
as director of state armories; 9237

(2) The power of the director of transportation in acquiring 9238
rights-of-way for the state highway system, or the leasing of 9239
lands for division or resident district offices, or the leasing of 9240
lands or buildings required in the maintenance operations of the 9241
department of transportation, or the purchase of real property for 9242
garage sites or division or resident district offices, or in 9243
preparing plans and specifications for and constructing such 9244
buildings as the director may require in the administration of the 9245
department; 9246

(3) The power of the director of public safety and the 9247
registrar of motor vehicles to purchase or lease real property and 9248
buildings to be used solely as locations to which a deputy 9249
registrar is assigned pursuant to division (B) of section 4507.011 9250
of the Revised Code and from which the deputy registrar is to 9251
conduct the deputy registrar's business, the power of the director 9252
of public safety to purchase or lease real property and buildings 9253
to be used as locations for division or district offices as 9254
required in the maintenance of operations of the department of 9255
public safety, and the power of the superintendent of the state 9256
highway patrol in the purchase or leasing of real property and 9257
buildings needed by the patrol, to negotiate the sale of real 9258
property owned by the patrol, to rent or lease real property owned 9259
or leased by the patrol, and to make or cause to be made repairs 9260

to all property owned or under the control of the patrol; 9261

(4) The power of the division of liquor control in the 9262
leasing or purchasing of retail outlets and warehouse facilities 9263
for the use of the division; 9264

(5) The power of the director of development ~~services~~ to 9265
enter into leases of real property, buildings, and office space to 9266
be used solely as locations for the state's foreign offices to 9267
carry out the purposes of section 122.05 of the Revised Code; 9268

(6) The power of the director of environmental protection to 9269
enter into environmental covenants, to grant and accept easements, 9270
or to sell property pursuant to division (G) of section 3745.01 of 9271
the Revised Code; 9272

(7) The power of the department of public safety under 9273
section 5502.01 of the Revised Code to direct security measures 9274
and operations for the Vern Riffe center and the James A. Rhodes 9275
state office tower. The department of administrative services 9276
shall implement all security measures and operations at the Vern 9277
Riffe center and the James A. Rhodes state office tower as 9278
directed by the department of public safety. 9279

(C) Purchases for, and the custody and repair of, buildings 9280
under the management and control of the capitol square review and 9281
advisory board, the opportunities for Ohioans with disabilities 9282
agency, the bureau of workers' compensation, or the departments of 9283
public safety, job and family services, mental health and 9284
addiction services, developmental disabilities, and rehabilitation 9285
and correction; buildings of educational and benevolent 9286
institutions under the management and control of boards of 9287
trustees; and purchases or leases for, and the custody and repair 9288
of, office space used for the purposes of any agency of the 9289
legislative branch of state government are not subject to the 9290
control and jurisdiction of the department of administrative 9291

services. 9292

An agency of the legislative branch of state government that 9293
uses office space in a building under the management and control 9294
of the department of administrative services may exercise the 9295
agency's authority to improve the agency's office space as 9296
authorized under this division only if, upon review, the 9297
department of administrative services concludes the proposed 9298
improvements do not adversely impact the structural integrity of 9299
the building. 9300

If an agency of the legislative branch of state government, 9301
except the capitol square review and advisory board, so requests, 9302
the agency and the director of administrative services may enter 9303
into a contract under which the department of administrative 9304
services agrees to perform any services requested by the agency 9305
that the department is authorized under this section to perform. 9306
In performing such services, the department shall not use 9307
competitive selection. As used in this division, "competitive 9308
selection" has the meaning defined in section 125.01 of the 9309
Revised Code and includes any other type of competitive process 9310
for the selection of persons producing or dealing in the services 9311
to be provided. 9312

(D) Any instrument by which real property is acquired 9313
pursuant to this section shall identify the agency of the state 9314
that has the use and benefit of the real property as specified in 9315
section 5301.012 of the Revised Code. 9316

Sec. 123.02. The director of administrative services shall be 9317
appointed superintendent of public works and shall have the care 9318
and control of the public works of the state and shall protect, 9319
maintain, and keep them in repair. 9320

Subject to the approval of the governor, the director may 9321
purchase on behalf of the state such real or personal property, 9322

rights, or privileges as are necessary, in the director's 9323
judgment, to acquire in the maintenance of the public works or 9324
their improvement. 9325

The document that evidences the vesting of any right, title, 9326
or interest in real property, other than public lands, belonging 9327
to or used by the state shall be recorded in the office of the 9328
county recorder of the county in which the property is situated. 9329
When recorded, such document and related papers shall be deposited 9330
with the director of administrative services and kept in the 9331
director of administrative services' office, except that evidence 9332
of title to highway rights-of-way shall be deposited with the 9333
director of transportation and kept in the director of 9334
transportation's office. The director of administrative services 9335
shall register the document, except title to highway 9336
rights-of-way, in a record system prepared for that purpose and 9337
open for inspection by all persons interested. 9338

Any instrument by which the state or an agency of the state 9339
acquires real property pursuant to this section shall identify the 9340
agency of the state that has the use and benefit of the real 9341
property as specified in section 5301.012 of the Revised Code. 9342

Sec. 124.136. (A) As used in this section: 9343

(1) "Fetal death" has the same meaning as in section 3705.01 9344
of the Revised Code. 9345

(2) "Stillborn" means that an infant of at least twenty weeks 9346
of gestation suffered a fetal death. 9347

(B)(1) Each permanent full-time and permanent part-time 9348
employee paid in accordance with section 124.152 of the Revised 9349
Code and each employee listed in division (B)(2), (3), or (4) of 9350
section 124.14 of the Revised Code who works thirty or more hours 9351
per week, and who meets the requirement of division ~~(A)(2)~~ 9352

(B)(2)(a) of this section is eligible, upon the birth, stillbirth, 9353
or adoption of a child, for a parental leave of absence and 9354
parental leave benefits under this section. ~~Parental leave of~~ 9355
~~absence shall begin on the day of the birth of a child or on the~~ 9356
~~day on which custody of a child is taken for adoption placement by~~ 9357
~~the prospective parents~~ If the employee takes leave under this 9358
section for a stillbirth, the employee is ineligible for leave 9359
under section 124.387 of the Revised Code. 9360

(2)(a) To be eligible for leave and benefits under this 9361
section, an employee must be a one of the following: 9362

(i) A parent, as listed on the birth certificate, of a newly 9363
born child ~~or the;~~ 9364

(ii) A parent, as listed on the fetal death certificate, of a 9365
stillborn child; 9366

(iii) A legal guardian of and reside in the same household as 9367
a newly adopted child. 9368

(b) Employees may elect to receive ~~two~~ five thousand dollars 9369
for adoption expenses in lieu of receiving the paid leave benefit 9370
provided under this section. Such payment may be requested upon 9371
placement of the child in the employee's home. If the child is 9372
already residing in the home, payment may be requested at the time 9373
the adoption is approved. 9374

(3) The average number of regular hours worked, which shall 9375
include all hours of holiday pay and other types of paid leave, 9376
during the three-month period immediately preceding the day 9377
parental leave of absence begins shall be used to determine 9378
eligibility and benefits under this section for part-time 9379
employees, but such benefits shall not exceed forty hours per 9380
week. If an employee has not worked for a three-month period, the 9381
number of hours for which the employee has been scheduled to work 9382
per week during the employee's period of employment shall be used 9383

to determine eligibility and benefits under this section. 9384

~~(B)~~(C) Parental leave granted under this section shall not 9385
exceed six ~~continuous~~ consecutive weeks, which shall include four 9386
weeks or one hundred sixty hours of paid leave for permanent 9387
full-time employees and a prorated number of hours of paid leave 9388
for permanent part-time employees. Parental leave shall be taken 9389
within one year of the birth of the child, delivery of the 9390
stillborn child, or placement of the child for adoption. All 9391
employees granted parental leave shall serve a waiting period of 9392
fourteen days that begins on the day parental leave begins and 9393
during which they shall not receive paid leave under this section. 9394
Employees may choose to work during the waiting period. During the 9395
remaining four weeks of the leave period, employees shall receive 9396
paid leave equal to seventy per cent of their base rate of pay. 9397
All of the following apply to employees granted parental leave: 9398

(1) They remain eligible to receive all employer-paid 9399
benefits and continue to accrue all other forms of paid leave as 9400
if they were in active pay status. 9401

(2) They are ineligible to receive overtime pay, and no 9402
portion of their parental leave shall be included in calculating 9403
their overtime pay. 9404

(3) They are ineligible to receive holiday pay. A holiday 9405
occurring during the leave period shall be counted as one day of 9406
parental leave and be paid as such. 9407

~~(C)~~(D) Employees receiving parental leave may utilize 9408
available sick leave, personal leave, vacation leave, or 9409
compensatory time balances in order to be paid during the 9410
fourteen-day waiting period and to supplement the seventy per cent 9411
of their base rate of pay received during the remaining part of 9412
their parental leave period, in an amount sufficient to give them 9413
up to one hundred per cent of their pay for time on parental 9414

leave. 9415

Use of parental leave does not affect an employee's 9416
eligibility for other forms of paid leave granted under this 9417
chapter and does not prohibit an employee from taking leave under 9418
the "Family and Medical Leave Act of 1993," 107 Stat. 6, 29 9419
U.S.C.A. 2601, except that parental leave shall be included in any 9420
leave time provided under that act. An employee may not receive 9421
parental leave under this section after exhausting leave under the 9422
Family and Medical Leave Act of 1993 for the birth of the child, 9423
delivery of the stillborn child, or placement of the child for 9424
adoption. 9425

~~(D)~~(E) Employees receiving disability leave benefits under 9426
section 124.385 of the Revised Code prior to becoming eligible for 9427
parental leave shall continue to receive disability leave benefits 9428
for the duration of their disabling condition or as otherwise 9429
provided under the disability leave benefits program. If an 9430
employee is receiving disability leave benefits because of 9431
pregnancy and these benefits expire prior to the expiration date 9432
of any benefits the employee would have been entitled to receive 9433
under this section, the employee shall receive parental leave for 9434
such additional time without being required to serve an additional 9435
waiting period if the parental leave is contiguous to the 9436
disability leave. 9437

Sec. 124.1312. (A) As used in this section: 9438

(1) "Foster caregiver" has the same meaning as in section 9439
5103.02 of the Revised Code. 9440

(2) "Kinship caregiver" has the same meaning as in section 9441
5101.85 of the Revised Code. 9442

(B) Each permanent full-time and permanent part-time employee 9443
paid in accordance with section 124.152 of the Revised Code and 9444

each employee listed in division (B)(2), (3), or (4) of section 9445
124.14 of the Revised Code who works thirty or more hours per 9446
week, and who is a foster caregiver or kinship caregiver is 9447
eligible, on placement of a child in the employee's home, to a 9448
maximum of five days of caregiver leave with full pay in a 9449
calendar year. Caregiver leave eligibility begins on the day on 9450
which the child is placed with the prospective foster caregiver or 9451
kinship caregiver. 9452

(C) The average number of regular hours worked, which shall 9453
include all hours of holiday pay and other types of paid leave, 9454
during the three-month period immediately preceding the day 9455
caregiver leave begins shall be used to determine eligibility for 9456
leave under this section for part-time employees. If an employee 9457
has not worked for a three-month period, the number of hours for 9458
which the employee has been scheduled to work per week during the 9459
employee's period of employment shall be used to determine 9460
eligibility for leave under this section. 9461

(D) Use of caregiver leave does not affect an employee's 9462
eligibility for other forms of paid leave granted under this 9463
chapter and does not prohibit an employee from taking leave under 9464
the "Family and Medical Leave Act of 1993," 29 U.S.C. 2601, except 9465
that caregiver leave shall be included in any leave time provided 9466
under that act. 9467

(E) The director of administrative services may adopt rules 9468
in accordance with Chapter 119. of the Revised Code governing 9469
caregiver leave established under this section. 9470

Sec. 124.152. (A)(1) Except as provided in division (A)(2) of 9471
this section, each exempt employee shall be paid a salary or wage 9472
in accordance with schedule E-1 or schedule E-2 of division (B) of 9473
this section. 9474

(2) Each exempt employee who holds a position in the 9475

unclassified civil service pursuant to division (A)(26) or (30) of 9476
 section 124.11 of the Revised Code may be paid a salary or wage in 9477
 accordance with schedule E-1 or schedule E-2 of division (B) of 9478
 this section, as applicable. 9479

(B)(1) Each exempt employee who must be paid in accordance 9480
 with schedule E-1 or schedule E-2 of this section shall be paid a 9481
 salary or wage in accordance with the following schedule of rates 9482
 as of the pay period that includes July 1, ~~2018~~ 2021: 9483

Schedule E-1 9484

Pay Ranges and Step Values 9485

		Step 1	Step 2	Step 3	Step 4	Step 5	Step 6	Step 7	Step 8	
Range										9486
										9487
1	Hourly	11.14	11.64	12.13	12.66					9488
		<u>12.14</u>	<u>12.69</u>	<u>13.21</u>	<u>13.80</u>					
	Annually	23171	24211	25230	26333					9489
		<u>25251</u>	<u>26395</u>	<u>27476</u>	<u>28704</u>					
2	Hourly	13.51	14.09	14.69	15.34					9490
		<u>14.73</u>	<u>15.36</u>	<u>16.01</u>	<u>16.72</u>					
	Annually	28101	29307	30555	31907					9491
		<u>30638</u>	<u>31948</u>	<u>33300</u>	<u>34777</u>					
3	Hourly	14.16	14.79	15.45	16.11					9492
		<u>15.44</u>	<u>16.13</u>	<u>16.84</u>	<u>17.56</u>					
	Annually	29453	30763	32136	33509					9493
		<u>32115</u>	<u>33550</u>	<u>35027</u>	<u>36524</u>					
4	Hourly	14.86	15.53	16.28	16.98					9494
		<u>16.20</u>	<u>16.93</u>	<u>17.75</u>	<u>18.51</u>					
	Annually	30909	32302	33862	35318					9495
		<u>33696</u>	<u>35214</u>	<u>36920</u>	<u>38500</u>					
5	Hourly	15.59	16.31	16.98	17.73					9496
		<u>17.00</u>	<u>17.78</u>	<u>18.51</u>	<u>19.33</u>					
	Annually	32427	33925	35318	36878					9497
		<u>35360</u>	<u>36982</u>	<u>38500</u>	<u>40206</u>					

6	Hourly	16.43	17.12	17.86	18.60					9498
		<u>17.91</u>	<u>18.66</u>	<u>19.47</u>	<u>20.27</u>					
	Annually	34174	35610	37149	38688					9499
		<u>37252</u>	<u>38812</u>	<u>40497</u>	<u>42161</u>					
7	Hourly	17.44	18.09	18.84	19.49	20.25				9500
		<u>19.01</u>	<u>19.72</u>	<u>20.54</u>	<u>21.25</u>	<u>22.07</u>				
	Annually	36275	37627	39187	40539	42120				9501
		<u>39540</u>	<u>41017</u>	<u>42723</u>	<u>44200</u>	<u>45905</u>				
8	Hourly	18.44	19.27	20.09	20.99	21.99				9502
		<u>20.11</u>	<u>21.00</u>	<u>21.90</u>	<u>22.89</u>	<u>23.97</u>				
	Annually	38355	40082	41787	43659	45739				9503
		<u>41828</u>	<u>43680</u>	<u>45552</u>	<u>47611</u>	<u>49857</u>				
9	Hourly	19.68	20.69	21.71	22.80	23.95				9504
		<u>21.45</u>	<u>22.56</u>	<u>23.67</u>	<u>24.85</u>	<u>26.11</u>				
	Annually	40934	43035	45157	47424	49816				9505
		<u>44616</u>	<u>46924</u>	<u>49233</u>	<u>51688</u>	<u>54308</u>				
10	Hourly	21.23	22.39	23.59	24.95	26.28				9506
		<u>23.13</u>	<u>24.41</u>	<u>25.72</u>	<u>27.20</u>	<u>28.64</u>				
	Annually	44158	46571	49067	51896	54662				9507
		<u>48110</u>	<u>50772</u>	<u>53497</u>	<u>56576</u>	<u>59571</u>				
11	Hourly	23.12	24.46	25.87	27.34	28.89				9508
		<u>25.20</u>	<u>26.66</u>	<u>28.20</u>	<u>29.80</u>	<u>31.49</u>				
	Annually	48090	50877	53810	58867	60091				9509
		<u>52416</u>	<u>55452</u>	<u>58656</u>	<u>61984</u>	<u>65499</u>				
12	Hourly	25.50	26.93	28.38	29.95	31.62	33.33	34.70	36.33	9510
		<u>27.80</u>	<u>29.36</u>	<u>30.93</u>	<u>32.64</u>	<u>34.46</u>	<u>36.34</u>	<u>37.82</u>	<u>39.60</u>	
	Annually	53040	56014	59030	62296	65770	69326	72176	75566	9511
		<u>57824</u>	<u>61068</u>	<u>64334</u>	<u>67891</u>	<u>71676</u>	<u>75587</u>	<u>78665</u>	<u>82368</u>	
13	Hourly	28.11	29.65	31.28	32.94	34.81	36.69	38.19	39.99	9512
		<u>30.64</u>	<u>32.32</u>	<u>34.09</u>	<u>35.92</u>	<u>37.95</u>	<u>39.99</u>	<u>41.63</u>	<u>43.59</u>	
	Annually	58469	61672	65062	68515	72405	76315	79435	83179	9513
		<u>63731</u>	<u>67225</u>	<u>70907</u>	<u>74713</u>	<u>78936</u>	<u>83179</u>	<u>86590</u>	<u>90667</u>	
14	Hourly	30.91	32.66	34.42	36.29	38.35	40.48	42.15	44.13	9514

		<u>33.69</u>	<u>35.61</u>	<u>37.52</u>	<u>39.56</u>	<u>41.80</u>	<u>44.13</u>	<u>45.95</u>	<u>48.10</u>	
	Annually	64293	67933	71594	75483	79768	84198	87672	91790	9515
		<u>70075</u>	<u>74068</u>	<u>78041</u>	<u>82284</u>	<u>86944</u>	<u>91790</u>	<u>95576</u>	<u>100048</u>	
15	Hourly	33.96	35.86	37.89	39.97	42.19	44.51	46.33	48.51	9516
		<u>37.02</u>	<u>39.10</u>	<u>41.30</u>	<u>43.57</u>	<u>45.99</u>	<u>48.51</u>	<u>50.50</u>	<u>52.88</u>	
	Annually	70637	74589	78811	83138	87755	92581	96366	100901	9517
		<u>77001</u>	<u>81328</u>	<u>85904</u>	<u>90625</u>	<u>95659</u>	<u>100900</u>	<u>105040</u>	<u>109990</u>	
16	Hourly	37.44	39.52	41.69	44.03	46.45	49.11	51.12	53.52	9518
		<u>40.81</u>	<u>43.08</u>	<u>45.45</u>	<u>48.00</u>	<u>50.63</u>	<u>53.53</u>	<u>55.73</u>	<u>58.34</u>	
	Annually	77875	82202	86715	91582	96616	102149	106330	111322	9519
		<u>84884</u>	<u>89606</u>	<u>94536</u>	<u>99840</u>	<u>105310</u>	<u>111342</u>	<u>115918</u>	<u>121347</u>	
17	Hourly	41.25	43.52	45.96	48.50	51.21	54.06			9520
		<u>44.96</u>	<u>47.44</u>	<u>50.10</u>	<u>52.86</u>	<u>55.83</u>	<u>58.94</u>			
	Annually	85800	90522	95597	100880	106517	112445			9521
		<u>93516</u>	<u>98675</u>	<u>104208</u>	<u>109948</u>	<u>116126</u>	<u>122595</u>			
18	Hourly	45.46	47.97	50.68	53.46	56.42	59.57			9522
		<u>49.55</u>	<u>52.29</u>	<u>55.24</u>	<u>58.28</u>	<u>61.50</u>	<u>64.94</u>			
	Annually	94557	99778	105414	111197	117354	123906			9523
		<u>103064</u>	<u>108763</u>	<u>114899</u>	<u>121222</u>	<u>127920</u>	<u>135075</u>			
	Schedule E-2									9524
	Range			Minimum		Maximum				9525
41	Hourly			16.23		44.93	<u>48.99</u>			9526
	Annually			33758		93454	<u>101899</u>			9527
42	Hourly			17.89		49.62	<u>54.09</u>			9528
	Annually			37211		103210	<u>112507</u>			9529
43	Hourly			19.70		54.65	<u>59.56</u>			9530
	Annually			40976		113672	<u>123884</u>			9531
44	Hourly			21.73		59.70	<u>65.08</u>			9532
	Annually			45198		124176	<u>135366</u>			9533
45	Hourly			24.01		65.18	<u>71.05</u>			9534
	Annually			49941		135574	<u>147784</u>			9535
46	Hourly			26.43		71.23	<u>77.65</u>			9536
	Annually			54974		148158	<u>161512</u>			9537

47	Hourly	29.14	77.74 <u>84.75</u>	9538
	Annually	60611	161699 <u>176280</u>	9539
48	Hourly	32.14	84.82 <u>92.45</u>	9540
	Annually	66851	176426 <u>192296</u>	9541
49	Hourly	35.44	91.58 <u>99.83</u>	9542
	Annually	73715	190486 <u>207646</u>	9543

(2) Each exempt employee who must be paid in accordance with
 schedule E-1 or schedule E-2 of this section shall be paid a
 salary or wage in accordance with the following schedule of rates
 as of the pay period that includes July 1, ~~2019~~ 2022:

Schedule E-1 9548

Pay Ranges and Step Values 9549

Step 1 Step 2 Step 3 Step 4 Step 5 Step 6 Step 7 Step 8 9550

Range 9551

1	Hourly	11.45	11.96	12.46	13.01					9552
		<u>12.50</u>	<u>13.07</u>	<u>13.61</u>	<u>14.21</u>					
	Annually	23816	24877	25917	27061					9553
		<u>26000</u>	<u>27185</u>	<u>28308</u>	<u>29556</u>					
2	Hourly	13.88	14.48	15.09	15.76					9554
		<u>15.17</u>	<u>15.82</u>	<u>16.49</u>	<u>17.22</u>					
	Annually	28870	30118	31387	32781					9555
		<u>31553</u>	<u>32905</u>	<u>34299</u>	<u>35817</u>					
3	Hourly	14.55	15.20	15.87	16.55					9556
		<u>15.90</u>	<u>16.61</u>	<u>17.35</u>	<u>18.09</u>					
	Annually	30264	31616	33010	34424					9557
		<u>33072</u>	<u>34548</u>	<u>36088</u>	<u>37627</u>					
4	Hourly	15.27	15.96	16.73	17.45					9558
		<u>16.69</u>	<u>17.44</u>	<u>18.28</u>	<u>19.07</u>					
	Annually	31762	33197	34798	36296					9559
		<u>34715</u>	<u>36275</u>	<u>38022</u>	<u>39665</u>					
5	Hourly	16.02	16.76	17.45	18.22					9560
		<u>17.51</u>	<u>18.31</u>	<u>19.07</u>	<u>19.91</u>					

	Annually	33322	34861	36296	37898					9561
		<u>36420</u>	<u>38084</u>	<u>39665</u>	<u>41412</u>					
6	Hourly	16.88	17.59	18.35	19.11					9562
		<u>18.45</u>	<u>19.22</u>	<u>20.05</u>	<u>20.88</u>					
	Annually	35110	36587	38168	39749					9563
		<u>38376</u>	<u>39977</u>	<u>41704</u>	<u>43430</u>					
7	Hourly	17.92	18.59	19.36	20.03	20.81				9564
		<u>19.58</u>	<u>20.31</u>	<u>21.16</u>	<u>21.89</u>	<u>22.73</u>				
	Annually	37274	38667	40269	41662	43285				9565
		<u>40726</u>	<u>42244</u>	<u>44012</u>	<u>45531</u>	<u>47278</u>				
8	Hourly	18.95	19.80	20.64	21.57	22.59				9566
		<u>20.71</u>	<u>21.63</u>	<u>22.56</u>	<u>23.58</u>	<u>24.69</u>				
	Annually	39416	41184	42931	44866	46987				9567
		<u>43076</u>	<u>44990</u>	<u>46924</u>	<u>49046</u>	<u>51355</u>				
9	Hourly	20.22	21.26	22.31	23.43	24.61				9568
		<u>22.09</u>	<u>23.24</u>	<u>24.38</u>	<u>25.60</u>	<u>26.89</u>				
	Annually	42058	44221	46405	48734	51189				9569
		<u>45947</u>	<u>48339</u>	<u>50710</u>	<u>53248</u>	<u>55931</u>				
10	Hourly	21.81	23.01	24.24	25.64	27.00				9570
		<u>23.82</u>	<u>25.14</u>	<u>26.49</u>	<u>28.02</u>	<u>29.50</u>				
	Annually	45365	47861	50419	53331	56160				9571
		<u>49545</u>	<u>52291</u>	<u>55099</u>	<u>58281</u>	<u>61360</u>				
11	Hourly	23.76	25.13	26.58	28.09	29.68				9572
		<u>25.96</u>	<u>27.46</u>	<u>29.05</u>	<u>30.69</u>	<u>32.43</u>				
	Annually	49421	52270	55286	58427	61734				9573
		<u>53996</u>	<u>57116</u>	<u>60424</u>	<u>63835</u>	<u>67454</u>				
12	Hourly	26.20	27.67	29.16	30.77	32.49	34.25	35.65	37.33	9574
		<u>28.63</u>	<u>30.24</u>	<u>31.86</u>	<u>33.62</u>	<u>35.49</u>	<u>37.43</u>	<u>38.95</u>	<u>40.79</u>	
	Annually	54496	57554	60653	64002	67579	71240	74152	77646	9575
		<u>59550</u>	<u>62889</u>	<u>66268</u>	<u>69929</u>	<u>73819</u>	<u>77854</u>	<u>81016</u>	<u>84843</u>	
13	Hourly	28.88	30.47	32.14	33.85	35.77	37.70	39.24	41.09	9576
		<u>31.56</u>	<u>33.29</u>	<u>35.11</u>	<u>37.00</u>	<u>39.09</u>	<u>41.19</u>	<u>42.88</u>	<u>44.90</u>	
	Annually	60070	63378	66851	70408	74402	78416	81619	85467	9577

		<u>65644</u>	<u>69243</u>	<u>73028</u>	<u>76960</u>	<u>81307</u>	<u>85675</u>	<u>89190</u>	<u>93392</u>	
14	Hourly	31.76	33.56	35.37	37.29	39.40	41.59	43.31	45.34	9578
		<u>34.70</u>	<u>36.68</u>	<u>38.65</u>	<u>40.75</u>	<u>43.05</u>	<u>45.45</u>	<u>47.33</u>	<u>49.54</u>	
	Annually	66061	69805	73570	77563	81952	86507	90085	94307	9579
		<u>72176</u>	<u>76294</u>	<u>80392</u>	<u>84760</u>	<u>89544</u>	<u>94536</u>	<u>98446</u>	<u>103043</u>	
15	Hourly	34.89	36.85	38.93	41.07	43.35	45.73	47.60	49.84	9580
		<u>38.13</u>	<u>40.27</u>	<u>42.54</u>	<u>44.88</u>	<u>47.37</u>	<u>49.97</u>	<u>52.02</u>	<u>54.47</u>	
	Annually	72571	76648	80974	85426	90168	95118	99008	103667	9581
		<u>79310</u>	<u>83761</u>	<u>88483</u>	<u>93350</u>	<u>98529</u>	<u>103937</u>	<u>108201</u>	<u>113297</u>	
16	Hourly	38.47	40.61	42.84	45.24	47.73	50.46	52.53	54.99	9582
		<u>42.03</u>	<u>44.37</u>	<u>46.81</u>	<u>49.44</u>	<u>52.15</u>	<u>55.14</u>	<u>57.40</u>	<u>60.09</u>	
	Annually	80018	84469	89107	94099	99278	104957	109262	114379	9583
		<u>87422</u>	<u>92289</u>	<u>97364</u>	<u>102835</u>	<u>108472</u>	<u>114691</u>	<u>119392</u>	<u>124987</u>	
17	Hourly	42.38	44.72	47.22	49.83	52.62	55.55			9584
		<u>46.31</u>	<u>48.86</u>	<u>51.60</u>	<u>54.45</u>	<u>57.50</u>	<u>60.71</u>			
	Annually	88150	93018	98218	103646	109450	115544			9585
		<u>96324</u>	<u>101628</u>	<u>107328</u>	<u>113256</u>	<u>119600</u>	<u>126276</u>			
18	Hourly	46.71	49.29	52.07	54.93	57.97	61.21			9586
		<u>51.04</u>	<u>53.86</u>	<u>56.90</u>	<u>60.03</u>	<u>63.35</u>	<u>66.89</u>			
	Annually	97157	102523	108306	114254	120578	127317			9587
		<u>106163</u>	<u>112028</u>	<u>118352</u>	<u>124862</u>	<u>131768</u>	<u>139131</u>			
	Schedule E-2									9588
	Range					Minimum		Maximum		9589
41	Hourly					16.23		46.17 <u>50.46</u>		9590
	Annually					33758		96034 <u>104956</u>		9591
42	Hourly					17.89		50.98 <u>55.71</u>		9592
	Annually					37211		106038 <u>115,876</u>		9593
43	Hourly					19.70		56.15 <u>61.35</u>		9594
	Annually					40976		116792 <u>127608</u>		9595
44	Hourly					21.73		61.34 <u>67.03</u>		9596
	Annually					45198		127587 <u>139422</u>		9597
45	Hourly					24.01		66.97 <u>73.18</u>		9598
	Annually					49941		139298 <u>152214</u>		9599

46	Hourly	26.43	73.19 <u>79.98</u>	9600
	Annually	54974	1522351 <u>166358</u>	9601
47	Hourly	29.14	79.88 <u>87.29</u>	9602
	Annually	60611	1661501 <u>181563</u>	9603
48	Hourly	32.14	87.15 <u>95.22</u>	9604
	Annually	66851	1812721 <u>198057</u>	9605
49	Hourly	35.44	94.10 <u>102.82</u>	9606
	Annually	73715	1957282 <u>13865</u>	9607

(3) Each exempt employee who must be paid in accordance with schedule E-1 or schedule E-2 of this section shall be paid a salary or wage in accordance with the following schedule of rates as of the pay period that includes July 1, ~~2020~~ 2023:

Schedule E-1

Pay Ranges and Step Values

		Step 1	Step 2	Step 3	Step 4	Step 5	Step 6	Step 7	Step 8	
Range										9615
1	Hourly	11.79	12.32	12.83	13.40					9616
		<u>12.88</u>	<u>13.46</u>	<u>14.02</u>	<u>14.64</u>					
	Annually	24523	25626	26686	27872					9617
		<u>26790</u>	<u>27996</u>	<u>29161</u>	<u>30451</u>					
2	Hourly	14.30	14.91	15.54	16.23					9618
		<u>15.63</u>	<u>16.29</u>	<u>16.98</u>	<u>17.74</u>					
	Annually	29744	31013	32323	33758					9619
		<u>32510</u>	<u>33883</u>	<u>35318</u>	<u>36899</u>					
3	Hourly	14.99	15.66	16.35	17.05					9620
		<u>16.38</u>	<u>17.11</u>	<u>17.87</u>	<u>18.63</u>					
	Annually	31179	32573	34008	35464					9621
		<u>34070</u>	<u>35588</u>	<u>37169</u>	<u>38750</u>					
4	Hourly	15.73	16.44	17.23	17.97					9622
		<u>17.19</u>	<u>17.96</u>	<u>18.83</u>	<u>19.64</u>					
	Annually	32718	34195	35838	37378					9623
		<u>35755</u>	<u>37356</u>	<u>39166</u>	<u>40851</u>					

5	Hourly	16.50	17.26	17.97	18.77					9624
		<u>18.04</u>	<u>18.86</u>	<u>19.64</u>	<u>20.51</u>					
	Annually	34320	35901	37378	39042					9625
		<u>37523</u>	<u>39228</u>	<u>40851</u>	<u>42660</u>					
6	Hourly	17.39	18.12	18.90	19.68					9626
		<u>19.00</u>	<u>19.80</u>	<u>20.65</u>	<u>21.51</u>					
	Annually	36171	37690	39312	40934					9627
		<u>39520</u>	<u>41184</u>	<u>42952</u>	<u>44740</u>					
7	Hourly	18.46	19.15	19.94	20.63	21.43				9628
		<u>20.17</u>	<u>20.92</u>	<u>21.79</u>	<u>22.55</u>	<u>23.41</u>				
	Annually	38397	39832	41475	42910	44574				9629
		<u>41953</u>	<u>43513</u>	<u>45323</u>	<u>46904</u>	<u>48692</u>				
8	Hourly	19.52	20.39	21.26	22.22	23.27				9630
		<u>21.33</u>	<u>22.28</u>	<u>23.24</u>	<u>24.29</u>	<u>25.43</u>				
	Annually	40602	42411	44221	46218	48402				9631
		<u>44366</u>	<u>46342</u>	<u>48339</u>	<u>50523</u>	<u>52894</u>				
9	Hourly	20.83	21.90	22.98	24.13	25.35				9632
		<u>22.75</u>	<u>23.94</u>	<u>25.11</u>	<u>26.37</u>	<u>27.70</u>				
	Annually	43326	45552	47798	50190	52728				9633
		<u>47320</u>	<u>49795</u>	<u>52228</u>	<u>54849</u>	<u>57616</u>				
10	Hourly	22.46	23.70	24.97	26.41	27.81				9634
		<u>24.53</u>	<u>25.89</u>	<u>27.28</u>	<u>28.86</u>	<u>30.39</u>				
	Annually	46717	49296	51938	54933	57845				9635
		<u>51022</u>	<u>53851</u>	<u>56742</u>	<u>60028</u>	<u>63211</u>				
11	Hourly	24.47	25.88	27.38	28.93	30.57				9636
		<u>26.74</u>	<u>28.28</u>	<u>29.92</u>	<u>31.61</u>	<u>33.40</u>				
	Annually	50898	53830	56950	60174	63586				9637
		<u>55619</u>	<u>58822</u>	<u>62233</u>	<u>65748</u>	<u>69472</u>				
12	Hourly	26.99	28.50	30.03	31.69	33.46	35.28	36.72	38.45	9638
		<u>29.49</u>	<u>31.15</u>	<u>32.82</u>	<u>34.63</u>	<u>36.55</u>	<u>38.55</u>	<u>40.12</u>	<u>42.01</u>	
	Annually	56139	59280	62462	65915	69597	73382	76378	79976	9639
		<u>61339</u>	<u>64792</u>	<u>68265</u>	<u>72030</u>	<u>76024</u>	<u>80184</u>	<u>83449</u>	<u>87380</u>	
13	Hourly	29.75	31.38	33.10	34.87	36.84	38.83	40.42	42.32	9640

		<u>32.51</u>	<u>34.29</u>	<u>36.16</u>	<u>38.11</u>	<u>40.26</u>	<u>42.43</u>	<u>44.17</u>	<u>46.25</u>	
	Annually	61880	65270	68848	72530	76627	80766	84074	88026	9641
		<u>67620</u>	<u>71323</u>	<u>75212</u>	<u>79268</u>	<u>83740</u>	<u>88254</u>	<u>91873</u>	<u>96200</u>	
14	Hourly	32.71	34.57	36.43	38.41	40.58	42.84	44.61	46.70	9642
		<u>35.74</u>	<u>37.78</u>	<u>39.81</u>	<u>41.97</u>	<u>44.34</u>	<u>46.81</u>	<u>48.75</u>	<u>51.03</u>	
	Annually	68037	71906	75774	79893	84406	89107	92789	97136	9643
		<u>74339</u>	<u>78582</u>	<u>82804</u>	<u>87297</u>	<u>92227</u>	<u>97364</u>	<u>101400</u>	<u>106142</u>	
15	Hourly	35.94	37.96	40.10	42.30	44.65	47.10	49.03	51.34	9644
		<u>39.27</u>	<u>41.48</u>	<u>43.82</u>	<u>46.23</u>	<u>48.79</u>	<u>51.47</u>	<u>53.58</u>	<u>56.10</u>	
	Annually	74755	78957	83408	87984	92872	97968	101982	106787	9645
		<u>81681</u>	<u>86278</u>	<u>91145</u>	<u>96158</u>	<u>101483</u>	<u>107057</u>	<u>111446</u>	<u>116688</u>	
16	Hourly	39.62	41.83	44.13	46.60	49.16	51.97	54.11	56.64	9646
		<u>43.29</u>	<u>45.70</u>	<u>48.21</u>	<u>50.92</u>	<u>53.71</u>	<u>56.79</u>	<u>59.12</u>	<u>61.89</u>	
	Annually	82410	87006	91790	96928	102253	108098	112549	117811	9647
		<u>90043</u>	<u>95056</u>	<u>100276</u>	<u>105913</u>	<u>111716</u>	<u>118123</u>	<u>122969</u>	<u>128731</u>	
17	Hourly	43.65	46.06	48.64	51.32	54.20	57.22			9648
		<u>47.70</u>	<u>50.33</u>	<u>53.15</u>	<u>56.08</u>	<u>59.23</u>	<u>62.53</u>			
	Annually	90792	95805	101171	106746	112736	119018			9649
		<u>99216</u>	<u>104686</u>	<u>110552</u>	<u>116646</u>	<u>123198</u>	<u>130062</u>			
18	Hourly	48.11	50.77	53.63	56.58	59.71	63.05			9650
		<u>52.57</u>	<u>55.48</u>	<u>58.61</u>	<u>61.83</u>	<u>65.25</u>	<u>68.90</u>			
	Annually	100069	105602	111550	117686	124197	131144			9651
		<u>109345</u>	<u>115398</u>	<u>121908</u>	<u>128606</u>	<u>135720</u>	<u>143312</u>			
	Schedule E-2									9652
	Range				Minimum		Maximum			9653
41	Hourly				16.23		47.56 <u>51.97</u>			9654
	Annually				33758		98925 <u>108097</u>			9655
42	Hourly				17.89		52.51 <u>57.38</u>			9656
	Annually				37211		109221 <u>119350</u>			9657
43	Hourly				19.70		57.83 <u>63.19</u>			9658
	Annually				40976		120286 <u>131435</u>			9659
44	Hourly				21.73		63.18 <u>69.04</u>			9660
	Annually				45198		131414 <u>143603</u>			9661

45	Hourly	24.01	68.98 <u>75.38</u>	9662
	Annually	49941	143478 <u>156790</u>	9663
46	Hourly	26.43	75.39 <u>82.38</u>	9664
	Annually	54974	156811 <u>171350</u>	9665
47	Hourly	29.14	82.28 <u>89.91</u>	9666
	Annually	60611	171142 <u>187012</u>	9667
48	Hourly	32.14	89.76 <u>98.08</u>	9668
	Annually	66851	186701 <u>204006</u>	9669
49	Hourly	35.44	96.92 <u>105.90</u>	9670
	Annually	73715	201594 <u>220272</u>	9671

(C) As used in this section: 9672

(1) "Exempt employee" means a permanent full-time or 9673
permanent part-time employee paid directly by warrant of the 9674
director of budget and management whose position is included in 9675
the job classification plan established under division (A) of 9676
section 124.14 of the Revised Code but who is not considered a 9677
public employee for the purposes of Chapter 4117. of the Revised 9678
Code. "Exempt employee" also includes a permanent full-time or 9679
permanent part-time employee of the secretary of state, auditor of 9680
state, treasurer of state, or attorney general who has not been 9681
placed in an appropriate bargaining unit by the state employment 9682
relations board. 9683

(2) "Base rate of pay" means the rate of pay established 9684
under schedule E-1 of this section, plus the supplement provided 9685
under division (E) of section 124.181 of the Revised Code, plus 9686
any supplements enacted into law that are added to schedule E-1 of 9687
this section. 9688

Sec. 124.19. (A) State holidays shall be the first day of 9689
January, the third Monday in January, the third Monday in 9690
February, the day designated in the "Act of June 28, 1968," 82 9691
Stat. 250, 5 U.S.C. 6103, as amended, for the commemoration of 9692

Memorial day, the nineteenth day of June, the fourth day of July, 9693
the first Monday in September, the second Monday in October, the 9694
eleventh day of November, the fourth Thursday in November, the 9695
twenty-fifth day of December, and any day appointed and 9696
recommended by the governor of this state or the president of the 9697
United States. Employees shall be paid for these holidays as 9698
specified in section 124.18 of the Revised Code. 9699

(B) The board of trustees of a community college, technical 9700
college, state community college, or state university or college 9701
as defined in division (A)(1) of section 3345.12 of the Revised 9702
Code may, for all employees of the college or university, observe 9703
on days other than those specified in division (A) of this section 9704
any of the holidays otherwise observed on the third Monday in 9705
January, the third Monday in February, and the second Monday in 9706
October. 9707

Sec. 125.02. (A) The department of administrative services 9708
shall establish contracts for supplies and services, including 9709
telephone, other telecommunications, and computer services, for 9710
the use of state agencies, and may establish such contracts for 9711
the use of any political subdivision as described in division (B) 9712
of section 125.04 of the Revised Code, except for the following: 9713

- (1) The adjutant general for military supplies and services; 9714
- (2) The general assembly; 9715
- (3) The judicial branch; 9716
- (4) State institutions of higher education; 9717
- (5) State elected officials as set forth in section 125.041 9718
of the Revised Code; 9719
- (6) The capitol square review and advisory board. 9720

The entities set forth in divisions (A)(1) to (6) of this 9721
section may request the department of administrative services' 9722

assistance in the procurement of supplies and services for their 9723
respective offices and, upon the department's approval, may 9724
participate in contracts awarded by the department. 9725

(B) For purchases under division (C) of section 125.05 of the 9726
Revised Code, the department shall grant a state agency a release 9727
and permit to make the purchase if the department determines that 9728
it is not possible or advantageous for the department to make a 9729
purchase. 9730

(C) Upon request, the department may grant a blanket release 9731
and permit to a state agency for specific purchases. The 9732
department may grant the blanket release and permit for a fiscal 9733
year or for a biennium as determined by the director of 9734
administrative services. 9735

(D) The director of administrative services shall adopt rules 9736
regarding circumstances and criteria for obtaining a release and 9737
permit under this section. The director of administrative services 9738
shall prescribe uniform rules governing forms of specifications, 9739
advertisements for proposals, the opening of bids, the making of 9740
awards and contracts, and the purchase of supplies and performance 9741
of work. 9742

(E) The director may ~~enter into~~ participate in cooperative 9743
purchasing ~~agreements to purchase supplies or services~~ with the 9744
following: 9745

(1) The entities set forth in divisions (A)(1) to ~~(5)~~ (6) of 9746
this section; 9747

(2) One or more other states; 9748

(3) Groups of states; 9749

(4) The United States or any department, division, or agency 9750
of the United States; 9751

(5) Other purchasing consortia; 9752

(6) The department of transportation; or 9753

(7) Any political subdivision of this state described in 9754
division (B) of section 125.04 of the Revised Code. 9755

(F) The United States or any department, division, or agency 9756
of the United States, one or more other states, groups of states, 9757
other purchasing consortia, or any agency, commission, or 9758
authority established under an interstate compact or agreement may 9759
purchase supplies and services from contracts established by the 9760
department of administrative services. 9761

(G) Except as provided in section 125.04 of the Revised Code, 9762
the department of administrative services shall purchase any 9763
policy of insurance, including a surety or fidelity bond, covering 9764
officers or employees of a state agency, for which the annual 9765
premium is more than one thousand dollars and which the state may 9766
procure. The department shall purchase the insurance in conformity 9767
with sections 125.04 to 125.15 of the Revised Code. As used in 9768
this division, "annual premium" means the total premium for one 9769
year for one type of insurance regardless of the number of 9770
policies. 9771

Sec. 125.035. (A) Except as otherwise provided in the Revised 9772
Code, a state agency wanting to purchase supplies or services 9773
shall make the purchase subject to the requirements of an 9774
applicable first or second requisite procurement program described 9775
in this section, or obtain a determination from the department of 9776
administrative services that the purchase is not subject to a 9777
first or second requisite procurement program. State agencies 9778
shall submit a purchase request to the department of 9779
administrative services unless the department has determined the 9780
request does not require a review. The director of administrative 9781
services shall adopt rules under Chapter 119. of the Revised Code 9782
to provide for the manner of carrying out the function and the 9783

power and duties imposed upon and vested in the director by this section. 9784
9785

(B) The following programs are first requisite procurement programs that shall be given preference in the following order in fulfilling a purchase request: 9786
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(1) Ohio penal industries within the department of rehabilitation and correction; and 9789
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(2) Community rehabilitation programs administered by the department of administrative services under sections 125.601 to 125.6012 of the Revised Code. 9791
9792
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(C) The following programs are second requisite procurement programs that may be able to fulfill the purchase request if the first requisite procurement programs are unable to do so: 9794
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9796

(1) Business enterprise program at the opportunities for Ohioans with disabilities agency as prescribed in sections 3304.28 to 3304.33 of the Revised Code; 9797
9798
9799

(2) Office of information technology at the department of administrative services as established in section 125.18 of the Revised Code; 9800
9801
9802

(3) Office of state printing and mail services at the department of administrative services as prescribed in Chapter 125. of the Revised Code; 9803
9804
9805

(4) Ohio pharmacy services at the department of mental health and addiction services as prescribed in section 5119.44 of the Revised Code; 9806
9807
9808

(5) Ohio facilities construction commission established in section 123.20 of the Revised Code; and 9809
9810

(6) Any other program within, or administered by, a state agency that, by law, requires purchases to be made by, or with the 9811
9812

approval of, the state agency. 9813

(D) Upon receipt of a purchase request, the department of 9814
administrative services shall provide the requesting agency a 9815
notification of receipt of the purchase request. The department 9816
then shall determine whether the request can be fulfilled through 9817
a first requisite procurement program. In making the 9818
determination, the department may consult with each of the first 9819
requisite procurement programs. When the department has made its 9820
determination, it shall: 9821

(1) Direct the requesting agency to obtain the desired 9822
supplies or services through the proper first requisite 9823
procurement program; 9824

(2) Provide the agency with a waiver from the use of the 9825
applicable first requisite procurement programs under sections 9826
125.609 or 5147.07 of the Revised Code; or 9827

(3) Determine whether the purchase can be fulfilled through a 9828
second requisite procurement program under division (E) of this 9829
section. 9830

(E) In making the determination that a purchase is subject to 9831
a second requisite procurement program, the department shall 9832
identify potentially applicable programs and notify each program 9833
of the requested purchase. The notified second requisite 9834
procurement program shall respond to the department within two 9835
business days with regard to its ability to provide the requested 9836
purchase. If the second requisite procurement program can provide 9837
the requested purchase, the department shall direct the requesting 9838
agency to make the requested purchase from the appropriate second 9839
requisite procurement program. If the department has not received 9840
notification from a second requisite procurement program within 9841
two business days and the department has made the determination 9842
that the purchase is not subject to a second requisite procurement 9843

program, the department shall provide a waiver to the requesting 9844
agency. 9845

(F) Within five business days after receipt of a request, the 9846
department shall notify the requesting agency of its determination 9847
and provide any waiver under divisions (D) or (E) of this section. 9848
If the department fails to respond within five business days or 9849
fails to provide an explanation for any further delay within that 9850
time, the requesting agency may use direct purchasing authority to 9851
make the requested purchase, subject to the requirements of 9852
division (G) of this section, division (E) of section 125.05, and 9853
section 127.16 of the Revised Code. 9854

(G) As provided in sections 125.02 and 125.05 of the Revised 9855
Code and subject to such rules as the director of administrative 9856
services may adopt, the department may issue a release and permit 9857
to the agency to secure supplies or services. A release and permit 9858
shall specify the supplies or services to which it applies, the 9859
time during which it is operative, and the reason for its 9860
issuance. A release and permit for telephone, other 9861
telecommunications, and computer services shall be provided in 9862
accordance with section 125.18 of the Revised Code and shall 9863
specify the type of services to be rendered, the number and type 9864
of hardware to be used, and may specify the amount of such 9865
services to be performed. No requesting agency shall proceed with 9866
such purchase until it has received an approved release and permit 9867
from the director of administrative services or the director's 9868
designee. 9869

Sec. 125.04. (A) Except for the requirements of division (B) 9870
of this section, section 125.092, and division (B) of section 9871
125.11 of the Revised Code, sections 125.04 to 125.08 and 125.09 9872
to 125.15 of the Revised Code do not apply to or affect state 9873
institutions of higher education. 9874

(B)(1) As used in this division:	9875
(a) "Chartered nonpublic school" has the same meaning as in section 3310.01 of the Revised Code.	9876 9877
(b) "Emergency medical service organization" has the same meaning as in section 4765.01 of the Revised Code.	9878 9879
(c) "Governmental agency" means a political subdivision or special district in this state <u>or any other state</u> established by or under law, or any combination of these entities; the United States or any department, division, or agency of the United States; one or more other states or groups of states; other purchasing consortia; and any agency, commission, or authority established under an interstate compact or agreement.	9880 9881 9882 9883 9884 9885 9886
(d) "Political subdivision" means any county, township, municipal corporation, school district, conservancy district, township park district, park district created under Chapter 1545. of the Revised Code, regional transit authority, regional airport authority, regional water and sewer district, or port authority. "Political subdivision" also includes any other political subdivision described in the Revised Code that has been approved by the department of administrative services to participate in the department's contracts under this division.	9887 9888 9889 9890 9891 9892 9893 9894 9895
(e) "Private fire company" has the same meaning as in section 9.60 of the Revised Code.	9896 9897
(f) "State institution of higher education" has the meaning defined in section 3345.011 of the Revised Code.	9898 9899
(2) Subject to division (C) of this section, the department of administrative services may permit a state institution of higher education, governmental agency, political subdivision, county board of elections , private fire company, private, nonprofit emergency medical service organization, or chartered nonpublic school to participate in contracts into which the	9900 9901 9902 9903 9904 9905

department has entered for the purchase of supplies and services. 9906
The department may charge the entity a reasonable fee to cover the 9907
administrative costs the department incurs as a result of 9908
participation by the entity in such a purchase contract. 9909

A political subdivision desiring to participate in such 9910
purchase contracts shall file with the department a certified copy 9911
of an ordinance or resolution of the legislative authority or 9912
governing board of the political subdivision. The resolution or 9913
ordinance shall request that the political subdivision be 9914
authorized to participate in such contracts and shall agree that 9915
the political subdivision will be bound by such terms and 9916
conditions as the department prescribes and that it will directly 9917
pay the vendor under each purchase contract. ~~A board of elections~~ 9918
~~desiring to participate in such purchase contracts shall file with~~ 9919
~~the purchasing authority a written request for inclusion in the~~ 9920
~~program.~~ A private fire company, private, nonprofit emergency 9921
medical service organization, or chartered nonpublic school 9922
desiring to participate in such purchase contracts shall file with 9923
the department a written request for inclusion in the program 9924
signed by the chief officer of the company, organization, or 9925
chartered nonpublic school. A governmental agency desiring to 9926
participate in such purchase contracts shall file with the 9927
department a written request for inclusion in the program. A state 9928
institution of higher education desiring to participate in such 9929
purchase contracts shall file with the department a certified copy 9930
of resolution of the board of trustees or similar authorizing 9931
body. The resolution shall request that the state institution of 9932
higher education be authorized to participate in such contracts. 9933

A request for inclusion shall include an agreement to be 9934
bound by such terms and conditions as the department prescribes 9935
and to make direct payments to the vendor under each purchase 9936
contract. 9937

(3) The board of elections of a county that is authorized to participate in contracts under division (B)(2) of this section may participate in contracts under that division under the same terms and conditions that apply to the county. 9938
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(4) The department shall include in its annual report, an estimate of the purchases made by state institutions of higher education, governmental agencies, political subdivisions, ~~county~~ boards of elections, private fire companies, private, nonprofit emergency medical service organizations, and chartered nonpublic schools from contracts pursuant to this division. The department may require such entities to file a report with the department, as often as it finds necessary, stating how many such contracts the entities participated in within a specified period of time, and any other information the department requires. 9942
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~~(3)~~(5) Purchases made by a political subdivision or a ~~county~~ board of elections under this division are exempt from any competitive selection procedures otherwise required by law. No political subdivision shall make any purchase under this division when bids have been received for such purchase by the subdivision, unless such purchase can be made upon the same terms, conditions, and specifications at a lower price under ~~this~~ division (B)(2) of this section. 9952
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(C) A political subdivision as defined in division (B) of this section or a ~~county~~ board of elections may purchase supplies or services from another party, including a political subdivision, instead of through participation in contracts described in division (B) of this section if the political subdivision or ~~county~~ board of elections can purchase those supplies or services from the other party upon equivalent terms, conditions, and specifications but at a lower price than it can through those contracts. Purchases that a political subdivision or ~~county~~ board of elections makes under this division are exempt from any 9960
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competitive selection procedures otherwise required by law. A 9970
political subdivision or ~~county~~ board of elections that makes any 9971
purchase under this division shall maintain sufficient information 9972
regarding the purchase to verify that the political subdivision or 9973
~~county~~ board of elections satisfied the conditions for making a 9974
purchase under this division. Nothing in this division restricts 9975
any action taken by a county or township as authorized by division 9976
(B)(1) of section 9.48 of the Revised Code. 9977

(D) This section does not apply to supplies or services 9978
purchased by a state agency directly as provided in section 125.05 9979
of the Revised Code, or to purchases of supplies or services for 9980
the emergency management agency or other state agencies as 9981
provided in section 125.061 of the Revised Code. 9982

Sec. 125.05. Except as provided in division (D) or (E) of 9983
this section, no state agency shall purchase any supplies or 9984
services except as provided in divisions (A) to (C) of this 9985
section. 9986

(A) A state agency may, without competitive selection, make 9987
any purchase of supplies or services that cost less than fifty 9988
thousand dollars after complying with divisions (A) to (E) of 9989
section 125.035 of the Revised Code. The agency may make the 9990
purchase directly or may make the purchase from or through the 9991
department of administrative services, whichever the agency 9992
determines. The agency shall adopt written procedures consistent 9993
with the department's purchasing procedures and shall use those 9994
procedures when making purchases under this division. 9995

Section 127.16 of the Revised Code does not apply to 9996
purchases made under this division. 9997

(B) A state agency shall make purchases of supplies and 9998
services that cost fifty thousand dollars or more through the 9999
department of administrative services and the process provided in 10000

section 125.035 of the Revised Code, unless the department grants 10001
a waiver under ~~divisions~~ division (D) or (E) of that section and a 10002
release and permit under division (G) of that section. 10003

(C) An agency that has been granted a release and permit 10004
under division (G) of section 125.035 of the Revised Code to make 10005
a purchase may make the purchase without competitive selection if 10006
after making the purchase the cumulative purchase threshold as 10007
computed under division (E) of section 127.16 of the Revised Code 10008
would: 10009

(1) Be exceeded and the controlling board approves the 10010
purchase; 10011

(2) Not be exceeded and the department of administrative 10012
services approves the purchase. 10013

(D) If the department of education or the Ohio education 10014
computer network determines that it can purchase software services 10015
or supplies for specified school districts at a price less than 10016
the price for which the districts could purchase the same software 10017
services or supplies for themselves, the department or network 10018
shall certify that fact to the department of administrative 10019
services and, acting as an agent for the specified school 10020
districts, shall make that purchase without following the 10021
provisions in divisions (A) to (D) of this section. 10022

(E) When the purchase cost of personal protective equipment 10023
is less than fifty thousand dollars, a state agency shall comply 10024
with divisions (A) to (E) of section 125.035 of the Revised Code. 10025
If the purchase is not subject to the requirements of an 10026
applicable first or second requisite procurement program, the 10027
agency shall apply the same preferences in section 125.09 of the 10028
Revised Code when making the purchase. As used in this division, 10029
"personal protective equipment" means equipment worn to minimize 10030
exposure to hazards that cause workplace injuries and illnesses. 10031

Sec. 125.08. ~~(A)~~ Any person who is certified by the ~~equal~~ 10032
~~employment opportunity coordinator of the department~~ director of 10033
~~administrative services~~ development in accordance with the rules 10034
adopted under division (B)(1) of section ~~123.151~~122.921 of the 10035
Revised Code as a minority business enterprise may have that 10036
person's name placed on a special minority business enterprise 10037
notification list to be used in connection with contracts awarded 10038
under section 125.081 of the Revised Code. The minority business 10039
enterprise notification list shall be used for bidding on 10040
contracts set aside for minority business enterprises only. 10041

Sec. 125.081. (A) From the purchases that the department of 10042
administrative services is required by law to make through 10043
competitive selection, the director of administrative services 10044
shall select a number of such purchases, the aggregate value of 10045
which equals approximately fifteen per cent of the estimated total 10046
value of all such purchases to be made in the current fiscal year. 10047
The director shall set aside the purchases selected for 10048
competition only by minority business enterprises, as defined in 10049
division (E)(1) of section 122.71 of the Revised Code. The 10050
competitive selection procedures for such purchases set aside 10051
shall be the same as for all other purchases the department is 10052
required to make through competitive selection, except that only 10053
minority business enterprises certified by the ~~equal employment~~ 10054
~~opportunity coordinator of the department~~ director of 10055
~~administrative services~~ development in accordance with the rules 10056
adopted under division (B)(1) of section ~~123.151~~122.921 of the 10057
Revised Code and listed ~~by the director~~ under section 125.08 of 10058
the Revised Code shall be qualified to compete. 10059

(B) To the extent that any agency of the state, other than 10060
the department of administrative services, the legislative and 10061
judicial branches, boards of elections, and the adjutant general, 10062

is authorized to make purchases, the agency shall set aside a 10063
number of purchases, the aggregate value of which equals 10064
approximately fifteen per cent of the aggregate value of such 10065
purchases for the current fiscal year for competition by minority 10066
business enterprises only. The procedures for such purchases shall 10067
be the same as for all other such purchases made by the agency, 10068
except that only minority business enterprises certified by the 10069
~~equal employment opportunity coordinator~~ director of development 10070
in accordance with rules adopted under division (B)(1) of section 10071
123.151 of the Revised Code shall be qualified to compete. 10072

(C) In the case of purchases set aside under division (A) or 10073
(B) of this section, if no bid is submitted by a minority business 10074
enterprise, the purchase shall be made according to usual 10075
procedures. The contracting agency shall from time to time set 10076
aside such additional purchases for which only minority business 10077
enterprises may compete, as are necessary to replace those 10078
purchases previously set aside for which no minority business 10079
enterprises bid and to ensure that, in any fiscal year, the 10080
aggregate amount of contracts awarded to minority business 10081
enterprises will equal approximately fifteen per cent of the total 10082
amount of contracts awarded by the agency. 10083

(D) The provisions of this section shall not preclude any 10084
minority business enterprise from competing for any other state 10085
purchases that are not specifically set aside for minority 10086
business enterprises. 10087

(E) No funds of any state agency shall be expended in any 10088
fiscal year for any purchase for which competitive selection is 10089
required, until the director of the department of administrative 10090
services certifies to the ~~equal employment opportunity~~ 10091
~~coordinator, the clerk of the senate,~~ and the clerk of the house 10092
of representatives of the general assembly that approximately 10093
fifteen per cent of the aggregate amount of the projected 10094

expenditure for such purchases in the fiscal year has been set 10095
aside as provided for in this section. 10096

(F) Any person who intentionally misrepresents self as 10097
owning, controlling, operating, or participating in a minority 10098
business enterprise for the purpose of obtaining contracts, 10099
subcontracts, or any other benefits under this section shall be 10100
guilty of theft by deception as provided for in section 2913.02 of 10101
the Revised Code. 10102

Sec. 125.09. (A) Pursuant to ~~section~~ sections 125.07, 10103
125.071, and 125.072 of the Revised Code, the department of 10104
administrative services may prescribe such conditions under which 10105
competitive sealed bids, competitive sealed proposals, and bids in 10106
reverse auctions will be received and terms of the proposed 10107
purchase as it considers necessary; provided, that all such 10108
conditions and terms shall be reasonable and shall not 10109
unreasonably restrict competition, and bidders may bid and 10110
offerors may propose upon all or any item of the products, 10111
supplies, or services listed in such notice. Those bidders and 10112
offerors claiming the preference ~~for United States and Ohio~~ 10113
~~products~~ outlined in this chapter shall designate in their ~~bids~~ 10114
bid or offer either that the product ~~to be supplied~~ or supply is 10115
produced or mined in the United States and is either an Ohio 10116
product or that the product, supply, or service is provided by a 10117
bidder or offeror that qualifies as having a significant Ohio 10118
economic presence under the rules established by the director of 10119
administrative services ~~they qualify as having a significant Ohio~~ 10120
~~economic presence.~~ 10121

(B) The department may require that each bidder or offeror 10122
provide sufficient information about the energy efficiency or 10123
energy usage of the bidder's or offeror's product, supply, or 10124
service. 10125

(C) The director of administrative services shall, by rule adopted pursuant to Chapter 119. of the Revised Code, prescribe criteria and procedures for use by all state agencies in giving preference ~~to United States and Ohio products~~ under this section as required by division (B) of section 125.11 of the Revised Code. The rules shall extend to:

(1) Criteria for determining that a product is produced or mined in the United States rather than in another country or territory;

(2) Criteria for determining that a product is produced or mined in Ohio;

(3) Information to be submitted by bidders or offerors as to the nature of a product and the location where it is produced or mined;

(4) Criteria and procedures to be used by the director to qualify bidders or offerors located in states bordering Ohio who might otherwise be excluded from being awarded a contract by operation of this section and section 125.11 of the Revised Code. The criteria and procedures shall recognize the level and regularity of interstate commerce between Ohio and the border states and provide that the non-Ohio businesses may qualify for award of a contract as long as they are located in a state that imposes no greater restrictions than are contained in this section and section 125.11 of the Revised Code upon persons located in Ohio selling products or services to agencies of that state. The criteria and procedures shall also provide that a non-Ohio business shall not bid on a contract for state printing in this state if the business is located in a state that excludes Ohio businesses from bidding on state printing contracts in that state.

(5) Criteria and procedures to be used to qualify bidders and offerors whose manufactured products, except for mined products,

are produced in other states or in North America, but the bidders
or offerors have a significant Ohio economic presence in terms of
the number of employees or capital investment a bidder or offeror
has in this state. Bidders and offerors with a significant Ohio
economic presence shall qualify for award of a contract on the
same basis as if their products were produced in this state or as
if the bidder or offeror was domiciled in this state.

(6) Criteria and procedures for the director to grant waivers
of the requirements of division (B) of section 125.11 of the
Revised Code on a contract-by-contract basis where compliance with
those requirements would result in the state agency paying an
excessive price for the product or acquiring a disproportionately
inferior product;

(7) Such other requirements or procedures reasonably
necessary to implement the system of preferences established
pursuant to division (B) of section 125.11 of the Revised Code.

In adopting the rules required under this division, the
director shall, to the maximum extent possible, conform to the
requirements of the federal "Buy America Act," 47 Stat. 1520,
(1933), 41 U.S.C.A. 10a-10d, as amended, and to the regulations
adopted thereunder.

Sec. 125.111. (A) Every contract for or on behalf of the
state or any of its political subdivisions for any purchase shall
contain provisions similar to those required by section 153.59 of
the Revised Code in the case of construction contracts by which
the contractor agrees to both of the following:

(1) That, in the hiring of employees for the performance of
work under the contract or any subcontract, no contractor or
subcontractor, by reason of race, color, religion, sex, age,
disability or military status as defined in section 4112.01 of the
Revised Code, national origin, or ancestry, shall discriminate

against any citizen of this state in the employment of a person 10188
qualified and available to perform the work to which the contract 10189
relates; 10190

(2) That no contractor, subcontractor, or person acting on 10191
behalf of any contractor or subcontractor, in any manner, shall 10192
discriminate against, intimidate, or retaliate against any 10193
employee hired for the performance of work under the contract on 10194
account of race, color, religion, sex, age, disability or military 10195
status as defined in section 4112.01 of the Revised Code, national 10196
origin, or ancestry. 10197

(B) All contractors from whom the state or any of its 10198
political subdivisions make purchases shall have a written 10199
affirmative action program for the employment and effective 10200
utilization of economically disadvantaged persons, as referred to 10201
in division (E)(1) of section 122.71 of the Revised Code. 10202
Annually, each such contractor shall file a description of the 10203
affirmative action program and a progress report on its 10204
implementation with the ~~equal employment opportunity office of the~~ 10205
department of ~~administrative services~~ development. 10206

Sec. 125.112. (A) As used in this section: 10207

(1) "Agency" means a department created under section 121.02 10208
of the Revised Code. 10209

(2) "Entity" means, whether for profit or nonprofit, a 10210
corporation, association, partnership, limited liability company, 10211
sole proprietorship, or other business entity. "Entity" does not 10212
include an individual who receives state assistance that is not 10213
related to the individual's business. 10214

(3)(a) "State award" means a contract awarded by the state 10215
costing over twenty-five thousand dollars. 10216

(b) "State award" does not include compensation received as 10217

an employee of the state or any state financial assistance and 10218
expenditure received from the general assembly or any legislative 10219
agency, any court or judicial agency, the secretary of state, 10220
auditor of state, treasurer of state, or attorney general and 10221
their respective offices. 10222

(B) The department of administrative services shall establish 10223
and maintain a single searchable web site, accessible by the 10224
public at no cost, that includes all of the following information 10225
for each state award: 10226

(1) The name of the entity receiving the award; 10227

(2) The amount of the award; 10228

(3) Information on the award, the agency or other 10229
instrumentality of the state that is providing the award, and the 10230
commodity code; 10231

(4) Any other relevant information determined by the 10232
department of administrative services. 10233

(C) The department of administrative services may consult 10234
with other state agencies in the development, establishment, 10235
operation, and support of the web site required by division (B) of 10236
this section. State awards shall be posted on the web site within 10237
thirty days after being made. The department of administrative 10238
services shall provide an opportunity for public comment as to the 10239
utility of the web site required by division (B) of this section 10240
and any suggested improvements. 10241

(D) The web site required by division (B) of this section 10242
shall be fully operational not later than one year after December 10243
30, 2008, and shall include information on state awards made in 10244
fiscal year 2008 and thereafter. It shall also provide an 10245
electronic link to the daily journals of the senate and house of 10246
representatives. 10247

(E) The director of administrative services shall submit to 10248
the general assembly an annual report regarding the implementation 10249
of the web site established pursuant to division (B) of this 10250
section. The report shall include data regarding the usage of the 10251
web site and any public comments on the utility of the site, 10252
including recommendations for improving data quality and 10253
collection. The director shall post each report on the web site. 10254

(F) Each agency awarding a grant to an entity in fiscal year 10255
2008 and thereafter shall establish and maintain a separate web 10256
site listing the name of the entity receiving each grant, the 10257
grant amount, information on each grant, and any other relevant 10258
information determined by the department of administrative 10259
services. Each agency shall provide the link to such a web site to 10260
the department of administrative services within a reasonable time 10261
after December 30, 2008, and shall thereafter update its web site 10262
within thirty days of awarding a new grant. Not later than one 10263
year after December 30, 2008, the department of administrative 10264
services shall establish and maintain a separate web site, 10265
accessible to the public at no cost, which contains the links to 10266
the agency web sites required by this division. 10267

~~(G) At the end of the closeout year, the attorney general 10268
shall determine the extent to which an entity has complied with 10269
the terms and conditions, including performance metrics, of a 10270
state award for economic development received by that entity. As 10271
necessary, the agency that makes and administers the state award 10272
for economic development shall assist the attorney general with 10273
that determination. The attorney general shall submit to the 10274
general assembly pursuant to section 101.68 of the Revised Code an 10275
annual report regarding the level of compliance of each such 10276
entity with the terms and conditions, including performance 10277
metrics, of their state awards for economic development. When the 10278
attorney general determines appropriate and to the extent that an 10279~~

~~entity that receives or has received a state award for economic development does not comply with a performance metric that is specified in the terms and conditions of the award, the attorney general shall pursue against and from that entity such remedies and recoveries as are available under law. For purposes of this division, "Closeout year" means the calendar year by which an entity that receives a state award for economic development must comply with a performance metric specified in the terms and conditions of the award. "State award for economic development" means state financial assistance and expenditure in any of the following forms: grants, subgrants, loans, awards, cooperative agreements, or other similar and related forms of financial assistance and contracts, subcontracts, purchase orders, task orders, delivery orders, or other similar and related transactions. "State award for economic development" does not include compensation received as an employee of the state or any state financial assistance and expenditure received from the general assembly or any legislative agency, any court or judicial agency, the secretary of state, auditor of state, treasurer of state, or attorney general and their respective offices.~~

~~(H) Nothing in this section shall be construed as requiring the disclosure of information that is not a public record under section 149.43 of the Revised Code.~~

Sec. 125.14. (A) The director of administrative services shall allocate any proceeds from the transfer, sale, or lease of excess and surplus supplies in the following manner:

(1) Except as otherwise provided in division (A)(2) or (3) of this section, the proceeds of such a transfer, sale, or lease shall be paid into the state treasury to the credit of the investment recovery fund, which is hereby created.

(2) Except as otherwise provided in division (A)(2) of this

section, when supplies originally were purchased with funds from 10311
nongeneral revenue fund sources, the director shall determine what 10312
fund or account originally was used to purchase the supplies, and 10313
the credit for the proceeds from any transfer, sale, or lease of 10314
those supplies shall be transferred to that fund or account. If 10315
the director cannot determine which fund or account originally was 10316
used to purchase the supplies, if the fund or account is no longer 10317
active, or if the proceeds from the transfer, sale, or lease of a 10318
unit of supplies are less than one hundred dollars or any larger 10319
amount the director may establish with the approval of the 10320
director of budget and management, then the proceeds from the 10321
transfer, sale, or lease of such supplies shall be paid into the 10322
state treasury to the credit of the investment recovery fund. 10323

(3) In accordance with division (H)(2) of section 125.832 of 10324
the Revised Code, when vehicles originally were purchased with 10325
moneys derived from the general revenue fund, the proceeds shall 10326
be deposited, in the director's discretion, into the state 10327
treasury to the credit of either the fleet management fund created 10328
by section 125.83 of the Revised Code or to the credit of the 10329
investment recovery fund created by this section. Any such 10330
proceeds deposited into the state treasury to the credit of the 10331
investment recovery fund may be transferred from the investment 10332
recovery fund to the fleet management fund. 10333

(B) The investment recovery fund shall be used to pay for the 10334
operating expenses of the state surplus property program and of 10335
the federal surplus property program described in sections 125.84 10336
to 125.90 of the Revised Code. Any amounts in excess of these 10337
operating expenses shall periodically be transferred to the 10338
general revenue fund of the state. If proceeds paid into the 10339
investment recovery fund are insufficient to pay for the program's 10340
operating expenses, a service fee may be charged to state agencies 10341
to eliminate the deficit. 10342

(C) Proceeds from the sale of recyclable goods and materials 10343
shall be paid into the state treasury to the credit of the 10344
recycled materials fund, which is hereby created, except that the 10345
director of environmental protection, upon request, may grant an 10346
exemption from this requirement. The director shall administer the 10347
fund for the benefit of recycling programs in state agencies. 10348

Sec. 125.18. (A) There is hereby established the office of 10349
information technology within the department of administrative 10350
services. The office shall be under the supervision of a state 10351
chief information officer to be appointed by the director of 10352
administrative services and subject to removal at the pleasure of 10353
the director. The chief information officer is an assistant 10354
director of administrative services. 10355

(B) Under the direction of the director of administrative 10356
services, the state chief information officer shall lead, oversee, 10357
and direct state agency activities related to information 10358
technology development and use. In that regard, the state chief 10359
information officer shall do all of the following: 10360

(1) Coordinate and superintend statewide efforts to promote 10361
common use and development of technology by state agencies. The 10362
office of information technology shall establish policies and 10363
standards that govern and direct state agency participation in 10364
statewide programs and initiatives. 10365

(2) Coordinate with the office of procurement services to 10366
establish policies and standards for state agency acquisition of 10367
information technology supplies and services; 10368

(3) Establish policies and standards for the ~~acquisition and~~ 10369
use of common information technology by state agencies, including, 10370
but not limited to, hardware, software, technology services, and 10371
security, and the extension of the service life of information 10372
technology systems, with which state agencies shall comply; 10373

~~(3)~~(4) Establish criteria and review processes to identify 10374
state agency information technology projects or purchases that 10375
require alignment or oversight. As appropriate, the department of 10376
administrative services shall provide the governor and the 10377
director of budget and management with notice and advice regarding 10378
the appropriate allocation of resources for those projects. The 10379
state chief information officer may require state agencies to 10380
provide, and may prescribe the form and manner by which they must 10381
provide, information to fulfill the state chief information 10382
officer's alignment and oversight role; 10383

~~(4)~~(5) Establish policies and procedures for the security of 10384
personal information that is maintained and destroyed by state 10385
agencies; 10386

~~(5)~~(6) Employ a chief information security officer who is 10387
responsible for the implementation of the policies and procedures 10388
described in division ~~(B)~~~~(4)~~ (B)(5) of this section and for 10389
coordinating the implementation of those policies and procedures 10390
in all of the state agencies; 10391

~~(6)~~(7) Employ a chief privacy officer who is responsible for 10392
advising state agencies when establishing policies and procedures 10393
for the security of personal information and developing education 10394
and training programs regarding the state's security procedures; 10395

~~(7)~~(8) Establish policies on the purchasing, use, and 10396
reimbursement for use of handheld computing and telecommunications 10397
devices by state agency employees; 10398

~~(8)~~(9) Establish policies for the reduction of printing and 10399
for the increased use of electronic records by state agencies; 10400

~~(9)~~(10) Establish policies for the reduction of energy 10401
consumption by state agencies; 10402

~~(10)~~(11) Compute the amount of revenue attributable to the 10403
amortization of all equipment purchases and capitalized systems 10404

from information technology service delivery and major information 10405
technology purchases, MARCS administration, enterprise 10406
applications, and the professions licensing system operating 10407
appropriation items and major computer purchases capital 10408
appropriation items that is recovered as part of the information 10409
technology services rates the department of administrative 10410
services charges and deposits into the information technology fund 10411
created in section 125.15 of the Revised Code, the user fees the 10412
department of administrative services charges and deposits in the 10413
MARCS administration fund created in section 4501.29 of the 10414
Revised Code, the rates the department of administrative services 10415
charges to benefiting agencies for the operation and management of 10416
information technology applications and deposits in the enterprise 10417
applications fund, and the rates the department of administrative 10418
services charges for the cost of ongoing maintenance of the 10419
professions licensing system and deposits in the professions 10420
licensing system fund. The enterprise applications fund is hereby 10421
created in the state treasury. 10422

~~(11)~~(12) Regularly review and make recommendations regarding 10423
improving the infrastructure of the state's cybersecurity 10424
operations with existing resources and through partnerships 10425
between government, business, and institutions of higher 10426
education; 10427

~~(12)~~(13) Assist, as needed, with general state efforts to 10428
grow the cybersecurity industry in this state. 10429

(C)(1) The chief information security officer shall assist 10430
each state agency with the development of an information 10431
technology security strategic plan and review that plan, and each 10432
state agency shall submit that plan to the state chief information 10433
officer. The chief information security officer may require that 10434
each state agency update its information technology security 10435
strategic plan annually as determined by the state chief 10436

information officer. 10437

(2) Prior to the implementation of any information technology 10438
data system, a state agency shall prepare or have prepared a 10439
privacy impact statement for that system. 10440

(D) When a state agency requests a purchase of information 10441
technology supplies or services under Chapter 125. of the Revised 10442
Code, the state chief information officer may review and reject 10443
the requested purchase for noncompliance with information 10444
technology direction, plans, policies, standards, or 10445
project-alignment criteria. 10446

(E) The office of information technology may operate 10447
technology services for state agencies in accordance with this 10448
chapter. 10449

Notwithstanding any provision of the Revised Code to the 10450
contrary, the office of information technology may assess a 10451
transaction fee on each license or registration issued as part of 10452
an electronic licensing system operated by the office in an amount 10453
determined by the office not to exceed three dollars and fifty 10454
cents. The transaction fee shall apply to all transactions, 10455
regardless of form, that immediately precede the issuance, 10456
renewal, reinstatement, reactivation of, or other activity that 10457
results in, a license or registration to operate as a regulated 10458
professional or entity. Each license or registration is a separate 10459
transaction to which a fee under this division applies. 10460

Notwithstanding any provision of the Revised Code to the contrary, 10461
if a fee is assessed under this section, no agency, board, or 10462
commission shall issue a license or registration unless a fee 10463
required by this division has been received. The director of 10464
administrative services may collect the fee or require a state 10465
agency, board, or commission for which the system is being 10466
operated to collect the fee. Amounts received under this division 10467
shall be deposited in or transferred to the professions licensing 10468

system fund created in division ~~(I)~~ (H) of this section. 10469

(F) With the approval of the director of administrative 10470
services, the office of information technology may establish 10471
cooperative agreements with federal and local government agencies 10472
and state agencies that are not under the authority of the 10473
governor for the provision of technology services and the 10474
development of technology projects. 10475

(G) The office of information technology may operate a 10476
program to make information technology purchases. The director of 10477
administrative services may recover the cost of operating the 10478
program from all participating government entities by issuing 10479
intrastate transfer voucher billings for the procured technology 10480
or through any pass-through billing method agreed to by the 10481
director of administrative services, the director of budget and 10482
management, and the participating government entities that will 10483
receive the procured technology. 10484

If the director of administrative services chooses to recover 10485
the program costs through intrastate transfer voucher billings, 10486
the participating government entities shall process the intrastate 10487
transfer vouchers to pay for the cost. Amounts received under this 10488
section for the information technology purchase program shall be 10489
deposited to the credit of the information technology governance 10490
fund created in section 125.15 of the Revised Code. 10491

(H) Upon request from the director of administrative 10492
services, the director of budget and management may transfer cash 10493
from the information technology fund created in section 125.15 of 10494
the Revised Code, the MARCS administration fund created in section 10495
4501.29 of the Revised Code, the enterprise applications fund 10496
created in division ~~(B)(10)~~ (B)(11) of this section, or the 10497
professions licensing system fund created in division (I) of this 10498
section to the major information technology purchases fund in an 10499
amount not to exceed the amount computed under division ~~(B)(10)~~ 10500

(B)(11) of this section. The major information technology 10501
purchases fund is hereby created in the state treasury. 10502

(I) There is hereby created in the state treasury the 10503
professions licensing system fund. The fund shall be used to 10504
operate the electronic licensing system referenced in division (E) 10505
of this section. 10506

(J) As used in this section: 10507

(1) "Personal information" has the same meaning as in section 10508
149.45 of the Revised Code. 10509

(2) "State agency" means every organized body, office, or 10510
agency established by the laws of the state for the exercise of 10511
any function of state government, other than any state-supported 10512
institution of higher education, the office of the auditor of 10513
state, treasurer of state, secretary of state, or attorney 10514
general, the adjutant general's department, the bureau of workers' 10515
compensation, the industrial commission, the public employees 10516
retirement system, the Ohio police and fire pension fund, the 10517
state teachers retirement system, the school employees retirement 10518
system, the state highway patrol retirement system, the general 10519
assembly or any legislative agency, the capitol square review 10520
advisory board, or the courts or any judicial agency. 10521

Sec. 125.65. (A) As used in this section, "small business" 10522
has the same meaning as in section 107.63 of the Revised Code. 10523

(B) The LeanOhio office in the department of administrative 10524
services shall establish and operate an entrepreneur in residence 10525
pilot program. The mission of the entrepreneur in residence pilot 10526
program is to provide for better outreach by state government to 10527
small businesses, to strengthen coordination and interaction 10528
between state government and small businesses, and to make state 10529
government programs and functions simpler, easier to access, more 10530

efficient, and more responsive to the needs of small businesses. 10531

(C) Not later than the first day of the seventh month after 10532
~~the effective date of this section~~ March 3, 2015, the LeanOhio 10533
office shall appoint not more than five entrepreneurs in residence 10534
from among individuals who are successful in their fields and 10535
shall make reasonable efforts to market the entrepreneur in 10536
residence program across the state and attract participation from 10537
entrepreneurs with various backgrounds, including female 10538
entrepreneurs, minority business enterprises as defined in section 10539
122.71 of the Revised Code, and owners of EDGE business 10540
enterprises as defined in section ~~123.152~~122.922 of the Revised 10541
Code. The LeanOhio office may give preference to individuals who 10542
have achieved quantifiable improvements using LeanOhio tools and 10543
strategies such as lean six sigma and individuals who have 10544
achieved a black belt or master black belt certification from the 10545
LeanOhio office or an equivalent certification from a private 10546
sector office or entity. 10547

The appointment of an entrepreneur in residence is for one 10548
year. 10549

The office shall monitor the work of entrepreneurs in 10550
residence during the pilot program. 10551

An entrepreneur in residence serves at the pleasure of the 10552
LeanOhio office, and the office may discharge without cause an 10553
entrepreneur in residence. 10554

(D) The duties of an entrepreneur in residence may include 10555
any or all of the following: 10556

(1) Assisting the LeanOhio office in facilitating and 10557
developing the scope of lean process improvement events throughout 10558
state government; 10559

(2) Assisting the LeanOhio office in holding follow-up 10560
meetings to ensure the improvements developed at lean process 10561

improvement events are implemented;	10562
(3) Participating in strategic planning efforts for the LeanOhio office or other areas of state government;	10563 10564
(4) Assisting the LeanOhio office with presentations on opportunities for state government to become more efficient and effective;	10565 10566 10567
(5) Facilitating meetings with businesses, state agencies, and local governments that may be affected by process improvements recommended by the LeanOhio office;	10568 10569 10570
(6) Assisting the LeanOhio office in providing continuous improvement training to state employees.	10571 10572
(E) An entrepreneur in residence shall report directly to the LeanOhio office.	10573 10574
An entrepreneur in residence is not entitled to compensation or any reimbursement from the LeanOhio office for expenses the entrepreneur in residence incurs in discharge of the entrepreneur in residence's duties.	10575 10576 10577 10578
(F)(1) Not later than the date that is one year after an entrepreneur in residence was appointed, the entrepreneur in residence shall prepare a report about the entrepreneur's experiences in the program. In the report, the entrepreneur in residence shall make recommendations to the LeanOhio office that further the mission of the entrepreneur in residence program. In particular, the entrepreneur in residence shall make recommendations regarding all of the following:	10579 10580 10581 10582 10583 10584 10585 10586
(a) Elimination of inefficient or duplicative programs or functions of state government that affect small businesses;	10587 10588
(b) Methods of improving the efficiency of the programs or functions of state government that affect small businesses;	10589 10590
(c) Any new program or function affecting small businesses	10591

that should be established and implemented by state government; 10592

(d) Any other matter that will further the mission of the 10593
entrepreneur in residence pilot program. 10594

The entrepreneur in residence shall provide a copy of the 10595
report to the LeanOhio office. 10596

(2) During or upon conclusion of the entrepreneur in 10597
residence pilot program, the LeanOhio office may convene an 10598
informal working group of entrepreneurs in residence to discuss 10599
best practices, experiences, and opportunities for and obstacles 10600
to operating small businesses as well as the recommendations in 10601
the reports prepared by the entrepreneurs in residence. 10602

(G) Upon conclusion of the entrepreneur in residence pilot 10603
program, and after considering the reports of the entrepreneurs in 10604
residence and information learned from any informal working group, 10605
the LeanOhio office shall prepare a report on the entrepreneur in 10606
residence pilot program. In the report, the office shall recommend 10607
whether the entrepreneur in residence pilot program should be 10608
repeated with or without modifications, made permanent with or 10609
without modifications, or abandoned. The office shall append the 10610
reports of the entrepreneurs in residence to its report. If the 10611
pilot program is repeated or made permanent, an individual who 10612
previously was assigned as an entrepreneur in residence shall not 10613
be reassigned as an entrepreneur in residence. 10614

The LeanOhio office shall provide a copy of its report to the 10615
common sense initiative office. The common sense initiative office 10616
promptly shall transmit a copy of the report to the officials 10617
designated in the last paragraph of section 107.55 of the Revised 10618
Code. 10619

Sec. 125.70. The department of administrative services shall 10620
work with the departments of job and family services and medicaid 10621

to deploy private sector tools for digital identity management, 10622
authentication, and verification for individuals receiving 10623
medicaid benefits, supplemental nutrition assistance program 10624
benefits, or benefits funded by the temporary assistance for needy 10625
families block grant. These private sector tools shall include 10626
joining available multistate cooperatives to identify individuals 10627
enrolled in public assistance programs, including the national 10628
accuracy clearinghouse for the supplemental nutrition assistance 10629
program, as well as other multi-state collaborative efforts to 10630
share enrollment information across state lines and avoid public 10631
assistance benefit duplication. 10632

Sec. 125.832. (A) The department of administrative services 10633
is granted exclusive authority over the acquisition and management 10634
of all motor vehicles used by state agencies. In carrying out this 10635
authority, the department shall do both of the following: 10636

(1) Approve the purchase or lease of each motor vehicle for 10637
use by a state agency. The department shall decide if a motor 10638
vehicle shall be leased or purchased for that use. 10639

Except as otherwise provided in division (A)(1) of this 10640
section, on and after July 1, 2005, each state agency shall 10641
acquire all passenger motor vehicles under the department's master 10642
leasing program. If the department determines that acquisition 10643
under that program is not the most economical method and if the 10644
department and the state agency acquiring the passenger motor 10645
vehicle can provide economic justification for doing so, the 10646
department may approve the purchase, rather than the lease, of a 10647
passenger motor vehicle for the acquiring state agency. 10648

(2) Direct and approve all funds that are expended for the 10649
purchase, lease, repair, maintenance, registration, insuring, and 10650
other costs related to the possession and operation of motor 10651
vehicles for the use of state agencies. 10652

(B) The director of administrative services shall establish 10653
and operate a fleet management program. The director shall operate 10654
the program for purposes including, but not limited to, 10655
cost-effective acquisition, maintenance, management, analysis, and 10656
disposal of all motor vehicles owned or leased by the state. All 10657
state agencies shall comply with statewide fleet management 10658
policies and procedures established by the director for the 10659
program, including, but not limited to, motor vehicle assignments, 10660
additions of motor vehicles to fleets or motor vehicle 10661
replacements, motor vehicle fueling, and motor vehicle repairs. 10662

(C) The director shall establish and maintain a fleet 10663
reporting system and shall require state agencies to submit to the 10664
department information relative to state motor vehicles, including 10665
motor vehicles described in division (G)(2) of section 125.831 of 10666
the Revised Code, to be used in operating the fleet management 10667
program. State agencies shall provide to the department fleet data 10668
and other information, including, but not limited to, mileage and 10669
costs. The data and other information shall be submitted in 10670
formats and in a manner determined by the department. 10671

(D) All state agency purchases or leases of motor vehicles 10672
are subject to the prior approval of the director under division 10673
(A)(1) of this section. 10674

(E) State agencies that utilize state motor vehicles or pay 10675
mileage reimbursements to employees shall provide a fleet plan to 10676
the department as directed by the department. 10677

(F)(1) The fleets of state agencies that consist of one 10678
hundred or less vehicles on July 1, 2004, shall be managed by the 10679
department's fleet management program on a time schedule 10680
determined by the department, unless the state agency has received 10681
delegated authority as described in division (G) of this section. 10682

(2) The fleets of state agencies that consist of greater than 10683

one hundred motor vehicles, but less than five hundred motor vehicles, on July 1, 2005, also shall be managed by the department's fleet management program on a time schedule determined by the department, unless the state agency has received delegated authority as described in division (G) of this section.

(G)(1) The department may delegate any or all of its duties regarding fleet management to a state agency, if the state agency demonstrates to the satisfaction of the department both of the following:

(a) Capabilities to institute and manage a fleet management program, including, but not limited to, the presence of a certified fleet manager;

(b) Fleet management performance, as demonstrated by fleet data and other information submitted pursuant to annual reporting requirements and any other criteria the department considers necessary in evaluating the performance.

(2) The department may determine that a state agency is not in compliance with this section and direct that the agency's fleet management duties be transferred to the department.

(H) The proceeds derived from the disposition of any motor vehicles under this section shall be paid to whichever of the following applies:

(1) The fund that originally provided moneys for the purchase or lease of the motor vehicles;

(2) If the motor vehicles were originally purchased with moneys derived from the general revenue fund, the proceeds shall be deposited, in the director's discretion, into the state treasury to the credit of either the fleet management fund created by section 125.83 of the Revised Code or the investment recovery fund created by section 125.14 of the Revised Code. Any such proceeds deposited into the state treasury to the credit of the

investment recovery fund may be transferred from the investment 10715
recovery fund to the fleet management fund. 10716

(I)(1) The department shall create and maintain a certified 10717
fleet manager program. 10718

(2) State agencies that have received delegated authority as 10719
described in division (G) of this section shall have a certified 10720
fleet manager. 10721

(J) The department annually shall prepare and submit a 10722
statewide fleet report to the governor, the speaker of the house 10723
of representatives, and the president of the senate. The report 10724
shall be submitted not later than the thirty-first day of January 10725
following the end of each fiscal year. It may include, but is not 10726
limited to, the numbers and types of motor vehicles, their 10727
mileage, miles per gallon, and cost per mile, mileage 10728
reimbursements, accident and insurance data, and information 10729
regarding compliance by state agencies having delegated authority 10730
under division (G) of this section with applicable fleet 10731
management requirements. 10732

(K) The director shall adopt rules for implementing the fleet 10733
management program that are consistent with recognized best 10734
practices. The program shall be supported by reasonable fee 10735
charges for the services provided. The director shall collect 10736
these fees and deposit them into the state treasury to the credit 10737
for the fleet management fund created by section 125.83 of the 10738
Revised Code. The setting and collection of fees under this 10739
division is not subject to any restriction imposed by law upon the 10740
director's or the department's authority to set or collect fees. 10741

(L) The director also shall adopt rules that prohibit, except 10742
in very limited circumstances, the exclusive assignment of 10743
state-owned, leased, or pooled motor vehicles to state employees 10744
and that prohibit the reimbursement under section 126.31 of the 10745

Revised Code of state employees who use their own motor vehicles 10746
for any mileage they incur above an amount that the department 10747
shall determine annually unless reimbursement for the excess 10748
mileage is approved by the department in accordance with standards 10749
for that approval the director shall establish in those rules. 10750
Beginning on September 26, 2003, no state-owned, leased, or pooled 10751
motor vehicle shall be personally assigned as any form of 10752
compensation or benefit of state employment, and no state-owned, 10753
leased, or pooled motor vehicle shall be assigned to an employee 10754
solely for commuting to and from home and work. 10755

(M) The director shall do both of the following: 10756

(1) Implement to the greatest extent possible the 10757
recommendations from the 2002 report entitled "Administrative 10758
Analysis of the Ohio Fleet Management Program" in connection with 10759
the authority granted to the department by this section; 10760

(2) Attempt to reduce the number of passenger vehicles used 10761
by state agencies during the fiscal years ending on June 30, 2004, 10762
and June 30, 2005. 10763

(N) Each state agency shall reimburse the department for all 10764
costs incurred in the assignment of motor vehicles to the state 10765
agency. 10766

(O) The director shall do all of the following in managing 10767
the fleet management program: 10768

(1) Determine how motor vehicles will be maintained, insured, 10769
operated, financed, and licensed; 10770

(2) Pursuant to the formula in division (O)(3) of this 10771
section, annually establish the minimum number of business miles 10772
per year an employee of a state agency must drive in order to 10773
qualify for approval by the department to receive a motor vehicle 10774
for business use; 10775

(3) Establish the minimum number of business miles per year at an amount that results when the annual motor vehicle cost is divided by the amount that is the reimbursement rate per mile minus the amount that is the sum of the fuel cost, the operating cost, and the insurance cost. As used in this division:

(a) "Annual motor vehicle cost" means the price of a motor vehicle divided by the number of years an average motor vehicle is used.

(b) "Fuel cost" means the average price per gallon of motor fuel divided by the miles per gallon fuel efficiency of a motor vehicle.

(c) "Insurance cost" means the cost of insuring a motor vehicle per year divided by the number of miles an average motor vehicle is driven per year.

(d) "Operating cost" means the maintenance cost of a motor vehicle per year divided by ~~the product resulting when~~ the number of miles an average motor vehicle is driven per year ~~is multiplied by the number of years an average motor vehicle is used.~~

(e) "Reimbursement rate per mile" means the reimbursement per mile rate for travel expenses as provided by rule of the director of budget and management adopted under division (B) of section 126.31 of the Revised Code.

Sec. 125.95. (A) There is hereby created within the department of administrative services the prescription drug transparency and affordability advisory council. The department shall provide administrative support to the advisory council as necessary for the advisory council to carry out its duties under this section.

(1) Members of the advisory council shall include the following:

(a) The director of administrative services;	10806
(b) The director of health;	10807
(c) The medicaid director;	10808
(d) The director of mental health and addiction services;	10809
(e) The administrator of workers' compensation.	10810
(2) Members of the advisory council shall also include	10811
individuals who are working to address prescription drug	10812
availability and affordability in any of the following areas:	10813
(a) Insurance;	10814
(b) Local, state, and federal government service;	10815
(c) Private industry;	10816
(d) Organizations of faith;	10817
(e) Health care providers;	10818
(f) Consumer organizations;	10819
(g) Prescription drug manufacturers;	10820
(h) Prescription drug wholesale distributors;	10821
(i) Pharmacists;	10822
(j) Business organizations;	10823
(k) Individuals concerned about mental health or substance	10824
abuse matters;	10825
(l) Advocates for individuals struggling to afford	10826
prescription drugs.	10827
The governor, the senate president, and the speaker of the	10828
house of representatives shall each appoint three members, each of	10829
whom represents at least one of the categories listed in divisions	10830
(A)(2)(a) to (l) of this section.	10831
(B) Members shall serve without compensation. Initial	10832

appointments shall be made not later than sixty days after the 10833
effective date of this section. Vacancies shall be filled in the 10834
manner provided for original appointments. 10835

(C) Not later than six months after the date of initial 10836
appointments under division (B) of this section, the advisory 10837
council shall submit a report to the governor, the general 10838
assembly, and the chairperson of the joint medicaid oversight 10839
committee in accordance with section 101.68 of the Revised Code. 10840
The report shall include recommendations on all of the following: 10841

(1) How this state can best achieve prescription drug price 10842
transparency; 10843

(2) New payment models or other avenues to create the most 10844
affordable environment for purchasing prescription drugs; 10845

(3) Leveraging this state's purchasing power across all state 10846
agencies, boards, commissions, and similar entities; 10847

(4) Creating efficiencies across different health care 10848
systems, such as hospitals, the criminal justice system, treatment 10849
and recovery support programs, and employer-sponsored health 10850
insurance, to reduce duplicative service delivery across these 10851
systems, ensure that patients receive high quality and affordable 10852
prescription drugs, and support quality care and outcomes; 10853

(5) Which critical outcomes can be measured and used to 10854
improve this state's system of purchasing affordable prescribed 10855
drugs; 10856

(6) How federal, state, and local resources are being used to 10857
optimize these outcomes and identify where the resources can be 10858
better coordinated or redirected to meet the needs of consumers in 10859
this state. 10860

(D) State agencies, boards, commissions, and similar entities 10861
shall cooperate with and provide assistance to the advisory 10862

council as necessary for the advisory council to carry out its 10863
duties under this section. 10864

(E) ~~Upon completion of the report described in division (C)~~ 10865
~~of this section, the advisory council shall meet not less than~~ 10866
~~quarterly to provide assistance and guidance relating to the~~ 10867
~~recommendations in the report. On the effective date of this~~ 10868
amendment, the advisory council shall cease to exist. Thereafter, 10869
the joint medicaid oversight committee may examine any of the 10870
topics described in the report prepared by the former advisory 10871
council under division (C) of this section upon the request of a 10872
member of the committee. 10873

Sec. 126.021. Whenever, pursuant to section 126.06 of the 10874
Revised Code, the department of ~~administrative services~~ 10875
development files with the director of budget and management its 10876
estimate of proposed expenditures for the succeeding biennium, the 10877
department shall request, and the director of budget and 10878
management shall approve the request for, the following general 10879
revenue fund appropriations for operating the construction 10880
compliance section of the ~~equal employment opportunity office of~~ 10881
the department of ~~administrative services~~ development: 10882

(A) For the first fiscal year of the biennium, an 10883
appropriation equal to fifty-three one-thousandths of one per cent 10884
of the total new capital appropriations provided for in the most 10885
recently enacted main capital appropriations act; 10886

(B) For the second fiscal year of the biennium, an 10887
appropriation equal to the amount computed under division (A) of 10888
this section, adjusted for anticipated changes in operating costs 10889
based upon the inflation/deflation factor used by the director of 10890
budget and management for that fiscal year. 10891

The amounts of the appropriations requested pursuant to 10892
divisions (A) and (B) of this section shall be in addition to the 10893

amounts provided for staff in the construction compliance section 10894
of the equal employment opportunity office of the department of 10895
administrative services as of January 1, 1988. 10896

Sec. 126.37. (A) The director of budget and management ~~shall~~ 10897
~~void any warrant the director draws on the state treasury pursuant~~ 10898
~~to Chapter 5733. or 5747. of the Revised Code that is not~~ 10899
~~presented for payment to the treasurer of state within two years~~ 10900
~~after the date of issuance and shall void any other warrant the~~ 10901
director draws on the state treasury that is not presented for 10902
payment to the treasurer of state within ninety days after the 10903
date of issuance. 10904

(B) If a warrant voided pursuant to division (A) of this 10905
section was drawn against an appropriation of the current fiscal 10906
year and the holder of the voided warrant presents the warrant for 10907
reissuance, in the same fiscal year, to the state agency that made 10908
the payment originally, the agency shall prepare a voucher for the 10909
holder of the voided warrant, in the amount shown on the warrant 10910
that has been voided, against the same appropriation of the same 10911
fiscal year if the agency is satisfied that payment is proper. 10912

(C) If a warrant was drawn against an appropriation of the 10913
first fiscal year of the fiscal biennium and voided pursuant to 10914
division (A) of this section in either fiscal year of the biennium 10915
and if the holder of the voided warrant presents the warrant for 10916
reissuance, in the second fiscal year of the biennium, to the 10917
state agency that made the payment originally, the agency shall 10918
prepare a voucher for the holder of the voided warrant, in the 10919
amount shown on the warrant that has been voided, against funds 10920
transferred to the agency by the director pursuant to section 10921
131.33 of the Revised Code, if the agency is satisfied that 10922
payment is proper. If no such funds are available for transfer, 10923
the agency shall prepare the voucher against any unexpended 10924

appropriations of the current fiscal year available to it. 10925

(D) If a warrant was drawn against an appropriation and, 10926
during the same biennium, was voided pursuant to division (A) of 10927
this section, and if, after that biennium, the holder of the 10928
voided warrant presents the warrant for reissuance to the state 10929
agency that made the payment originally, the agency shall prepare 10930
a voucher for the holder of the voided warrant, in the amount 10931
shown on the warrant that has been voided, against any 10932
appropriation of the current fiscal year made to the agency if the 10933
agency is satisfied that payment is proper. 10934

(E) If a warrant voided pursuant to division (A) of this 10935
section was drawn against an appropriation of a previous fiscal 10936
year and voided after that fiscal biennium and if the holder of 10937
the voided warrant presents the warrant for reissuance to the 10938
state agency that made the payment originally, the agency shall 10939
forward the warrant to the director with a request for reissuance. 10940
The director shall make payment to the holder of the voided 10941
warrant, in the amount shown on the warrant that has been voided, 10942
against an appropriation of the current fiscal year made to the 10943
director for the reissuance of voided warrants, if the director is 10944
satisfied that reissuance of the warrant is proper. 10945

Sec. 126.60. (A) As used in this section: 10946

(1) "Agricultural water project" means a project that will 10947
improve water quality by reducing or aiding in the reduction of 10948
levels of phosphorus, nitrogen, or sediment, that result from 10949
agricultural practices, in the waters of the state. "Agricultural 10950
water project" includes a project involving research, technology, 10951
design, construction, best management practices, conservation, 10952
testing, or education. 10953

(2) "Community water project" means a project involving a 10954
public water system operated by a political subdivision that will 10955

improve water quality by reducing or aiding in the reduction of 10956
levels of phosphorus, nitrogen, or sediment in the waters of the 10957
state. "Community water project" includes a project involving 10958
research, technology, design, construction, best management 10959
practices, conservation, testing, or maintenance. 10960

(3) "Nature water project" means a project involving a 10961
natural water system that will improve water quality by reducing 10962
or aiding in the reduction of levels of phosphorus, nitrogen, or 10963
sediment in the waters of the state. "Nature water project" 10964
includes a project involving research, technology, design, 10965
construction, best management practices, conservation, or 10966
maintenance. "Nature water project" also includes the creation, 10967
maintenance, or restoration of wetlands, flood plains, flood 10968
control systems, and buffers throughout the state, including the 10969
western basin of Lake Erie. 10970

(B) There is hereby created in the state treasury the H2Ohio 10971
fund consisting of money credited to it and any donations, gifts, 10972
bequests, and other money received for deposit in the fund. All 10973
investment earnings of the fund shall be credited to the fund. All 10974
money credited or deposited in the fund shall be used for any of 10975
the following purposes: 10976

(1) Agriculture water projects; 10977

(2) Community water projects; 10978

(3) Nature water projects; 10979

(4) Awarding or allocating grants or money, issuing loans, or 10980
making purchases for the development and implementation of 10981
projects and programs, including remediation projects, that are 10982
designed to address water quality priorities; 10983

(5) Funding cooperative research, data gathering and 10984
monitoring, and demonstration projects related to water quality 10985
priorities; 10986

(6) Encouraging cooperation with and among leaders from state legislatures, state agencies, political subdivisions, business and industry, labor, agriculture, environmental organizations, institutions of higher education, and water conservation districts;

(7) Other purposes, policies, programs, and priorities identified by the Ohio Lake Erie commission in coordination with state agencies or boards responsible for water protection and water management, provided that the purposes, policies, programs, and priorities align with a statewide strategic vision and comprehensive periodic water protection and restoration strategy.

(C) Not later than August 31, 2020, and annually thereafter, the Ohio Lake Erie commission, in coordination with state agencies or boards responsible for water protection and water management, shall do both of the following:

(1) Prepare a report of the activities that were undertaken with respect to the fund during the immediately preceding fiscal year, including the revenues and expenses of the fund for the preceding fiscal year;

(2) Submit the report to the general assembly and to the governor.

(D) Within forty-five days after the report is submitted under division (C) of this section, the directors of the state agencies that contributed to the report and the executive director of the Lake Erie commission shall appear before both the house of representatives and senate committees that oversee state finance to testify on the report.

Sec. 127.13. The director of budget and management or ~~his~~ the director's designee shall be president of the controlling board. The president shall prepare the proposed agenda for the meetings

of the board and shall provide, at least ~~seven~~ fourteen days prior 11017
to the meeting, copies of the proposed agenda and supporting 11018
documentation to the members of the board and to ~~the legislative~~ 11019
~~budget office~~ of the legislative service commission. 11020

The director shall designate an employee of the office of 11021
budget and management to serve as secretary of the controlling 11022
board. The secretary shall assist the president of the board and 11023
shall make and keep a record of each request received by the board 11024
and of its action thereon. The secretary shall certify a copy of 11025
the record of each action to each member of the board and to the 11026
director. 11027

The controlling board may adopt procedural rules for the 11028
conduct of the business of the board, may approve, disapprove, 11029
modify as to specific dollar amounts, or defer requests, and may 11030
require that a request from the senate, the house of 11031
representatives, the supreme court, or an elected member of the 11032
executive department as defined in Section 1 of Article III, Ohio 11033
Constitution, not currently before the controlling board be added 11034
to the agenda for a specified future meeting of the board, 11035
provided that such request has been previously submitted to the 11036
president for inclusion in the agenda for a board meeting. The 11037
controlling board also may adopt rules authorizing the president 11038
to act on its behalf in exigent circumstances affecting the public 11039
health, safety, or welfare. 11040

The affirmative vote of no fewer than four members of the 11041
controlling board shall be required for any action of the board. 11042
The board shall meet at least once a month. 11043

Sec. 128.55. (A)(1) The tax commissioner, not later than the 11044
last day of each month, shall disburse moneys from the wireless 11045
9-1-1 government assistance fund, plus any accrued interest on the 11046
fund, to each county treasurer. 11047

~~(a) If there are sufficient funds in the wireless 9-1-1 government assistance fund, each county treasurer shall receive the same ~~amount~~ proportion distributed to that county by the ~~public utilities commission tax commissioner~~ in the corresponding calendar month in 2013.~~

~~(b) If the funds available are insufficient to make the distributions as provided in division (A)(1)(a) of this section, each county's share shall be reduced in proportion to the amounts received in the corresponding calendar month in 2013, until the total amount to be distributed to the counties is equivalent to the amount available in the wireless 9-1-1 government assistance fund of the previous year. Any shortfall in distributions resulting from ~~insufficient~~ the timing of funds from received in a previous month shall be ~~remedied~~ distributed in the following month.~~

(2) The tax commissioner shall disburse moneys from the next generation 9-1-1 fund in accordance with the guidelines established under section 128.022 of the Revised Code.

(B) Immediately upon receipt by a county treasurer of a disbursement under division (A) of this section, the county shall disburse, in accordance with the allocation formula set forth in the final plan, the amount the county so received to any other subdivisions in the county and any regional councils of governments in the county that pay the costs of a public safety answering point providing wireless enhanced 9-1-1 under the plan.

(C) Nothing in this chapter affects the authority of a subdivision operating or served by a public safety answering point of a 9-1-1 system or a regional council of governments operating a public safety answering point of a 9-1-1 system to use, as provided in the final plan for the system or in an agreement under section 128.09 of the Revised Code, any other authorized revenue of the subdivision or the regional council of governments for the

purposes of providing basic or enhanced 9-1-1. 11080

Sec. 131.02. (A) Except as otherwise provided in section 11081
4123.37, section 5703.061, and division (K) of section 4123.511 of 11082
the Revised Code, whenever any amount is payable to the state, the 11083
officer, employee, or agent responsible for administering the law 11084
under which the amount is payable shall immediately proceed to 11085
collect the amount or cause the amount to be collected and shall 11086
pay the amount into the state treasury or into the appropriate 11087
custodial fund in the manner set forth pursuant to section 113.08 11088
of the Revised Code. Except as otherwise provided in this 11089
division, if the amount is not paid within forty-five days after 11090
payment is due, the officer, employee, or agent shall certify the 11091
amount due to the attorney general, in the form and manner 11092
prescribed by the attorney general, and notify the director of 11093
budget and management thereof. In the case of an amount payable by 11094
a student enrolled in a state institution of higher education, the 11095
amount shall be certified within the later of forty-five days 11096
after the amount is due or the tenth day after the beginning of 11097
the next academic semester, quarter, or other session following 11098
the session for which the payment is payable. The attorney general 11099
may assess the collection cost to the amount certified in such 11100
manner and amount as prescribed by the attorney general. If an 11101
amount payable to a political subdivision is past due, the 11102
political subdivision may, with the approval of the attorney 11103
general, certify the amount to the attorney general pursuant to 11104
this section. 11105

For the purposes of this section, the attorney general and 11106
the officer, employee, or agent responsible for administering the 11107
law under which the amount is payable shall agree on the time a 11108
payment is due, and that agreed upon time shall be one of the 11109
following times: 11110

- (1) If a law, including an administrative rule, of this state prescribes the time a payment is required to be made or reported, when the payment is required by that law to be paid or reported.
- (2) If the payment is for services rendered, when the rendering of the services is completed.
- (3) If the payment is reimbursement for a loss, when the loss is incurred.
- (4) In the case of a fine or penalty for which a law or administrative rule does not prescribe a time for payment, when the fine or penalty is first assessed.
- (5) If the payment arises from a legal finding, judgment, or adjudication order, when the finding, judgment, or order is rendered or issued.
- (6) If the payment arises from an overpayment of money by the state to another person, when the overpayment is discovered.
- (7) The date on which the amount for which an individual is personally liable under section 5735.35, section 5739.33, or division (G) of section 5747.07 of the Revised Code is determined.
- (8) Upon proof of claim being filed in a bankruptcy case.
- (9) Any other appropriate time determined by the attorney general and the officer, employee, or agent responsible for administering the law under which the amount is payable on the basis of statutory requirements or ordinary business processes of the ~~state~~ agency, institution, or political subdivision to which the payment is owed.
- (B)(1) The attorney general shall give immediate notice by mail or otherwise to the party indebted of the nature and amount of the indebtedness.
- (2) If the amount payable to this state arises from a tax levied under Chapter 5733., 5739., 5741., 5747., or 5751. of the

Revised Code, the notice also shall specify all of the following: 11141

- (a) The assessment or case number; 11142
- (b) The tax pursuant to which the assessment is made; 11143
- (c) The reason for the liability, including, if applicable, 11144
that a penalty or interest is due; 11145
- (d) An explanation of how and when interest will be added to 11146
the amount assessed; 11147
- (e) That the attorney general and tax commissioner, acting 11148
together, have the authority, but are not required, to compromise 11149
the claim and accept payment over a reasonable time, if such 11150
actions are in the best interest of the state. 11151

(C) The attorney general shall collect the claim or secure a 11152
judgment and issue an execution for its collection. 11153

(D) Each claim shall bear interest, from the day on which the 11154
claim became due, at the rate per annum required by section 11155
5703.47 of the Revised Code. 11156

(E) The attorney general and the chief officer of the agency 11157
reporting a claim, acting together, may do any of the following if 11158
such action is in the best interests of the state: 11159

- (1) Compromise the claim; 11160
- (2) Extend for a reasonable period the time for payment of 11161
the claim by agreeing to accept monthly or other periodic 11162
payments. The agreement may require security for payment of the 11163
claim. 11164
- (3) Add fees to recover the cost of processing checks or 11165
other draft instruments returned for insufficient funds and the 11166
cost of providing electronic payment options. 11167

(F)(1) Except as provided in division (F)(2) of this section, 11168
if the attorney general finds, after investigation, that any claim 11169

due and owing to the state is uncollectible, the attorney general, 11170
with the consent of the chief officer of the agency reporting the 11171
claim, may do the following: 11172

(a) Sell, convey, or otherwise transfer the claim to one or 11173
more private entities for collection; 11174

(b) Cancel the claim or cause it to be canceled. 11175

(2) The attorney general shall cancel or cause to be canceled 11176
an unsatisfied claim on the date that is forty years after the 11177
date the claim is certified, unless the attorney general has 11178
adopted a rule under division (F)(5) of this section shortening 11179
this time frame with respect to a subset of claims. 11180

(3) No initial action shall be commenced to collect any tax 11181
payable to the state that is administered by the tax commissioner, 11182
whether or not such tax is subject to division (B) of this 11183
section, or any penalty, interest, or additional charge on such 11184
tax, after the expiration of the period ending on the later of the 11185
dates specified in divisions (F)(3)(a) and (b) of this section, 11186
provided that such period shall be extended by the period of any 11187
stay to such collection or by any other period to which the 11188
parties mutually agree. If the initial action in aid of execution 11189
is commenced before the later of the dates specified in divisions 11190
(F)(3)(a) and (b) of this section, any and all subsequent actions 11191
may be pursued in aid of execution of judgment for as long as the 11192
debt exists. 11193

(a) Seven years after the assessment of the tax, penalty, 11194
interest, or additional charge is issued. 11195

(b) Four years after the assessment of the tax, penalty, 11196
interest, or additional charge becomes final. For the purposes of 11197
division (F)(3)(b) of this section, the assessment becomes final 11198
at the latest of the following: upon expiration of the period to 11199
petition for reassessment, or if applicable, to appeal a final 11200

determination of the commissioner or decision of the board of tax 11201
appeals or a court, or, if applicable, upon decision of the United 11202
States supreme court. 11203

For the purposes of division (F)(3) of this section, an 11204
initial action to collect a tax debt is commenced at the time when 11205
a certified copy of the tax commissioner's entry making an 11206
assessment final has been filed in the office of the clerk of 11207
court of common pleas in the county in which the taxpayer resides 11208
or has its principal place of business in this state, or in the 11209
office of the clerk of court of common pleas of Franklin county, 11210
as provided in section 5739.13, 5741.14, 5747.13, or 5751.09 of 11211
the Revised Code or in any other applicable law requiring such a 11212
filing. If an assessment has not been issued and there is no time 11213
limitation on the issuance of an assessment under applicable law, 11214
an action to collect a tax debt commences when the action is filed 11215
in the courts of this state to collect the liability. 11216

(4) If information contained in a claim that is sold, 11217
conveyed, or transferred to a private entity pursuant to this 11218
section is confidential pursuant to federal law or a section of 11219
the Revised Code that implements a federal law governing 11220
confidentiality, such information remains subject to that law 11221
during and following the sale, conveyance, or transfer. 11222

(5) The attorney general may adopt rules to aid in the 11223
implementation of this section. 11224

Sec. 131.025. The attorney general shall enter into an 11225
agreement with the United States secretary of the treasury to 11226
participate in the federal treasury offset program for the 11227
collection of the following debts certified to the attorney 11228
general pursuant to section 131.02 of the Revised Code: 11229

(A) State income tax obligations pursuant to 26 U.S.C. 11230
6402(e); 11231

(B) Covered unemployment compensation debts pursuant to 26 U.S.C. 6402(f). 11232
11233

For the purpose of this section, "state income tax" includes taxes levied pursuant to Chapter 718. of the Revised Code to the extent that such taxes qualify for the federal treasury offset program under 26 U.S.C. 6402(e). Notwithstanding section 718.01 of the Revised Code, for the sole purpose of meeting the requirements of the federal treasury offset program, the attorney general is the tax administrator, as defined in that section, respecting delinquencies arising from taxes levied pursuant to Chapter 718. of the Revised Code once delinquency is certified to the attorney general for collection under section 131.02 of the Revised Code. 11234
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Sec. 131.43. There is hereby created in the state treasury the budget stabilization fund. All investment earnings of the fund shall be credited to the fund. It is the intent of the general assembly to maintain an amount of money in the budget stabilization fund that amounts to approximately eight and one-half per cent of the general revenue fund revenues for the preceding fiscal year. The governor shall include in the state budget the governor submits to the general assembly under section 107.03 of the Revised Code proposals for transfers between the general revenue fund and the budget stabilization fund for the ensuing fiscal biennium. The balance in the fund may be combined with the balance in the general revenue fund for purposes of cash management. 11244
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Sec. 131.50. (A) There is hereby created in the state treasury the state land royalty fund consisting of money credited to it under section ~~1509.73~~ 155.33 of the Revised Code. Any investment proceeds earned on money in the fund shall be credited to the fund ~~and used as required in division (B) or (C) of this section.~~ 11257
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~~(B) Except as provided in division (C) of this section, money~~ 11263
~~in the state land royalty fund shall be used by state agencies to~~ 11264
~~acquire land and to pay capital costs of state agencies, including~~ 11265
~~equipment and renovations and repairs of facilities, that have~~ 11266
~~contributed to the fund under section 1509.73 of the Revised Code.~~ 11267
~~Such a~~ (1) A state agency is entitled to receive from the fund the 11268
amount that the state agency contributed and a share of the 11269
investment earnings of the fund in an amount that is equivalent to 11270
the proportionate share of contributions made by the state agency 11271
to the fund. Regarding the department of natural resources, each 11272
division within the department is entitled to receive from the 11273
department's proportionate share all amounts received by the 11274
department that are attributable to the state-owned land 11275
controlled by that division. 11276

(2) The treasurer of state, in consultation with the director 11277
of budget and management, shall disburse money from the state land 11278
royalty fund to the appropriate fund designated by the state 11279
agency not later than thirty days after the deposit of any money 11280
into the state land royalty fund. If the state agency is the 11281
department of natural resources, the treasurer of state, in 11282
consultation with the director of budget and management and the 11283
director of natural resources, shall disburse the money to the 11284
appropriate fund designated by the applicable division within the 11285
department. 11286

(3) A state agency or, as applicable, a division of the 11287
department of natural resources, may use the money for any costs 11288
and expenses the agency determines are necessary. 11289

~~(C) Money in the fund that is allocated to a state college or~~ 11290
~~university may be used to pay for operating expenses associated~~ 11291
~~with any property that is owned by the college or university and~~ 11292
~~that is at least partially used for the exploration, development,~~ 11293
~~and production of oil or gas if both of the following apply:~~ 11294

~~(1) The state college or university is engaged in research at the property or in education or outreach regarding the property.~~ 11295
11296

~~(2) The research, education, or outreach is associated with furthering the public understanding of how oil and gas exploration, development, or production potentially benefits the public and impacts the use of the state's natural resources.~~ 11297
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~~(D)~~ As used in this section, "state agency" has the same meaning as in section ~~1509.70~~ 155.30 of the Revised Code. 11301
11302

Sec. 133.06. (A) A school district shall not incur, without a vote of the electors, net indebtedness that exceeds an amount equal to one-tenth of one per cent of its tax valuation, except as provided in divisions (G) and (H) of this section and in division (D) of section 3313.372 of the Revised Code, or as prescribed in section 3318.052 or 3318.44 of the Revised Code, or as provided in division (J) of this section. 11303
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(B) Except as provided in divisions (E), (F), and (I) of this section, a school district shall not incur net indebtedness that exceeds an amount equal to nine per cent of its tax valuation. 11310
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(C) A school district shall not submit to a vote of the electors the question of the issuance of securities in an amount that will make the district's net indebtedness after the issuance of the securities exceed an amount equal to four per cent of its tax valuation, unless the superintendent of public instruction, acting under policies adopted by the state board of education, and the tax commissioner, acting under written policies of the commissioner, consent to the submission. A request for the consents shall be made at least one hundred twenty days prior to the election at which the question is to be submitted. 11313
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The superintendent of public instruction shall certify to the district the superintendent's and the tax commissioner's decisions 11323
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within thirty days after receipt of the request for consents. 11325

If the electors do not approve the issuance of securities at 11326
the election for which the superintendent of public instruction 11327
and tax commissioner consented to the submission of the question, 11328
the school district may submit the same question to the electors 11329
on the date that the next special election may be held under 11330
section 3501.01 of the Revised Code without submitting a new 11331
request for consent. If the school district seeks to submit the 11332
same question at any other subsequent election, the district shall 11333
first submit a new request for consent in accordance with this 11334
division. 11335

(D) In calculating the net indebtedness of a school district, 11336
none of the following shall be considered: 11337

(1) Securities issued to acquire school buses and other 11338
equipment used in transporting pupils or issued pursuant to 11339
division (D) of section 133.10 of the Revised Code; 11340

(2) Securities issued under division (F) of this section and, 11341
to the extent in excess of the limitation stated in division (B) 11342
of this section, under division (E) of this section; 11343

(3) Indebtedness resulting from the dissolution of a joint 11344
vocational school district under section 3311.217 of the Revised 11345
Code, evidenced by outstanding securities of that joint vocational 11346
school district; 11347

(4) Loans, evidenced by any securities, received under 11348
sections 3313.483, 3317.0210, and 3317.0211 of the Revised Code; 11349

(5) Debt incurred under section 3313.374 of the Revised Code; 11350

(6) Debt incurred pursuant to division (B)(5) of section 11351
3313.37 of the Revised Code to acquire computers and related 11352
hardware; 11353

(7) Debt incurred under section 3318.042 of the Revised Code; 11354

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

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

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

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

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

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

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

(b) The projected needs;

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

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

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

(b) The projection of the potential average growth of tax valuation during the next five years, according to the information

certified to the superintendent and any other information the 11385
superintendent obtains, indicates a likelihood of potential 11386
average growth of tax valuation of the district during the next 11387
five years of an average of not less than one and one-half per 11388
cent per year. The findings and certification of the 11389
superintendent shall be conclusive. 11390

(4) An approved special needs district may incur net 11391
indebtedness by the issuance of securities in accordance with the 11392
provisions of this chapter in an amount that does not exceed an 11393
amount equal to the greater of the following: 11394

(a) Twelve per cent of the sum of its tax valuation plus an 11395
amount that is the product of multiplying that tax valuation by 11396
the percentage by which the tax valuation has increased over the 11397
tax valuation on the first day of the sixtieth month preceding the 11398
month in which its board determines to submit to the electors the 11399
question of issuing the proposed securities; 11400

(b) Twelve per cent of the sum of its tax valuation plus an 11401
amount that is the product of multiplying that tax valuation by 11402
the percentage, determined by the superintendent of public 11403
instruction, by which that tax valuation is projected to increase 11404
during the next ten years. 11405

(F) A school district may issue securities for emergency 11406
purposes, in a principal amount that does not exceed an amount 11407
equal to three per cent of its tax valuation, as provided in this 11408
division. 11409

(1) A board of education, by resolution, may declare an 11410
emergency if it determines both of the following: 11411

(a) School buildings or other necessary school facilities in 11412
the district have been wholly or partially destroyed, or condemned 11413
by a constituted public authority, or that such buildings or 11414
facilities are partially constructed, or so constructed or planned 11415

as to require additions and improvements to them before the 11416
buildings or facilities are usable for their intended purpose, or 11417
that corrections to permanent improvements are necessary to remove 11418
or prevent health or safety hazards. 11419

(b) Existing fiscal and net indebtedness limitations make 11420
adequate replacement, additions, or improvements impossible. 11421

(2) Upon the declaration of an emergency, the board of 11422
education may, by resolution, submit to the electors of the 11423
district pursuant to section 133.18 of the Revised Code the 11424
question of issuing securities for the purpose of paying the cost, 11425
in excess of any insurance or condemnation proceeds received by 11426
the district, of permanent improvements to respond to the 11427
emergency need. 11428

(3) The procedures for the election shall be as provided in 11429
section 133.18 of the Revised Code, except that: 11430

(a) The form of the ballot shall describe the emergency 11431
existing, refer to this division as the authority under which the 11432
emergency is declared, and state that the amount of the proposed 11433
securities exceeds the limitations prescribed by division (B) of 11434
this section; 11435

(b) The resolution required by division (B) of section 133.18 11436
of the Revised Code shall be certified to the county auditor and 11437
the board of elections at least one hundred days prior to the 11438
election; 11439

(c) The county auditor shall advise and, not later than 11440
ninety-five days before the election, confirm that advice by 11441
certification to, the board of education of the information 11442
required by division (C) of section 133.18 of the Revised Code; 11443

(d) The board of education shall then certify its resolution 11444
and the information required by division (D) of section 133.18 of 11445
the Revised Code to the board of elections not less than ninety 11446

days prior to the election. 11447

(4) Notwithstanding division (B) of section 133.21 of the 11448
Revised Code, the first principal payment of securities issued 11449
under this division may be set at any date not later than sixty 11450
months after the earliest possible principal payment otherwise 11451
provided for in that division. 11452

(G)(1) The board of education may contract with an architect, 11453
professional engineer, or other person experienced in the design 11454
and implementation of energy conservation measures for an analysis 11455
and recommendations pertaining to installations, modifications of 11456
installations, or remodeling that would significantly reduce 11457
energy consumption in buildings owned by the district. The report 11458
shall include estimates of all costs of such installations, 11459
modifications, or remodeling, including costs of design, 11460
engineering, installation, maintenance, repairs, measurement and 11461
verification of energy savings, and debt service, forgone residual 11462
value of materials or equipment replaced by the energy 11463
conservation measure, as defined by the Ohio facilities 11464
construction commission, a baseline analysis of actual energy 11465
consumption data for the preceding three years with the utility 11466
baseline based on only the actual energy consumption data for the 11467
preceding twelve months, and estimates of the amounts by which 11468
energy consumption and resultant operational and maintenance 11469
costs, as defined by the commission, would be reduced. 11470

If the board finds after receiving the report that the amount 11471
of money the district would spend on such installations, 11472
modifications, or remodeling is not likely to exceed the amount of 11473
money it would save in energy and resultant operational and 11474
maintenance costs over the ensuing fifteen years, the board may 11475
submit to the commission a copy of its findings and a request for 11476
approval to incur indebtedness to finance the making or 11477
modification of installations or the remodeling of buildings for 11478

the purpose of significantly reducing energy consumption. 11479

The facilities construction commission, in consultation with 11480
the auditor of state, may deny a request under division (G)(1) of 11481
this section by the board of education of any school district that 11482
is in a state of fiscal watch pursuant to division (A) of section 11483
3316.03 of the Revised Code, if it determines that the expenditure 11484
of funds is not in the best interest of the school district. 11485

No district board of education of a school district that is 11486
in a state of fiscal emergency pursuant to division (B) of section 11487
3316.03 of the Revised Code shall submit a request without 11488
submitting evidence that the installations, modifications, or 11489
remodeling have been approved by the district's financial planning 11490
and supervision commission established under section 3316.05 of 11491
the Revised Code. 11492

No board of education of a school district for which an 11493
academic distress commission has been established under section 11494
3302.10 of the Revised Code shall submit a request without first 11495
receiving approval to incur indebtedness from the district's 11496
academic distress commission established under that section, for 11497
so long as such commission continues to be required for the 11498
district. 11499

(2) The board of education may contract with a person 11500
experienced in the implementation of student transportation to 11501
produce a report that includes an analysis of and recommendations 11502
for the use of alternative fuel vehicles by school districts. The 11503
report shall include cost estimates detailing the return on 11504
investment over the life of the alternative fuel vehicles and 11505
environmental impact of alternative fuel vehicles. The report also 11506
shall include estimates of all costs associated with alternative 11507
fuel transportation, including facility modifications and vehicle 11508
purchase costs or conversion costs. 11509

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

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

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

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

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

(a) The commission determines that the board's findings are reasonable. 11542
11543

(b) The request for approval is complete. 11544

(c) If the request was submitted under division (G)(1) of 11545
this section, the installations, modifications, or remodeling are 11546
consistent with any project to construct or acquire classroom 11547
facilities, or to reconstruct or make additions to existing 11548
classroom facilities under sections 3318.01 to 3318.20 or sections 11549
3318.40 to 3318.45 of the Revised Code. 11550

Upon receipt of the commission's approval, the district may 11551
issue securities without a vote of the electors in a principal 11552
amount not to exceed nine-tenths of one per cent of its tax 11553
valuation for the purpose specified in division (G)(1) or (2) of 11554
this section, but the total net indebtedness of the district 11555
without a vote of the electors incurred under this and all other 11556
sections of the Revised Code, except section 3318.052 of the 11557
Revised Code, shall not exceed one per cent of the district's tax 11558
valuation. 11559

(4)(a) So long as any securities issued under division (G)(1) 11560
of this section remain outstanding, the board of education shall 11561
monitor the energy consumption and resultant operational and 11562
maintenance costs of buildings in which installations or 11563
modifications have been made or remodeling has been done pursuant 11564
to that division. Except as provided in division (G)(4)(b) of this 11565
section, the board shall maintain and annually update a report in 11566
a form and manner prescribed by the facilities construction 11567
commission documenting the reductions in energy consumption and 11568
resultant operational and maintenance cost savings attributable to 11569
such installations, modifications, or remodeling. The resultant 11570
operational and maintenance cost savings shall be certified by the 11571
school district treasurer. The report shall be submitted annually 11572
to the commission. 11573

(b) If the facilities construction commission verifies that 11574
the certified annual reports submitted to the commission by a 11575
board of education under division (G)(4)(a) of this section 11576
fulfill the guarantee required under division (B) of section 11577
3313.372 of the Revised Code for three consecutive years, the 11578
board of education shall no longer be subject to the annual 11579
reporting requirements of division (G)(4)(a) of this section. 11580

(5) So long as any securities issued under division (G)(2) of 11581
this section remain outstanding, the board of education shall 11582
monitor the purchase of new alternative fuel vehicles or vehicle 11583
conversions pursuant to that division. The board shall maintain 11584
and annually update a report in a form and manner prescribed by 11585
the facilities construction commission documenting the purchase of 11586
new alternative fuel vehicles or vehicle conversions, the 11587
associated environmental impact, and return on investment. The 11588
resultant fuel and operational and maintenance cost savings shall 11589
be certified by the school district treasurer. The report shall be 11590
submitted annually to the commission. 11591

(H) With the consent of the superintendent of public 11592
instruction, a school district may incur without a vote of the 11593
electors net indebtedness that exceeds the amounts stated in 11594
divisions (A) and (G) of this section for the purpose of paying 11595
costs of permanent improvements, if and to the extent that both of 11596
the following conditions are satisfied: 11597

(1) The fiscal officer of the school district estimates that 11598
receipts of the school district from payments made under or 11599
pursuant to agreements entered into pursuant to section 725.02, 11600
1728.10, 3735.671, 5709.081, 5709.082, 5709.40, 5709.41, 5709.45, 11601
5709.57, 5709.62, 5709.63, 5709.632, 5709.73, 5709.78, or 5709.82 11602
of the Revised Code, or distributions under division (C) of 11603
section 5709.43 or division (B) of section 5709.47 of the Revised 11604
Code, or any combination thereof, are, after accounting for any 11605

appropriate coverage requirements, sufficient in time and amount, 11606
and are committed by the proceedings, to pay the debt charges on 11607
the securities issued to evidence that indebtedness and payable 11608
from those receipts, and the taxing authority of the district 11609
confirms the fiscal officer's estimate, which confirmation is 11610
approved by the superintendent of public instruction; 11611

(2) The fiscal officer of the school district certifies, and 11612
the taxing authority of the district confirms, that the district, 11613
at the time of the certification and confirmation, reasonably 11614
expects to have sufficient revenue available for the purpose of 11615
operating such permanent improvements for their intended purpose 11616
upon acquisition or completion thereof, and the superintendent of 11617
public instruction approves the taxing authority's confirmation. 11618

The maximum maturity of securities issued under division (H) 11619
of this section shall be the lesser of twenty years or the maximum 11620
maturity calculated under section 133.20 of the Revised Code. 11621

(I) A school district may incur net indebtedness by the 11622
issuance of securities in accordance with the provisions of this 11623
chapter in excess of the limit specified in division (B) or (C) of 11624
this section when necessary to raise the school district portion 11625
of the basic project cost and any additional funds necessary to 11626
participate in a project under Chapter 3318. of the Revised Code, 11627
including the cost of items designated by the facilities 11628
construction commission as required locally funded initiatives, 11629
the cost of other locally funded initiatives in an amount that 11630
does not exceed fifty per cent of the district's portion of the 11631
basic project cost, and the cost for site acquisition. ~~The~~ 11632
~~commission~~ A school district shall notify the superintendent of 11633
public instruction whenever ~~a school that~~ that district will exceed 11634
either limit pursuant to this division. 11635

(J) A school district whose portion of the basic project cost 11636
of its classroom facilities project under sections 3318.01 to 11637

3318.20 of the Revised Code is greater than or equal to one 11638
hundred million dollars may incur without a vote of the electors 11639
net indebtedness in an amount up to two per cent of its tax 11640
valuation through the issuance of general obligation securities in 11641
order to generate all or part of the amount of its portion of the 11642
basic project cost if the controlling board has approved the 11643
facilities construction commission's conditional approval of the 11644
project under section 3318.04 of the Revised Code. The school 11645
district board and the Ohio facilities construction commission 11646
shall include the dedication of the proceeds of such securities in 11647
the agreement entered into under section 3318.08 of the Revised 11648
Code. No state moneys shall be released for a project to which 11649
this section applies until the proceeds of any bonds issued under 11650
this section that are dedicated for the payment of the school 11651
district portion of the project are first deposited into the 11652
school district's project construction fund. 11653

Sec. 135.02. There shall be a state board of deposit 11654
consisting of the treasurer of state or an employee of the 11655
treasurer of state's department designated by the treasurer of 11656
state, the auditor of state or an employee of the auditor of 11657
state's department designated by the auditor of state, and the 11658
attorney general or an employee of the attorney general's 11659
department designated by the attorney general. The board shall 11660
meet on the call of the chairperson at least annually to perform 11661
the duties prescribed in sections 135.01 to 135.21 of the Revised 11662
Code. At any time, two members of the board may request that the 11663
chairperson call a meeting of the board, and the chairperson shall 11664
call the meeting within thirty days after receiving such requests. 11665
The treasurer of state or the treasurer of state's designated 11666
representative shall be chairperson of the board. The ~~cashier~~ 11667
treasurer of the state treasury shall be designate an employee of 11668
the treasurer of state's department to serve as the secretary of 11669

the board and shall keep its records. A certified copy of such records shall be prima-facie evidence of the matter appearing therein in any court of record.

The chairperson shall provide a monthly report to the board of deposit consisting of the notifications required under division (B) of section 135.143 of the Revised Code and shall post that report monthly to a web site maintained by the treasurer of state.

The necessary expenses of the board shall be paid from the state treasury from appropriations for that purpose upon the order of the board certified by the chairperson and the secretary.

Sec. 135.143. (A) The treasurer of state may invest or execute transactions for any part or all of the interim funds of the state in the following classifications of obligations:

(1) United States treasury bills, notes, bonds, or any other obligations or securities issued by the United States treasury or any other obligation guaranteed as to principal and interest by the United States;

(2) Bonds, notes, debentures, or any other obligations or securities issued by any federal government agency or instrumentality;

(3)(a) Bonds, notes, and other obligations of the state of Ohio, including, but not limited to, any obligations issued by the treasurer of state, the Ohio public facilities commission, the Ohio building authority, the Ohio housing finance agency, the Ohio water development authority, and the Ohio turnpike infrastructure commission;

(b) Bonds, notes, and other obligations of any state or political subdivision thereof rated in the three highest categories by at least one nationally recognized standard rating service and purchased through a registered securities broker or

dealer, provided the treasurer of state is not the sole purchaser 11700
of the bonds, notes, or other obligations at original issuance. 11701

(4)(a) Written repurchase agreements with any eligible Ohio 11702
financial institution that is a member of the federal reserve 11703
system or federal home loan bank, or any registered United States 11704
government securities dealer, under the terms of which agreement 11705
the treasurer of state purchases and the eligible financial 11706
institution or dealer agrees unconditionally to repurchase any of 11707
the securities that are listed in division (A)(1), (2), or (6) of 11708
this section. The market value of securities subject to these 11709
transactions must exceed the principal value of the repurchase 11710
agreement by an amount specified by the treasurer of state, and 11711
the securities must be delivered into the custody of the treasurer 11712
of state or the qualified trustee or agent designated by the 11713
treasurer of state. The agreement shall contain the requirement 11714
that for each transaction pursuant to the agreement, the 11715
participating institution or dealer shall provide all of the 11716
following information: 11717

(i) The par value of the securities; 11718

(ii) The type, rate, and maturity date of the securities; 11719

(iii) A numerical identifier generally accepted in the 11720
securities industry that designates the securities. 11721

(b) The treasurer of state also may sell any securities, 11722
listed in division (A)(1), (2), or (6) of this section, regardless 11723
of maturity or time of redemption of the securities, under the 11724
same terms and conditions for repurchase, provided that the 11725
securities have been fully paid for and are owned by the treasurer 11726
of state at the time of the sale. 11727

(5) Securities lending agreements with any eligible financial 11728
institution that is a member of the federal reserve system or 11729
federal home loan bank or any recognized United States government 11730

securities dealer, under the terms of which agreements the 11731
treasurer of state lends securities and the eligible financial 11732
institution or dealer agrees to simultaneously exchange similar 11733
securities or cash, equal value for equal value. 11734

Securities and cash received as collateral for a securities 11735
lending agreement are not interim funds of the state. The 11736
investment of cash collateral received pursuant to a securities 11737
lending agreement may be invested only in such instruments 11738
specified by the treasurer of state in accordance with a written 11739
investment policy. 11740

(6) Various forms of commercial paper issued by any entity 11741
that is organized under the laws of the United States or a state, 11742
which notes are rated in the two highest categories by two 11743
nationally recognized standard rating services, provided that the 11744
total amount invested under this section in any commercial paper 11745
at any time shall not exceed forty per cent of the state's total 11746
average portfolio, as determined and calculated by the treasurer 11747
of state; 11748

(7) Bankers acceptances, maturing in two hundred seventy days 11749
or less, provided that the total amount invested in bankers 11750
acceptances at any time shall not exceed ten per cent of the 11751
state's total average portfolio, as determined and calculated by 11752
the treasurer of state; 11753

(8) Certificates of deposit in eligible institutions applying 11754
for interim moneys as provided in section 135.08 of the Revised 11755
Code, including linked deposits as provided in sections 135.61 to 11756
135.67 of the Revised Code, agricultural linked deposits as 11757
provided in sections 135.71 to 135.76 of the Revised Code, 11758
business linked deposits as provided in sections 135.77 to 135.774 11759
of the Revised Code, and housing linked deposits as provided in 11760
sections 135.81 to 135.87 of the Revised Code; 11761

(9) Negotiable certificates of deposit denominated in United States dollars issued by a nationally or state-chartered bank, a savings association or a federal association, a state or federal credit union, or a federally licensed or state-licensed branch of a foreign bank, which are rated in the two highest categories by two nationally recognized standard rating services, provided that the total amount invested under this section in negotiable certificates of deposit at any time shall not exceed twenty-five per cent of the state's total average portfolio, as determined and calculated by the treasurer of state. Interim funds invested in accordance with division (A)(9) of this section are not limited to institutions applying for interim moneys under section 135.08 of the Revised Code, nor are they subject to any pledging requirements described in sections 135.18, 135.181, or 135.182 of the Revised Code.

(10) The state treasurer's investment pool authorized under section 135.45 of the Revised Code;

~~(10)~~(11) Debt interests, other than commercial paper described in division (A)(6) of this section, rated in the three highest categories by two nationally recognized standard rating services and issued by entities that are organized under the laws of the United States or a state, or issued by foreign nations diplomatically recognized by the United States government, or any instrument based on, derived from, or related to such interests, provided that:

(a) The investments in debt interests other than commercial paper shall not exceed in the aggregate twenty-five per cent of the state's portfolio.

(b) The investments in debt interests issued by foreign nations shall not exceed in the aggregate two per cent of the state's portfolio.

The treasurer of state shall invest under division 11793
(A)~~(10)~~(11) of this section in a debt interest issued by a foreign 11794
nation only if the debt interest is backed by the full faith and 11795
credit of that foreign nation, and provided that all interest and 11796
principal shall be denominated and payable in United States funds. 11797

(c) When added to the investment in commercial paper and 11798
negotiable certificates of deposit, the investments in the debt 11799
interests of a single issuer shall not exceed in the aggregate 11800
five per cent of the state's portfolio. 11801

(d) For purposes of division (A)~~(10)~~(11) of this section, a 11802
debt interest is rated in the three highest categories by two 11803
nationally recognized standard rating services if either the debt 11804
interest itself or the issuer of the debt interest is rated, or is 11805
implicitly rated, in the three highest categories by two 11806
nationally recognized standard rating services. 11807

(e) For purposes of division (A)~~(10)~~(11) of this section, the 11808
"state's portfolio" means the state's total average portfolio, as 11809
determined and calculated by the treasurer of state. 11810

~~(11)~~(12) No-load money market mutual funds rated in the 11811
highest category by one nationally recognized standard rating 11812
service or consisting exclusively of obligations described in 11813
division (A)(1), (2), or (6) of this section and repurchase 11814
agreements secured by such obligations. 11815

~~(12)~~(13) Obligations issued by, or on behalf of, an Ohio 11816
political subdivision under Chapter 133. of the Revised Code or 11817
Section 12 of Article XVIII, Ohio Constitution, and identified in 11818
an agreement described in division (G) of this section. 11819

(B) Whenever, during a period of designation, the treasurer 11820
of state classifies public moneys as interim moneys, the treasurer 11821
of state shall notify the state board of deposit of such action. 11822
The notification shall be given within thirty days after such 11823

classification and, in the event the state board of deposit does 11824
not concur in such classification or in the investments or 11825
deposits made under this section, the board may order the 11826
treasurer of state to sell or liquidate any of the investments or 11827
deposits, and any such order shall specifically describe the 11828
investments or deposits and fix the date upon which they are to be 11829
sold or liquidated. Investments or deposits so ordered to be sold 11830
or liquidated shall be sold or liquidated for cash by the 11831
treasurer of state on the date fixed in such order at the then 11832
current market price. Neither the treasurer of state nor the 11833
members of the state board of deposit shall be held accountable 11834
for any loss occasioned by sales or liquidations of investments or 11835
deposits at prices lower than their cost. Any loss or expense 11836
incurred in making these sales or liquidations is payable as other 11837
expenses of the treasurer's office. 11838

(C) If any securities or obligations invested in by the 11839
treasurer of state pursuant to this section are registrable either 11840
as to principal or interest, or both, such securities or 11841
obligations shall be registered in the name of the treasurer of 11842
state. 11843

(D) The treasurer of state is responsible for the safekeeping 11844
of all securities or obligations under this section. Any such 11845
securities or obligations may be deposited for safekeeping as 11846
provided in section 113.05 of the Revised Code. 11847

(E) Interest earned on any investments or deposits authorized 11848
by this section shall be collected by the treasurer of state and 11849
credited by the treasurer of state to the proper fund of the 11850
state. 11851

(F) Whenever investments or deposits acquired under this 11852
section mature and become due and payable, the treasurer of state 11853
shall present them for payment according to their tenor, and shall 11854
collect the moneys payable thereon. The moneys so collected shall 11855

be treated as public moneys subject to sections 135.01 to 135.21 11856
of the Revised Code. 11857

(G) The treasurer of state and any entity issuing obligations 11858
referred to in division (A)~~(12)~~(13) of this section, which 11859
obligations mature within one year from the original date of 11860
issuance, may enter into an agreement providing for: 11861

(1) The purchase of those obligations by the treasurer of 11862
state on terms and subject to conditions set forth in the 11863
agreement; 11864

(2) The payment to the treasurer of state of a reasonable fee 11865
as consideration for the agreement of the treasurer of state to 11866
purchase those obligations; provided, however, that the treasurer 11867
of state shall not be authorized to enter into any such agreement 11868
with a board of education of a school district that has an 11869
outstanding obligation with respect to a loan received under 11870
authority of section 3313.483 of the Revised Code. 11871

(H) For purposes of division (G) of this section, a fee shall 11872
not be considered reasonable unless it is set to recover only the 11873
direct costs, a reasonable estimate of the indirect costs 11874
associated with the purchasing of obligations under division (G) 11875
of this section and any reselling of the obligations or any 11876
interest in the obligations, including interests in a fund 11877
comprised of the obligations, and the administration thereof. No 11878
money from the general revenue fund shall be used to subsidize the 11879
purchase or resale of these obligations. 11880

(I) All money collected by the treasurer of state from the 11881
fee imposed by division (G) of this section shall be deposited to 11882
the credit of the state political subdivision obligations fund, 11883
which is hereby created in the state treasury. Money credited to 11884
the fund shall be used solely to pay the treasurer of state's 11885
direct and indirect costs associated with purchasing and reselling 11886

obligations under division (G) of this section. 11887

(J) As used in this section, "political subdivision" means a 11888
county, township, municipal corporation, school district, or other 11889
body corporate and politic responsible for governmental activities 11890
in a geographic area smaller than that of the state. 11891

Sec. 135.45. (A) Subject to division (B) of this section, a 11892
treasurer, governing board, or investing authority of a 11893
subdivision may pay public moneys of the subdivision into the Ohio 11894
subdivision's fund, which may be established in the custody of the 11895
treasurer of state. The treasurer of state shall invest the moneys 11896
in the fund in separately managed accounts and pooled accounts, 11897
including the state treasurer's investment pool, in the same 11898
manner, in the same types of instruments, and subject to the same 11899
limitations provided for the deposit and investment of interim 11900
moneys of the state, except that the fund shall not be invested in 11901
the linked deposits authorized under sections 135.61 to 135.67 of 11902
the Revised Code. 11903

(B)(1) On and after July 1, 1997, a treasurer, governing 11904
board, or investing authority of a subdivision that has not 11905
entered into an agreement with the treasurer of state under 11906
division (C) of this section shall not invest public moneys of the 11907
subdivision in a pooled account of the Ohio subdivision's fund 11908
under division (B)(6) of section 135.14 of the Revised Code or 11909
division (A)(6) of section 135.35 of the Revised Code if the pool 11910
does not maintain the highest letter or numerical rating provided 11911
by at least one nationally recognized standard rating service. 11912

(2) Upon receipt of notice that the pool does not maintain 11913
the highest letter or numerical rating required under division 11914
(B)(1) of this section, the treasurer of state shall have ninety 11915
days to obtain the required highest letter or numerical rating. If 11916
the treasurer of state fails to obtain the required highest letter 11917

or numerical rating, the treasurer of state shall have an 11918
additional one hundred eighty days to develop a plan to dissolve 11919
the pool. The plan shall include reasonable standards for the 11920
equitable return of public moneys in the pool to those 11921
subdivisions participating in the pool. 11922

(3) Treasurers, governing boards, or investing authorities of 11923
subdivisions participating in the pool shall not be required to 11924
divest in the pool during the initial one hundred eighty days 11925
following the treasurer of state's receipt of notice under 11926
division (B)(2) of this section. 11927

(C) A treasurer, governing board, or investing authority of a 11928
subdivision that wishes to invest public moneys of the subdivision 11929
in a separately managed account or pooled account of the Ohio 11930
subdivision's fund may enter into an agreement with the treasurer 11931
of state that sets forth the manner in which the money is to be 11932
invested. The treasurer of state shall invest the moneys in 11933
accordance with the agreement, subject to the limitations set 11934
forth in division (A) of this section. For purposes of this 11935
division, the limitation on investments in debt interests provided 11936
in division ~~(A)(10)(a)~~ (A)(11)(a) of section 135.143 of the 11937
Revised Code shall not apply to a subdivision's excess reserves. 11938

(D) The treasurer of state shall adopt such rules as are 11939
necessary for the implementation of this section, including the 11940
efficient administration of and accounting for the separately 11941
managed accounts and pooled accounts, including the state 11942
treasurer's investment pool, and the specification of minimum 11943
amounts that may be paid into such pools and minimum periods of 11944
time for which such payments shall be retained in the pools. The 11945
rules shall provide for the administrative expenses of the 11946
separately managed accounts and pooled accounts, including the 11947
state treasurer's investment pool, to be paid from the earnings 11948
and for the interest earnings in excess of such expenses to be 11949

credited to the several treasurers, governing boards, and 11950
investing authorities participating in a pool in a manner which 11951
equitably reflects the differing amounts of their respective 11952
investments in the pool and the differing periods of time for 11953
which such amounts are in the pool. 11954

(E) The treasurer of state shall give bond with sufficient 11955
sureties, payable to the treasurers, governing boards, and 11956
investing authorities of subdivisions participating in the fund, 11957
for the benefit of the subdivisions whose moneys are paid into the 11958
fund for investment, in the total penal sum of two hundred fifty 11959
thousand dollars, conditioned for the faithful discharge of the 11960
treasurer of state's duties in relation to the fund. 11961

(F) The treasurer of state and the treasurer of state's 11962
bonders or surety are liable for the loss of any interim moneys of 11963
the state and subdivisions invested under this section to the same 11964
extent the treasurer of state and the treasurer of state's bonders 11965
or surety are liable for the loss of public moneys under section 11966
135.19 of the Revised Code. 11967

(G) As used in this section: 11968

(1) "Interim moneys" and "governing board" have the same 11969
meanings as in section 135.01 of the Revised Code. 11970

(2)(a) "Subdivision" has the same meaning as in section 11971
135.01 of the Revised Code, but also includes a county, a 11972
municipal corporation that has adopted a charter under Article 11973
XVIII, Ohio Constitution, or any government entity for which the 11974
fund is a permissible investment. 11975

(b) "Public moneys of a subdivision" has the same meaning as 11976
in section 135.01 of the Revised Code, but also includes "public 11977
moneys" as defined in section 135.31 of the Revised Code, and 11978
funds held in the custody of the treasurer of state 11979
notwithstanding any limitations on the permissible investments of 11980

such funds.	11981
(3) "Treasurer" has the same meaning as in sections 135.01 and 135.31 of the Revised Code.	11982 11983
(4) "Investing authority" has the same meaning as in section 135.31 of the Revised Code.	11984 11985
(5) "Excess reserves" means the amount of a subdivision's public moneys that exceed the average of a subdivision's annual operating expenses in the immediately preceding three fiscal years.	11986 11987 11988 11989
Sec. 149.11. (A) Any department, division, bureau, board, or commission of the state government issuing a report, pamphlet, document, or other publication intended for general public use and distribution, which publication is reproduced by duplicating processes in print whether through a contract awarded to any person, company, or the state printing division of the department of administrative services, shall cause to be delivered to the state library fifty copies of the publication, subject to the provisions of section 125.42 of the Revised Code.	11990 11991 11992 11993 11994 11995 11996 11997 11998
(B) The state library board shall distribute the print publications so received as follows:	11999 12000
(1) Retain two copies in the state library;	12001
(2) Send two copies to the document division of the library of congress;	12002 12003
(3) Send one copy to the Ohio history connection and to each public or college library in the state designated by the state library board to be a depository for state publications. In designating which libraries shall be depositories, the board shall select those libraries that can best preserve those publications and that are so located geographically as will make the publications conveniently accessible to residents in all areas of	12004 12005 12006 12007 12008 12009 12010

the state. 12011

(4) Send one copy to each state in exchange for like 12012
publications of that state. 12013

(C) A department, division, bureau, board, or commission of 12014
the state government shall notify the state library of the 12015
availability of documents or other publications, intended for 12016
general public use and distribution, which are made available 12017
electronically on its internet web site. The state library shall 12018
retain electronic publications in the state library digital 12019
archive and provide permanent access and records to each public or 12020
college library in the state designated by the state library board 12021
to be a depository for state publications. 12022

(D) The print publications described in division (A) of this 12023
section and the electronic publications described in division (C) 12024
of this section shall be considered already prepared and available 12025
for inspection, and, subject to applicable copyright protections, 12026
reproduction by any person at all reasonable times during regular 12027
business hours at the state library and each library designated as 12028
a depository for state publications. 12029

(E) The provisions of this section do not apply to any 12030
publication of the general assembly or to the publications 12031
described in sections 149.07, ~~149.08~~, 149.091, and 149.17 of the 12032
Revised Code, except that the secretary of state shall forward to 12033
the document division of the library of congress two copies of all 12034
journals, two copies of the session laws as provided for in 12035
section 149.091 of the Revised Code, and two copies of all 12036
appropriation laws in separate form. 12037

Sec. 149.309. (A) The Ohio commission for the United States 12038
semiquincentennial is established to plan, encourage, develop, and 12039
coordinate the commemoration of the two hundred fiftieth 12040
anniversary of the founding of the United States and the impact of 12041

<u>Ohioans on the nation's past, present, and future.</u>	12042
<u>(B) The commission shall consist of the following twenty-nine members:</u>	12043
<u>(1) Two members of the senate appointed by the president of the senate, one of whom shall be recommended by the minority leader of the senate;</u>	12044
<u>(1) Two members of the senate appointed by the president of the senate, one of whom shall be recommended by the minority leader of the senate;</u>	12045
<u>(1) Two members of the senate appointed by the president of the senate, one of whom shall be recommended by the minority leader of the senate;</u>	12046
<u>(1) Two members of the senate appointed by the president of the senate, one of whom shall be recommended by the minority leader of the senate;</u>	12047
<u>(2) Two members of the house of representatives appointed by the speaker of the house of representatives, one of whom shall be recommended by the minority leader of the house of representatives;</u>	12048
<u>(2) Two members of the house of representatives appointed by the speaker of the house of representatives, one of whom shall be recommended by the minority leader of the house of representatives;</u>	12049
<u>(2) Two members of the house of representatives appointed by the speaker of the house of representatives, one of whom shall be recommended by the minority leader of the house of representatives;</u>	12050
<u>(2) Two members of the house of representatives appointed by the speaker of the house of representatives, one of whom shall be recommended by the minority leader of the house of representatives;</u>	12051
<u>(3) The governor or the governor's designee;</u>	12052
<u>(4) The chief justice of the supreme court of Ohio;</u>	12053
<u>(5) The president of the board of trustees of the Ohio history connection;</u>	12054
<u>(5) The president of the board of trustees of the Ohio history connection;</u>	12055
<u>(6) The president of the Ohio local history alliance's designee;</u>	12056
<u>(6) The president of the Ohio local history alliance's designee;</u>	12057
<u>(7) The president of the Ohio county commissioners association's designee;</u>	12058
<u>(7) The president of the Ohio county commissioners association's designee;</u>	12059
<u>(8) The chairperson of the board of the Ohio arts council;</u>	12060
<u>(9) The director of TourismOhio;</u>	12061
<u>(10) The executive director of the Ohio travel association;</u>	12062
<u>(11) Seventeen members who are private citizens, of whom:</u>	12063
<u>(a) Eight shall be appointed by the governor;</u>	12064
<u>(b) Four shall be appointed by the president of the senate, two of whom shall be recommended by the minority leader of the senate;</u>	12065
<u>(b) Four shall be appointed by the president of the senate, two of whom shall be recommended by the minority leader of the senate;</u>	12066
<u>(b) Four shall be appointed by the president of the senate, two of whom shall be recommended by the minority leader of the senate;</u>	12067
<u>(c) Four shall be appointed by the speaker of the house of representatives, two of whom shall be recommended by the minority</u>	12068
<u>(c) Four shall be appointed by the speaker of the house of representatives, two of whom shall be recommended by the minority</u>	12069

leader of the house of representatives; 12070

(d) One shall be appointed by the chief justice of the 12071
supreme court of Ohio. 12072

(C) The governor shall designate one of the private citizen 12073
members as the chairperson of the commission and a different 12074
private citizen member as the vice chairperson of the commission. 12075

The executive director or the deputy executive director of 12076
the Ohio history connection shall serve as the secretary of the 12077
commission and shall be an ex officio, nonvoting member of the 12078
commission. 12079

(D) A member shall be appointed for the duration of the 12080
commission, so long as the member continues to hold the office 12081
that entitled the member to the position on the commission. A 12082
vacancy on the commission shall be filled in the same manner as 12083
the original appointment. The members of the commission shall 12084
receive no compensation for service on the commission, except for 12085
reimbursement for reasonable travel expenses. 12086

(E) Meetings of the commission shall be held throughout this 12087
state at times and locations determined by the chairperson. A 12088
majority of the members of the commission shall constitute a 12089
quorum, but a lesser number of members may hold hearings or 12090
meetings for the purpose of furthering the commission's work. 12091

(F) The commission shall do all of the following: 12092

(1) Plan, coordinate, and implement an overall program to 12093
build public awareness and foster public participation to 12094
celebrate and commemorate the two hundred fiftieth anniversary of 12095
the independence and founding of the United States; 12096

(2) Coordinate with all federal, state, and local agencies 12097
and private organizations on infrastructural improvements and 12098
projects or programs to welcome and encourage regional, national, 12099

<u>and international tourists;</u>	12100
<u>(3) Establish and maintain an official web site that is available and accessible to the public.</u>	12101 12102
<u>(G) In preparing plans and an overall program, the commission shall do all of the following:</u>	12103 12104
<u>(1) Give due consideration to related plans and programs developed by federal, other state, local, and private groups;</u>	12105 12106
<u>(2) Conduct extensive public engagement throughout this state to develop programs of its own or with or by other agencies, communities, or organizations that may take place to mark the semiquincentennial by December 31, 2026;</u>	12107 12108 12109 12110
<u>(3) Aim to involve and showcase all counties in this state;</u>	12111
<u>(4) Draw attention to the achievements, struggles, honors, innovations, and significance of all people in this state since before its founding to the present day.</u>	12112 12113 12114
<u>(H) The commission may designate special committees with representatives from stakeholding groups to plan, develop, and coordinate specific activities.</u>	12115 12116 12117
<u>(I)(1) Not later than September 30, 2022, the commission shall submit to the governor and the general assembly a comprehensive report that includes the specific recommendations of the commission for the commemoration of the two hundred fiftieth anniversary of the independence and founding of the United States and related events, as well as a timeline of the plans and overall program and estimates of all costs associated with the plans and overall program.</u>	12118 12119 12120 12121 12122 12123 12124 12125
<u>(2) The report may include recommendations for the following:</u>	12126
<u>(a) Improvements to the infrastructure of the state or for capital projects necessary for the successful delivery of the commission's plan and overall program;</u>	12127 12128 12129

<u>(b) Legislation needed to effectuate the plan and overall program.</u>	12130
	12131
<u>(3) The report shall be available on the commission's official web site.</u>	12132
	12133
<u>(4) The commission may, from time to time, expand upon or revise its initial report as events warrant.</u>	12134
	12135
<u>(J) The commission may secure directly from a state agency information as the commission considers necessary to carry out its duties. On the request of the chairperson of the commission or the commission's executive director, the head of a state agency shall provide the information to the commission.</u>	12136
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<u>(K) The commission may accept, use, and dispose of gifts and donations of money, property, or personal services and may request personnel or other supportive resources from state agencies, local governments, and public universities.</u>	12141
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<u>(L) As determined necessary by the commission, the commission may do any of the following:</u>	12145
	12146
<u>(1) Procure supplies, services, and property;</u>	12147
<u>(2) Take actions as are necessary to enable the commission to carry out efficiently and in the public interest the purpose of this section.</u>	12148
	12149
	12150
<u>(M)(1) The chairperson of the commission shall appoint an executive director who may, in turn, hire personnel as are necessary to enable the commission to perform its powers and duties. With approval from the commission, the executive director may authorize the Ohio history connection to enter into contracts with vendors and consultants to undertake work commensurate with the commission's public functions. All commission employees shall be employees of the Ohio history connection and shall be subject to its customary personnel policies and procedures.</u>	12151
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(2) The employment of an executive director shall be subject to confirmation by majority vote of the commission. 12160
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(3) The commission, from time to time, may request operating and capital appropriations from the general assembly. Such appropriated money shall be received by the Ohio history connection and held for the use of the commission. Such money shall be audited annually in the ordinary manner and commensurate with the Ohio history connection's audit by the auditor of state. 12162
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(N) Once each year on or before the thirty-first day of December, during the period beginning on the effective date of this section through December 31, 2026, the commission shall submit to the governor and the general assembly a report of the activities of the commission, including a summary of funds received and expended during the year covered by the report, the outputs and outcomes achieved, and whether those achievements meet the commission's plan and overall program. The report shall be available on the commission's official web site. The commission shall publish a final report of its activities on or before June 30, 2027. 12168
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(O) The commission terminates on June 30, 2027. 12179

Sec. 149.311. (A) As used in this section: 12180

(1) "Historic building" means a building, including its structural components, that is located in this state and that is either individually listed on the national register of historic places under 16 U.S.C. 470a, located in a registered historic district, and certified by the state historic preservation officer as being of historic significance to the district, or is individually listed as an historic landmark designated by a local government certified under 16 U.S.C. 470a(c). 12181
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(2) "Qualified rehabilitation expenditures" means 12189

expenditures paid or incurred during the rehabilitation period, 12190
and before and after that period as determined under 26 U.S.C. 47, 12191
by an owner or qualified lessee of an historic building to 12192
rehabilitate the building. "Qualified rehabilitation expenditures" 12193
includes architectural or engineering fees paid or incurred in 12194
connection with the rehabilitation, and expenses incurred in the 12195
preparation of nomination forms for listing on the national 12196
register of historic places. "Qualified rehabilitation 12197
expenditures" does not include any of the following: 12198

(a) The cost of acquiring, expanding, or enlarging an 12199
historic building; 12200

(b) Expenditures attributable to work done to facilities 12201
related to the building, such as parking lots, sidewalks, and 12202
landscaping; 12203

(c) New building construction costs. 12204

(3) "Owner" of an historic building means a person holding 12205
the fee simple interest in the building. "Owner" does not include 12206
the state or a state agency, or any political subdivision as 12207
defined in section 9.23 of the Revised Code. 12208

(4) "Qualified lessee" means a person subject to a lease 12209
agreement for an historic building and eligible for the federal 12210
rehabilitation tax credit under 26 U.S.C. 47. "Qualified lessee" 12211
does not include the state or a state agency or political 12212
subdivision as defined in section 9.23 of the Revised Code. 12213

(5) "Certificate owner" means the owner or qualified lessee 12214
of an historic building to which a rehabilitation tax credit 12215
certificate was issued under this section. 12216

(6) "Registered historic district" means an historic district 12217
listed in the national register of historic places under 16 U.S.C. 12218
470a, an historic district designated by a local government 12219
certified under 16 U.S.C. 470a(c), or a local historic district 12220

certified under 36 C.F.R. 67.8 and 67.9. 12221

(7) "Rehabilitation" means the process of repairing or 12222
altering an historic building or buildings, making possible an 12223
efficient use while preserving those portions and features of the 12224
building and its site and environment that are significant to its 12225
historic, architectural, and cultural values. 12226

(8) "Rehabilitation period" means one of the following: 12227

(a) If the rehabilitation initially was not planned to be 12228
completed in stages, a period chosen by the owner or qualified 12229
lessee not to exceed twenty-four months during which 12230
rehabilitation occurs; 12231

(b) If the rehabilitation initially was planned to be 12232
completed in stages, a period chosen by the owner or qualified 12233
lessee not to exceed sixty months during which rehabilitation 12234
occurs. Each stage shall be reviewed as a phase of a 12235
rehabilitation as determined under 26 C.F.R. 1.48-12 or a 12236
successor to that section. 12237

(9) "State historic preservation officer" or "officer" means 12238
the state historic preservation officer appointed by the governor 12239
under 16 U.S.C. 470a. 12240

(10) "Catalytic project" means the rehabilitation of an 12241
historic building, the rehabilitation of which will foster 12242
economic development within two thousand five hundred feet of the 12243
historic building. 12244

(B) The owner or qualified lessee of an historic building may 12245
apply to the director of development ~~services~~ for a rehabilitation 12246
tax credit certificate for qualified rehabilitation expenditures 12247
paid or incurred by such owner or qualified lessee after April 4, 12248
2007, for rehabilitation of an historic building. If the owner of 12249
an historic building enters a pass-through agreement with a 12250
qualified lessee for the purposes of the federal rehabilitation 12251

tax credit under 26 U.S.C. 47, the qualified rehabilitation 12252
expenditures paid or incurred by the owner after April 4, 2007, 12253
may be attributed to the qualified lessee. 12254

The form and manner of filing such applications shall be 12255
prescribed by rule of the director. Each application shall state 12256
the amount of qualified rehabilitation expenditures the applicant 12257
estimates will be paid or incurred. The director may require 12258
applicants to furnish documentation of such estimates. 12259

The director, after consultation with the tax commissioner 12260
and in accordance with Chapter 119. of the Revised Code, shall 12261
adopt rules that establish all of the following: 12262

(1) Forms and procedures by which applicants may apply for 12263
rehabilitation tax credit certificates; 12264

(2) Criteria for reviewing, evaluating, and approving 12265
applications for certificates within the limitations under 12266
division (D) of this section, criteria for assuring that the 12267
certificates issued encompass a mixture of high and low qualified 12268
rehabilitation expenditures, and criteria for issuing certificates 12269
under division (C)(3)(b) of this section; 12270

(3) Eligibility requirements for obtaining a certificate 12271
under this section; 12272

(4) The form of rehabilitation tax credit certificates; 12273

(5) Reporting requirements and monitoring procedures; 12274

(6) Procedures and criteria for conducting cost-benefit 12275
analyses of historic buildings that are the subjects of 12276
applications filed under this section. The purpose of a 12277
cost-benefit analysis shall be to determine whether rehabilitation 12278
of the historic building will result in a net revenue gain in 12279
state and local taxes once the building is used. 12280

(7) Any other rules necessary to implement and administer 12281

this section. 12282

(C) The director ~~of development services~~ shall review the 12283
applications with the assistance of the state historic 12284
preservation officer and determine whether all of the following 12285
criteria are met: 12286

(1) That the building that is the subject of the application 12287
is an historic building and the applicant is the owner or 12288
qualified lessee of the building; 12289

(2) That the rehabilitation will satisfy standards prescribed 12290
by the United States secretary of the interior under 16 U.S.C. 12291
470, et seq., as amended, and 36 C.F.R. 67.7 or a successor to 12292
that section; 12293

(3) That receiving a rehabilitation tax credit certificate 12294
under this section is a major factor in: 12295

(a) The applicant's decision to rehabilitate the historic 12296
building; or 12297

(b) To increase the level of investment in such 12298
rehabilitation. 12299

An applicant shall demonstrate to the satisfaction of the 12300
state historic preservation officer and director ~~of development~~ 12301
~~services~~ that the rehabilitation will satisfy the standards 12302
described in division (C)(2) of this section before the applicant 12303
begins the physical rehabilitation of the historic building. 12304

(D)(1) If the director ~~of development services~~ determines 12305
that an application meets the criteria in divisions (C)(1), (2), 12306
and (3) of this section, the director shall conduct a cost-benefit 12307
analysis for the historic building that is the subject of the 12308
application to determine whether rehabilitation of the historic 12309
building will result in a net revenue gain in state and local 12310
taxes once the building is used. The director shall consider the 12311

results of the cost-benefit analysis in determining whether to 12312
approve the application. The director shall also consider the 12313
potential economic impact and the regional distributive balance of 12314
the credits throughout the state. The director may approve an 12315
application only after completion of the cost-benefit analysis. 12316

(2) A rehabilitation tax credit certificate shall not be 12317
issued for an amount greater than the estimated amount furnished 12318
by the applicant on the application for such certificate and 12319
approved by the director. The director shall not approve more than 12320
a total of sixty million dollars of rehabilitation tax credits per 12321
fiscal year but the director may reallocate unused tax credits 12322
from a prior fiscal year for new applicants and such reallocated 12323
credits shall not apply toward the dollar limit of this division. 12324

(3) For rehabilitations with a rehabilitation period not 12325
exceeding twenty-four months as provided in division (A)(8)(a) of 12326
this section, a rehabilitation tax credit certificate shall not be 12327
issued before the rehabilitation of the historic building is 12328
completed. 12329

(4) For rehabilitations with a rehabilitation period not 12330
exceeding sixty months as provided in division (A)(8)(b) of this 12331
section, a rehabilitation tax credit certificate shall not be 12332
issued before a stage of rehabilitation is completed. After all 12333
stages of rehabilitation are completed, if the director cannot 12334
determine that the criteria in division (C) of this section are 12335
satisfied for all stages of rehabilitations, the director shall 12336
certify this finding to the tax commissioner, and any 12337
rehabilitation tax credits received by the applicant shall be 12338
repaid by the applicant and may be collected by assessment as 12339
unpaid tax by the commissioner. 12340

(5) The director ~~of development services~~ shall require the 12341
applicant to provide a third-party cost certification by a 12342
certified public accountant of the actual costs attributed to the 12343

rehabilitation of the historic building when qualified 12344
rehabilitation expenditures exceed two hundred thousand dollars. 12345

If an applicant whose application is approved for receipt of 12346
a rehabilitation tax credit certificate fails to provide to the 12347
director sufficient evidence of reviewable progress, including a 12348
viable financial plan, copies of final construction drawings, and 12349
evidence that the applicant has obtained all historic approvals 12350
within twelve months after the date the applicant received 12351
notification of approval, and if the applicant fails to provide 12352
evidence to the director that the applicant has secured and closed 12353
on financing for the rehabilitation within eighteen months after 12354
receiving notification of approval, the director may rescind the 12355
approval of the application. The director shall notify the 12356
applicant if the approval has been rescinded. Credits that would 12357
have been available to an applicant whose approval was rescinded 12358
shall be available for other qualified applicants. Nothing in this 12359
division prohibits an applicant whose approval has been rescinded 12360
from submitting a new application for a rehabilitation tax credit 12361
certificate. 12362

(6) The director ~~of development services~~ may approve the 12363
application of, and issue a rehabilitation tax credit certificate 12364
to, the owner of a catalytic project, provided the application 12365
otherwise meets the criteria described in divisions (C) and (D) of 12366
this section. The director may not approve more than one 12367
application for a rehabilitation tax credit certificate under 12368
division (D)(6) of this section during each state fiscal biennium. 12369
The director shall not approve an application for a rehabilitation 12370
tax credit certificate under division (D)(6) of this section 12371
during the state fiscal biennium beginning July 1, 2017, or during 12372
any state fiscal biennium thereafter. The director shall consider 12373
the following criteria in determining whether to approve an 12374
application for a certificate under division (D)(6) of this 12375

section:	12376
(a) Whether the historic building is a catalytic project;	12377
(b) The effect issuance of the certificate would have on the availability of credits for other applicants that qualify for a credit certificate within the credit dollar limit described in division (D)(2) of this section;	12378 12379 12380 12381
(c) The number of jobs, if any, the catalytic project will create.	12382 12383
(7)(a) The owner or qualified lessee of a historic building may apply for a rehabilitation tax credit certificate under both divisions (B) and (D)(6) of this section. In such a case, the director of development services shall consider each application at the time the application is submitted.	12384 12385 12386 12387 12388
(b) The director of development services shall not issue more than one certificate under this section with respect to the same qualified rehabilitation expenditures.	12389 12390 12391
(E) Issuance of a certificate represents a finding by the director of development services of the matters described in divisions (C)(1), (2), and (3) of this section only; issuance of a certificate does not represent a verification or certification by the director of the amount of qualified rehabilitation expenditures for which a tax credit may be claimed under section 5725.151, 5725.34, 5726.52, 5729.17, 5733.47, or 5747.76 of the Revised Code. The amount of qualified rehabilitation expenditures for which a tax credit may be claimed is subject to inspection and examination by the tax commissioner or employees of the commissioner under section 5703.19 of the Revised Code and any other applicable law. Upon the issuance of a certificate, the director shall certify to the tax commissioner, in the form and manner requested by the tax commissioner, the name of the applicant, the amount of qualified rehabilitation expenditures	12392 12393 12394 12395 12396 12397 12398 12399 12400 12401 12402 12403 12404 12405 12406

shown on the certificate, and any other information required by 12407
the rules adopted under this section. 12408

(F)(1) On or before the first day of August each year, the 12409
director of ~~development services~~ and tax commissioner jointly 12410
shall submit to the president of the senate and the speaker of the 12411
house of representatives a report on the tax credit program 12412
established under this section and sections 5725.151, 5725.34, 12413
5726.52, 5729.17, 5733.47, and 5747.76 of the Revised Code. The 12414
report shall present an overview of the program and shall include 12415
information on the number of rehabilitation tax credit 12416
certificates issued under this section during the preceding fiscal 12417
year, an update on the status of each historic building for which 12418
an application was approved under this section, the dollar amount 12419
of the tax credits granted under sections 5725.151, 5725.34, 12420
5726.52, 5729.17, 5733.47, and 5747.76 of the Revised Code, and 12421
any other information the director and commissioner consider 12422
relevant to the topics addressed in the report. 12423

(2) On or before December 1, 2015, the director of ~~12424
development services~~ and tax commissioner jointly shall submit to 12425
the president of the senate and the speaker of the house of 12426
representatives a comprehensive report that includes the 12427
information required by division (F)(1) of this section and a 12428
detailed analysis of the effectiveness of issuing tax credits for 12429
rehabilitating historic buildings. The report shall be prepared 12430
with the assistance of an economic research organization jointly 12431
chosen by the director and commissioner. 12432

(G) There is hereby created in the state treasury the 12433
historic rehabilitation tax credit operating fund. The director of ~~12434
development services~~ is authorized to charge reasonable 12435
application and other fees in connection with the administration 12436
of tax credits authorized by this section and sections 5725.151, 12437
5725.34, 5726.52, 5729.17, 5733.47, and 5747.76 of the Revised 12438

Code. Any such fees collected shall be credited to the fund and 12439
used to pay reasonable costs incurred by the department of 12440
development ~~services~~ in administering this section and sections 12441
5725.151, 5725.34, 5726.52, 5729.17, 5733.47, and 5747.76 of the 12442
Revised Code. 12443

The Ohio historic preservation office is authorized to charge 12444
reasonable fees in connection with its review and approval of 12445
applications under this section. Any such fees collected shall be 12446
credited to the fund and used to pay administrative costs incurred 12447
by the Ohio historic preservation office pursuant to this section. 12448

(H) Notwithstanding sections 5725.151, 5725.34, 5726.52, 12449
5729.17, 5733.47, and 5747.76 of the Revised Code, the certificate 12450
owner of a tax credit certificate issued under division (D)(6) of 12451
this section may claim a tax credit equal to twenty-five per cent 12452
of the dollar amount indicated on the certificate for a total 12453
credit of not more than twenty-five million dollars. The credit 12454
claimed by such a certificate owner for any calendar year, tax 12455
year, or taxable year under section 5725.151, 5725.34, 5726.52, 12456
5729.17, 5733.47, or 5747.76 of the Revised Code shall not exceed 12457
five million dollars. If the certificate owner is eligible for 12458
more than five million dollars in total credits, the certificate 12459
owner may carry forward the balance of the credit in excess of the 12460
amount claimed for that year for not more than five ensuing 12461
calendar years, tax years, or taxable years. If the credit claimed 12462
in any calendar year, tax year, or taxable year exceeds the tax 12463
otherwise due, the excess shall be refunded to the taxpayer. 12464

(I) The director of development ~~services~~, in consultation 12465
with the director of budget and management, shall develop and 12466
adopt a system of tracking any information necessary to anticipate 12467
the impact of credits issued under this section on tax revenues 12468
for current and future fiscal years. Such information may include 12469
the number of applications approved, the estimated rehabilitation 12470

expenditures and rehabilitation period associated with such 12471
applications, the number and amount of tax credit certificates 12472
issued, and any other information the director of budget and 12473
management requires for the purposes of this division. 12474

Sec. 149.43. (A) As used in this section: 12475

(1) "Public record" means records kept by any public office, 12476
including, but not limited to, state, county, city, village, 12477
township, and school district units, and records pertaining to the 12478
delivery of educational services by an alternative school in this 12479
state kept by the nonprofit or for-profit entity operating the 12480
alternative school pursuant to section 3313.533 of the Revised 12481
Code. "Public record" does not mean any of the following: 12482

(a) Medical records; 12483

(b) Records pertaining to probation and parole proceedings, 12484
to proceedings related to the imposition of community control 12485
sanctions and post-release control sanctions, or to proceedings 12486
related to determinations under section 2967.271 of the Revised 12487
Code regarding the release or maintained incarceration of an 12488
offender to whom that section applies; 12489

(c) Records pertaining to actions under section 2151.85 and 12490
division (C) of section 2919.121 of the Revised Code and to 12491
appeals of actions arising under those sections; 12492

(d) Records pertaining to adoption proceedings, including the 12493
contents of an adoption file maintained by the department of 12494
health under sections 3705.12 to 3705.124 of the Revised Code; 12495

(e) Information in a record contained in the putative father 12496
registry established by section 3107.062 of the Revised Code, 12497
regardless of whether the information is held by the department of 12498
job and family services or, pursuant to section 3111.69 of the 12499
Revised Code, the office of child support in the department or a 12500

child support enforcement agency;	12501
(f) Records specified in division (A) of section 3107.52 of the Revised Code;	12502 12503
(g) Trial preparation records;	12504
(h) Confidential law enforcement investigatory records;	12505
(i) Records containing information that is confidential under section 2710.03 or 4112.05 of the Revised Code;	12506 12507
(j) DNA records stored in the DNA database pursuant to section 109.573 of the Revised Code;	12508 12509
(k) Inmate records released by the department of rehabilitation and correction to the department of youth services or a court of record pursuant to division (E) of section 5120.21 of the Revised Code;	12510 12511 12512 12513
(l) Records maintained by the department of youth services pertaining to children in its custody released by the department of youth services to the department of rehabilitation and correction pursuant to section 5139.05 of the Revised Code;	12514 12515 12516 12517
(m) Intellectual property records;	12518
(n) Donor profile records;	12519
(o) Records maintained by the department of job and family services pursuant to section 3121.894 of the Revised Code;	12520 12521
(p) Designated public service worker residential and familial information;	12522 12523
(q) In the case of a county hospital operated pursuant to Chapter 339. of the Revised Code or a municipal hospital operated pursuant to Chapter 749. of the Revised Code, information that constitutes a trade secret, as defined in section 1333.61 of the Revised Code;	12524 12525 12526 12527 12528
(r) Information pertaining to the recreational activities of	12529

a person under the age of eighteen; 12530

(s) In the case of a child fatality review board acting under 12531
sections 307.621 to 307.629 of the Revised Code or a review 12532
conducted pursuant to guidelines established by the director of 12533
health under section 3701.70 of the Revised Code, records provided 12534
to the board or director, statements made by board members during 12535
meetings of the board or by persons participating in the 12536
director's review, and all work products of the board or director, 12537
and in the case of a child fatality review board, child fatality 12538
review data submitted by the board to the department of health or 12539
a national child death review database, other than the report 12540
prepared pursuant to division (A) of section 307.626 of the 12541
Revised Code; 12542

(t) Records provided to and statements made by the executive 12543
director of a public children services agency or a prosecuting 12544
attorney acting pursuant to section 5153.171 of the Revised Code 12545
other than the information released under that section; 12546

(u) Test materials, examinations, or evaluation tools used in 12547
an examination for licensure as a nursing home administrator that 12548
the board of executives of long-term services and supports 12549
administers under section 4751.15 of the Revised Code or contracts 12550
under that section with a private or government entity to 12551
administer; 12552

(v) Records the release of which is prohibited by state or 12553
federal law; 12554

(w) Proprietary information of or relating to any person that 12555
is submitted to or compiled by the Ohio venture capital authority 12556
created under section 150.01 of the Revised Code; 12557

(x) Financial statements and data any person submits for any 12558
purpose to the Ohio housing finance agency or the controlling 12559
board in connection with applying for, receiving, or accounting 12560

for financial assistance from the agency, and information that 12561
identifies any individual who benefits directly or indirectly from 12562
financial assistance from the agency; 12563

(y) Records listed in section 5101.29 of the Revised Code; 12564

(z) Discharges recorded with a county recorder under section 12565
317.24 of the Revised Code, as specified in division (B)(2) of 12566
that section; 12567

(aa) Usage information including names and addresses of 12568
specific residential and commercial customers of a municipally 12569
owned or operated public utility; 12570

(bb) Records described in division (C) of section 187.04 of 12571
the Revised Code that are not designated to be made available to 12572
the public as provided in that division; 12573

(cc) Information and records that are made confidential, 12574
privileged, and not subject to disclosure under divisions (B) and 12575
(C) of section 2949.221 of the Revised Code; 12576

(dd) Personal information, as defined in section 149.45 of 12577
the Revised Code; 12578

(ee) The confidential name, address, and other personally 12579
identifiable information of a program participant in the address 12580
confidentiality program established under sections 111.41 to 12581
111.47 of the Revised Code, including the contents of any 12582
application for absent voter's ballots, absent voter's ballot 12583
identification envelope statement of voter, or provisional ballot 12584
affirmation completed by a program participant who has a 12585
confidential voter registration record, and records or portions of 12586
records pertaining to that program that identify the number of 12587
program participants that reside within a precinct, ward, 12588
township, municipal corporation, county, or any other geographic 12589
area smaller than the state. As used in this division, 12590
"confidential address" and "program participant" have the meaning 12591

defined in section 111.41 of the Revised Code. 12592

(ff) Orders for active military service of an individual 12593
serving or with previous service in the armed forces of the United 12594
States, including a reserve component, or the Ohio organized 12595
militia, except that, such order becomes a public record on the 12596
day that is fifteen years after the published date or effective 12597
date of the call to order; 12598

(gg) The name, address, contact information, or other 12599
personal information of an individual who is less than eighteen 12600
years of age that is included in any record related to a traffic 12601
accident involving a school vehicle in which the individual was an 12602
occupant at the time of the accident; 12603

(hh) Protected health information, as defined in 45 C.F.R. 12604
160.103, that is in a claim for payment for a health care product, 12605
service, or procedure, as well as any other health claims data in 12606
another document that reveals the identity of an individual who is 12607
the subject of the data or could be used to reveal that 12608
individual's identity; 12609

(ii) Any depiction by photograph, film, videotape, or printed 12610
or digital image under either of the following circumstances: 12611

(i) The depiction is that of a victim of an offense the 12612
release of which would be, to a reasonable person of ordinary 12613
sensibilities, an offensive and objectionable intrusion into the 12614
victim's expectation of bodily privacy and integrity. 12615

(ii) The depiction captures or depicts the victim of a 12616
sexually oriented offense, as defined in section 2950.01 of the 12617
Revised Code, at the actual occurrence of that offense. 12618

(jj) Restricted portions of a body-worn camera or dashboard 12619
camera recording; 12620

(kk) In the case of a fetal-infant mortality review board 12621

acting under sections 3707.70 to 3707.77 of the Revised Code, 12622
records, documents, reports, or other information presented to the 12623
board or a person abstracting such materials on the board's 12624
behalf, statements made by review board members during board 12625
meetings, all work products of the board, and data submitted by 12626
the board to the department of health or a national infant death 12627
review database, other than the report prepared pursuant to 12628
section 3707.77 of the Revised Code. 12629

(ll) Records, documents, reports, or other information 12630
presented to the pregnancy-associated mortality review board 12631
established under section 3738.01 of the Revised Code, statements 12632
made by board members during board meetings, all work products of 12633
the board, and data submitted by the board to the department of 12634
health, other than the biennial reports prepared under section 12635
3738.08 of the Revised Code; 12636

(mm) ~~Telephone~~ Except as otherwise provided in division 12637
(A)(1)(oo) of this section, telephone numbers for a victim, as 12638
defined in section 2930.01 of the Revised Code, ~~or~~ a witness to a 12639
~~crime, or a party to a motor vehicle accident subject to the~~ 12640
~~requirements of section 5502.11 of the Revised Code that are~~ 12641
~~listed on any law enforcement record or report, other than when~~ 12642
~~requested by an insurer or insurance agent investigating an~~ 12643
~~insurance claim resulting from a motor vehicle accident.~~ 12644

(nn) A preneed funeral contract, as defined in section 12645
4717.01 of the Revised Code, and contract terms and personally 12646
identifying information of a preneed funeral contract, that is 12647
contained in a report submitted by or for a funeral home to the 12648
board of embalmers and funeral directors under division (C) of 12649
section 4717.13, division (J) of section 4717.31, or section 12650
4717.41 of the Revised Code. 12651

(oo) Telephone numbers for a party to a motor vehicle 12652
accident subject to the requirements of section 5502.11 of the 12653

Revised Code that are listed on any law enforcement record or 12654
report, except that the telephone numbers described in this 12655
division are not excluded from the definition of "public record" 12656
under this division on and after the thirtieth day after the 12657
occurrence of the motor vehicle accident. 12658

A record that is not a public record under division (A)(1) of 12659
this section and that, under law, is permanently retained becomes 12660
a public record on the day that is seventy-five years after the 12661
day on which the record was created, except for any record 12662
protected by the attorney-client privilege, a trial preparation 12663
record as defined in this section, a statement prohibiting the 12664
release of identifying information signed under section 3107.083 12665
of the Revised Code, a denial of release form filed pursuant to 12666
section 3107.46 of the Revised Code, or any record that is exempt 12667
from release or disclosure under section 149.433 of the Revised 12668
Code. If the record is a birth certificate and a biological 12669
parent's name redaction request form has been accepted under 12670
section 3107.391 of the Revised Code, the name of that parent 12671
shall be redacted from the birth certificate before it is released 12672
under this paragraph. If any other section of the Revised Code 12673
establishes a time period for disclosure of a record that 12674
conflicts with the time period specified in this section, the time 12675
period in the other section prevails. 12676

(2) "Confidential law enforcement investigatory record" means 12677
any record that pertains to a law enforcement matter of a 12678
criminal, quasi-criminal, civil, or administrative nature, but 12679
only to the extent that the release of the record would create a 12680
high probability of disclosure of any of the following: 12681

(a) The identity of a suspect who has not been charged with 12682
the offense to which the record pertains, or of an information 12683
source or witness to whom confidentiality has been reasonably 12684
promised; 12685

(b) Information provided by an information source or witness 12686
to whom confidentiality has been reasonably promised, which 12687
information would reasonably tend to disclose the source's or 12688
witness's identity; 12689

(c) Specific confidential investigatory techniques or 12690
procedures or specific investigatory work product; 12691

(d) Information that would endanger the life or physical 12692
safety of law enforcement personnel, a crime victim, a witness, or 12693
a confidential information source. 12694

(3) "Medical record" means any document or combination of 12695
documents, except births, deaths, and the fact of admission to or 12696
discharge from a hospital, that pertains to the medical history, 12697
diagnosis, prognosis, or medical condition of a patient and that 12698
is generated and maintained in the process of medical treatment. 12699

(4) "Trial preparation record" means any record that contains 12700
information that is specifically compiled in reasonable 12701
anticipation of, or in defense of, a civil or criminal action or 12702
proceeding, including the independent thought processes and 12703
personal trial preparation of an attorney. 12704

(5) "Intellectual property record" means a record, other than 12705
a financial or administrative record, that is produced or 12706
collected by or for faculty or staff of a state institution of 12707
higher learning in the conduct of or as a result of study or 12708
research on an educational, commercial, scientific, artistic, 12709
technical, or scholarly issue, regardless of whether the study or 12710
research was sponsored by the institution alone or in conjunction 12711
with a governmental body or private concern, and that has not been 12712
publicly released, published, or patented. 12713

(6) "Donor profile record" means all records about donors or 12714
potential donors to a public institution of higher education 12715
except the names and reported addresses of the actual donors and 12716

the date, amount, and conditions of the actual donation. 12717

(7) "Designated public service worker" means a peace officer, 12718
parole officer, probation officer, bailiff, prosecuting attorney, 12719
assistant prosecuting attorney, correctional employee, county or 12720
multicounty corrections officer, community-based correctional 12721
facility employee, designated Ohio national guard member, 12722
protective services worker, youth services employee, firefighter, 12723
EMT, medical director or member of a cooperating physician 12724
advisory board of an emergency medical service organization, state 12725
board of pharmacy employee, investigator of the bureau of criminal 12726
identification and investigation, emergency service 12727
telecommunicator, forensic mental health provider, mental health 12728
evaluation provider, regional psychiatric hospital employee, 12729
judge, magistrate, or federal law enforcement officer. 12730

(8) "Designated public service worker residential and 12731
familial information" means any information that discloses any of 12732
the following about a designated public service worker: 12733

(a) The address of the actual personal residence of a 12734
designated public service worker, except for the following 12735
information: 12736

(i) The address of the actual personal residence of a 12737
prosecuting attorney or judge; and 12738

(ii) The state or political subdivision in which a designated 12739
public service worker resides. 12740

(b) Information compiled from referral to or participation in 12741
an employee assistance program; 12742

(c) The social security number, the residential telephone 12743
number, any bank account, debit card, charge card, or credit card 12744
number, or the emergency telephone number of, or any medical 12745
information pertaining to, a designated public service worker; 12746

(d) The name of any beneficiary of employment benefits, 12747
including, but not limited to, life insurance benefits, provided 12748
to a designated public service worker by the designated public 12749
service worker's employer; 12750

(e) The identity and amount of any charitable or employment 12751
benefit deduction made by the designated public service worker's 12752
employer from the designated public service worker's compensation, 12753
unless the amount of the deduction is required by state or federal 12754
law; 12755

(f) The name, the residential address, the name of the 12756
employer, the address of the employer, the social security number, 12757
the residential telephone number, any bank account, debit card, 12758
charge card, or credit card number, or the emergency telephone 12759
number of the spouse, a former spouse, or any child of a 12760
designated public service worker; 12761

(g) A photograph of a peace officer who holds a position or 12762
has an assignment that may include undercover or plain clothes 12763
positions or assignments as determined by the peace officer's 12764
appointing authority. 12765

(9) As used in divisions (A)(7) and (15) to (17) of this 12766
section: 12767

"Peace officer" has the meaning defined in section 109.71 of 12768
the Revised Code and also includes the superintendent and troopers 12769
of the state highway patrol; it does not include the sheriff of a 12770
county or a supervisory employee who, in the absence of the 12771
sheriff, is authorized to stand in for, exercise the authority of, 12772
and perform the duties of the sheriff. 12773

"Correctional employee" means any employee of the department 12774
of rehabilitation and correction who in the course of performing 12775
the employee's job duties has or has had contact with inmates and 12776
persons under supervision. 12777

"County or multicounty corrections officer" means any corrections officer employed by any county or multicounty correctional facility.

"Designated Ohio national guard member" means a member of the Ohio national guard who is participating in duties related to remotely piloted aircraft, including, but not limited to, pilots, sensor operators, and mission intelligence personnel, duties related to special forces operations, or duties related to cybersecurity, and is designated by the adjutant general as a designated public service worker for those purposes.

"Protective services worker" means any employee of a county agency who is responsible for child protective services, child support services, or adult protective services.

"Youth services employee" means any employee of the department of youth services who in the course of performing the employee's job duties has or has had contact with children committed to the custody of the department of youth services.

"Firefighter" means any regular, paid or volunteer, member of a lawfully constituted fire department of a municipal corporation, township, fire district, or village.

"EMT" means EMTs-basic, EMTs-I, and paramedics that provide emergency medical services for a public emergency medical service organization. "Emergency medical service organization," "EMT-basic," "EMT-I," and "paramedic" have the meanings defined in section 4765.01 of the Revised Code.

"Investigator of the bureau of criminal identification and investigation" has the meaning defined in section 2903.11 of the Revised Code.

"Emergency service telecommunicator" has the meaning defined in section 4742.01 of the Revised Code.

"Forensic mental health provider" means any employee of a community mental health service provider or local alcohol, drug addiction, and mental health services board who, in the course of the employee's duties, has contact with persons committed to a local alcohol, drug addiction, and mental health services board by a court order pursuant to section 2945.38, 2945.39, 2945.40, or 2945.402 of the Revised Code.

"Mental health evaluation provider" means an individual who, under Chapter 5122. of the Revised Code, examines a respondent who is alleged to be a mentally ill person subject to court order, as defined in section 5122.01 of the Revised Code, and reports to the probate court the respondent's mental condition.

"Regional psychiatric hospital employee" means any employee of the department of mental health and addiction services who, in the course of performing the employee's duties, has contact with patients committed to the department of mental health and addiction services by a court order pursuant to section 2945.38, 2945.39, 2945.40, or 2945.402 of the Revised Code.

"Federal law enforcement officer" has the meaning defined in section 9.88 of the Revised Code.

(10) "Information pertaining to the recreational activities of a person under the age of eighteen" means information that is kept in the ordinary course of business by a public office, that pertains to the recreational activities of a person under the age of eighteen years, and that discloses any of the following:

(a) The address or telephone number of a person under the age of eighteen or the address or telephone number of that person's parent, guardian, custodian, or emergency contact person;

(b) The social security number, birth date, or photographic image of a person under the age of eighteen;

(c) Any medical record, history, or information pertaining to

a person under the age of eighteen; 12839

(d) Any additional information sought or required about a 12840
person under the age of eighteen for the purpose of allowing that 12841
person to participate in any recreational activity conducted or 12842
sponsored by a public office or to use or obtain admission 12843
privileges to any recreational facility owned or operated by a 12844
public office. 12845

(11) "Community control sanction" has the meaning defined in 12846
section 2929.01 of the Revised Code. 12847

(12) "Post-release control sanction" has the meaning defined 12848
in section 2967.01 of the Revised Code. 12849

(13) "Redaction" means obscuring or deleting any information 12850
that is exempt from the duty to permit public inspection or 12851
copying from an item that otherwise meets the definition of a 12852
"record" in section 149.011 of the Revised Code. 12853

(14) "Designee," "elected official," and "future official" 12854
have the meanings defined in section 109.43 of the Revised Code. 12855

(15) "Body-worn camera" means a visual and audio recording 12856
device worn on the person of a peace officer while the peace 12857
officer is engaged in the performance of the peace officer's 12858
duties. 12859

(16) "Dashboard camera" means a visual and audio recording 12860
device mounted on a peace officer's vehicle or vessel that is used 12861
while the peace officer is engaged in the performance of the peace 12862
officer's duties. 12863

(17) "Restricted portions of a body-worn camera or dashboard 12864
camera recording" means any visual or audio portion of a body-worn 12865
camera or dashboard camera recording that shows, communicates, or 12866
discloses any of the following: 12867

(a) The image or identity of a child or information that 12868

could lead to the identification of a child who is a primary 12869
subject of the recording when the law enforcement agency knows or 12870
has reason to know the person is a child based on the law 12871
enforcement agency's records or the content of the recording; 12872

(b) The death of a person or a deceased person's body, unless 12873
the death was caused by a peace officer or, subject to division 12874
(H)(1) of this section, the consent of the decedent's executor or 12875
administrator has been obtained; 12876

(c) The death of a peace officer, firefighter, paramedic, or 12877
other first responder, occurring while the decedent was engaged in 12878
the performance of official duties, unless, subject to division 12879
(H)(1) of this section, the consent of the decedent's executor or 12880
administrator has been obtained; 12881

(d) Grievous bodily harm, unless the injury was effected by a 12882
peace officer or, subject to division (H)(1) of this section, the 12883
consent of the injured person or the injured person's guardian has 12884
been obtained; 12885

(e) An act of severe violence against a person that results 12886
in serious physical harm to the person, unless the act and injury 12887
was effected by a peace officer or, subject to division (H)(1) of 12888
this section, the consent of the injured person or the injured 12889
person's guardian has been obtained; 12890

(f) Grievous bodily harm to a peace officer, firefighter, 12891
paramedic, or other first responder, occurring while the injured 12892
person was engaged in the performance of official duties, unless, 12893
subject to division (H)(1) of this section, the consent of the 12894
injured person or the injured person's guardian has been obtained; 12895

(g) An act of severe violence resulting in serious physical 12896
harm against a peace officer, firefighter, paramedic, or other 12897
first responder, occurring while the injured person was engaged in 12898
the performance of official duties, unless, subject to division 12899

(H)(1) of this section, the consent of the injured person or the injured person's guardian has been obtained; 12900
12901

(h) A person's nude body, unless, subject to division (H)(1) of this section, the person's consent has been obtained; 12902
12903

(i) Protected health information, the identity of a person in a health care facility who is not the subject of a law enforcement encounter, or any other information in a health care facility that could identify a person who is not the subject of a law enforcement encounter; 12904
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(j) Information that could identify the alleged victim of a sex offense, menacing by stalking, or domestic violence; 12909
12910

(k) Information, that does not constitute a confidential law enforcement investigatory record, that could identify a person who provides sensitive or confidential information to a law enforcement agency when the disclosure of the person's identity or the information provided could reasonably be expected to threaten or endanger the safety or property of the person or another person; 12911
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(l) Personal information of a person who is not arrested, cited, charged, or issued a written warning by a peace officer; 12918
12919

(m) Proprietary police contingency plans or tactics that are intended to prevent crime and maintain public order and safety; 12920
12921

(n) A personal conversation unrelated to work between peace officers or between a peace officer and an employee of a law enforcement agency; 12922
12923
12924

(o) A conversation between a peace officer and a member of the public that does not concern law enforcement activities; 12925
12926

(p) The interior of a residence, unless the interior of a residence is the location of an adversarial encounter with, or a use of force by, a peace officer; 12927
12928
12929

(q) Any portion of the interior of a private business that is not open to the public, unless an adversarial encounter with, or a use of force by, a peace officer occurs in that location. 12930
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As used in division (A)(17) of this section: 12933

"Grievous bodily harm" has the same meaning as in section 5924.120 of the Revised Code. 12934
12935

"Health care facility" has the same meaning as in section 1337.11 of the Revised Code. 12936
12937

"Protected health information" has the same meaning as in 45 C.F.R. 160.103. 12938
12939

"Law enforcement agency" has the same meaning as in section 2925.61 of the Revised Code. 12940
12941

"Personal information" means any government-issued identification number, date of birth, address, financial information, or criminal justice information from the law enforcement automated data system or similar databases. 12942
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"Sex offense" has the same meaning as in section 2907.10 of the Revised Code. 12946
12947

"Firefighter," "paramedic," and "first responder" have the same meanings as in section 4765.01 of the Revised Code. 12948
12949

~~(18) "Insurer" and "insurance agent" have the same meanings as in section 3905.01 of the Revised Code.~~ 12950
12951

(B)(1) Upon request by any person and subject to division (B)(8) of this section, all public records responsive to the request shall be promptly prepared and made available for inspection to the requester at all reasonable times during regular business hours. Subject to division (B)(8) of this section, upon request by any person, a public office or person responsible for public records shall make copies of the requested public record available to the requester at cost and within a reasonable period 12952
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of time. If a public record contains information that is exempt 12960
from the duty to permit public inspection or to copy the public 12961
record, the public office or the person responsible for the public 12962
record shall make available all of the information within the 12963
public record that is not exempt. When making that public record 12964
available for public inspection or copying that public record, the 12965
public office or the person responsible for the public record 12966
shall notify the requester of any redaction or make the redaction 12967
plainly visible. A redaction shall be deemed a denial of a request 12968
to inspect or copy the redacted information, except if federal or 12969
state law authorizes or requires a public office to make the 12970
redaction. 12971

(2) To facilitate broader access to public records, a public 12972
office or the person responsible for public records shall organize 12973
and maintain public records in a manner that they can be made 12974
available for inspection or copying in accordance with division 12975
(B) of this section. A public office also shall have available a 12976
copy of its current records retention schedule at a location 12977
readily available to the public. If a requester makes an ambiguous 12978
or overly broad request or has difficulty in making a request for 12979
copies or inspection of public records under this section such 12980
that the public office or the person responsible for the requested 12981
public record cannot reasonably identify what public records are 12982
being requested, the public office or the person responsible for 12983
the requested public record may deny the request but shall provide 12984
the requester with an opportunity to revise the request by 12985
informing the requester of the manner in which records are 12986
maintained by the public office and accessed in the ordinary 12987
course of the public office's or person's duties. 12988

(3) If a request is ultimately denied, in part or in whole, 12989
the public office or the person responsible for the requested 12990
public record shall provide the requester with an explanation, 12991

including legal authority, setting forth why the request was 12992
denied. If the initial request was provided in writing, the 12993
explanation also shall be provided to the requester in writing. 12994
The explanation shall not preclude the public office or the person 12995
responsible for the requested public record from relying upon 12996
additional reasons or legal authority in defending an action 12997
commenced under division (C) of this section. 12998

(4) Unless specifically required or authorized by state or 12999
federal law or in accordance with division (B) of this section, no 13000
public office or person responsible for public records may limit 13001
or condition the availability of public records by requiring 13002
disclosure of the requester's identity or the intended use of the 13003
requested public record. Any requirement that the requester 13004
disclose the requester's identity or the intended use of the 13005
requested public record constitutes a denial of the request. 13006

(5) A public office or person responsible for public records 13007
may ask a requester to make the request in writing, may ask for 13008
the requester's identity, and may inquire about the intended use 13009
of the information requested, but may do so only after disclosing 13010
to the requester that a written request is not mandatory, that the 13011
requester may decline to reveal the requester's identity or the 13012
intended use, and when a written request or disclosure of the 13013
identity or intended use would benefit the requester by enhancing 13014
the ability of the public office or person responsible for public 13015
records to identify, locate, or deliver the public records sought 13016
by the requester. 13017

(6) If any person requests a copy of a public record in 13018
accordance with division (B) of this section, the public office or 13019
person responsible for the public record may require the requester 13020
to pay in advance the cost involved in providing the copy of the 13021
public record in accordance with the choice made by the requester 13022
under this division. The public office or the person responsible 13023

for the public record shall permit the requester to choose to have 13024
the public record duplicated upon paper, upon the same medium upon 13025
which the public office or person responsible for the public 13026
record keeps it, or upon any other medium upon which the public 13027
office or person responsible for the public record determines that 13028
it reasonably can be duplicated as an integral part of the normal 13029
operations of the public office or person responsible for the 13030
public record. When the requester makes a choice under this 13031
division, the public office or person responsible for the public 13032
record shall provide a copy of it in accordance with the choice 13033
made by the requester. Nothing in this section requires a public 13034
office or person responsible for the public record to allow the 13035
requester of a copy of the public record to make the copies of the 13036
public record. 13037

(7)(a) Upon a request made in accordance with division (B) of 13038
this section and subject to division (B)(6) of this section, a 13039
public office or person responsible for public records shall 13040
transmit a copy of a public record to any person by United States 13041
mail or by any other means of delivery or transmission within a 13042
reasonable period of time after receiving the request for the 13043
copy. The public office or person responsible for the public 13044
record may require the person making the request to pay in advance 13045
the cost of postage if the copy is transmitted by United States 13046
mail or the cost of delivery if the copy is transmitted other than 13047
by United States mail, and to pay in advance the costs incurred 13048
for other supplies used in the mailing, delivery, or transmission. 13049

(b) Any public office may adopt a policy and procedures that 13050
it will follow in transmitting, within a reasonable period of time 13051
after receiving a request, copies of public records by United 13052
States mail or by any other means of delivery or transmission 13053
pursuant to division (B)(7) of this section. A public office that 13054
adopts a policy and procedures under division (B)(7) of this 13055

section shall comply with them in performing its duties under that 13056
division. 13057

(c) In any policy and procedures adopted under division 13058
(B)(7) of this section: 13059

(i) A public office may limit the number of records requested 13060
by a person that the office will physically deliver by United 13061
States mail or by another delivery service to ten per month, 13062
unless the person certifies to the office in writing that the 13063
person does not intend to use or forward the requested records, or 13064
the information contained in them, for commercial purposes; 13065

(ii) A public office that chooses to provide some or all of 13066
its public records on a web site that is fully accessible to and 13067
searchable by members of the public at all times, other than 13068
during acts of God outside the public office's control or 13069
maintenance, and that charges no fee to search, access, download, 13070
or otherwise receive records provided on the web site, may limit 13071
to ten per month the number of records requested by a person that 13072
the office will deliver in a digital format, unless the requested 13073
records are not provided on the web site and unless the person 13074
certifies to the office in writing that the person does not intend 13075
to use or forward the requested records, or the information 13076
contained in them, for commercial purposes. 13077

(iii) For purposes of division (B)(7) of this section, 13078
"commercial" shall be narrowly construed and does not include 13079
reporting or gathering news, reporting or gathering information to 13080
assist citizen oversight or understanding of the operation or 13081
activities of government, or nonprofit educational research. 13082

(8) A public office or person responsible for public records 13083
is not required to permit a person who is incarcerated pursuant to 13084
a criminal conviction or a juvenile adjudication to inspect or to 13085
obtain a copy of any public record concerning a criminal 13086

investigation or prosecution or concerning what would be a 13087
criminal investigation or prosecution if the subject of the 13088
investigation or prosecution were an adult, unless the request to 13089
inspect or to obtain a copy of the record is for the purpose of 13090
acquiring information that is subject to release as a public 13091
record under this section and the judge who imposed the sentence 13092
or made the adjudication with respect to the person, or the 13093
judge's successor in office, finds that the information sought in 13094
the public record is necessary to support what appears to be a 13095
justiciable claim of the person. 13096

(9)(a) Upon written request made and signed by a journalist, 13097
a public office, or person responsible for public records, having 13098
custody of the records of the agency employing a specified 13099
designated public service worker shall disclose to the journalist 13100
the address of the actual personal residence of the designated 13101
public service worker and, if the designated public service 13102
worker's spouse, former spouse, or child is employed by a public 13103
office, the name and address of the employer of the designated 13104
public service worker's spouse, former spouse, or child. The 13105
request shall include the journalist's name and title and the name 13106
and address of the journalist's employer and shall state that 13107
disclosure of the information sought would be in the public 13108
interest. 13109

(b) Division (B)(9)(a) of this section also applies to 13110
journalist requests for: 13111

(i) Customer information maintained by a municipally owned or 13112
operated public utility, other than social security numbers and 13113
any private financial information such as credit reports, payment 13114
methods, credit card numbers, and bank account information; 13115

(ii) Information about minors involved in a school vehicle 13116
accident as provided in division (A)(1)(gg) of this section, other 13117
than personal information as defined in section 149.45 of the 13118

Revised Code. 13119

(c) As used in division (B)(9) of this section, "journalist" 13120
means a person engaged in, connected with, or employed by any news 13121
medium, including a newspaper, magazine, press association, news 13122
agency, or wire service, a radio or television station, or a 13123
similar medium, for the purpose of gathering, processing, 13124
transmitting, compiling, editing, or disseminating information for 13125
the general public. 13126

(10) Upon a request made by a victim, victim's attorney, or 13127
victim's representative, as that term is used in section 2930.02 13128
of the Revised Code, a public office or person responsible for 13129
public records shall transmit a copy of a depiction of the victim 13130
as described in division (A)(1)(ii) of this section to the victim, 13131
victim's attorney, or victim's representative. 13132

(C)(1) If a person allegedly is aggrieved by the failure of a 13133
public office or the person responsible for public records to 13134
promptly prepare a public record and to make it available to the 13135
person for inspection in accordance with division (B) of this 13136
section or by any other failure of a public office or the person 13137
responsible for public records to comply with an obligation in 13138
accordance with division (B) of this section, the person allegedly 13139
aggrieved may do only one of the following, and not both: 13140

(a) File a complaint with the clerk of the court of claims or 13141
the clerk of the court of common pleas under section 2743.75 of 13142
the Revised Code; 13143

(b) Commence a mandamus action to obtain a judgment that 13144
orders the public office or the person responsible for the public 13145
record to comply with division (B) of this section, that awards 13146
court costs and reasonable attorney's fees to the person that 13147
instituted the mandamus action, and, if applicable, that includes 13148
an order fixing statutory damages under division (C)(2) of this 13149

section. The mandamus action may be commenced in the court of 13150
common pleas of the county in which division (B) of this section 13151
allegedly was not complied with, in the supreme court pursuant to 13152
its original jurisdiction under Section 2 of Article IV, Ohio 13153
Constitution, or in the court of appeals for the appellate 13154
district in which division (B) of this section allegedly was not 13155
complied with pursuant to its original jurisdiction under Section 13156
3 of Article IV, Ohio Constitution. 13157

(2) If a requester transmits a written request by hand 13158
delivery, electronic submission, or certified mail to inspect or 13159
receive copies of any public record in a manner that fairly 13160
describes the public record or class of public records to the 13161
public office or person responsible for the requested public 13162
records, except as otherwise provided in this section, the 13163
requester shall be entitled to recover the amount of statutory 13164
damages set forth in this division if a court determines that the 13165
public office or the person responsible for public records failed 13166
to comply with an obligation in accordance with division (B) of 13167
this section. 13168

The amount of statutory damages shall be fixed at one hundred 13169
dollars for each business day during which the public office or 13170
person responsible for the requested public records failed to 13171
comply with an obligation in accordance with division (B) of this 13172
section, beginning with the day on which the requester files a 13173
mandamus action to recover statutory damages, up to a maximum of 13174
one thousand dollars. The award of statutory damages shall not be 13175
construed as a penalty, but as compensation for injury arising 13176
from lost use of the requested information. The existence of this 13177
injury shall be conclusively presumed. The award of statutory 13178
damages shall be in addition to all other remedies authorized by 13179
this section. 13180

The court may reduce an award of statutory damages or not 13181

award statutory damages if the court determines both of the 13182
following: 13183

(a) That, based on the ordinary application of statutory law 13184
and case law as it existed at the time of the conduct or 13185
threatened conduct of the public office or person responsible for 13186
the requested public records that allegedly constitutes a failure 13187
to comply with an obligation in accordance with division (B) of 13188
this section and that was the basis of the mandamus action, a 13189
well-informed public office or person responsible for the 13190
requested public records reasonably would believe that the conduct 13191
or threatened conduct of the public office or person responsible 13192
for the requested public records did not constitute a failure to 13193
comply with an obligation in accordance with division (B) of this 13194
section; 13195

(b) That a well-informed public office or person responsible 13196
for the requested public records reasonably would believe that the 13197
conduct or threatened conduct of the public office or person 13198
responsible for the requested public records would serve the 13199
public policy that underlies the authority that is asserted as 13200
permitting that conduct or threatened conduct. 13201

(3) In a mandamus action filed under division (C)(1) of this 13202
section, the following apply: 13203

(a)(i) If the court orders the public office or the person 13204
responsible for the public record to comply with division (B) of 13205
this section, the court shall determine and award to the relator 13206
all court costs, which shall be construed as remedial and not 13207
punitive. 13208

(ii) If the court makes a determination described in division 13209
(C)(3)(b)(iii) of this section, the court shall determine and 13210
award to the relator all court costs, which shall be construed as 13211
remedial and not punitive. 13212

(b) If the court renders a judgment that orders the public office or the person responsible for the public record to comply with division (B) of this section or if the court determines any of the following, the court may award reasonable attorney's fees to the relator, subject to division (C)(4) of this section:

(i) The public office or the person responsible for the public records failed to respond affirmatively or negatively to the public records request in accordance with the time allowed under division (B) of this section.

(ii) The public office or the person responsible for the public records promised to permit the relator to inspect or receive copies of the public records requested within a specified period of time but failed to fulfill that promise within that specified period of time.

(iii) The public office or the person responsible for the public records acted in bad faith when the office or person voluntarily made the public records available to the relator for the first time after the relator commenced the mandamus action, but before the court issued any order concluding whether or not the public office or person was required to comply with division (B) of this section. No discovery may be conducted on the issue of the alleged bad faith of the public office or person responsible for the public records. This division shall not be construed as creating a presumption that the public office or the person responsible for the public records acted in bad faith when the office or person voluntarily made the public records available to the relator for the first time after the relator commenced the mandamus action, but before the court issued any order described in this division.

(c) The court shall not award attorney's fees to the relator if the court determines both of the following:

(i) That, based on the ordinary application of statutory law and case law as it existed at the time of the conduct or threatened conduct of the public office or person responsible for the requested public records that allegedly constitutes a failure to comply with an obligation in accordance with division (B) of this section and that was the basis of the mandamus action, a well-informed public office or person responsible for the requested public records reasonably would believe that the conduct or threatened conduct of the public office or person responsible for the requested public records did not constitute a failure to comply with an obligation in accordance with division (B) of this section;

(ii) That a well-informed public office or person responsible for the requested public records reasonably would believe that the conduct or threatened conduct of the public office or person responsible for the requested public records would serve the public policy that underlies the authority that is asserted as permitting that conduct or threatened conduct.

(4) All of the following apply to any award of reasonable attorney's fees awarded under division (C)(3)(b) of this section:

(a) The fees shall be construed as remedial and not punitive.

(b) The fees awarded shall not exceed the total of the reasonable attorney's fees incurred before the public record was made available to the relator and the fees described in division (C)(4)(c) of this section.

(c) Reasonable attorney's fees shall include reasonable fees incurred to produce proof of the reasonableness and amount of the fees and to otherwise litigate entitlement to the fees.

(d) The court may reduce the amount of fees awarded if the court determines that, given the factual circumstances involved with the specific public records request, an alternative means

should have been pursued to more effectively and efficiently 13275
resolve the dispute that was subject to the mandamus action filed 13276
under division (C)(1) of this section. 13277

(5) If the court does not issue a writ of mandamus under 13278
division (C) of this section and the court determines at that time 13279
that the bringing of the mandamus action was frivolous conduct as 13280
defined in division (A) of section 2323.51 of the Revised Code, 13281
the court may award to the public office all court costs, 13282
expenses, and reasonable attorney's fees, as determined by the 13283
court. 13284

(D) Chapter 1347. of the Revised Code does not limit the 13285
provisions of this section. 13286

(E)(1) To ensure that all employees of public offices are 13287
appropriately educated about a public office's obligations under 13288
division (B) of this section, all elected officials or their 13289
appropriate designees shall attend training approved by the 13290
attorney general as provided in section 109.43 of the Revised 13291
Code. A future official may satisfy the requirements of this 13292
division by attending the training before taking office, provided 13293
that the future official may not send a designee in the future 13294
official's place. 13295

(2) All public offices shall adopt a public records policy in 13296
compliance with this section for responding to public records 13297
requests. In adopting a public records policy under this division, 13298
a public office may obtain guidance from the model public records 13299
policy developed and provided to the public office by the attorney 13300
general under section 109.43 of the Revised Code. Except as 13301
otherwise provided in this section, the policy may not limit the 13302
number of public records that the public office will make 13303
available to a single person, may not limit the number of public 13304
records that it will make available during a fixed period of time, 13305
and may not establish a fixed period of time before it will 13306

respond to a request for inspection or copying of public records, 13307
unless that period is less than eight hours. 13308

The public office shall distribute the public records policy 13309
adopted by the public office under this division to the employee 13310
of the public office who is the records custodian or records 13311
manager or otherwise has custody of the records of that office. 13312
The public office shall require that employee to acknowledge 13313
receipt of the copy of the public records policy. The public 13314
office shall create a poster that describes its public records 13315
policy and shall post the poster in a conspicuous place in the 13316
public office and in all locations where the public office has 13317
branch offices. The public office may post its public records 13318
policy on the internet web site of the public office if the public 13319
office maintains an internet web site. A public office that has 13320
established a manual or handbook of its general policies and 13321
procedures for all employees of the public office shall include 13322
the public records policy of the public office in the manual or 13323
handbook. 13324

(F)(1) The bureau of motor vehicles may adopt rules pursuant 13325
to Chapter 119. of the Revised Code to reasonably limit the number 13326
of bulk commercial special extraction requests made by a person 13327
for the same records or for updated records during a calendar 13328
year. The rules may include provisions for charges to be made for 13329
bulk commercial special extraction requests for the actual cost of 13330
the bureau, plus special extraction costs, plus ten per cent. The 13331
bureau may charge for expenses for redacting information, the 13332
release of which is prohibited by law. 13333

(2) As used in division (F)(1) of this section: 13334

(a) "Actual cost" means the cost of depleted supplies, 13335
records storage media costs, actual mailing and alternative 13336
delivery costs, or other transmitting costs, and any direct 13337
equipment operating and maintenance costs, including actual costs 13338

paid to private contractors for copying services. 13339

(b) "Bulk commercial special extraction request" means a 13340
request for copies of a record for information in a format other 13341
than the format already available, or information that cannot be 13342
extracted without examination of all items in a records series, 13343
class of records, or database by a person who intends to use or 13344
forward the copies for surveys, marketing, solicitation, or resale 13345
for commercial purposes. "Bulk commercial special extraction 13346
request" does not include a request by a person who gives 13347
assurance to the bureau that the person making the request does 13348
not intend to use or forward the requested copies for surveys, 13349
marketing, solicitation, or resale for commercial purposes. 13350

(c) "Commercial" means profit-seeking production, buying, or 13351
selling of any good, service, or other product. 13352

(d) "Special extraction costs" means the cost of the time 13353
spent by the lowest paid employee competent to perform the task, 13354
the actual amount paid to outside private contractors employed by 13355
the bureau, or the actual cost incurred to create computer 13356
programs to make the special extraction. "Special extraction 13357
costs" include any charges paid to a public agency for computer or 13358
records services. 13359

(3) For purposes of divisions (F)(1) and (2) of this section, 13360
"surveys, marketing, solicitation, or resale for commercial 13361
purposes" shall be narrowly construed and does not include 13362
reporting or gathering news, reporting or gathering information to 13363
assist citizen oversight or understanding of the operation or 13364
activities of government, or nonprofit educational research. 13365

(G) A request by a defendant, counsel of a defendant, or any 13366
agent of a defendant in a criminal action that public records 13367
related to that action be made available under this section shall 13368
be considered a demand for discovery pursuant to the Criminal 13369

Rules, except to the extent that the Criminal Rules plainly 13370
indicate a contrary intent. The defendant, counsel of the 13371
defendant, or agent of the defendant making a request under this 13372
division shall serve a copy of the request on the prosecuting 13373
attorney, director of law, or other chief legal officer 13374
responsible for prosecuting the action. 13375

(H)(1) Any portion of a body-worn camera or dashboard camera 13376
recording described in divisions (A)(17)(b) to (h) of this section 13377
may be released by consent of the subject of the recording or a 13378
representative of that person, as specified in those divisions, 13379
only if either of the following applies: 13380

(a) The recording will not be used in connection with any 13381
probable or pending criminal proceedings; 13382

(b) The recording has been used in connection with a criminal 13383
proceeding that was dismissed or for which a judgment has been 13384
entered pursuant to Rule 32 of the Rules of Criminal Procedure, 13385
and will not be used again in connection with any probable or 13386
pending criminal proceedings. 13387

(2) If a public office denies a request to release a 13388
restricted portion of a body-worn camera or dashboard camera 13389
recording, as defined in division (A)(17) of this section, any 13390
person may file a mandamus action pursuant to this section or a 13391
complaint with the clerk of the court of claims pursuant to 13392
section 2743.75 of the Revised Code, requesting the court to order 13393
the release of all or portions of the recording. If the court 13394
considering the request determines that the filing articulates by 13395
clear and convincing evidence that the public interest in the 13396
recording substantially outweighs privacy interests and other 13397
interests asserted to deny release, the court shall order the 13398
public office to release the recording. 13399

Sec. 149.434. (A) Each public office or person responsible 13400

for public records shall maintain a database or a list that 13401
includes the name ~~and date of birth~~ of all public officials and 13402
employees elected to or employed by that public office. The 13403
database or list is a public record and shall be made available 13404
upon a request made pursuant to section 149.43 of the Revised 13405
Code. 13406

(B) As used in this section: 13407

(1) "Employee" has the same meaning as in section 9.40 of the 13408
Revised Code. 13409

(2) "Public official" has the same meaning as in section 13410
117.01 of the Revised Code. 13411

(3) "Public record" has the same meaning as in section 149.43 13412
of the Revised Code. 13413

Sec. 153.013. (A) As used in this section, "indefinite 13414
delivery indefinite quantity contract" means a contract for an 13415
indefinite quantity, within stated limits, of supplies or services 13416
that will be delivered by the awarded bidder over a defined 13417
contract period. 13418

(B) The executive director of the capitol square review and 13419
advisory board, with the approval of the board, may advertise and 13420
seek bids for, and may award, an indefinite delivery indefinite 13421
quantity contract for an architect or engineer on an on-call, 13422
multi-project basis, to advise and consult with the capitol square 13423
review and advisory board for a defined contract period. To enter 13424
into an indefinite delivery indefinite quantity contract the 13425
executive director shall do all of the following: 13426

(1) Prepare bidding documents; 13427

(2) Establish contract forms; 13428

(3) Determine contract terms and conditions, including the 13429
following: 13430

(a) The maximum overall value of the contract, which may include an allowable increase of five per cent of the advertised contract value; 13431
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(b) The duration of the contract, not to exceed two years. 13434

(4) Take any other action necessary to fulfill the duties and obligations of the executive director under this section. 13435
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(C) The requirements set forth in this section prevail in the event of any conflict with any other provision of this chapter. 13437
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Sec. 153.59. Every contract for or on behalf of the state, or any township, county, or municipal corporation of the state, for the construction, alteration, or repair of any public building or public work in the state shall contain provisions by which the contractor agrees to both of the following: 13439
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(A) That, in the hiring of employees for the performance of work under the contract or any subcontract, no contractor, subcontractor, or any person acting on a contractor's or subcontractor's behalf, by reason of race, creed, sex, disability or military status as defined in section 4112.01 of the Revised Code, or color, shall discriminate against any citizen of the state in the employment of labor or workers who is qualified and available to perform the work to which the employment relates; 13444
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(B) That no contractor, subcontractor, or any person on a contractor's or subcontractor's behalf, in any manner, shall discriminate against or intimidate any employee hired for the performance of work under the contract on account of race, creed, sex, disability or military status as defined in section 4112.01 of the Revised Code, or color. 13452
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The department of ~~administrative services~~ development shall ensure that no capital moneys appropriated by the general assembly for any purpose shall be expended unless the project for which 13458
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those moneys are appropriated provides for an affirmative action 13461
program for the employment and effective utilization of 13462
disadvantaged persons whose disadvantage may arise from cultural, 13463
racial, or ethnic background, or other similar cause, including, 13464
but not limited to, race, religion, sex, disability or military 13465
status as defined in section 4112.01 of the Revised Code, national 13466
origin, or ancestry. 13467

In awarding contracts for capital improvement projects, the 13468
department shall ensure that equal consideration be given to 13469
contractors, subcontractors, or joint venturers who qualify as a 13470
minority business enterprise. As used in this section, "minority 13471
business enterprise" means a business enterprise that is owned or 13472
controlled by one or more socially or economically disadvantaged 13473
persons who are residents of this state. "Socially or economically 13474
disadvantaged persons" means persons, regardless of marital 13475
status, who are members of groups whose disadvantage may arise 13476
from discrimination on the basis of race, religion, sex, 13477
disability or military status as defined in section 4112.01 of the 13478
Revised Code, national origin, ancestry, or other similar cause. 13479

Sec. ~~155.011~~ 155.29. The owner of any tract of land in which 13480
the state has retained the gas, oil, coal, and other mineral 13481
rights and right of entry may acquire such rights by purchase from 13482
the state. Such owner desiring to purchase such rights shall make 13483
application to the director of administrative services. This 13484
application shall be in such manner and form and shall contain 13485
such information as prescribed by the director. The said 13486
application shall have a deposit of a sum sufficient to pay the 13487
appraisal fees together with evidence of title to the land in 13488
which the applicant desires to purchase the mineral rights affixed 13489
thereto. 13490

Upon receipt of the application, evidence of title, and the 13491

deposit, the director shall cause the mineral rights to be 13492
appraised by three disinterested persons. The director shall 13493
determine the fee that each appraiser shall receive. All appraisal 13494
fees shall be paid from the deposit posted by the applicant. If 13495
the deposit exceeds the appraisal fees the balance shall be 13496
returned to the applicant. 13497

The appraisal value when approved by the director of 13498
administrative services shall constitute the purchase price. The 13499
director shall notify the applicant of the purchase price by 13500
certified or registered mail. Upon receipt of the purchase price 13501
~~by the director of administrative services, the auditor of state~~ 13502
director shall prepare, with the assistance of the attorney 13503
general, a deed which shall be executed by the governor, 13504
countersigned by the secretary of state, recorded in the office of 13505
the ~~auditor of state~~ director of administrative services, and 13506
delivered to the purchaser; provided, that if the purchase price 13507
has not been received within ninety days after notice of the 13508
purchase price was delivered to the applicant, the purchase price 13509
shall no longer be valid and a new application shall be 13510
instituted, a new deposit tendered, and a new appraisal had on the 13511
mineral rights. 13512

If the applicant fails to purchase the mineral rights within 13513
one year from the date of the initial application instituted by 13514
such applicant, a purchase by such applicant may be had only upon 13515
a determination by the director of administrative services that 13516
such sale would be in the best interests of the state. 13517

Any deed of conveyance issued under authority of this section 13518
shall be subject to existing easements, rights-of-way, and legal 13519
highways. 13520

Net sale proceeds shall be credited to the general revenue 13521
fund except when the rights disposed of were entrusted to the 13522
state for school or religious purposes. 13523

~~Sec. 1509.70~~ 155.30. As used in sections ~~1509.70~~ 155.30 to 13524
~~1509.77~~ 155.36 of the Revised Code: 13525

~~(A) "Class 1 property" means property owned or controlled by 13526
a state agency concerning which there are no encumbrances or deed 13527
restrictions that limit the exploration or drilling for oil or gas 13528
on the property. 13529~~

~~(B) "Class 2 property" means property that is owned or 13530
controlled by a state university or college or that is owned or 13531
controlled by another state agency concerning which there is a 13532
federal encumbrance or monetary interest that limits or prohibits 13533
the exploration or drilling for oil or gas on the property. 13534~~

~~(C) "Class 3 property" means property owned or controlled by 13535
a state agency to which all of the following apply: 13536~~

~~(1) The property is not a class 2 or class 4 property. 13537~~

~~(2) The property is of insufficient size or shape to meet the 13538
requirements for drilling a well on the property established under 13539
section 1509.24 or 1509.25 of the Revised Code. 13540~~

~~(3) The property is necessary for pooling with other parcels 13541
of property for the purpose of forming a drilling unit in order to 13542
meet the requirements for drilling a well established under 13543
section 1509.24 or 1509.25 of the Revised Code. 13544~~

~~(D) "Class 4 property" means property owned or controlled by 13545
a state agency concerning which there is a provision in the deed 13546
that limits the exploration or drilling for oil or gas on the 13547
property. 13548~~

~~(E) "Formation" means any of the following: 13549~~

~~(1) The distance from the surface of the land to the top of 13550
the Onondaga limestone; 13551~~

~~(2) The distance from the top of the Onondaga limestone to 13552~~

the bottom of the Queenston formation; 13553

(3) The distance from the bottom of the Queenston formation 13554
~~to the top of the Trenton limestone;~~ 13555

~~(4) The distance from the top of the Trenton limestone to the~~ 13556
~~top of the Knox formation;~~ 13557

~~(5) The distance from the top of the Knox formation to the~~ 13558
basement rock. 13559

(B) "Gross landowner royalty" means a royalty based on the 13560
proceeds received on the sale of production of oil or gas without 13561
deduction for post-production costs, but less a proportionate 13562
share of any and all taxes and government fees levied on or as a 13563
result of the production. 13564

(C) "Post-production costs" means all costs and expenses 13565
incurred between the wellhead and the point of sale, including, 13566
without limitation, the costs of any treating, separating, 13567
dehydrating, processing, storing, gathering, transporting, 13568
compressing, and marketing. 13569

~~(F)~~(D) "State agency" means both of the following: 13570

(1) "State agency" as defined in section 1.60 of the Revised 13571
Code; 13572

(2) "State university or college" as defined in section 13573
3345.12 of the Revised Code. 13574

Sec. ~~1509.71~~ 155.31. (A) It is the policy of the state to 13575
~~provide access to and support~~ promote the exploration for, 13576
development of, and production of oil and natural gas resources 13577
owned or controlled by the state in an effort to use the state's 13578
natural resources responsibly. 13579

(B) There is hereby created the oil and gas ~~leasing~~ land 13580
management commission consisting of the ~~chief of the division of~~ 13581

~~geological survey~~ director of natural resources or the director's 13582
designee and the following four members appointed by the governor: 13583

(1) Two members ~~from a list of not less than four persons~~ 13584
with knowledge or experience in the oil and gas industry 13585
recommended by a statewide organization representing the oil and 13586
gas industry; 13587

(2) One member of the public with expertise in finance or 13588
real estate; 13589

(3) One member representing a statewide environmental or 13590
conservation organization. 13591

(C) Initial appointments shall be made to the commission not 13592
later than thirty days after ~~the effective date of this section~~ 13593
September 30, 2011. Of the initial members appointed to the 13594
commission, one shall serve a term of two years, one shall serve a 13595
term of three years, one shall serve a term of four years, and one 13596
shall serve a term of five years. Thereafter, terms of office of 13597
members shall be for five years from the date of appointment. Each 13598
member appointed by the governor shall hold office from the date 13599
of appointment until the end of the term for which the member was 13600
appointed. The governor shall fill a vacancy occurring on the 13601
commission by appointing a member within sixty days after the 13602
vacancy occurs. A member appointed to fill a vacancy occurring 13603
prior to the expiration of the term for which the member's 13604
predecessor was appointed shall hold office for the remainder of 13605
that term. A member shall continue in office subsequent to the 13606
expiration date of the member's term until the member's successor 13607
takes office, or until a period of sixty days has elapsed, 13608
whichever occurs first. 13609

(D) Three members constitute a quorum of the commission, and 13610
no action of the commission is valid unless it has the concurrence 13611
of at least three members. The commission shall keep a record of 13612

its proceedings. ~~The chief of the division of geological survey~~ 13613
~~director of natural resources or the director's designee shall~~ 13614
serve as the chairperson of the commission. 13615

(E) The governor may remove an appointed member from the 13616
commission for inefficiency, malfeasance, misfeasance, or 13617
nonfeasance. 13618

(F) Members of the commission shall receive no compensation, 13619
but shall be reimbursed for their actual and necessary expenses 13620
incurred in the course of the performance of their duties as 13621
members of the commission. 13622

(G) ~~The department of natural resources~~ Not later than ninety 13623
days after the effective date of this amendment, the commission 13624
~~shall furnish hire at least one staff member to provide clerical,~~ 13625
~~technical, legal, and other services required by the commission in~~ 13626
the performance of its duties. 13627

Sec. 1509.72 155.32. ~~(A) A state agency shall submit to the~~ 13628
~~oil and gas leasing commission an inventory of each parcel of land~~ 13629
~~that is owned or controlled by the agency. The inventory shall~~ 13630
~~classify each parcel as a class 1, class 2, class 3, or class 4~~ 13631
~~property. The commission may request a state agency to submit~~ 13632
~~documentation supporting the classification of each parcel of~~ 13633
~~land.~~ 13634

~~(B) Not later than ninety days after the acquisition of a~~ 13635
~~parcel of state land occurring after the effective date of this~~ 13636
~~section, the state agency that owns or controls the parcel shall~~ 13637
~~classify the parcel in the same manner that parcels are classified~~ 13638
~~under division (A) of this section.~~ 13639

~~(C) The department of natural resources shall post on the~~ 13640
~~department's web site a listing of each parcel of state land and~~ 13641
~~the classification assigned to the parcel under this section. The~~ 13642

~~commission shall provide to the department the information 13643
necessary for the department to comply with this division. 13644~~

~~(D) Not later than two hundred seventy days after the 13645
effective date of this section, the director of natural resources 13646
shall adopt rules in accordance with Chapter 119. of the Revised 13647
Code establishing The oil and gas land management commission shall 13648
establish procedures and requirements for publishing notice on the 13649
department's commission's web site of each nomination received by 13650
the commission under section ~~1509.73~~ 155.33 of the Revised Code 13651
for a period of not less than twenty-one days prior to the 13652
commission's approval or disapproval of each nomination. The 13653
notification shall identify the formation within a parcel of land 13654
that is the subject of a nomination and include a statement that a 13655
person may submit comments to the commission concerning the 13656
nomination. The commission ~~shall provide to the department the 13657
information necessary for the department to comply with this 13658
division~~ also shall notify the state agency that owns or controls 13659
the parcel of land for which a nomination was received identifying 13660
the parcel of land that is the subject of the nomination and 13661
including a statement that the state agency may submit comments to 13662
the commission concerning the nomination. 13663~~

Sec. ~~1509.73~~ 155.33. (A)(1) Beginning on September 30, 2011, 13664
and ending on the effective date of the rules adopted under 13665
section ~~1509.74~~ 155.34 of the Revised Code, a state agency, ~~in 13666
consultation with the oil and gas leasing commission,~~ may lease a 13667
formation within a parcel of land that is owned or controlled by 13668
the state agency for the exploration for and development and 13669
production of oil or natural gas. The ~~state agency shall establish 13670
bid fees, signing fees, rentals, and at least a one-eighth 13671
landowner royalty~~ lease shall be on terms that are just and 13672
reasonable, as determined by custom and practice in the oil and 13673
gas industry, and shall include at least the terms required under 13674

division (A)(1)(a) to (e) of section 155.34 of the Revised Code. 13675
On and after the effective date of the rules adopted under section 13676
~~1509.74~~ 155.34 of the Revised Code, a formation within a parcel of 13677
land that is owned or controlled by a state agency may be leased 13678
for the exploration for and development and production of oil or 13679
natural gas only in accordance with divisions (A)(2) to (H) of 13680
this section and those rules. 13681

(2) ~~Not earlier than two hundred seventy days after September~~ 13682
~~30, 2011, a person that is an owner and~~ On and after the effective 13683
date of rules adopted under section 155.34 of the Revised Code, 13684
any person or state agency that is interested in leasing a 13685
formation within a parcel of land that is owned or controlled by a 13686
state agency for the exploration for and the development and 13687
production of oil or natural gas may submit to the oil and gas 13688
~~leasing~~ land management commission a nomination that ~~identifies~~ 13689
~~the parcel of land. A person submitting a nomination shall submit~~ 13690
~~it in the manner and form established in rules adopted under~~ 13691
~~section 1509.74 of the Revised Code and shall include with the~~ 13692
~~nomination both~~ all of the following: 13693

(a) ~~The information required by those rules~~ The name of the 13694
person making the nomination and the person's address, telephone 13695
number, and email address; 13696

(b) ~~The nomination fee established in those rules~~ An 13697
identification of the formation and parcel of land proposed to be 13698
leased that specifies all of the following: 13699

(i) The percentage of the interest owned or controlled by the 13700
state agency, and whether that interest is divided, undivided, or 13701
partial; 13702

(ii) The source deed by book and page numbers, including the 13703
description and acreage of the parcel and an identification of the 13704
county, section, township, and range in which the parcel is 13705

<u>located;</u>	13706
<u>(iii) A plat map depicting the area in which the parcel is</u>	13707
<u>located.</u>	13708
<u>(c) If the person making the nomination is not a state</u>	13709
<u>agency, a nomination fee of one hundred fifty dollars;</u>	13710
<u>(d) The proposed lease bonus that applies to the nomination;</u>	13711
<u>(e) If the person making the nomination is not a state</u>	13712
<u>agency, proof of both of the following:</u>	13713
<u>(i) That the person has obtained the insurance and financial</u>	13714
<u>assurance required under section 1509.07 of the Revised Code;</u>	13715
<u>(ii) That the person has registered with and obtained an</u>	13716
<u>identification number from the division of oil and gas resources</u>	13717
<u>management under section 1509.31 of the Revised Code.</u>	13718
<u>(3) In order to encourage the submission of nominations and</u>	13719
<u>the responsible and reasonable development of the state's natural</u>	13720
<u>resources, only the information submitted under division (A)(2)(b)</u>	13721
<u>of this section may be disclosed to the public until a person is</u>	13722
<u>selected under division (F) of this section. Until a person is</u>	13723
<u>selected under division (F) of this section, all other information</u>	13724
<u>submitted under division (A)(2) of this section is confidential,</u>	13725
<u>shall not be disclosed by the commission, and is not a public</u>	13726
<u>record subject to inspection or copying under section 149.43 of</u>	13727
<u>the Revised Code.</u>	13728
<u>(4) When a nomination is not submitted by a state agency, the</u>	13729
<u>nomination is the opening bid for purposes of division (D) of this</u>	13730
<u>section. However, the person submitting the nomination may</u>	13731
<u>supplement or amend that bid by providing additional information</u>	13732
<u>in accordance with that division.</u>	13733
<u>(B)(1) Not less than thirty days, but not more than one</u>	13734
<u>hundred twenty days following the receipt of a nomination of a</u>	13735

~~parcel of land, the commission shall conduct a meeting for the purpose of determining whether to approve or disapprove the nomination for the purpose of leasing a formation within the parcel of land that is identified in the nomination. The commission also shall review the nomination of the parcel of land and determine if the parcel of land has been classified under section 1509.72 of the Revised Code. If the parcel of land that is the subject of the nomination has not been classified, the commission immediately shall send a copy of the nomination to the state agency that owns or controls the parcel that is the subject of the nomination. Not later than fifteen days after receipt of a copy of the nomination, the state agency shall classify the parcel of land as a class 1, class 2, class 3, or class 4 property and submit the classification to the commission. On receipt of the state agency's classification of the parcel of land, the commission shall provide the department of natural resources the information necessary for the department to comply with divisions (C) and (D) of section 1509.72 of the Revised Code.~~

~~After a parcel of land that is the subject of a nomination has been classified under section 1509.72 of the Revised Code or division (B)(1) of this section, as applicable, the commission shall approve or disapprove the nomination. In making its decision to approve or disapprove the nomination of the parcel of land, the commission shall consider all of the following:~~

(a) The economic benefits, including the potential income from an oil or natural gas operation, that would result if the lease of a formation that is the subject of the nomination were approved;

(b) Whether the proposed oil or gas operation is compatible with the current uses of the parcel of land that is the subject of the nomination;

(c) The environmental impact that would result if the lease

of a formation that is the subject of the nomination were 13768
approved; 13769

(d) Any potential adverse geological impact that would result 13770
if the lease of a formation that is the subject of the nomination 13771
were approved; 13772

(e) Any potential impact to visitors or users of a parcel of 13773
land that is the subject of the nomination; 13774

(f) Any potential impact to the operations or equipment of a 13775
state agency that is a state university or college if the lease of 13776
a formation within a parcel of land owned or controlled by the 13777
university or college that is the subject of the nomination were 13778
executed; 13779

(g) Any comments or objections to the nomination submitted to 13780
the commission by the state agency that owns or controls the 13781
parcel of land on which the proposed oil or natural gas operation 13782
would take place; 13783

(h) Any comments or objections to the nomination submitted to 13784
the commission by residents of this state or other users of the 13785
parcel of land that is the subject of the nomination; 13786

(i) ~~Any other factors that the commission establishes in~~ 13787
~~rules adopted under section 1509.74 of the Revised Code~~ Any 13788
special terms and conditions the state agency included in its 13789
comments or objections that the state agency believes are 13790
appropriate for the lease of the parcel of land because of 13791
specific conditions related to that parcel of land. 13792

~~(2) The commission shall disapprove a nomination of a parcel~~ 13793
~~of land that is a class 3 property. The commission shall send~~ 13794
~~notice of the disapproval by certified mail to the person that~~ 13795
~~submitted the nomination.~~ 13796

~~(3) Prior to making its decision to approve or disapprove a~~ 13797

~~nomination, the commission shall notify the state agency that owns or controls the land on which the oil or gas operation would take place.~~ 13798
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~~(4) The commission shall approve or disapprove a nomination not later than two calendar quarters following the receipt of the nomination. Notice of the decision of the The commission shall be sent post notice of the commission's decision on the commission's web site and send notice of the decision by email and by certified mail to the person that submitted the nomination and to the state agency that owns or controls the formation within the parcel of land that is the subject of the nomination.~~ 13801
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~~(5) If the commission approves a nomination, the commission shall notify the state agency that owns or controls the parcel of land that is the subject of a nomination of the commission's approval of the nomination. The notification shall request the state agency to submit to the commission special terms and conditions that will apply to the lease of a formation within the parcel of land because of specific conditions related to the parcel of land. The state agency shall submit the special terms and conditions not later than sixty days after receipt of a notice from the commission.~~ 13809
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~~(6) If the commission approves a nomination for a parcel of land that is a class 1 property, the commission shall offer for lease each formation that is within the parcel of land. If the commission approves a nomination for a parcel of land that is a class 2 or class 4 property, the commission shall not offer for lease any formation that is within the parcel of land unless the state agency that owns or controls the parcel of land notifies the commission that a formation or formations that are within the parcel of land may be offered for lease.~~ 13819
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~~(C) Each calendar quarter, the commission shall proceed to advertise for bids for a lease for a formation within a parcel of~~ 13828
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land that was the subject of a nomination approved during the 13830
previous calendar quarter ~~that is a class 1 property or that is a~~ 13831
~~class 2 or class 4 property for which the commission has received~~ 13832
~~notice from the state agency that owns or controls the parcel of~~ 13833
~~land under division (B)(6) of this section that a formation or~~ 13834
~~formations that are within the parcel of land may be offered for~~ 13835
lease. The advertisement shall be provided to the department of 13836
natural resources, and the department commission shall publish the 13837
advertisement on its web site for a period of time established by 13838
the commission. The advertisement shall include all of the 13839
following: 13840

(1) ~~The procedure for the submission of a bid to enter into a~~ 13841
~~lease for a formation within a parcel of land~~ An identification of 13842
each formation and parcel of land proposed to be leased that 13843
includes all of the information specified in division (A)(2)(b) of 13844
this section; 13845

(2) The deadline for the submission of bids; 13846

(3) A statement that each bid must contain all of the items 13847
required under division (D) of this section; 13848

(4) A statement that a standard lease form that is consistent 13849
with the practices of the oil and natural gas industries and 13850
adopted by rule by the commission will be used for the lease of a 13851
formation within the parcel of land; 13852

~~(3) A copy of the standard lease form that will be used for~~ 13853
~~the lease of a formation within the parcel of land;~~ 13854

~~(4) Special~~ (5) Any special terms and conditions, ~~if~~ 13855
~~applicable,~~ that may apply to the lease because of specific 13856
conditions related to the parcel of land; 13857

~~(5)~~ (6) The amount of the bid fee that is required to be 13858
submitted with a bid; 13859

~~(6)~~(7) Any other information that the commission considers 13860
pertinent to the advertisement for bids. 13861

(D) A person ~~submitting a bid to enter into a lease under~~ 13862
~~this section shall pay a bid fee established in rules adopted~~ 13863
~~under section 1509.74 of the Revised Code~~ interested in leasing a 13864
formation within a parcel of land owned or controlled by a state 13865
agency for the exploration for and development and production of 13866
oil or natural gas may submit a bid to the commission on a parcel 13867
by parcel basis that contains all of the following: 13868

(1) A bid fee of twenty-five dollars; 13869

(2) The name of the person making the bid and the person's 13870
address, telephone number, and email address; 13871

(3) An identification of the formation and parcel of land for 13872
which the bid is being submitted, including all of the information 13873
specified in division (A)(2)(b) of this section; 13874

(4) The proposed lease bonus that applies to the bid; 13875

(5) Proof of both of the following: 13876

(a) That the person has obtained the insurance and financial 13877
assurance required under section 1509.07 of the Revised Code; 13878

(b) That the person has registered with and obtained an 13879
identification number from the division of oil and gas resources 13880
management under section 1509.31 of the Revised Code. 13881

(6) Any other information that the person believes is 13882
relevant to the bid. 13883

(E) In order to encourage the submission of bids and the 13884
responsible and reasonable development of the state's natural 13885
resources, the information that is contained in a bid submitted to 13886
the commission under this section ~~shall be~~ is confidential, shall 13887
not be disclosed by the commission, and ~~shall not be disclosed~~ 13888
~~before~~ is not a public record subject to inspection and copying 13889

under section 149.43 of the Revised Code until a person is 13890
selected under division (F) of this section ~~unless the commission~~ 13891
~~determines otherwise.~~ 13892

~~(F) The commission shall establish a deadline for the~~ 13893
~~submission of bids for each lease regarding a particular parcel of~~ 13894
~~land and shall notify the department of the deadline. The~~ 13895
~~department shall post the deadline for the submission of bids for~~ 13896
~~each lease on the department's web site. A person shall submit a~~ 13897
~~bid in accordance with the procedures and requirements established~~ 13898
~~by the commission in rules adopted under section 1509.74 of the~~ 13899
~~Revised Code.~~ 13900

The commission shall select the person who submits the 13901
highest and best bid ~~for each formation within that parcel of~~ 13902
~~land~~, taking into account the financial responsibility of the 13903
prospective lessee and the ability of the prospective lessee to 13904
perform its obligations under the lease. After the commission 13905
selects a person, the commission shall notify the applicable state 13906
agency and send the person's bid to the agency. The state agency 13907
shall enter into a lease with the person selected by the 13908
commission. 13909

(G)(1) Except as otherwise provided in ~~division (G)(2) of~~ 13910
~~this~~ section 155.37 of the Revised Code, all money received by a 13911
state agency from signing fees, rentals, and royalty payments for 13912
leases entered into under this section shall be paid by the state 13913
agency into the state treasury to the credit of the state land 13914
royalty fund created in section 131.50 of the Revised Code. 13915

~~(2) Money received by a state agency from signing fees,~~ 13916
~~rentals, and royalty payments for leases entered into under this~~ 13917
~~section on land owned or controlled by the division of forestry,~~ 13918
~~wildlife, or parks and watercraft in the department of natural~~ 13919
~~resources shall be deposited into one of the following funds, as~~ 13920
~~applicable:~~ 13921

(a) The forestry mineral royalties fund created in section 1503.012 of the Revised Code if the lease pertains to land owned or controlled by the division of forestry;	13922
	13923
	13924
(b) The wildlife habitat fund created in section 1531.33 of the Revised Code if the lease pertains to land owned or controlled by the division of wildlife;	13925
	13926
	13927
(c) The parks mineral royalties fund created in section 1546.24 of the Revised Code if the lease pertains to land owned or controlled by the division of parks and watercraft.	13928
	13929
	13930
(H) All money received from nomination fees and bid fees shall be paid into the state treasury to the credit of the oil and gas leasing <u>land management</u> commission administration fund created in section 1509.75 <u>155.35</u> of the Revised Code.	13931
	13932
	13933
	13934
(I)(H) Notwithstanding any other provision of this section to the contrary, a nature preserve as defined in section 1517.01 of the Revised Code that is owned or controlled by a state agency shall not be nominated or leased under this section for the purpose of exploring for and developing and producing oil and natural gas resources.	13935
	13936
	13937
	13938
	13939
	13940
Sec. 1509.74 <u>155.34</u>. (A) Not later than two <u>one</u> hundred seventy twenty days after the effective date of this section amendment , the oil and gas leasing <u>land management</u> commission shall adopt rules in accordance with Chapter 119. of the Revised Code establishing all <u>both</u> of the following:	13941
	13942
	13943
	13944
	13945
(A) The form of and the information to be included in nominations that are submitted under section 1509.73 of the Revised Code;	13946
	13947
	13948
(B) Procedures for the submission of nominations to the commission and the amount of nomination fees to be charged. The rules shall require that if a person who has paid a nomination fee	13949
	13950
	13951

~~does not enter into a lease regarding the parcel of land that the person nominated, the fee shall be refunded to the person, and, if applicable, the person that enters into the lease shall pay the nomination fee. In addition, the rules shall provide that a state agency is exempt from nomination fees and that a person who enters into a lease regarding a parcel of land nominated by a state agency shall pay the nomination fee.~~

~~(C) Factors that the commission may consider when determining whether to approve or disapprove a nomination submitted under section 1509.73 of the Revised Code;~~

~~(D) Procedures and requirements for the submission of bids for a lease under section 1509.73 of the Revised Code;~~

~~(E) The amount of bid fees to be charged for the submission of bids to enter into leases under section 1509.73 of the Revised Code;~~

~~(F)(1) A standard lease form that shall be used by a state agency for leases entered into under this chapter that is consistent with the practices of the oil and natural gas industries and that contains ~~at~~ all of the following:~~

~~(a) A prohibition against the use of the surface of the parcel of land for oil and gas development unless the state agency, in its sole discretion, chooses to negotiate and execute a written surface use agreement established under this section;~~

~~(b) A least a one-eighth gross landowner royalty, which standard lease form shall be used by a state agency for leases entered into under section 1509.73 of the Revised Code;~~

~~(c) A primary term of three years;~~

~~(d) An option for the lessee to extend the primary term of the lease for an additional three years by tendering to the state agency the same bonus paid when first entering into the lease.~~

~~(G)(2)~~ Any other procedures ~~and requirements~~ that the 13982
~~commission determines~~ necessary to implement sections ~~1509.70~~ 13983
155.30 to ~~1509.77~~ 155.36 of the Revised Code. 13984

(B) Not later than one hundred and twenty days after the 13985
effective date of this amendment, the commission shall establish a 13986
standard surface use agreement that a state agency shall use to 13987
authorize the use of the surface of a leased parcel of land. 13988

(C) Section 121.95 of the Revised Code does not apply to 13989
rules adopted under this section and the commission is not subject 13990
to any requirements of that section. 13991

Sec. ~~1509.75~~ 155.35. There is hereby created in the state 13992
treasury the oil and gas ~~leasing~~ land management commission 13993
administration fund consisting of the proceeds of nomination fees 13994
and bid fees credited to it under section ~~1509.73~~ 155.33 of the 13995
Revised Code. Money in the fund shall be used by the oil and gas 13996
~~leasing~~ land management commission ~~and the department of natural~~ 13997
~~resources~~ to pay the administrative expenses of the commission ~~and~~ 13998
~~the department~~ regarding the implementation of sections ~~1509.70~~ 13999
155.30 to ~~1509.77~~ 155.36 of the Revised Code. Money in the fund 14000
also shall be used to pay the actual and necessary expenses 14001
incurred by members of the commission in the course of the 14002
performance of their duties. 14003

Sec. ~~1509.77~~ 155.36. A state agency that owns or controls a 14004
parcel of land ~~that is a class 3 property~~ for which a nomination 14005
for that land has been denied under section ~~1509.73~~ 155.33 of the 14006
Revised Code may enter into written agreements to use that parcel 14007
of land to form a drilling unit that conforms to the minimum 14008
acreage and distance requirements established under section 14009
1509.24 or 1509.25 of the Revised Code. 14010

Sec. ~~1509.78~~ 155.37. ~~Notwithstanding any other provision of~~ 14011

~~the Revised Code, not~~ Not less than thirty per cent of the 14012
proceeds from a lease executed on and after September 30, 2011, 14013
for the exploration and production of oil or gas within or under a 14014
state park established under Chapter 1546. of the Revised Code 14015
shall be credited to the applicable fund created in the state 14016
treasury that supports the state park. The department of natural 14017
resources shall use the money credited to the applicable fund from 14018
a lease for expenses associated with the state park within or 14019
under which the oil or gas exploration and production occurred. 14020
Money credited shall be used for capital improvements. 14021

Sec. 166.01. As used in this chapter: 14022

(A) "Allowable costs" means all or part of the costs of 14023
project facilities, eligible projects, eligible innovation 14024
projects, eligible research and development projects, eligible 14025
advanced energy projects, or eligible logistics and distribution 14026
projects, including costs of acquiring, constructing, 14027
reconstructing, rehabilitating, renovating, enlarging, improving, 14028
equipping, or furnishing project facilities, eligible projects, 14029
eligible innovation projects, eligible research and development 14030
projects, eligible advanced energy projects, or eligible logistics 14031
and distribution projects, site clearance and preparation, 14032
supplementing and relocating public capital improvements or 14033
utility facilities, designs, plans, specifications, surveys, 14034
studies, and estimates of costs, expenses necessary or incident to 14035
determining the feasibility or practicability of assisting an 14036
eligible project, an eligible innovation project, an eligible 14037
research and development project, an eligible advanced energy 14038
project, or an eligible logistics and distribution project, or 14039
providing project facilities or facilities related to an eligible 14040
project, an eligible innovation project, an eligible research and 14041
development project, an eligible advanced energy project, or an 14042
eligible logistics and distribution project, architectural, 14043

engineering, and legal services fees and expenses, the costs of 14044
conducting any other activities as part of a voluntary action, and 14045
such other expenses as may be necessary or incidental to the 14046
establishment or development of an eligible project, an eligible 14047
innovation project, an eligible research and development project, 14048
an eligible advanced energy project, or an eligible logistics and 14049
distribution project, and reimbursement of moneys advanced or 14050
applied by any governmental agency or other person for allowable 14051
costs. 14052

(B) "Allowable innovation costs" includes allowable costs of 14053
eligible innovation projects and, in addition, includes the costs 14054
of research and development of eligible innovation projects; 14055
obtaining or creating any requisite software or computer hardware 14056
related to an eligible innovation project or the products or 14057
services associated therewith; testing (including, without 14058
limitation, quality control activities necessary for initial 14059
production), perfecting, and marketing of such products and 14060
services; creating and protecting intellectual property related to 14061
an eligible innovation project or any products or services related 14062
thereto, including costs of securing appropriate patent, 14063
trademark, trade secret, trade dress, copyright, or other form of 14064
intellectual property protection for an eligible innovation 14065
project or related products and services; all to the extent that 14066
such expenditures could be capitalized under then-applicable 14067
generally accepted accounting principles; and the reimbursement of 14068
moneys advanced or applied by any governmental agency or other 14069
person for allowable innovation costs. 14070

(C) "Eligible innovation project" includes an eligible 14071
project, including any project facilities associated with an 14072
eligible innovation project and, in addition, includes all 14073
tangible and intangible property related to a new product or 14074
process based on new technology or the creative application of 14075

existing technology, including research and development, product 14076
or process testing, quality control, market research, and related 14077
activities, that is to be acquired, established, expanded, 14078
remodeled, rehabilitated, or modernized for industry, commerce, 14079
distribution, or research, or any combination thereof, the 14080
operation of which, alone or in conjunction with other eligible 14081
projects, eligible innovation projects, or innovation property, 14082
will create new jobs or preserve existing jobs and employment 14083
opportunities and improve the economic welfare of the people of 14084
the state. 14085

(D) "Eligible project" means project facilities to be 14086
acquired, established, expanded, remodeled, rehabilitated, or 14087
modernized for industry, commerce, distribution, or research, or 14088
any combination thereof, the operation of which, alone or in 14089
conjunction with other facilities, will create new jobs or 14090
preserve existing jobs and employment opportunities and improve 14091
the economic welfare of the people of the state. "Eligible 14092
project" includes, without limitation, a voluntary action. For 14093
purposes of this division, "new jobs" does not include existing 14094
jobs transferred from another facility within the state, and 14095
"existing jobs" includes only those existing jobs with work places 14096
within the municipal corporation or unincorporated area of the 14097
county in which the eligible project is located. 14098

"Eligible project" does not include project facilities to be 14099
acquired, established, expanded, remodeled, rehabilitated, or 14100
modernized for industry, commerce, distribution, or research, or 14101
any combination of industry, commerce, distribution, or research, 14102
if the project facilities consist solely of 14103
point-of-final-purchase retail facilities. If the project 14104
facilities consist of both point-of-final-purchase retail 14105
facilities and nonretail facilities, only the portion of the 14106
project facilities consisting of nonretail facilities is an 14107

eligible project. If a warehouse facility is part of a 14108
point-of-final-purchase retail facility and supplies only that 14109
facility, the warehouse facility is not an eligible project. 14110
Catalog distribution facilities are not considered 14111
point-of-final-purchase retail facilities for purposes of this 14112
paragraph, and are eligible projects. 14113

(E) "Eligible research and development project" means an 14114
eligible project, including project facilities, comprising, 14115
within, or related to, a facility or portion of a facility at 14116
which research is undertaken for the purpose of discovering 14117
information that is technological in nature and the application of 14118
which is intended to be useful in the development of a new or 14119
improved product, process, technique, formula, or invention, a new 14120
product or process based on new technology, or the creative 14121
application of existing technology. 14122

(F) "Financial assistance" means inducements under division 14123
(B) of section 166.02 of the Revised Code, loan guarantees under 14124
section 166.06 of the Revised Code, and direct loans under section 14125
166.07 of the Revised Code. 14126

(G) "Governmental action" means any action by a governmental 14127
agency relating to the establishment, development, or operation of 14128
an eligible project, eligible innovation project, eligible 14129
research and development project, eligible advanced energy 14130
project, or eligible logistics and distribution project, and 14131
project facilities that the governmental agency acting has 14132
authority to take or provide for the purpose under law, including, 14133
but not limited to, actions relating to contracts and agreements, 14134
zoning, building, permits, acquisition and disposition of 14135
property, public capital improvements, utility and transportation 14136
service, taxation, employee recruitment and training, and liaison 14137
and coordination with and among governmental agencies. 14138

(H) "Governmental agency" means the state and any state 14139

department, division, commission, institution or authority; a 14140
municipal corporation, county, or township, and any agency 14141
thereof, and any other political subdivision or public corporation 14142
or the United States or any agency thereof; any agency, 14143
commission, or authority established pursuant to an interstate 14144
compact or agreement; and any combination of the above. 14145

(I) "Innovation financial assistance" means inducements under 14146
division (B) of section 166.12 of the Revised Code, innovation 14147
Ohio loan guarantees under section 166.15 of the Revised Code, and 14148
innovation Ohio loans under section 166.16 of the Revised Code. 14149

(J) "Innovation Ohio loan guarantee reserve requirement" 14150
means, at any time, with respect to innovation loan guarantees 14151
made under section 166.15 of the Revised Code, a balance in the 14152
innovation Ohio loan guarantee fund equal to the greater of twenty 14153
per cent of the then-outstanding principal amount of all 14154
outstanding innovation loan guarantees made pursuant to section 14155
166.15 of the Revised Code or fifty per cent of the principal 14156
amount of the largest outstanding guarantee made pursuant to 14157
section 166.15 of the Revised Code. 14158

(K) "Innovation property" includes property and also includes 14159
software, inventory, licenses, contract rights, goodwill, 14160
intellectual property, including without limitation, patents, 14161
patent applications, trademarks and service marks, and trade 14162
secrets, and other tangible and intangible property, and any 14163
rights and interests in or connected to the foregoing. 14164

(L) "Loan guarantee reserve requirement" means, at any time, 14165
with respect to loan guarantees made under section 166.06 of the 14166
Revised Code, a balance in the loan guarantee fund equal to the 14167
greater of twenty per cent of the then-outstanding principal 14168
amount of all outstanding guarantees made pursuant to section 14169
166.06 of the Revised Code or fifty per cent of the principal 14170
amount of the largest outstanding guarantee made pursuant to 14171

section 166.06 of the Revised Code.	14172
(M) "Person" means any individual, firm, partnership,	14173
association, corporation, or governmental agency, and any	14174
combination thereof.	14175
(N) "Project facilities" means buildings, structures, and	14176
other improvements, and equipment and other property, excluding	14177
small tools, supplies, and inventory, and any one, part of, or	14178
combination of the above, comprising all or part of, or serving or	14179
being incidental to, an eligible project, an eligible innovation	14180
project, an eligible research and development project, an eligible	14181
advanced energy project, or an eligible logistics and distribution	14182
project, including, but not limited to, public capital	14183
improvements.	14184
(O) "Property" means real and personal property and interests	14185
therein.	14186
(P) "Public capital improvements" means capital improvements	14187
or facilities that any governmental agency has authority to	14188
acquire, pay the costs of, own, maintain, or operate, or to	14189
contract with other persons to have the same done, including, but	14190
not limited to, highways, roads, streets, water and sewer	14191
facilities, railroad and other transportation facilities, and air	14192
and water pollution control and solid waste disposal facilities.	14193
For purposes of this division, "air pollution control facilities"	14194
includes, without limitation, solar, geothermal, biofuel, biomass,	14195
wind, hydro, wave, and other advanced energy projects as defined	14196
in section 3706.25 of the Revised Code.	14197
(Q) "Research and development financial assistance" means	14198
inducements under section 166.17 of the Revised Code, research and	14199
development loans under section 166.21 of the Revised Code, and	14200
research and development tax credits under sections 5733.352 and	14201
5747.331 of the Revised Code.	14202

(R) "Targeted innovation industry sectors" means industry 14203
sectors involving the production or use of advanced materials, 14204
instruments, controls and electronics, power and propulsion, 14205
biosciences, and information technology, or such other sectors as 14206
may be designated by the director of development ~~services~~. 14207

(S) "Voluntary action" means a voluntary action, as defined 14208
in section 3746.01 of the Revised Code, that is conducted under 14209
the voluntary action program established in Chapter 3746. of the 14210
Revised Code. 14211

(T) "Project financing obligations" means obligations issued 14212
pursuant to section 166.08 of the Revised Code other than 14213
obligations for which the bond proceedings provide that bond 14214
service charges shall be paid from receipts of the state 14215
representing gross profit on the sale of spirituous liquor as 14216
referred to in division (B)(4) of section 4310.10 of the Revised 14217
Code. 14218

(U) "Regional economic development entity" means an entity 14219
that is under contract with the director to administer a loan 14220
program under this chapter in a particular area of this state. 14221

(V) "Eligible advanced energy project" means an eligible 14222
project that is an "advanced energy project" as defined in section 14223
3706.25 of the Revised Code. 14224

(W) "Eligible logistics and distribution project" means an 14225
eligible project, including project facilities, to be acquired, 14226
established, expanded, remodeled, rehabilitated, or modernized for 14227
transportation logistics and distribution infrastructure purposes. 14228
As used in this division, "transportation logistics and 14229
distribution infrastructure purposes" means promoting, providing 14230
for, and enabling improvements to the ground, air, and water 14231
transportation infrastructure comprising the transportation system 14232
in this state, including, without limitation, highways, streets, 14233

roads, bridges, railroads carrying freight, and air and water 14234
ports and port facilities, and all related supporting facilities. 14235

~~(X) "Department of development" means the development 14236
services agency and "director of development" means the director 14237
of development services. 14238~~

Sec. 166.03. (A) There is hereby created the facilities 14239
establishment fund within the state treasury, consisting of 14240
proceeds from the issuance of obligations as specified under 14241
section 166.08 of the Revised Code; the moneys received by the 14242
state from the sources specified in section 166.09 of the Revised 14243
Code; service charges imposed under sections 166.06 and 166.07 of 14244
the Revised Code; any grants, gifts, or contributions of moneys 14245
received by the director of development ~~services~~ to be used for 14246
loans made under section 166.07 of the Revised Code or for the 14247
payment of the allowable costs of project facilities; and all 14248
other moneys appropriated or transferred to the fund. Moneys in 14249
the loan guarantee fund in excess of the loan guarantee reserve 14250
requirement, but subject to the provisions and requirements of any 14251
guarantee contracts, may be transferred to the facilities 14252
establishment fund by the treasurer of state upon the order of the 14253
director of development ~~services~~. Moneys received by the state 14254
under Chapter 122. of the Revised Code, to the extent allocable to 14255
the utilization of moneys derived from proceeds of the sale of 14256
obligations pursuant to section 166.08 of the Revised Code, shall 14257
be credited to the facilities establishment fund. All investment 14258
earnings on the cash balance in the fund shall be credited to the 14259
fund. 14260

(B) All moneys appropriated or transferred to the facilities 14261
establishment fund may be released at the request of the director 14262
of development ~~services~~ for payment of allowable costs or the 14263
making of loans under section 166.07 of the Revised Code, for 14264

transfer to the loan guarantee fund established in section 166.06 14265
of the Revised Code, or for use for the purpose of or transfer to 14266
the funds established by sections 122.35, 122.42, 122.54, 122.55, 14267
122.56, 122.561, 122.57, 122.601, and 122.80 of the Revised Code 14268
and, until July 1, 2003, the fund established by section 166.031 14269
of the Revised Code, and, until July 1, 2007, the fund established 14270
by section 122.26 of the Revised Code, but only for such of those 14271
purposes as are within the authorization of Section 13 of Article 14272
VIII, Ohio Constitution, in all cases subject to the approval of 14273
the controlling board. 14274

(C) The department of development ~~services agency~~, in the 14275
administration of the facilities establishment fund, is encouraged 14276
to utilize and promote the utilization of, to the maximum 14277
practicable extent, the other existing programs, business 14278
incentives, and tax incentives that department is required or 14279
authorized to administer or supervise. 14280

Sec. 166.27. (A) As used in this section, "minority" has the 14281
same meaning as in section 184.17 of the Revised Code, except that 14282
the individual must be a resident of this state. The term also 14283
includes an economically disadvantaged individual who is a 14284
resident of this state. 14285

(B) The director of development shall conduct outreach 14286
activities in Ohio that seek to include minorities in the loan 14287
program for logistics and distribution projects established under 14288
section 166.25 of the Revised Code. The outreach activities shall 14289
include the following, when appropriate: 14290

(1) Identifying and partnering with historically black 14291
colleges and universities; 14292

(2) Working with all institutions of higher education in the 14293
state to support minority faculty and students involved in 14294
logistics and distribution fields; 14295

(3) Developing a plan to contact by telephone minority-owned businesses and entrepreneurs and other economically disadvantaged businesses to notify them of opportunities to participate in the loan program for logistics and distribution projects;	14296 14297 14298 14299
(4) Identifying minority professional and technical trade associations and economic development assistance organizations and notifying them of the loan program for logistics and distribution projects;	14300 14301 14302 14303
(5) Partnering with regional councils to foster local efforts to support minority-owned businesses or otherwise identify networks of minority-owned businesses, entrepreneurs, and individuals operating locally;	14304 14305 14306 14307
(6) Identifying minority firms and notifying them of the opportunities that exist within the investment community, including the Ohio venture capital authority created under section 150.02 of the Revised Code.	14308 14309 14310 14311
(C) The director shall publish an annual report that includes all of the following:	14312 14313
(1) Details of loans awarded for logistics and distribution projects;	14314 14315
(2) The status of loan recipients' projects funded in previous years;	14316 14317
(3) The amount of loans awarded for projects in economically distressed areas, and if possible to ascertain, the impact of the loans to those areas.	14318 14319 14320
(D) To the extent possible, outreach activities described in this section shall be conducted in conjunction with the EDGE program created in section 123.152 <u>122.922</u> of the Revised Code.	14321 14322 14323
Sec. 167.03. (A) The council shall have the power to:	14324

(1) Study such area governmental problems common to two or more members of the council as it deems appropriate, including but not limited to matters affecting health, safety, welfare, education, economic conditions, and regional development;	14325 14326 14327 14328
(2) Promote cooperative arrangements and coordinate action among its members, and between its members and other agencies of local or state governments, whether or not within Ohio, and the federal government;	14329 14330 14331 14332
(3) Make recommendations for review and action to the members and other public agencies that perform functions within the region;	14333 14334 14335
(4) Promote cooperative agreements and contracts among its members or other governmental agencies and private persons, corporations, or agencies;	14336 14337 14338
(5) Operate a public safety answering point in accordance with Chapter 128. of the Revised Code;	14339 14340
(6) Perform planning directly by personnel of the council, or under contracts between the council and other public or private planning agencies.	14341 14342 14343
(B) The council may:	14344
(1) Review, evaluate, comment upon, and make recommendations, relative to the planning and programming, and the location, financing, and scheduling of public facility projects within the region and affecting the development of the area;	14345 14346 14347 14348
(2) Act as an areawide agency to perform comprehensive planning for the programming, locating, financing, and scheduling of public facility projects within the region and affecting the development of the area and for other proposed land development or uses, which projects or uses have public metropolitan wide or interjurisdictional significance;	14349 14350 14351 14352 14353 14354

(3) Act as an agency for coordinating, based on metropolitan wide comprehensive planning and programming, local public policies, and activities affecting the development of the region or area.

(C) The council may, by appropriate action of the governing bodies of the members, perform such other functions and duties as are performed or capable of performance by the members and necessary or desirable for dealing with problems of mutual concern.

(D) The authority granted to the council by this section or in any agreement by the members thereof shall not displace any existing municipal, county, regional, or other planning commission or planning agency in the exercise of its statutory powers.

(E) A council, with an educational service center as its fiscal agent, that is established to provide health care benefits to the council members' officers and employees and their dependents may ~~contract~~ do either of the following:

(1) Contract to administer and coordinate a self-funded health benefit program of a nonprofit corporation organized under Chapter 1702. of the Revised Code. A council operating a program under ~~this~~ division (E)(1) of this section that does not act as an administrator as defined in section 3959.01 of the Revised Code does not constitute engaging in the business of insurance and is not subject to the insurance laws of this state.

(2)(a) Acquire, establish, manage, or operate a separate business entity, including a corporation, company, organization, partnership, or trust, and utilize its unencumbered reserve funds in the acquisition, establishment, management, or operation of the business entity to the extent approved by the council's governing board and so long as the council remains sufficiently reserved, in the exercise of sound and prudent actuarial judgment, to cover the

potential cost of health care benefits for the council members' officers and employees and their dependents. 14386
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(b) Where the business operations or services provided through the separate business entity constitutes engaging in the business of insurance or are otherwise subject to the insurance laws of this state, the business entity shall comply with any requirements set forth in Title XVII or Title XXXIX of the Revised Code and any other sections of the Revised Code or Administrative Code that are applicable to the business entity, and the exclusions from the requirements set forth in the Revised Code and Administrative Code that apply to the self-insurance program of the council under division (C) of section 9.833 of the Revised Code shall not apply to any such business entity or the services it offers. 14388
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Sec. 169.05. (A) Every holder required to file a report under section 169.03 of the Revised Code shall, at the time of filing, pay to the director of commerce ten per cent of the aggregate amount of unclaimed funds as shown on the report, except for aggregate amounts of fifty dollars or less in which case one hundred per cent shall be paid. The funds may be deposited by the director in the state treasury to the credit of the unclaimed funds trust fund, which is hereby created, or placed with a financial organization. Any interest earned on money in the trust fund shall be credited to the trust fund. The remainder of the aggregate amount of unclaimed funds as shown on the report, plus earnings accrued to date of payment to the director, shall, at the option of the director, be retained by the holder or paid to the director for deposit as agent for the mortgage funds with a financial organization as defined in section 169.01 of the Revised Code, with the funds to be in income-bearing accounts to the credit of the mortgage funds, or the holder may enter into an agreement with the director specifying the obligations of the 14400
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United States in which funds are to be invested, and agree to pay 14418
the interest on the obligations to the state. Holders retaining 14419
any funds not in obligations of the United States shall enter into 14420
an agreement with the director specifying the classification of 14421
income-bearing account in which the funds will be held and pay the 14422
state interest on the funds at a rate equal to the prevailing 14423
market rate for similar funds. Moneys that the holder is required 14424
to pay to the director rather than to retain may be deposited with 14425
the treasurer of state, or placed with a financial organization. 14426

Securities and other intangible property transferred to the 14427
director shall, within a reasonable time, be converted to cash and 14428
the proceeds deposited as provided for other funds. 14429

One-half of the funds evidenced by agreements, in 14430
income-bearing accounts, or on deposit with the treasurer of state 14431
shall be allocated on the records of the director to the mortgage 14432
insurance fund created by section 122.561 of the Revised Code. Out 14433
of the remaining half, after allocation of sufficient moneys to 14434
the minority business bonding fund to meet the provisions of 14435
division (B) of this section, the remainder shall be allocated on 14436
the records of the director to the housing development fund 14437
created by division (A) of section 175.11 of the Revised Code. 14438

(B) The director shall serve as agent for the director of 14439
development and as agent for the Ohio housing finance agency in 14440
making deposits and withdrawals and maintaining records pertaining 14441
to the minority business bonding fund created by section 122.88 of 14442
the Revised Code, the mortgage insurance fund, and the housing 14443
development fund created by section 175.11 of the Revised Code. 14444
Funds from the mortgage insurance fund are available to the 14445
director of development when those funds are to be disbursed to 14446
prevent or cure, or upon the occurrence of, a default of a 14447
mortgage insured pursuant to section 122.451 of the Revised Code. 14448
Funds from the housing development fund are available upon request 14449

to the Ohio housing finance agency, in an amount not to exceed the 14450
funds allocated on the records of the director, for the purposes 14451
of section 175.05 of the Revised Code. Funds from the minority 14452
business bonding fund are available to the director of development 14453
upon request to pay obligations on bonds the director writes 14454
pursuant to section 122.88 of the Revised Code; except that, 14455
unless the general assembly authorizes additional amounts, the 14456
total maximum amount of moneys that may be allocated to the 14457
minority business bonding fund under this division is ten million 14458
dollars. 14459

When funds are to be disbursed, the appropriate agency shall 14460
call upon the director to transfer the necessary funds to it. The 14461
director shall first withdraw the funds paid by the holders and 14462
deposited with the treasurer of state or in a financial 14463
institution as agent for the funds. Whenever these funds are 14464
inadequate to meet the request, the director shall provide for a 14465
withdrawal of funds, within a reasonable time and in the amount 14466
necessary to meet the request, from financial institutions in 14467
which the funds were retained or placed by a holder and from other 14468
holders who have retained funds, in an equitable manner as the 14469
director prescribes. In the event that the amount to be withdrawn 14470
from any one holder is less than five hundred dollars, the amount 14471
to be withdrawn is at the director's discretion. The director 14472
shall then transfer to the agency the amount of funds requested. 14473

Funds deposited in the unclaimed funds trust fund are subject 14474
to call by the director when necessary to pay claims the director 14475
allows under section 169.08 of the Revised Code, in accordance 14476
with the director's rules, to defray the necessary costs of making 14477
publications this chapter requires and to pay other operating and 14478
administrative expenses the department of commerce incurs in the 14479
administration and enforcement of this chapter. 14480

The unclaimed funds trust fund shall be assessed a 14481

proportionate share of the administrative costs of the department 14482
of commerce in accordance with procedures the director of commerce 14483
prescribes ~~and the director of budget and management approves~~. The 14484
assessment shall be paid from the unclaimed funds trust fund to 14485
the division of administration fund. 14486

(C) Earnings on the accounts in financial organizations to 14487
the credit of the mortgage funds shall, at the option of the 14488
financial organization, be credited to the accounts at times and 14489
at rates as earnings are paid on other accounts of the same 14490
classification held in the financial organization or paid to the 14491
director. The director shall be notified annually, and at other 14492
times as the director may request, of the amount of the earnings 14493
credited to the accounts. Interest on unclaimed funds a holder 14494
retains shall be paid to the director or credited as specified in 14495
the agreement under which the organization retains the funds. 14496
Interest payable to the director under an agreement to invest 14497
unclaimed funds in income-bearing accounts or obligations of the 14498
United States shall be paid annually by the holder to the 14499
director. Any earnings or interest the director receives under 14500
this division shall be deposited in and credited to the mortgage 14501
funds. 14502

Sec. 173.012. The department of aging may develop and offer 14503
training programs to area agencies on aging, long-term care 14504
facilities, providers of long-term care services, and other 14505
interested parties. The department may charge fees for the 14506
training programs. Amounts collected from charging the fees shall 14507
be deposited into the state treasury to the credit of the senior 14508
community outreach fund, which is hereby created. Money credited 14509
to the fund may be used by the department to administer this 14510
section and to develop and offer additional training programs. 14511

Sec. 173.38. (A) As used in this section: 14512

- (1) "Applicant" means a person who is under final consideration for employment with a responsible party in a full-time, part-time, or temporary direct-care position or is referred to a responsible party by an employment service for such a position. "Applicant" does not include a person being considered for a direct-care position as a volunteer. 14513
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- (2) "Area agency on aging" has the same meaning as in section 173.14 of the Revised Code. 14519
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- (3) "Chief administrator of a responsible party" includes a consumer when the consumer is a responsible party. 14521
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- (4) "Community-based long-term care services" means community-based long-term care services, as defined in section 173.14 of the Revised Code, that are provided under a program the department of aging administers. 14523
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- (5) "Consumer" means an individual who receives community-based long-term care services. 14527
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- (6) "Criminal records check" has the same meaning as in section 109.572 of the Revised Code. 14529
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- (7)(a) "Direct-care position" means an employment position in which an employee has either or both of the following: 14531
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- (i) In-person contact with one or more consumers; 14533
 - (ii) Access to one or more consumers' personal property or records. 14534
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- (b) "Direct-care position" does not include a person whose sole duties are transporting individuals under Chapter 306. of the Revised Code. 14536
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- (8) "Disqualifying offense" means any of the offenses listed or described in divisions (A)(3)(a) to (e) of section 109.572 of the Revised Code. 14539
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- (9) "Employee" means a person employed by a responsible party 14542

in a full-time, part-time, or temporary direct-care position and a 14543
person who works in such a position due to being referred to a 14544
responsible party by an employment service. "Employee" does not 14545
include a person who works in a direct-care position as a 14546
volunteer. 14547

(10) "PASSPORT administrative agency" has the same meaning as 14548
in section 173.42 of the Revised Code. 14549

(11) "Provider" has the same meaning as in section 173.39 of 14550
the Revised Code. 14551

(12) "Responsible party" means the following: 14552

(a) An area agency on aging in the case of either of the 14553
following: 14554

(i) A person who is an applicant because the person is under 14555
final consideration for employment with the agency in a full-time, 14556
part-time, or temporary direct-care position or is referred to the 14557
agency by an employment service for such a position; 14558

(ii) A person who is an employee because the person is 14559
employed by the agency in a full-time, part-time, or temporary 14560
direct-care position or works in such a position due to being 14561
referred to the agency by an employment service. 14562

(b) A PASSPORT administrative agency in the case of either of 14563
the following: 14564

(i) A person who is an applicant because the person is under 14565
final consideration for employment with the agency in a full-time, 14566
part-time, or temporary direct-care position or is referred to the 14567
agency by an employment service for such a position; 14568

(ii) A person who is an employee because the person is 14569
employed by the agency in a full-time, part-time, or temporary 14570
direct-care position or works in such a position due to being 14571
referred to the agency by an employment service. 14572

(c) A provider in the case of either of the following:	14573
(i) A person who is an applicant because the person is under final consideration for employment with the provider in a full-time, part-time, or temporary direct-care position or is referred to the provider by an employment service for such a position;	14574 14575 14576 14577 14578
(ii) A person who is an employee because the person is employed by the provider in a full-time, part-time, or temporary direct-care position or works in such a position due to being referred to the provider by an employment service.	14579 14580 14581 14582
(d) A subcontractor in the case of either of the following:	14583
(i) A person who is an applicant because the person is under final consideration for employment with the subcontractor in a full-time, part-time, or temporary direct-care position or is referred to the subcontractor by an employment service for such a position;	14584 14585 14586 14587 14588
(ii) A person who is an employee because the person is employed by the subcontractor in a full-time, part-time, or temporary direct-care position or works in such a position due to being referred to the subcontractor by an employment service.	14589 14590 14591 14592
(e) A consumer in the case of either of the following:	14593
(i) A person who is an applicant because the person is under final consideration for employment with the consumer in a full-time, part-time, or temporary direct-care position for which the consumer, as the employer of record, is to direct the person in the provision of community-based long-term care services the person is to provide the consumer or is referred to the consumer by an employment service for such a position;	14594 14595 14596 14597 14598 14599 14600
(ii) A person who is an employee because the person is employed by the consumer in a full-time, part-time, or temporary	14601 14602

direct-care position for which the consumer, as the employer of 14603
record, directs the person in the provision of community-based 14604
long-term care services the person provides to the consumer or who 14605
works in such a position due to being referred to the consumer by 14606
an employment service. 14607

(13) "Subcontractor" has the meaning specified in rules 14608
adopted under this section. 14609

(14) "Volunteer" means a person who serves in a direct-care 14610
position without receiving or expecting to receive any form of 14611
remuneration other than reimbursement for actual expenses. 14612

(15) "Waiver agency" has the same meaning as in section 14613
5164.342 of the Revised Code. 14614

(B) This section does not apply to any individual who is 14615
subject to a database review or criminal records check under 14616
section 173.381 or ~~3701.881~~ 3740.11 of the Revised Code or to any 14617
individual who is subject to a criminal records check under 14618
section 3721.121 of the Revised Code. 14619

(C) No responsible party shall employ an applicant or 14620
continue to employ an employee in a direct-care position if any of 14621
the following apply: 14622

(1) A review of the databases listed in division (E) of this 14623
section reveals any of the following: 14624

(a) That the applicant or employee is included in one or more 14625
of the databases listed in divisions (E)(1) to (5) of this 14626
section; 14627

(b) That there is in the state nurse aide registry 14628
established under section 3721.32 of the Revised Code a statement 14629
detailing findings by the director of health that the applicant or 14630
employee abused, neglected, or exploited a long-term care facility 14631
or residential care facility resident or misappropriated property 14632

of such a resident; 14633

(c) That the applicant or employee is included in one or more 14634
of the databases, if any, specified in rules adopted under this 14635
section and the rules prohibit the responsible party from 14636
employing an applicant or continuing to employ an employee 14637
included in such a database in a direct-care position. 14638

(2) After the applicant or employee is provided, pursuant to 14639
division (F)(2)(a) of this section, a copy of the form prescribed 14640
pursuant to division (C)(1) of section 109.572 of the Revised Code 14641
and the standard impression sheet prescribed pursuant to division 14642
(C)(2) of that section, the applicant or employee fails to 14643
complete the form or provide the applicant's or employee's 14644
fingerprint impressions on the standard impression sheet. 14645

(3) Unless the applicant or employee meets standards 14646
specified in rules adopted under this section, the applicant or 14647
employee is found by a criminal records check required by this 14648
section to have been convicted of, pleaded guilty to, or been 14649
found eligible for intervention in lieu of conviction for a 14650
disqualifying offense. 14651

(D) Except as provided by division (G) of this section, the 14652
chief administrator of a responsible party shall inform each 14653
applicant of both of the following at the time of the applicant's 14654
initial application for employment or referral to the responsible 14655
party by an employment service for a direct-care position: 14656

(1) That a review of the databases listed in division (E) of 14657
this section will be conducted to determine whether the 14658
responsible party is prohibited by division (C)(1) of this section 14659
from employing the applicant in the direct-care position; 14660

(2) That, unless the database review reveals that the 14661
applicant may not be employed in the direct-care position, a 14662
criminal records check of the applicant will be conducted and the 14663

applicant is required to provide a set of the applicant's 14664
fingerprint impressions as part of the criminal records check. 14665

(E) As a condition of employing any applicant in a 14666
direct-care position, the chief administrator of a responsible 14667
party shall conduct a database review of the applicant in 14668
accordance with rules adopted under this section. If rules adopted 14669
under this section so require, the chief administrator of a 14670
responsible party shall conduct a database review of an employee 14671
in accordance with the rules as a condition of continuing to 14672
employ the employee in a direct-care position. However, a chief 14673
administrator is not required to conduct a database review of an 14674
applicant or employee if division (G) of this section applies. A 14675
database review shall determine whether the applicant or employee 14676
is included in any of the following: 14677

(1) The excluded parties list system that is maintained by 14678
the United States general services administration pursuant to 14679
subpart 9.4 of the federal acquisition regulation and available at 14680
the federal web site known as the system for award management; 14681

(2) The list of excluded individuals and entities maintained 14682
by the office of inspector general in the United States department 14683
of health and human services pursuant to the "Social Security 14684
Act," sections 1128 and 1156, 42 U.S.C. 1320a-7 and 1320c-5; 14685

(3) The registry of developmental disabilities employees 14686
established under section 5123.52 of the Revised Code; 14687

(4) The internet-based sex offender and child-victim offender 14688
database established under division (A)(11) of section 2950.13 of 14689
the Revised Code; 14690

(5) The internet-based database of inmates established under 14691
section 5120.66 of the Revised Code; 14692

(6) The state nurse aide registry established under section 14693
3721.32 of the Revised Code; 14694

(7) Any other database, if any, specified in rules adopted 14695
under this section. 14696

(F)(1) As a condition of employing any applicant in a 14697
direct-care position, the chief administrator of a responsible 14698
party shall request that the superintendent of the bureau of 14699
criminal identification and investigation conduct a criminal 14700
records check of the applicant. If rules adopted under this 14701
section so require, the chief administrator of a responsible party 14702
shall request that the superintendent conduct a criminal records 14703
check of an employee at times specified in the rules as a 14704
condition of continuing to employ the employee in a direct-care 14705
position. However, the chief administrator is not required to 14706
request the criminal records check of the applicant or employee if 14707
division (G) of this section applies or the responsible party is 14708
prohibited by division (C)(1) of this section from employing the 14709
applicant or continuing to employ the employee in a direct-care 14710
position. If an applicant or employee for whom a criminal records 14711
check request is required by this section does not present proof 14712
of having been a resident of this state for the five-year period 14713
immediately prior to the date the criminal records check is 14714
requested or provide evidence that within that five-year period 14715
the superintendent has requested information about the applicant 14716
or employee from the federal bureau of investigation in a criminal 14717
records check, the chief administrator shall request that the 14718
superintendent obtain information from the federal bureau of 14719
investigation as part of the criminal records check. Even if an 14720
applicant or employee for whom a criminal records check request is 14721
required by this section presents proof of having been a resident 14722
of this state for the five-year period, the chief administrator 14723
may request that the superintendent include information from the 14724
federal bureau of investigation in the criminal records check. 14725

(2) The chief administrator shall do all of the following: 14726

(a) Provide to each applicant and employee for whom a criminal records check request is required by this section a copy of the form prescribed pursuant to division (C)(1) of section 109.572 of the Revised Code and a standard impression sheet prescribed pursuant to division (C)(2) of that section;	14727 14728 14729 14730 14731
(b) Obtain the completed form and standard impression sheet from the applicant or employee;	14732 14733
(c) Forward the completed form and standard impression sheet to the superintendent.	14734 14735
(3) A responsible party shall pay to the bureau of criminal identification and investigation the fee prescribed pursuant to division (C)(3) of section 109.572 of the Revised Code for each criminal records check the responsible party requests under this section. A responsible party may charge an applicant a fee not exceeding the amount the responsible party pays to the bureau under this section if both of the following apply:	14736 14737 14738 14739 14740 14741 14742
(a) The responsible party notifies the applicant at the time of initial application for employment of the amount of the fee and that, unless the fee is paid, the applicant will not be considered for employment.	14743 14744 14745 14746
(b) The medicaid program does not pay the responsible party for the fee it pays to the bureau under this section.	14747 14748
(G) Divisions (D) to (F) of this section do not apply with regard to an applicant or employee if the applicant or employee is referred to a responsible party by an employment service that supplies full-time, part-time, or temporary staff for direct-care positions and both of the following apply:	14749 14750 14751 14752 14753
(1) The chief administrator of the responsible party receives from the employment service confirmation that a review of the databases listed in division (E) of this section was conducted of the applicant or employee.	14754 14755 14756 14757

(2) The chief administrator of the responsible party receives 14758
from the employment service, applicant, or employee a report of 14759
the results of a criminal records check of the applicant or 14760
employee that has been conducted by the superintendent within the 14761
one-year period immediately preceding the following: 14762

(a) In the case of an applicant, the date of the applicant's 14763
referral by the employment service to the responsible party; 14764

(b) In the case of an employee, the date by which the 14765
responsible party would otherwise have to request a criminal 14766
records check of the employee under division (F) of this section. 14767

(H)(1) A responsible party may employ conditionally an 14768
applicant for whom a criminal records check request is required by 14769
this section prior to obtaining the results of the criminal 14770
records check if the responsible party is not prohibited by 14771
division (C)(1) of this section from employing the applicant in a 14772
direct-care position and either of the following applies: 14773

(a) The chief administrator of the responsible party requests 14774
the criminal records check in accordance with division (F) of this 14775
section before conditionally employing the applicant. 14776

(b) The applicant is referred to the responsible party by an 14777
employment service, the employment service or the applicant 14778
provides the chief administrator of the responsible party a letter 14779
that is on the letterhead of the employment service, the letter is 14780
dated and signed by a supervisor or another designated official of 14781
the employment service, and the letter states all of the 14782
following: 14783

(i) That the employment service has requested the 14784
superintendent to conduct a criminal records check regarding the 14785
applicant; 14786

(ii) That the requested criminal records check is to include 14787
a determination of whether the applicant has been convicted of, 14788

pleaded guilty to, or been found eligible for intervention in lieu 14789
of conviction for a disqualifying offense; 14790

(iii) That the employment service has not received the 14791
results of the criminal records check as of the date set forth on 14792
the letter; 14793

(iv) That the employment service promptly will send a copy of 14794
the results of the criminal records check to the chief 14795
administrator of the responsible party when the employment service 14796
receives the results. 14797

(2) If a responsible party employs an applicant conditionally 14798
pursuant to division (H)(1)(b) of this section, the employment 14799
service, on its receipt of the results of the criminal records 14800
check, promptly shall send a copy of the results to the chief 14801
administrator of the responsible party. 14802

(3) A responsible party that employs an applicant 14803
conditionally pursuant to division (H)(1)(a) or (b) of this 14804
section shall terminate the applicant's employment if the results 14805
of the criminal records check, other than the results of any 14806
request for information from the federal bureau of investigation, 14807
are not obtained within the period ending sixty days after the 14808
date the request for the criminal records check is made. 14809
Regardless of when the results of the criminal records check are 14810
obtained, if the results indicate that the applicant has been 14811
convicted of, pleaded guilty to, or been found eligible for 14812
intervention in lieu of conviction for a disqualifying offense, 14813
the responsible party shall terminate the applicant's employment 14814
unless the applicant meets standards specified in rules adopted 14815
under this section that permit the responsible party to employ the 14816
applicant and the responsible party chooses to employ the 14817
applicant. Termination of employment under this division shall be 14818
considered just cause for discharge for purposes of division 14819
(D)(2) of section 4141.29 of the Revised Code if the applicant 14820

makes any attempt to deceive the responsible party about the 14821
applicant's criminal record. 14822

(I) The report of any criminal records check conducted 14823
pursuant to a request made under this section is not a public 14824
record for the purposes of section 149.43 of the Revised Code and 14825
shall not be made available to any person other than the 14826
following: 14827

(1) The applicant or employee who is the subject of the 14828
criminal records check or the applicant's or employee's 14829
representative; 14830

(2) The chief administrator of the responsible party 14831
requesting the criminal records check or the administrator's 14832
representative; 14833

(3) The administrator of any other facility, agency, or 14834
program that provides community-based long-term care services that 14835
is owned or operated by the same entity that owns or operates the 14836
responsible party that requested the criminal records check; 14837

(4) The employment service that requested the criminal 14838
records check; 14839

(5) The director of aging or a person authorized by the 14840
director to monitor a responsible party's compliance with this 14841
section; 14842

(6) The medicaid director and the staff of the department of 14843
medicaid who are involved in the administration of the medicaid 14844
program if any of the following apply: 14845

(a) In the case of a criminal records check requested by a 14846
provider or subcontractor, the provider or subcontractor also is a 14847
waiver agency; 14848

(b) In the case of a criminal records check requested by an 14849
employment service, the employment service makes the request for 14850

an applicant or employee the employment service refers to a 14851
provider or subcontractor that also is a waiver agency; 14852

(c) The criminal records check is requested by a consumer who 14853
is acting as a responsible party. 14854

(7) A court, hearing officer, or other necessary individual 14855
involved in a case dealing with any of the following: 14856

(a) A denial of employment of the applicant or employee; 14857

(b) Employment or unemployment benefits of the applicant or 14858
employee; 14859

(c) A civil or criminal action regarding the medicaid program 14860
or a program the department of aging administers. 14861

(J) In a tort or other civil action for damages that is 14862
brought as the result of an injury, death, or loss to person or 14863
property caused by an applicant or employee who a responsible 14864
party employs in a direct-care position, all of the following 14865
shall apply: 14866

(1) If the responsible party employed the applicant or 14867
employee in good faith and reasonable reliance on the report of a 14868
criminal records check requested under this section, the 14869
responsible party shall not be found negligent solely because of 14870
its reliance on the report, even if the information in the report 14871
is determined later to have been incomplete or inaccurate. 14872

(2) If the responsible party employed the applicant in good 14873
faith on a conditional basis pursuant to division (H) of this 14874
section, the responsible party shall not be found negligent solely 14875
because it employed the applicant prior to receiving the report of 14876
a criminal records check requested under this section. 14877

(3) If the responsible party in good faith employed the 14878
applicant or employee because the applicant or employee meets 14879
standards specified in rules adopted under this section, the 14880

responsible party shall not be found negligent solely because the 14881
applicant or employee has been convicted of, pleaded guilty to, or 14882
been found eligible for intervention in lieu of conviction for a 14883
disqualifying offense. 14884

(K) The director of aging shall adopt rules in accordance 14885
with Chapter 119. of the Revised Code to implement this section. 14886

(1) The rules may do the following: 14887

(a) Require employees to undergo database reviews and 14888
criminal records checks under this section; 14889

(b) If the rules require employees to undergo database 14890
reviews and criminal records checks under this section, exempt one 14891
or more classes of employees from the requirements; 14892

(c) For the purpose of division (E)(7) of this section, 14893
specify other databases that are to be checked as part of a 14894
database review conducted under this section. 14895

(2) The rules shall specify all of the following: 14896

(a) The meaning of the term "subcontractor"; 14897

(b) The procedures for conducting database reviews under this 14898
section; 14899

(c) If the rules require employees to undergo database 14900
reviews and criminal records checks under this section, the times 14901
at which the database reviews and criminal records checks are to 14902
be conducted; 14903

(d) If the rules specify other databases to be checked as 14904
part of the database reviews, the circumstances under which a 14905
responsible party is prohibited from employing an applicant or 14906
continuing to employ an employee who is found by a database review 14907
to be included in one or more of those databases; 14908

(e) Standards that an applicant or employee must meet for a 14909
responsible party to be permitted to employ the applicant or 14910

continue to employ the employee in a direct-care position if the 14911
applicant or employee is found by a criminal records check 14912
required by this section to have been convicted of, pleaded guilty 14913
to, or been found eligible for intervention in lieu of conviction 14914
for a disqualifying offense. 14915

Sec. 173.381. (A) As used in this section: 14916

(1) "Community-based long-term care services" means 14917
community-based long-term care services, as defined in section 14918
173.14 of the Revised Code, that are provided under a program the 14919
department of aging administers. 14920

(2) "Community-based long-term care services certificate" 14921
means a certificate issued under section 173.391 of the Revised 14922
Code. 14923

(3) "Community-based long-term care services contract or 14924
grant" means a contract or grant awarded under section 173.392 of 14925
the Revised Code. 14926

(4) "Criminal records check" has the same meaning as in 14927
section 109.572 of the Revised Code. 14928

(5) "Disqualifying offense" means any of the offenses listed 14929
or described in divisions (A)(3)(a) to (e) of section 109.572 of 14930
the Revised Code. 14931

(6) "Provider" has the same meaning as in section 173.39 of 14932
the Revised Code. 14933

(7) "Self-employed provider" means a provider who works for 14934
the provider's self and has no employees. 14935

(B) This section does not apply to any individual who is 14936
subject to a database review or criminal records check under 14937
section ~~3701.881~~ 3740.11 of the Revised Code. 14938

(C)(1) The department of aging or its designee shall take the 14939

following actions when the circumstances specified in division	14940
(C)(2) of this section apply:	14941
(a) Refuse to issue a community-based long-term care services	14942
certificate to a self-employed provider;	14943
(b) Revoke a self-employed provider's community-based	14944
long-term care services certificate;	14945
(c) Refuse to award a community-based long-term care services	14946
contract or grant to a self-employed provider;	14947
(d) Terminate a self-employed provider's community-based	14948
long-term care services contract or grant awarded on or after	14949
September 15, 2014.	14950
(2) The following are the circumstances that require the	14951
department of aging or its designee to take action under division	14952
(C)(1) of this section:	14953
(a) A review of the databases listed in division (E) of this	14954
section reveals any of the following:	14955
(i) That the self-employed provider is included in one or	14956
more of the databases listed in divisions (E)(1) to (5) of this	14957
section;	14958
(ii) That there is in the state nurse aide registry	14959
established under section 3721.32 of the Revised Code a statement	14960
detailing findings by the director of health that the	14961
self-employed provider abused, neglected, or exploited a long-term	14962
care facility or residential care facility resident or	14963
misappropriated property of such a resident;	14964
(iii) That the self-employed provider is included in one or	14965
more of the databases, if any, specified in rules adopted under	14966
this section and the rules require the department or its designee	14967
to take action under division (C)(1) of this section if a	14968
self-employed provider is included in such a database.	14969

(b) After the self-employed provider is provided, pursuant to 14970
division (F)(2)(a) of this section, a copy of the form prescribed 14971
pursuant to division (C)(1) of section 109.572 of the Revised Code 14972
and the standard impression sheet prescribed pursuant to division 14973
(C)(2) of that section, the self-employed provider fails to 14974
complete the form or provide the self-employed provider's 14975
fingerprint impressions on the standard impression sheet. 14976

(c) Unless the self-employed provider meets standards 14977
specified in rules adopted under this section, the self-employed 14978
provider is found by a criminal records check required by this 14979
section to have been convicted of, pleaded guilty to, or been 14980
found eligible for intervention in lieu of conviction for a 14981
disqualifying offense. 14982

(D) The department of aging or its designee shall inform each 14983
self-employed provider of both of the following at the time of the 14984
self-employed provider's initial application for a community-based 14985
long-term care services certificate or initial bid for a 14986
community-based long-term care services contract or grant: 14987

(1) That a review of the databases listed in division (E) of 14988
this section will be conducted to determine whether the department 14989
or its designee is required by division (C) of this section to 14990
refuse to issue or award a community-based long-term care services 14991
certificate or community-based long-term care services contract or 14992
grant to the self-employed provider; 14993

(2) That, unless the database review reveals that the 14994
department or its designee is required to refuse to issue or award 14995
a community-based long-term care services certificate or 14996
community-based long-term care services contract or grant to the 14997
self-employed provider, a criminal records check of the 14998
self-employed provider will be conducted and the self-employed 14999
provider is required to provide a set of the self-employed 15000
provider's fingerprint impressions as part of the criminal records 15001

check. 15002

(E) As a condition of issuing or awarding a community-based 15003
long-term care services certificate or community-based long-term 15004
care services contract or grant to a self-employed provider, the 15005
department of aging or its designee shall conduct a database 15006
review of the self-employed provider in accordance with rules 15007
adopted under this section. If rules adopted under this section so 15008
require, the department or its designee shall conduct a database 15009
review of a self-employed provider in accordance with the rules as 15010
a condition of not revoking or terminating the self-employed 15011
provider's community-based long-term care services certificate or 15012
community-based long-term care services contract or grant. A 15013
database review shall determine whether the self-employed provider 15014
is included in any of the following: 15015

(1) The excluded parties list system that is maintained by 15016
the United States general services administration pursuant to 15017
subpart 9.4 of the federal acquisition regulation and available at 15018
the federal web site known as the system for award management; 15019

(2) The list of excluded individuals and entities maintained 15020
by the office of inspector general in the United States department 15021
of health and human services pursuant to the "Social Security 15022
Act," 42 U.S.C. 1320a-7 and 1320c-5; 15023

(3) The registry of developmental disabilities employees 15024
established under section 5123.52 of the Revised Code; 15025

(4) The internet-based sex offender and child-victim offender 15026
database established under division (A)(11) of section 2950.13 of 15027
the Revised Code; 15028

(5) The internet-based database of inmates established under 15029
section 5120.66 of the Revised Code; 15030

(6) The state nurse aide registry established under section 15031
3721.32 of the Revised Code; 15032

(7) Any other database, if any, specified in rules adopted 15033
under this section. 15034

(F)(1) As a condition of issuing or awarding a 15035
community-based long-term care services certificate or 15036
community-based long-term care services contract or grant to a 15037
self-employed provider, the department of aging or its designee 15038
shall request that the superintendent of the bureau of criminal 15039
identification and investigation conduct a criminal records check 15040
of the self-employed provider. If rules adopted under this section 15041
so require, the department or its designee shall request that the 15042
superintendent conduct a criminal records check of a self-employed 15043
provider at times specified in the rules as a condition of not 15044
revoking or terminating the self-employed provider's 15045
community-based long-term care services certificate or 15046
community-based long-term care services contract or grant. 15047
However, the department or its designee is not required to request 15048
the criminal records check of the self-employed provider if the 15049
department or its designee, because of circumstances specified in 15050
division (C)(2)(a) of this section, is required to refuse to issue 15051
or award a community-based long-term care services certificate or 15052
community-based long-term care services contract or grant to the 15053
self-employed provider or to revoke or terminate the self-employed 15054
provider's certificate or contract or grant. 15055

If a self-employed provider for whom a criminal records check 15056
request is required by this section does not present proof of 15057
having been a resident of this state for the five-year period 15058
immediately prior to the date the criminal records check is 15059
requested or provide evidence that within that five-year period 15060
the superintendent has requested information about the 15061
self-employed provider from the federal bureau of investigation in 15062
a criminal records check, the department or its designee shall 15063
request that the superintendent obtain information from the 15064

federal bureau of investigation as part of the criminal records 15065
check. Even if a self-employed provider for whom a criminal 15066
records check request is required by this section presents proof 15067
of having been a resident of this state for the five-year period, 15068
the department or its designee may request that the superintendent 15069
include information from the federal bureau of investigation in 15070
the criminal records check. 15071

(2) The department or its designee shall do all of the 15072
following: 15073

(a) Provide to each self-employed provider for whom a 15074
criminal records check request is required by this section a copy 15075
of the form prescribed pursuant to division (C)(1) of section 15076
109.572 of the Revised Code and a standard impression sheet 15077
prescribed pursuant to division (C)(2) of that section; 15078

(b) Obtain the completed form and standard impression sheet 15079
from the self-employed provider; 15080

(c) Forward the completed form and standard impression sheet 15081
to the superintendent. 15082

(3) The department or its designee shall pay to the bureau of 15083
criminal identification and investigation the fee prescribed 15084
pursuant to division (C)(3) of section 109.572 of the Revised Code 15085
for each criminal records check of a self-employed provider the 15086
department or its designee requests under this section. The 15087
department or its designee may charge the self-employed provider a 15088
fee that does not exceed the amount the department or its designee 15089
pays to the bureau. 15090

(G) The report of any criminal records check of a 15091
self-employed provider conducted pursuant to a request made under 15092
this section is not a public record for the purposes of section 15093
149.43 of the Revised Code and shall not be made available to any 15094
person other than the following: 15095

(1) The self-employed provider or the self-employed provider's representative;	15096 15097
(2) The department of aging, the department's designee, or a representative of the department or its designee;	15098 15099
(3) The medicaid director and the staff of the department of medicaid who are involved in the administration of the medicaid program if the self-employed provider is to provide, or provides, community-based long-term care services under a component of the medicaid program that the department of aging administers;	15100 15101 15102 15103 15104
(4) A court, hearing officer, or other necessary individual involved in a case dealing with any of the following:	15105 15106
(a) A refusal to issue or award a community-based long-term services certificate or community-based long-term care services contract or grant to the self-employed provider;	15107 15108 15109
(b) A revocation or termination of the self-employed provider's community-based long-term care services certificate or community-based long-term care services contract or grant;	15110 15111 15112
(c) A civil or criminal action regarding a program the department of aging administers.	15113 15114
(H) In a tort or other civil action for damages that is brought as the result of an injury, death, or loss to person or property caused by a self-employed provider, both of the following shall apply:	15115 15116 15117 15118
(1) If the department of aging or its designee, in good faith and reasonable reliance on the report of a criminal records check requested under this section, issued or awarded a community-based long-term care services certificate or community-based long-term care services contract or grant to the self-employed provider or did not revoke or terminate the self-employed provider's certificate or contract or grant, the department and its designee	15119 15120 15121 15122 15123 15124 15125

shall not be found negligent solely because of its reliance on the 15126
report, even if the information in the report is determined later 15127
to have been incomplete or inaccurate. 15128

(2) If the department or its designee in good faith issued or 15129
awarded a community-based long-term care services certificate or 15130
community-based long-term care services contract or grant to the 15131
self-employed provider or did not revoke or terminate the 15132
self-employed provider's certificate or contract or grant because 15133
the self-employed provider meets standards specified in rules 15134
adopted under this section, the department and its designee shall 15135
not be found negligent solely because the self-employed provider 15136
has been convicted of, pleaded guilty to, or been found eligible 15137
for intervention in lieu of conviction for a disqualifying 15138
offense. 15139

(I) The director of aging shall adopt rules in accordance 15140
with Chapter 119. of the Revised Code to implement this section. 15141

(1) The rules may do the following: 15142

(a) Require self-employed providers who have been issued or 15143
awarded community-based long-term care services certificates or 15144
community-based long-term care services contracts or grants to 15145
undergo database reviews and criminal records checks under this 15146
section; 15147

(b) If the rules require self-employed providers who have 15148
been issued or awarded community-based long-term care services 15149
certificates or community-based long-term care services contracts 15150
or grants to undergo database reviews and criminal records checks 15151
under this section, exempt one or more classes of such 15152
self-employed providers from the requirements; 15153

(c) For the purpose of division (E)(7) of this section, 15154
specify other databases that are to be checked as part of a 15155
database review conducted under this section. 15156

(2) The rules shall specify all of the following:	15157
(a) The procedures for conducting database reviews under this section;	15158 15159
(b) If the rules require self-employed providers who have been issued or awarded community-based long-term care services certificates or community-based long-term care services contracts or grants to undergo database reviews and criminal records checks under this section, the times at which the database reviews and criminal records checks are to be conducted;	15160 15161 15162 15163 15164 15165
(c) If the rules specify other databases to be checked as part of the database reviews, the circumstances under which the department of aging or its designee is required to refuse to issue or award a community-based long-term care services certificate or community-based long-term care services contract or grant to a self-employed provider or to revoke or terminate a self-employed provider's certificate or contract or grant when the self-employed provider is found by a database review to be included in one or more of those databases;	15166 15167 15168 15169 15170 15171 15172 15173 15174
(d) Standards that a self-employed provider must meet for the department or its designee to be permitted to issue or award a community-based long-term care services certificate or community-based long-term care services contract or grant to the self-employed provider or not to revoke or terminate the self-employed provider's certificate or contract or grant if the self-employed provider is found by a criminal records check required by this section to have been convicted of, pleaded guilty to, or been found eligible for intervention in lieu of conviction for a disqualifying offense.	15175 15176 15177 15178 15179 15180 15181 15182 15183 15184
Sec. 173.39. (A) As used in sections 173.39 to 173.393 of the Revised Code:	15185 15186

(1) "Provider" means a person or government entity that provides any services, including community-based long-term care services, under a program the department of aging administers. "Provider" includes a person or government entity that provides home and community-based services to older adults through the PASSPORT program or assisted living program ~~as defined in section 173.51 of the Revised Code.~~

(2) "Community-based long-term care services" has the same meaning as in section 173.14 of the Revised Code.

(3) "PASSPORT program" and "assisted living program" have the same meanings as in section 173.51 of the Revised Code.

(B) ~~Except as provided in section 173.392 of the Revised Code, the~~ The department of aging ~~may~~ shall not pay a provider for providing any service, including community-based long-term care services, ~~under a~~ the PASSPORT program or assisted living program unless the provider is certified under section 173.391 of the Revised Code and the service is in fact provided.

The department may require a provider under any other program the department administers to be certified under section 173.391 of the Revised Code. If the department requires this certification, the department shall not pay the provider for providing any service under that program unless the provider is certified under section 173.391 of the Revised Code and provides the services the service is in fact provided. If the department does not require this certification, the department shall not pay the provider for providing any service under that program unless the provider complies with section 173.392 of the Revised Code.

Sec. 173.391. (A) Subject to section 173.381 of the Revised Code, the department of aging or its designee shall do all of the following in accordance with Chapter 119. of the Revised Code:

(1) Certify a provider to provide <u>services, including</u>	15217
community-based long-term care services, under a program the	15218
department administers if the provider satisfies the requirements	15219
for certification established by rules adopted under division (B)	15220
of this section and pays the fee, if any, established by rules	15221
adopted under division (G) of this section;	15222
(2) When required to do so by rules adopted under division	15223
(B) of this section, take one or more of the following	15224
disciplinary actions against a provider certified under division	15225
(A)(1) of this section:	15226
(a) Issue a written warning;	15227
(b) Require the submission of a plan of correction or	15228
evidence of compliance with requirements identified by the	15229
department;	15230
(c) Suspend referrals;	15231
(d) Remove clients;	15232
(e) Impose a fiscal sanction such as a civil monetary penalty	15233
or an order that unearned funds be repaid;	15234
(f) Suspend the certification;	15235
(g) Revoke the certification;	15236
(h) Impose another sanction.	15237
(3) Except as provided in division (E) of this section, hold	15238
hearings when there is a dispute between the department or its	15239
designee and a provider concerning actions the department or its	15240
designee takes regarding a decision not to certify the provider	15241
under division (A)(1) of this section or a disciplinary action	15242
under divisions (A)(2)(e) to (h) of this section.	15243
(B) The director of aging shall adopt rules in accordance	15244
with Chapter 119. of the Revised Code establishing certification	15245
requirements and standards for determining which type of	15246

disciplinary action to take under division (A)(2) of this section 15247
in individual situations. The rules shall establish procedures for 15248
all of the following: 15249

(1) Ensuring that providers comply with sections 173.38 and 15250
173.381 of the Revised Code; 15251

(2) Evaluating the services provided by the providers to 15252
ensure that the services are provided in a quality manner 15253
advantageous to the individual receiving the services; 15254

(3) In a manner consistent with section 173.381 of the 15255
Revised Code, determining when to take disciplinary action under 15256
division (A)(2) of this section and which disciplinary action to 15257
take; 15258

(4) Determining what constitutes another sanction for 15259
purposes of division (A)(2)(h) of this section. 15260

(C) The procedures established in rules adopted under 15261
division (B)(2) of this section shall require that all of the 15262
following be considered as part of an evaluation described in 15263
division (B)(2) of this section: 15264

(1) The provider's experience and financial responsibility; 15265

(2) The provider's ability to comply with standards for the 15266
services, including community-based long-term care services, that 15267
the provider provides under a program the department administers; 15268

(3) The provider's ability to meet the needs of the 15269
individuals served; 15270

(4) Any other factor the director considers relevant. 15271

(D) The rules adopted under division (B)(3) of this section 15272
shall specify that the reasons disciplinary action may be taken 15273
under division (A)(2) of this section include good cause, 15274
including misfeasance, malfeasance, nonfeasance, confirmed abuse 15275
or neglect, financial irresponsibility, or other conduct the 15276

director determines is injurious, or poses a threat, to the health 15277
or safety of individuals being served. 15278

(E) Subject to division (F) of this section, the department 15279
is not required to hold hearings under division (A)(3) of this 15280
section if any of the following conditions apply: 15281

(1) Rules adopted by the director of aging pursuant to this 15282
chapter require the provider to be a party to a provider 15283
agreement; hold a license, certificate, or permit; or maintain a 15284
certification, any of which is required or issued by a state or 15285
federal government entity other than the department of aging, and 15286
either of the following is the case: 15287

(a) The provider agreement has not been entered into or the 15288
license, certificate, permit, or certification has not been 15289
obtained or maintained. 15290

(b) The provider agreement, license, certificate, permit, or 15291
certification has been denied, revoked, not renewed, or suspended 15292
or has been otherwise restricted. 15293

(2) The provider's certification under this section has been 15294
denied, suspended, or revoked for any of the following reasons: 15295

(a) A government entity of this state, other than the 15296
department of aging, has terminated or refused to renew any of the 15297
following held by, or has denied any of the following sought by, a 15298
provider: a provider agreement, license, certificate, permit, or 15299
certification. Division (E)(2)(a) of this section applies 15300
regardless of whether the provider has entered into a provider 15301
agreement in, or holds a license, certificate, permit, or 15302
certification issued by, another state. 15303

(b) The provider or a principal owner or manager of the 15304
provider who provides direct care has entered a guilty plea for, 15305
or has been convicted of, an offense materially related to the 15306
medicaid program. 15307

(c) A principal owner or manager of the provider who provides direct care has entered a guilty plea for, been convicted of, or been found eligible for intervention in lieu of conviction for an offense listed or described in divisions (A)(3)(a) to (e) of section 109.572 of the Revised Code, but only if the provider, principal owner, or manager does not meet standards specified by the director in rules adopted under section 173.38 of the Revised Code. 15308
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(d) The department or its designee is required by section 173.381 of the Revised Code to deny or revoke the provider's certification. 15316
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(e) The United States department of health and human services has taken adverse action against the provider and that action impacts the provider's participation in the medicaid program. 15319
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(f) The provider has failed to enter into or renew a provider agreement with the PASSPORT administrative agency, as that term is defined in section 173.42 of the Revised Code, that administers programs on behalf of the department of aging in the region of the state in which the provider is certified to provide services. 15322
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(g) The provider has not billed or otherwise submitted a claim to the department for payment under the medicaid program in at least two years. 15327
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(h) The provider denied or failed to provide the department or its designee access to the provider's facilities during the provider's normal business hours for purposes of conducting an audit or structural compliance review. 15330
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(i) The provider has ceased doing business. 15334

(j) The provider has voluntarily relinquished its certification for any reason. 15335
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(3) The provider's provider agreement with the department of 15337

medicaid has been suspended under section 5164.36 of the Revised Code. 15338
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(4) The provider's provider agreement with the department of medicaid is denied or revoked because the provider or its owner, officer, authorized agent, associate, manager, or employee has been convicted of an offense that caused the provider agreement to be suspended under section 5164.36 of the Revised Code. 15340
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(F) If the department does not hold hearings when any condition described in division (E) of this section applies, the department shall send a notice to the provider describing a decision not to certify the provider under division (A)(1) of this section or the disciplinary action the department is taking under divisions (A)(2)(e) to (h) of this section. The notice shall be sent to the provider's address that is on record with the department and may be sent by regular mail. 15345
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(G) The director of aging may adopt rules in accordance with Chapter 119. of the Revised Code establishing a fee to be charged by the department of aging or its designee for certification issued under this section. 15353
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(H) Any amounts collected by the department or its designee under this section shall be deposited in the state treasury to the credit of the provider certification fund, which is hereby created. Money credited to the fund shall be used to pay for services, including community-based long-term care services, to pay for administrative costs associated with provider certification under this section, and to pay for administrative costs related to the publication of the Ohio long-term care consumer guide. 15357
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Sec. 173.392. (A) The In the case of a provider that the department of aging under section 173.39 of the Revised Code has not required to be certified under section 173.391 of the Revised 15366
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~~Code, the department of aging~~ may pay a the provider for providing 15369
services, including community-based long-term care services, under 15370
a program the department administers, ~~even though the provider is~~ 15371
~~not certified under section 173.391 of the Revised Code, but only~~ 15372
if all of the following are the case: 15373

(1) The provider has a contract with the department of aging 15374
or the department's designee to provide the services in accordance 15375
with the contract or has received a grant from the department or 15376
its designee to provide the services in accordance with a grant 15377
agreement; 15378

(2) The contract or grant agreement includes detailed 15379
conditions of participation for the provider and service standards 15380
that the provider is required to satisfy; 15381

(3) The provider complies with the contract or grant 15382
agreement; 15383

(4) The contract or grant is not for medicaid-funded 15384
services, other than services provided under the PACE program 15385
administered by the department of aging under section 173.50 of 15386
the Revised Code. 15387

(B)(1) The director of aging shall adopt rules in accordance 15388
with Chapter 119. of the Revised Code governing both of the 15389
following: 15390

(a) Contracts and grant agreements between the department of 15391
aging or its designee and providers; 15392

(b) The department's payment for services, including 15393
community-based long-term care services, under this section. 15394

(2) The rules adopted under this section shall be consistent 15395
with section 173.381 of the Revised Code. 15396

Sec. 173.393. (A) Except as provided in division (B) of this 15397

section, the records of an evaluation conducted in accordance with 15398
rules adopted under division (B)(2) of section 173.391 of the 15399
Revised Code are public records for purposes of section 149.43 of 15400
the Revised Code and shall be made available on request of any 15401
person, including individuals receiving or seeking any services, 15402
including community-based long-term care services, under a program 15403
the department of aging administers. 15404

(B) A part of a record of an evaluation that is otherwise 15405
available as a public record under division (A) of this section is 15406
not available as a public record if its release would violate a 15407
federal or state statute, regulation, or rule, including 15408
regulations adopted by the United States department of health and 15409
human services to implement the health information privacy 15410
provisions of the "Health Insurance Portability and Accountability 15411
Act of 1996," 110 Stat. 1955, 42 U.S.C. 1320d, et seq., as 15412
amended. 15413

Sec. 174.01. As used in this chapter: 15414

(A) "Financial assistance" means grants, loans, loan 15415
guarantees, an equity position in a project, or loan subsidies. 15416

(B) "Grant" means funding the department of development 15417
~~services agency~~ or the Ohio housing finance agency provides for 15418
which the relevant agency does not require repayment. 15419

(C) "Housing" means housing for owner-occupancy and 15420
multifamily rental housing. 15421

(D) "Housing for owner-occupancy" means housing that is 15422
intended for occupancy by an owner as a principal residence. 15423
"Housing for owner-occupancy" may be any type of structure and may 15424
be owned in any type of ownership. 15425

(E) "Housing trust fund" means the low- and moderate-income 15426
housing trust fund created and administered pursuant to Chapter 15427

174. of the Revised Code.	15428
(F) "Lending institution" means any financial institution	15429
qualified to conduct business in this state, a subsidiary	15430
corporation that is wholly owned by a financial institution	15431
qualified to conduct business in this state, and a mortgage lender	15432
whose regular business is originating, servicing, or brokering	15433
real estate loans and who is qualified to do business in this	15434
state.	15435
(G) "Loan" means any extension of credit or other form of	15436
financing or indebtedness directly or indirectly to a borrower	15437
with the expectation that it will be repaid in accordance with the	15438
terms of the underlying loan agreement or other pertinent	15439
document. "Loan" includes financing extended to lending	15440
institutions and indebtedness purchased from lending institutions.	15441
(H) "Loan guarantee" means any agreement in favor of a	15442
lending institution or other lender in which the credit and	15443
resources of the housing trust fund are pledged to secure the	15444
payment or collection of financing extended to a borrower for the	15445
acquisition, construction, improvement, rehabilitation or	15446
preservation of housing, or to refinance any financing previously	15447
extended for those purposes by any lender.	15448
(I) "Loan subsidy" means any deposit of funds into a lending	15449
institution with the authorization or direction that the income or	15450
revenues the deposit earns, or could have earned at competitive	15451
rates, be applied directly or indirectly to the benefit of housing	15452
assistance or financial assistance.	15453
(J) "Low- and moderate-income persons" means individuals and	15454
families who qualify as low- and moderate-income persons pursuant	15455
to guidelines the development services agency <u>department</u>	15456
establishes.	15457
(K) "Multifamily rental housing" means multiple unit housing	15458

intended for rental occupancy. 15459

(L) "Nonprofit organization" means a nonprofit organization 15460
in good standing and qualified to conduct business in this state 15461
including any corporation whose members are members of a 15462
metropolitan housing authority. 15463

~~(M) "Department of development" means the development 15464
services agency and "director of development" means the director 15465
of development services. 15466~~

Sec. 174.02. (A) The low- and moderate-income housing trust 15467
fund is hereby created in the state treasury. The fund consists of 15468
all appropriations made to the fund, housing trust fund fees 15469
collected by county recorders pursuant to section 317.36 of the 15470
Revised Code and deposited into the fund pursuant to section 15471
319.63 of the Revised Code, and all grants, gifts, loan 15472
repayments, and contributions of money made from any source to the 15473
department of development services agency for deposit in the fund. 15474
All investment earnings of the fund shall be credited to the fund. 15475
The director of development ~~services~~ shall allocate a portion of 15476
the money in the fund to an account of the Ohio housing finance 15477
agency. The ~~development services agency~~ department shall 15478
administer the fund. The Ohio housing finance agency shall use 15479
money allocated to it for implementing and administering its 15480
programs and duties under sections 174.03 and 174.05 of the 15481
Revised Code, and the ~~development services agency~~ department shall 15482
use the remaining money in the fund for implementing and 15483
administering its programs and duties under sections 174.03 to 15484
174.06 of the Revised Code. Use of all money drawn from the fund 15485
is subject to the following restrictions: 15486

(1)(a) Not more than five per cent of the current year 15487
appropriation authority for the fund shall be allocated between 15488
grants to community development corporations for the community 15489

development corporation grant program and grants and loans to the 15490
Ohio community development finance fund, a private nonprofit 15491
corporation. 15492

(b) In any year in which the amount in the fund exceeds one 15493
hundred thousand dollars and at least that much is allocated for 15494
the uses described in this section, not less than one hundred 15495
thousand dollars shall be used to provide training, technical 15496
assistance, and capacity building assistance to nonprofit 15497
development organizations. 15498

(2) Not more than ten per cent of any current year 15499
appropriation authority for the fund shall be used for the 15500
emergency shelter housing grants program to make grants to 15501
private, nonprofit organizations and municipal corporations, 15502
counties, and townships for emergency shelter housing for the 15503
homeless and emergency shelter facilities serving unaccompanied 15504
youth seventeen years of age and younger. The grants shall be 15505
distributed pursuant to rules the director adopts and qualify as 15506
matching funds for funds obtained pursuant to the McKinney Act, 15507
101 Stat. 85 (1987), 42 U.S.C.A. 11371 to 11378. 15508

(3) In any fiscal year in which the amount in the fund 15509
exceeds the amount awarded pursuant to division (A)(1)(b) of this 15510
section by at least two hundred fifty thousand dollars, at least 15511
two hundred fifty thousand dollars from the fund shall be provided 15512
to the department of aging for the resident services coordinator 15513
program as established in section 173.08 of the Revised Code. 15514

(4) Of all current year appropriation authority for the fund, 15515
not more than five per cent shall be used for administration. 15516

(5) Not less than forty-five per cent of the funds awarded 15517
during any one fiscal year shall be for grants and loans to 15518
nonprofit organizations under section 174.03 of the Revised Code. 15519

(6) Not less than fifty per cent of the funds awarded during 15520

any one fiscal year, excluding the amounts awarded pursuant to 15521
divisions (A)(1), (2), and (7) of this section, shall be for 15522
grants and loans for activities that provide housing and housing 15523
assistance to families and individuals in rural areas and small 15524
cities that are not eligible to participate as a participating 15525
jurisdiction under the "HOME Investment Partnerships Act," 104 15526
Stat. 4094 (1990), 42 U.S.C. 12701 note, 12721. 15527

(7) No money in the fund shall be used to pay for any legal 15528
services other than the usual and customary legal services 15529
associated with the acquisition of housing. 15530

(8) Money in the fund may be used as matching money for 15531
federal funds received by the state, counties, municipal 15532
corporations, and townships for the activities listed in section 15533
174.03 of the Revised Code. 15534

(B) If, after the second quarter of any year, it appears to 15535
the director ~~of development services~~ that the full amount of the 15536
money in the fund designated in that year for activities that 15537
provide housing and housing assistance to families and individuals 15538
in rural areas and small cities under division (A) of this section 15539
will not be used for that purpose, the director may reallocate all 15540
or a portion of that amount for other housing activities. In 15541
determining whether or how to reallocate money under this 15542
division, the director may consult with and shall receive advice 15543
from the housing trust fund advisory committee. 15544

Sec. 183.021. (A) No money from the tobacco master settlement 15545
agreement fund, as that fund existed prior to the repeal of 15546
section 183.02 of the Revised Code by H.B. 119 of the 127th 15547
general assembly, shall be expended to do any of the following: 15548

(1) Hire an executive agency lobbyist, as defined under 15550
section 121.60 of the Revised Code, or a legislative agent, as 15551

defined under section 101.70 of the Revised Code; 15552

(2) Support or oppose candidates, ballot questions, 15553
referendums, or ballot initiatives. 15554

(B) Nothing in this section prohibits ~~either of the following~~ 15555
the members or employees of the third frontier commission or the 15556
members of the third frontier advisory board from advocating on 15557
behalf of the specific objectives of a program funded under this 15558
chapter. 15559

~~(1) The members of the board of trustees, executive director,~~ 15560
~~or employees of the southern Ohio agricultural and community~~ 15561
~~development foundation;~~ 15562

~~(2) The members or employees of the third frontier commission~~ 15563
~~or the members of the third frontier advisory board.~~ 15564

Sec. 183.33. No money shall be appropriated or transferred 15565
from the general revenue fund to the law enforcement improvements 15566
trust fund, ~~southern Ohio agricultural and community development~~ 15567
~~foundation endowment fund,~~ biomedical research and technology 15568
transfer trust fund, or education technology trust fund. 15569

Sec. 184.01. (A) There is hereby created the third frontier 15570
commission in the department of development ~~services agency~~. The 15571
purpose of the commission is to coordinate and administer science 15572
and technology programs to promote the welfare of the people of 15573
the state and to maximize the economic growth of the state through 15574
expansion of both of the following: 15575

(1) The state's high technology research and development 15576
capabilities; 15577

(2) The state's product and process innovation and 15578
commercialization. 15579

(B)(1) The commission shall consist of eleven members: the 15580

director of development ~~services~~, the chancellor of ~~the Ohio board~~ 15581
~~of regents~~ higher education, the governor's science and technology 15582
advisor, the chief investment officer of the nonprofit corporation 15583
formed under section 187.01 of the Revised Code, and seven persons 15584
appointed by the governor with the advice and consent of the 15585
senate. 15586

(2) Of the seven persons appointed by the governor, one shall 15587
represent the central region, which is composed of the counties of 15588
Delaware, Fairfield, Fayette, Franklin, Hocking, Knox, Licking, 15589
Logan, Madison, Marion, Morrow, Perry, Pickaway, Ross, and Union; 15590
one shall represent the west central region, which is composed of 15591
the counties of Champaign, Clark, Darke, Greene, Miami, 15592
Montgomery, Preble, and Shelby; one shall represent the northeast 15593
region, which is composed of the counties of Ashland, Ashtabula, 15594
Carroll, Crawford, Columbiana, Cuyahoga, Erie, Geauga, Holmes, 15595
Huron, Lake, Lorain, Mahoning, Medina, Portage, Richland, Stark, 15596
Summit, Trumbull, Tuscarawas, and Wayne; one shall represent the 15597
northwest region, which is composed of the counties of Allen, 15598
Auglaize, Defiance, Fulton, Hancock, Hardin, Henry, Lucas, Mercer, 15599
Ottawa, Paulding, Putnam, Sandusky, Seneca, Van Wert, Williams, 15600
Wood, and Wyandot; one shall represent the southeast region, which 15601
shall represent the counties of Adams, Athens, Belmont, Coshocton, 15602
Gallia, Guernsey, Harrison, Jackson, Jefferson, Lawrence, Meigs, 15603
Monroe, Morgan, Muskingum, Noble, Pike, Scioto, Vinton, and 15604
Washington; one shall represent the southwest region, which is 15605
composed of the counties of Butler, Brown, Clermont, Clinton, 15606
Hamilton, Highland, and Warren; and one shall represent the public 15607
at large. Of the initial appointments, two shall be for one year, 15608
two shall be for two years, and two shall be for three years as 15609
assigned by the governor. Thereafter, appointments shall be for 15610
three-year terms. Members may be reappointed and vacancies shall 15611
be filled in the same manner as appointments. A person must have a 15612
background in business or research in order to be eligible for 15613

appointment to the commission. 15614

(3) The governor shall select a chairperson from among the 15615
members, who shall serve in that role at the pleasure of the 15616
governor. Sections 101.82 to 101.87 of the Revised Code do not 15617
apply to the commission. 15618

(C) The commission shall meet at least once during each 15619
quarter of the calendar year or at the call of the chairperson. A 15620
majority of all members of the commission constitutes a quorum, 15621
and no action shall be taken without the concurrence of a majority 15622
of the members. 15623

(D) The commission shall administer any money that may be 15624
appropriated to it by the general assembly. The commission may use 15625
such money for research and commercialization and for any other 15626
purposes that may be designated by the commission. 15627

(E) The ~~development services agency~~ department shall provide 15628
office space and facilities for the commission. Administrative 15629
costs associated with the operation of the commission or with any 15630
program or activity administered by the commission shall be paid 15631
from amounts appropriated to the commission or to the ~~agency~~ 15632
department for such purposes. 15633

(F) The attorney general shall serve as the legal 15634
representative for the commission and may appoint other counsel as 15635
necessary for that purpose in accordance with section 109.07 of 15636
the Revised Code. 15637

(G) Members of the commission shall serve without 15638
compensation, but shall receive their reasonable and necessary 15639
expenses incurred in the conduct of commission business. 15640

(H) Members of the commission shall file financial disclosure 15641
statements described in division (B) of section 102.02 of the 15642
Revised Code. 15643

Sec. 184.173. The third frontier commission shall conduct the 15644
outreach activities described in sections 184.171 and 184.172 of 15645
the Revised Code in conjunction with the EDGE program created 15646
under section ~~123.152~~ 122.922 of the Revised Code. 15647

Sec. 187.03. (A) JobsOhio may perform such functions as 15648
permitted and shall perform such duties as prescribed by law and 15649
as set forth in any contract entered into under section 187.04 of 15650
the Revised Code, but shall not be considered a state or public 15651
department, agency, office, body, institution, or instrumentality 15652
for purposes of section 1.60 or Chapter 102., 121., 125., or 149. 15653
of the Revised Code. JobsOhio and its board of directors are not 15654
subject to the following sections of Chapter 1702. of the Revised 15655
Code: sections 1702.03, 1702.08, 1702.09, 1702.21, 1702.24, 15656
1702.26, 1702.27, 1702.28, 1702.29, 1702.301, 1702.33, 1702.34, 15657
1702.37, 1702.38, 1702.40 to 1702.52, 1702.521, 1702.54, 1702.57, 15658
1702.58, 1702.59, 1702.60, 1702.80, and 1702.99. Nothing in this 15659
division shall be construed to impair the powers and duties of the 15660
Ohio ethics commission described in section 102.06 of the Revised 15661
Code to investigate and enforce section 102.02 of the Revised Code 15662
with regard to individuals required to file statements under 15663
division (B)(2) of this section. 15664

(B)(1) Directors and employees of JobsOhio are not employees 15665
or officials of the state and, except as provided in division 15666
(B)(2) of this section, are not subject to Chapter 102., 124., 15667
145., or 4117. of the Revised Code. 15668

(2) The chief investment officer, any other officer or 15669
employee with significant administrative, supervisory, 15670
contracting, or investment authority, and any director of JobsOhio 15671
shall file, with the Ohio ethics commission, a financial 15672
disclosure statement pursuant to section 102.02 of the Revised 15673
Code that includes, in place of the information required by 15674

divisions (A)(2)(b), (g), (h), and (i) of that section, the 15675
information required by divisions (A) and (B) of section 102.022 15676
of the Revised Code. The governor shall comply with all applicable 15677
requirements of section 102.02 of the Revised Code. 15678

(3) Actual or in-kind expenditures for the travel, meals, or 15679
lodging of the governor or of any public official or employee 15680
designated by the governor for the purpose of this division shall 15681
not be considered a violation of section 102.03 of the Revised 15682
Code if the expenditures are made by the corporation, or on behalf 15683
of the corporation by any person, in connection with the 15684
governor's performance of official duties related to JobsOhio. The 15685
governor may designate any person, including a person who is a 15686
public official or employee as defined in section 102.01 of the 15687
Revised Code, for the purpose of this division if such 15688
expenditures are made on behalf of the person in connection with 15689
the governor's performance of official duties related to JobsOhio. 15690
A public official or employee so designated by the governor shall 15691
comply with all applicable requirements of section 102.02 of the 15692
Revised Code. 15693

At the times and frequency agreed to under division (B)(2)(b) 15694
of section 187.04 of the Revised Code, beginning in 2012, the 15695
corporation shall file with the department of development services 15696
~~agency~~ a written report of all such expenditures paid or incurred 15697
during the preceding calendar year. The report shall state the 15698
dollar value and purpose of each expenditure, the date of each 15699
expenditure, the name of the person that paid or incurred each 15700
expenditure, and the location, if any, where services or benefits 15701
of an expenditure were received, provided that any such 15702
information that may disclose proprietary information as defined 15703
in division (C) of this section shall not be included in the 15704
report. 15705

(4) The prohibition applicable to former public officials or 15706

employees in division (A)(1) of section 102.03 of the Revised Code 15707
does not apply to any person appointed to be a director or hired 15708
as an employee of JobsOhio. 15709

(5) Notwithstanding division (A)(2) of section 145.01 of the 15710
Revised Code, any person who is a former state employee shall no 15711
longer be considered a public employee for purposes of Chapter 15712
145. of the Revised Code upon commencement of employment with 15713
JobsOhio. 15714

(6) Any director, officer, or employee of JobsOhio may 15715
request an advisory opinion from the Ohio ethics commission with 15716
regard to questions concerning the provisions of sections 102.02 15717
and 102.022 of the Revised Code to which the person is subject. 15718

(C) Meetings of the board of directors at which a quorum of 15719
the board is required to be physically present pursuant to 15720
division (F) of section 187.01 of the Revised Code shall be open 15721
to the public except, by a majority vote of the directors present 15722
at the meeting, such a meeting may be closed to the public only 15723
for one or more of the following purposes: 15724

(1) To consider business strategy of the corporation; 15725

(2) To consider proprietary information belonging to 15726
potential applicants or potential recipients of business 15727
recruitment, retention, or creation incentives. For the purposes 15728
of this division, "proprietary information" means marketing plans, 15729
specific business strategy, production techniques and trade 15730
secrets, financial projections, or personal financial statements 15731
of applicants or members of the applicants' immediate family, 15732
including, but not limited to, tax records or other similar 15733
information not open to the public inspection. 15734

(3) To consider legal matters, including litigation, in which 15735
the corporation is or may be involved; 15736

(4) To consider personnel matters related to an individual 15737

employee of the corporation. 15738

(D) The board of directors shall establish a reasonable 15739
method whereby any person may obtain the time and place of all 15740
public meetings described in division (C) of this section. The 15741
method shall provide that any person, upon request and payment of 15742
a reasonable fee, may obtain reasonable advance notification of 15743
all such meetings. 15744

(E) The board of directors shall promptly prepare, file, and 15745
maintain minutes of all public meetings described in division (C) 15746
of this section. 15747

(F) Not later than ~~March 1, 2012,~~ and the first day of ~~March~~ 15748
July of each year ~~thereafter~~, the chief investment officer of 15749
JobsOhio shall prepare and submit a report of the corporation's 15750
activities for the preceding year to the governor, the speaker and 15751
minority leader of the house of representatives, and the president 15752
and minority leader of the senate. The annual report shall include 15753
the following: 15754

(1) An analysis of the state's economy; 15755

(2) A description of the structure, operation, and financial 15756
status of the corporation; 15757

(3) A description of the corporation's strategy to improve 15758
the state economy and the standards of measure used to evaluate 15759
its progress; 15760

(4) An evaluation of the performance of current strategies 15761
and major initiatives; 15762

(5) An analysis of any statutory or administrative barriers 15763
to successful economic development, business recruitment, and job 15764
growth in the state identified by JobsOhio during the preceding 15765
year. 15766

Sec. 301.30. ~~For twelve months after the effective date of~~ 15767

~~the enactment of this section by H.B. 242 of the 133rd general~~ 15768
~~assembly, no~~ No county that has adopted a charter under Section 3 15769
of Article X, Ohio Constitution, may impose a fee, tax, 15770
assessment, or other charge on auxiliary containers, on the sales, 15771
use, or consumption of such containers, except as authorized in 15772
Chapters 5739. and 5741. of the Revised Code, or on the basis of 15773
receipts received from the sale of such containers. As used in 15774
this section, "auxiliary container" has the same meaning as in 15775
section 3767.32 of the Revised Code. 15776

Sec. 307.631. (A) A board of county commissioners may appoint 15777
a health commissioner of the board of health of a city or general 15778
health district that is entirely or partially located in the 15779
county in which the board of county commissioners is located to 15780
establish a drug overdose fatality review committee to review drug 15781
overdose deaths and opioid-involved deaths occurring in the 15782
county. 15783

(B) The boards of county commissioners of two or more 15784
counties may, by adopting a joint resolution passed by a majority 15785
of the members of each participating board of county 15786
commissioners, create a regional drug overdose fatality review 15787
committee to review drug overdose deaths and opioid-involved 15788
deaths occurring in participating counties. The joint resolution 15789
shall appoint, for each county participating as part of the 15790
regional review committee, one health commissioner from a board of 15791
health of a city or general health district located at least in 15792
part in each county. The health commissioners appointed shall 15793
select one of their number as the health commissioner to establish 15794
the regional review committee. 15795

(C) In any county that, on the effective date of this 15796
section, has a body that is acting as a drug overdose fatality 15797
review committee and is comprised of the members described in 15798

divisions (A)(1) and (B)(1) of section 307.632 of the Revised Code, including a public health official or designee, that body shall continue to function as the drug overdose fatality review committee for the county. The body shall have the same duties, obligations, and protections as a drug overdose fatality review committee appointed by a health commissioner.

Sec. 307.632. (A)(1) If a health commissioner establishes a drug overdose fatality review committee as described in division (A) of section 307.631 of the Revised Code, the commissioner shall select four members to serve on the review committee along with the commissioner. The review committee shall consist of the following:

(a) The chief of police of a police department in the county or the county sheriff or a designee of the chief or sheriff;

(b) A public health official or the official's designee;

(c) The executive director of the board of alcohol, drug addiction, and mental health services for the county or the executive director's designee;

(d) A physician who is authorized under Chapter 4731. of the Revised Code to practice medicine and surgery or osteopathic medicine and surgery.

(2) If a health commissioner establishes a drug overdose fatality review committee as described in division (B) of section 307.631 of the Revised Code, the commissioner shall select four members to serve on the review committee along with the commissioner. The review committee shall consist of the following:

(a) The chief of police of a police department or a sheriff or a designee of the chief or sheriff;

(b) A public health official or the official's designee;

(c) The executive director of a board of alcohol, drug

addiction, and mental health services or the executive director's 15829
designee; 15830

(d) A physician who is authorized under Chapter 4731. of the 15831
Revised Code to practice medicine and surgery or osteopathic 15832
medicine and surgery. 15833

The members described in divisions (A)(2)(a) to (c) of this 15834
section shall be representatives from the most populous county 15835
served by the committee. 15836

(B)(1) The review committee shall invite the county coroner 15837
or, in the case of a regional review committee, the county coroner 15838
from the most populous county, to serve on the committee. The 15839
review committee shall extend the invitation each time a county 15840
coroner assumes the office. The coroner shall not be required to 15841
accept the invitation. If the coroner accepts the invitation, the 15842
coroner shall have the same authority, duties, and 15843
responsibilities as members described in division (A) of this 15844
section. 15845

(2) The majority of the members of a review committee may 15846
invite additional members to serve on the committee. The 15847
additional members shall serve for a period of time determined by 15848
a majority of the members described in division (A) of this 15849
section. Each additional member shall have the same authority, 15850
duties, and responsibilities as members described in division (A) 15851
of this section. 15852

(C) A vacancy in a drug overdose review committee shall be 15853
filled in the same manner as the original appointment. If the 15854
health commissioner who made the original appointment as described 15855
in division (A) of this section is no longer serving in that 15856
capacity, a successor of the commissioner shall fill the vacancy. 15857

(D) A drug overdose fatality review committee member shall 15858
not receive any compensation for, and shall not be paid for any 15859

expenses incurred pursuant to, fulfilling the member's duties on 15860
the committee unless compensation for, or payment for expenses 15861
incurred pursuant to, those duties is received pursuant to a 15862
member's regular employment. 15863

Sec. 307.633. If a drug overdose fatality review committee is 15864
established under division (A) or (B) of section 307.631 of the 15865
Revised Code, the board of county commissioners, or if a regional 15866
drug overdose fatality review committee is established, the group 15867
of health commissioners appointed to select the health 15868
commissioner to establish the regional review committee, shall 15869
designate either the health commissioner that establishes the 15870
review committee or a representative of the health commissioner to 15871
convene meetings and be the chairperson of the review committee. 15872

Sec. 307.634. The purpose of a drug overdose fatality review 15873
committee is to decrease the incidence of preventable overdose 15874
deaths by doing all of the following: 15875

(A) Promoting cooperation, collaboration, and communication 15876
between all groups, professions, agencies, or entities engaged in 15877
drug abuse prevention, education, or treatment efforts; 15878

(B) Maintaining a comprehensive database of all overdose 15879
deaths that occur in the county or region served by the review 15880
committee in order to develop an understanding of the causes and 15881
incidence of those deaths; 15882

(C) Recommending and developing plans for implementing local 15883
service and program changes and changes to the groups, 15884
professions, agencies, or entities that serve local residents that 15885
might prevent overdose deaths; 15886

(D) Providing the department of health with aggregate data, 15887
trends, and patterns concerning overdose deaths. 15888

Sec. 307.635. A drug overdose fatality review committee may 15889
not conduct a review of a death while an investigation of the 15890
death or prosecution of a person for causing the death is pending 15891
unless the prosecuting attorney agrees to allow the review. The 15892
law enforcement agency conducting the criminal investigation, on 15893
the conclusion of the investigation, and the prosecuting attorney 15894
prosecuting the case, on the conclusion of the prosecution, shall 15895
notify the chairperson of the review committee of the conclusion. 15896

Sec. 307.636. (A) A drug overdose fatality review committee 15897
shall establish a system for collecting and maintaining 15898
information necessary for the review of drug overdose or 15899
opioid-involved deaths in the county or region. In an effort to 15900
ensure confidentiality, each committee shall do all of the 15901
following: 15902

(1) Maintain all records in a secure location; 15903

(2) Develop security measures to prevent unauthorized access 15904
to records containing information that could reasonably identify 15905
any person; 15906

(3) Develop a system for storing, processing, indexing, 15907
retrieving, and destroying information obtained in the course of 15908
reviewing a drug overdose or opioid-involved death. 15909

(B) For each drug overdose or opioid-involved death reviewed 15910
by a committee, the committee shall collect all of the following: 15911

(1) Demographic information of the deceased, including age, 15912
sex, race, and ethnicity; 15913

(2) The year in which the death occurred; 15914

(3) The geographic location of the death; 15915

(4) The cause of death; 15916

(5) Any factors contributing to the death; 15917

(6) Any other information the committee considers relevant. 15918

(C) By the first day of April of each year, the person 15919
convening a drug overdose fatality review committee shall prepare 15920
and submit to the Ohio department of health in the manner and 15921
format prescribed by the department a report that includes all of 15922
the following information for the previous calendar year: 15923

(1) The total number of drug overdose or opioid-involved 15924
deaths in the county or region; 15925

(2) The total number of drug overdose or opioid-involved 15926
deaths reviewed by the committee; 15927

(3) A summary of demographic information for the deaths 15928
reviewed, including age, sex, race, and ethnicity; 15929

(4) A summary of any trends or patterns identified by the 15930
committee. 15931

The report shall specify the number of drug overdose or 15932
opioid-involved deaths that were not reviewed during the previous 15933
calendar year. 15934

The report shall include recommendations for actions that 15935
might prevent other deaths, as well as any other information the 15936
review board determines should be included. 15937

(D) Reports prepared under division (C) of this section shall 15938
be considered public records under section 149.43 of the Revised 15939
Code. 15940

Sec. 307.637. (A)(1) Notwithstanding section 3701.17 and any 15941
other section of the Revised Code pertaining to confidentiality, 15942
any individual, law enforcement agency, or other public or private 15943
entity that provided services to a person whose death is being 15944
reviewed by a drug overdose fatality review committee, on the 15945
request of the review committee, shall submit to the review 15946
committee a summary sheet of information. 15947

(a) With respect to a request made to a health care entity, 15948
the summary sheet shall contain only information available and 15949
reasonably drawn from the person's medical record created by the 15950
health care entity. 15951

(b) With respect to a request made to any other individual or 15952
entity, the summary sheet shall contain only information available 15953
and reasonably drawn from any record involving the person to which 15954
the individual or entity has access. 15955

(c) On the request of the review committee, an individual or 15956
entity may, at the individual or entity's discretion, make any 15957
additional information, documents, or reports available to the 15958
review committee. 15959

(2) On the request of the review committee, a county coroner 15960
shall make available to the review committee the coroner's full 15961
and complete record as described in section 313.10 of the Revised 15962
Code that relates to the person whose death is being reviewed by 15963
the committee. 15964

(B) Notwithstanding division (A) of this section, no person, 15965
entity, law enforcement agency, or prosecuting attorney shall 15966
provide any information regarding the death of a person to a drug 15967
overdose fatality review committee while an investigation of the 15968
death or prosecution of a person for causing the death is pending 15969
unless the prosecuting attorney has agreed pursuant to section 15970
307.635 of the Revised Code to allow review of the death. 15971

Sec. 307.638. (A) An individual or public or private entity 15972
providing information, documents, or reports to a drug overdose 15973
fatality review committee is immune from any civil liability for 15974
injury, death, or loss to person or property that otherwise might 15975
be incurred or imposed as a result of providing the information, 15976
documents, or reports to the review committee. 15977

(B) Each member of a review committee is immune from any 15978
civil liability for injury, death, or loss to person or property 15979
that might otherwise be incurred or imposed as a result of the 15980
member's participation on the review committee. 15981

Sec. 307.639. Any information, document, or report presented 15982
to a drug overdose fatality review committee, all statements made 15983
by review committee members during meetings of the review 15984
committee, all work products of the review committee, and data 15985
submitted by the review committee to the department of health, 15986
other than the report prepared pursuant to section 307.636 of the 15987
Revised Code, are confidential and shall be used by the review 15988
committee, its members, and the department of health only in the 15989
exercise of the proper functions of the review committee and the 15990
department. 15991

Sec. 307.641. (A) A board of county commissioners may appoint 15992
a health commissioner of the board of health of a city or general 15993
health district that is entirely or partially located in the 15994
county in which the board of county commissioners is located to 15995
establish a suicide fatality review committee to review deaths by 15996
suicide occurring in the county. 15997

(B) The boards of county commissioners of two or more 15998
counties may, by adopting a joint resolution passed by a majority 15999
of the members of each participating board of county 16000
commissioners, create a regional suicide fatality review committee 16001
to serve all participating counties. The joint resolution shall 16002
appoint, for each county participating as part of the regional 16003
review committee, one health commissioner from a board of health 16004
of a city or general health district located at least in part in 16005
each county. The health commissioners appointed shall select one 16006
of their number as the health commissioner to establish the 16007
regional review committee. 16008

(C) In any county that, on the effective date of this 16009
section, has a body that is acting as a suicide fatality review 16010
committee and is comprised of the members described in divisions 16011
(A)(1) and (B)(1) of section 307.642 of the Revised Code, 16012
including a public health official or designee, that body shall 16013
continue to function as the suicide fatality review committee for 16014
the county. The body shall have the same duties, obligations, and 16015
protections as a suicide fatality review committee appointed by a 16016
health commissioner. 16017

Sec. 307.642. (A)(1) If a health commissioner is appointed 16018
under division (A) of section 307.641 of the Revised Code to 16019
establish a suicide fatality review committee, the commissioner 16020
shall select four members to serve on the review committee along 16021
with the commissioner. The review committee shall consist of the 16022
following: 16023

(a) The chief of police of a police department in the county 16024
or region or the county sheriff or a designee of the chief or 16025
sheriff; 16026

(b) A public health official or the official's designee; 16027

(c) The executive director of a board of alcohol, drug 16028
addiction, and mental health services or the executive director's 16029
designee; 16030

(d) A physician authorized under Chapter 4731. of the Revised 16031
Code to practice medicine and surgery or osteopathic medicine and 16032
surgery. 16033

(2) If a health commissioner is appointed under division (B) 16034
of section 307.641 of the Revised Code to establish a suicide 16035
fatality review committee, the commissioner shall select four 16036
members to serve on the review committee along with the 16037
commissioner. The review committee shall consist of the following: 16038

(a) The chief of police of a police department or sheriff or a designee of the chief or sheriff; 16039
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(b) A public health official or the official's designee; 16041

(c) The executive director of a board of alcohol, drug addiction, and mental health services or the executive director's designee; 16042
16043
16044

(d) A physician authorized under Chapter 4731. of the Revised Code to practice medicine and surgery or osteopathic medicine and surgery. 16045
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The members described in divisions (A)(2)(a) to (c) of this section shall be representatives from the most populous county served by the committee. 16048
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(B)(1) The review committee shall invite the county coroner or, in the case of a regional review committee, the county coroner from the most populous county, to serve on the committee. The review committee shall extend the invitation each time a county coroner assumes the office. The coroner shall not be required to accept the invitation. If the coroner accepts the invitation, the coroner shall have the same authority, duties, and responsibilities as members described in division (A) of this section. 16051
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(2) The majority of the members of a review committee may invite additional members to serve on the committee. The additional members shall serve for a period of time determined by a majority of the members described in division (A) of this section. An additional member has the same authority, duties, and responsibilities as members described in division (A) of this section. 16060
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(C) A vacancy in a suicide fatality review committee shall be filled in the same manner as the original appointment. 16067
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(D) A suicide fatality review committee member shall not receive any compensation for, and shall not be paid for any expenses incurred pursuant to, fulfilling the member's duties on the committee unless compensation for, or payment for expenses incurred pursuant to, those duties is received pursuant to a member's regular employment. 16069
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Sec. 307.643. The purpose of a suicide fatality review committee is to decrease the incidence of preventable suicide deaths by doing all of the following: 16075
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(A) Promoting cooperation, collaboration, and communication between all groups, professions, agencies, or entities engaged in suicide prevention, education, or mental health treatment efforts; 16078
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(B) Maintaining a comprehensive database of all suicide deaths that occur in the county or region served by the review committee in order to develop an understanding of the causes and incidence of those deaths; 16081
16082
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(C) Recommending and developing plans for implementing local service and program changes and changes to the groups, professions, agencies, or entities that serve local residents that might prevent suicide deaths; 16085
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(D) Advising the department of health of aggregate data, trends, and patterns concerning suicide deaths. 16089
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Sec. 307.644. If a suicide fatality review committee is established under division (A) or (B) of section 307.641 of the Revised Code, the board of county commissioners, or if a regional suicide fatality review committee is established, the group of health commissioners appointed to select the health commissioner to establish the regional review committee, shall designate either the health commissioner that establishes the review committee or a representative of the health commissioner to convene meetings and 16091
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be the chairperson of the review committee. If a regional review committee includes a county with more than one health district, the regional review committee meeting shall be convened in that county. If more than one of the counties participating on the regional review committee has more than one health district, the person convening the meeting shall select one of the counties with more than one health district as the county in which to convene the meeting. 16099
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Sec. 307.645. A suicide fatality review committee may not conduct a review of a death while an investigation of the death or prosecution of a person for causing the death is pending unless the prosecuting attorney agrees to allow the review. The law enforcement agency conducting the criminal investigation, on the conclusion of the investigation, and the prosecuting attorney prosecuting the case, on the conclusion of the prosecution, shall notify the chairperson of the review committee of the conclusion. 16107
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Sec. 307.646. (A) A suicide fatality review committee shall establish a system for collecting and maintaining information necessary for the review of suicide deaths in the county or region. In an effort to ensure confidentiality, each committee shall do all of the following: 16115
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(1) Maintain all records in a secure location; 16120

(2) Develop security measures to prevent unauthorized access to records containing information that could reasonably identify any person; 16121
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(3) Develop a system for storing, processing, indexing, retrieving, and destroying information obtained in the course of reviewing a death resulting from suicide. 16124
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(B) For each death resulting from suicide reviewed by a committee, the committee shall collect all of the following: 16127
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<u>(1) Demographic information of the deceased, including age,</u>	16129
<u>sex, race, and ethnicity;</u>	16130
<u>(2) The year in which the death occurred;</u>	16131
<u>(3) The geographic location of the death;</u>	16132
<u>(4) The cause of death;</u>	16133
<u>(5) Any factors contributing to the death;</u>	16134
<u>(6) Any other information the committee considers relevant.</u>	16135
<u>(C) By the first day of April of each year, the person</u>	16136
<u>convening a suicide fatality review committee shall prepare and</u>	16137
<u>submit to the Ohio department of health a report that summarizes</u>	16138
<u>the following information about suicide deaths reviewed by the</u>	16139
<u>committee in the previous calendar year:</u>	16140
<u>(1) The cause of death;</u>	16141
<u>(2) Factors contributing to death;</u>	16142
<u>(3) Age;</u>	16143
<u>(4) Sex;</u>	16144
<u>(5) Race;</u>	16145
<u>(6) The geographic location of death;</u>	16146
<u>(7) The year of death.</u>	16147
<u>The report shall specify the number of suicide deaths that</u>	16148
<u>were not reviewed during the previous calendar year.</u>	16149
<u>The report may include recommendations for actions that might</u>	16150
<u>prevent other suicide deaths, as well as any other information the</u>	16151
<u>review committee determines should be included.</u>	16152
<u>(D) Reports prepared under division (C) of this section are</u>	16153
<u>public records under section 149.43 of the Revised Code.</u>	16154
<u>Sec. 307.647. (A)(1) Notwithstanding section 3701.17 and any</u>	16155

other section of the Revised Code pertaining to confidentiality, 16156
any individual, law enforcement agency, or other public or private 16157
entity that provided services to a person whose death is being 16158
reviewed by a suicide fatality review committee, on the request of 16159
the review committee, shall submit to the review committee a 16160
summary sheet of information. 16161

(a) With respect to a request made to a health care entity, 16162
the summary sheet shall contain only information available and 16163
reasonably drawn from the person's medical record created by the 16164
health care entity. 16165

(b) With respect to a request made to any other individual or 16166
entity, the summary sheet shall contain only information available 16167
and reasonably drawn from any record involving the person that the 16168
individual or entity develops in the normal course of business. 16169

(c) On the request of the review committee, an individual or 16170
entity may, at the individual or entity's discretion, make any 16171
additional information, documents, or reports available to the 16172
review committee. 16173

(2) For purposes of the review, the committee shall have 16174
access to confidential information provided to the committee under 16175
this section or division (I)(4) of section 2151.421 of the Revised 16176
Code, and each member of the committee shall preserve the 16177
confidentiality of that information. 16178

(3) On the request of the review committee, a county coroner 16179
shall make available to the review committee the coroner's full 16180
and complete record as described in section 313.10 of the Revised 16181
Code that relates to the person whose death is being reviewed by 16182
the committee. 16183

(B) Notwithstanding division (A) of this section, no person, 16184
entity, law enforcement agency, or prosecuting attorney shall 16185
provide any information regarding the death of a person to a 16186

suicide fatality review committee while an investigation of the 16187
death or prosecution of a person for causing the death is pending 16188
unless the prosecuting attorney has agreed pursuant to section 16189
307.645 of the Revised Code to allow review of the death. 16190

Sec. 307.648. (A) An individual or public or private entity 16191
providing information, documents, or reports to a suicide fatality 16192
review committee is immune from any civil liability for injury, 16193
death, or loss to person or property that otherwise might be 16194
incurred or imposed as a result of providing the information, 16195
documents, or reports to the review committee. 16196

(B) Each member of a review committee is immune from any 16197
civil liability for injury, death, or loss to person or property 16198
that might otherwise be incurred or imposed as a result of the 16199
member's participation on the review committee. 16200

Sec. 307.649. Any information, document, or report presented 16201
to a suicide fatality review committee, all statements made by 16202
review committee members during meetings of the review committee, 16203
all work products of the review committee, and data submitted by 16204
the review committee to the department of health, other than the 16205
report prepared pursuant to section 307.646 of the Revised Code, 16206
are confidential and shall be used by the review committee, its 16207
members, and the department of health only in the exercise of the 16208
proper functions of the review committee and the department. 16209

Sec. 307.6410. A board of county commissioners may appoint a 16210
health commissioner of the board of health of a city or general 16211
health district that is entirely or partially located in the 16212
county in which the board of county commissioners is located to 16213
establish a hybrid drug overdose fatality and suicide fatality 16214
review committee to review drug overdose deaths, opioid-involved 16215
deaths, and deaths by suicide occurring in the county. In such 16216

case, the board and hybrid committee shall follow the procedures 16217
described in sections 307.631 to 307.639 and 307.641 to 307.649 of 16218
the Revised Code. Any reference to a drug overdose fatality review 16219
committee or suicide fatality review committee shall be construed 16220
to include a hybrid committee described in this section. 16221

Sec. 307.921. From any contracts to be awarded under sections 16222
307.86 to 307.92 of the Revised Code, the contracting authority, 16223
as defined in section 307.92 of the Revised Code, may develop a 16224
policy to assist minority business enterprises, as defined in 16225
sections 122.71 and ~~123.151~~ 122.921 of the Revised Code. 16226
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Sec. 307.93. (A)(1) The boards of county commissioners of two 16228
or more adjacent counties may contract for the joint establishment 16229
of a multicounty correctional center, and the board of county 16230
commissioners of a county or the boards of two or more counties 16231
may contract with any municipal corporation or municipal 16232
corporations located in that county or those counties for the 16233
joint establishment of a municipal-county or multicounty-municipal 16234
correctional center. The center shall augment county and, where 16235
applicable, municipal jail programs and facilities by providing 16236
custody and rehabilitative programs for those persons under the 16237
charge of the sheriff of any of the contracting counties or of the 16238
officer or officers of the contracting municipal corporation or 16239
municipal corporations having charge of persons incarcerated in 16240
the municipal jail, workhouse, or other correctional facility who, 16241
in the opinion of the sentencing court, need programs of custody 16242
and rehabilitation not available at the county or municipal jail 16243
and by providing custody and rehabilitative programs in accordance 16244
with division (C) of this section, if applicable. The contract may 16245
include, but need not be limited to, provisions regarding the 16246
acquisition, construction, maintenance, repair, termination of 16247

operations, and administration of the center. ~~The acquisition of~~ 16248
~~the facility, to the extent appropriate, may include the leasing~~ 16249
~~of the Ohio river valley facility or a specified portion of that~~ 16250
~~facility pursuant to division (B)(3) of this section.~~ The contract 16251
shall prescribe the manner of funding of, and debt assumption for, 16252
the center and the standards and procedures to be followed in the 16253
operation of the center. Except as provided in division (G) of 16254
this section, the contracting counties and municipal corporations 16255
shall form a corrections commission to oversee the administration 16256
of the center. Members of the commission shall consist of the 16257
sheriff of each participating county, a member of the board of 16258
county commissioners of each participating county, the chief of 16259
police of each participating municipal corporation, and the mayor 16260
or city manager of each participating municipal corporation. Any 16261
of the foregoing officers may appoint a designee to serve in the 16262
officer's place on the corrections commission. 16263

The standards and procedures prescribed under this division 16264
shall be formulated and agreed to by the commission and may be 16265
amended at any time during the life of the contract by agreement 16266
of a majority of the voting members of the commission or by other 16267
means set forth in the contract between the contracting counties 16268
and municipal corporations. The standards and procedures 16269
formulated by the commission and amendments to them shall include, 16270
but need not be limited to, designation of the person in charge of 16271
the center, designation of a fiscal agent, the categories of 16272
employees to be employed at the center, the appointing authority 16273
of the center, and the standards of treatment and security to be 16274
maintained at the center. The person in charge of, and all persons 16275
employed to work at, the center shall have all the powers of 16276
police officers that are necessary for the proper performance of 16277
the duties and work responsibilities of the center, provided that 16278
the corrections officers of the center may carry firearms in the 16279

performance of those duties and responsibilities only in 16280
accordance with division (A)(2) of this section. 16281

(2) The person in charge of a multicounty correctional 16282
center, or of a municipal-county or multicounty-municipal 16283
correctional center, may grant permission to a corrections officer 16284
of the center to carry firearms when required in the discharge of 16285
official duties if the corrections officer has successfully 16286
completed a basic firearm training program that is approved by the 16287
executive director of the Ohio peace officer training commission. 16288
A corrections officer who has been granted permission to carry 16289
firearms in the discharge of official duties annually shall 16290
successfully complete a firearms requalification program in 16291
accordance with section 109.801 of the Revised Code. A corrections 16292
officer may carry firearms under authority of this division only 16293
while the officer is acting within the scope of the officer's 16294
official duties. 16295

(B)(1) Upon the establishment of a corrections commission 16296
under division (A) of this section, the judges specified in this 16297
division shall form a judicial advisory board for the purpose of 16298
making recommendations to the corrections commission on issues of 16299
bed allocation, expansion of the center that the corrections 16300
commission oversees, and other issues concerning the 16301
administration of sentences or any other matter determined to be 16302
appropriate by the board. The judges who shall form the judicial 16303
advisory board for a corrections commission are the administrative 16304
judge of the general division of the court of common pleas of each 16305
county participating in the corrections center, the presiding 16306
judge of the municipal court of each municipal corporation 16307
participating in the corrections center, and the presiding judge 16308
of each county court of each county participating in the 16309
corrections center. If the number of the foregoing members of the 16310
board is even, the county auditor or the county auditor of the 16311

most populous county if the board serves more than one county 16312
shall also be a member of the board. Any of the foregoing judges 16313
may appoint a designee to serve in the judge's place on the 16314
judicial advisory board, provided that the designee shall be a 16315
judge of the same court as the judge who makes the appointment. 16316
The judicial advisory board for a corrections commission shall 16317
meet with the corrections commission at least once each year. 16318

(2) Each board of county commissioners that enters a contract 16319
under division (A) of this section may appoint a building 16320
commission pursuant to section 153.21 of the Revised Code. If any 16321
commissions are appointed, they shall function jointly in the 16322
construction of a multicounty or multicounty-municipal 16323
correctional center with all the powers and duties authorized by 16324
law. 16325

~~(3) Subject to the limitation described in this division, the 16326
boards of county commissioners that contract or have contracted 16327
for the joint establishment of a multicounty correctional center 16328
under division (A) of this section, or the boards of county 16329
commissioners of the counties and legislative authorities of the 16330
municipal corporations that contract or have contracted for the 16331
joint establishment of a municipal county or multicounty municipal 16332
correctional center under that division, may enter into an 16333
agreement with the director of administrative services pursuant to 16334
which the contracting counties and municipal corporations shall 16335
use the Ohio river valley facility or a specified portion of that 16336
facility as the multicounty correctional center, municipal county 16337
correctional center, or multicounty municipal correctional center 16338
covered by the contract entered into under division (A) of this 16339
section. A contract with the director of administrative services 16340
may be entered into under this division only if one or more of the 16341
contracting counties is adjacent to Scioto county. 16342~~

~~The department may enter into an agreement as described in 16343~~

~~this division at any time on or after September 29, 2017, or, if 16344
the department had entered into an agreement with the board of 16345
county commissioners of Lawrence county pursuant to section 16346
341.121 of the Revised Code for the use by the sheriff of that 16347
county of a specified portion of the facility as a jail for 16348
Lawrence county, at any time on or after the date that control of 16349
the specified portion of the facility reverts to the state under 16350
division (B)(4) or (C) of that section. 16351~~

(C) Prior to the acceptance for custody and rehabilitation 16352
into a center established under this section of any persons who 16353
are designated by the department of rehabilitation and correction, 16354
who plead guilty to or are convicted of a felony of the fourth or 16355
fifth degree, and who satisfy the other requirements listed in 16356
section 5120.161 of the Revised Code, the corrections commission 16357
of a center established under this section shall enter into an 16358
agreement with the department of rehabilitation and correction 16359
under section 5120.161 of the Revised Code for the custody and 16360
rehabilitation in the center of persons who are designated by the 16361
department, who plead guilty to or are convicted of a felony of 16362
the fourth or fifth degree, and who satisfy the other requirements 16363
listed in that section, in exchange for a per diem fee per person. 16364
Persons incarcerated in the center pursuant to an agreement 16365
entered into under this division shall be subject to supervision 16366
and control in the manner described in section 5120.161 of the 16367
Revised Code. This division does not affect the authority of a 16368
court to directly sentence a person who is convicted of or pleads 16369
guilty to a felony to the center in accordance with section 16370
2929.16 of the Revised Code. 16371

(D) Pursuant to section 2929.37 of the Revised Code, each 16372
board of county commissioners and the legislative authority of 16373
each municipal corporation that enters into a contract under 16374
division (A) of this section may require a person who was 16375

convicted of an offense, who is under the charge of the sheriff of 16376
their county or of the officer or officers of the contracting 16377
municipal corporation or municipal corporations having charge of 16378
persons incarcerated in the municipal jail, workhouse, or other 16379
correctional facility, and who is confined in the multicounty, 16380
municipal-county, or multicounty-municipal correctional center as 16381
provided in that division, to reimburse the applicable county or 16382
municipal corporation for its expenses incurred by reason of the 16383
person's confinement in the center. 16384

(E) Notwithstanding any contrary provision in this section or 16385
section 2929.18, 2929.28, or 2929.37 of the Revised Code, the 16386
corrections commission of a center may establish a policy that 16387
complies with section 2929.38 of the Revised Code and that 16388
requires any person who is not indigent and who is confined in the 16389
multicounty, municipal-county, or multicounty-municipal 16390
correctional center to pay a reception fee, a fee for medical 16391
treatment or service requested by and provided to that person, or 16392
the fee for a random drug test assessed under division (E) of 16393
section 341.26 of the Revised Code. 16394

(F)(1) The corrections commission of a center established 16395
under this section may establish a commissary for the center. The 16396
commissary may be established either in-house or by another 16397
arrangement. If a commissary is established, all persons 16398
incarcerated in the center shall receive commissary privileges. A 16399
person's purchases from the commissary shall be deducted from the 16400
person's account record in the center's business office. The 16401
commissary shall provide for the distribution to indigent persons 16402
incarcerated in the center of necessary hygiene articles and 16403
writing materials. 16404

(2) If a commissary is established, the corrections 16405
commission of a center established under this section shall 16406
establish a commissary fund for the center. The management of 16407

funds in the commissary fund shall be strictly controlled in 16408
accordance with procedures adopted by the auditor of state. 16409
Commissary fund revenue over and above operating costs and reserve 16410
shall be considered profits. All profits from the commissary fund 16411
shall be used to purchase supplies and equipment for the benefit 16412
of persons incarcerated in the center and to pay salary and 16413
benefits for employees of the center, or for any other persons, 16414
who work in or are employed for the sole purpose of providing 16415
service to the commissary. The corrections commission shall adopt 16416
rules and regulations for the operation of any commissary fund it 16417
establishes. 16418

(G) In lieu of forming a corrections commission to administer 16419
a multicounty correctional center or a municipal-county or 16420
multicounty-municipal correctional center, the boards of county 16421
commissioners and the legislative authorities of the municipal 16422
corporations contracting to establish the center may also agree to 16423
contract for the private operation and management of the center as 16424
provided in section 9.06 of the Revised Code, but only if the 16425
center houses only misdemeanor inmates. In order to enter into a 16426
contract under section 9.06 of the Revised Code, all the boards 16427
and legislative authorities establishing the center shall approve 16428
and be parties to the contract. 16429

(H) If a person who is convicted of or pleads guilty to an 16430
offense is sentenced to a term in a multicounty correctional 16431
center or a municipal-county or multicounty-municipal correctional 16432
center or is incarcerated in the center in the manner described in 16433
division (C) of this section, or if a person who is arrested for 16434
an offense, and who has been denied bail or has had bail set and 16435
has not been released on bail is confined in a multicounty 16436
correctional center or a municipal-county or multicounty-municipal 16437
correctional center pending trial, at the time of reception and at 16438
other times the officer, officers, or other person in charge of 16439

the operation of the center determines to be appropriate, the 16440
officer, officers, or other person in charge of the operation of 16441
the center may cause the convicted or accused offender to be 16442
examined and tested for tuberculosis, HIV infection, hepatitis, 16443
including but not limited to hepatitis A, B, and C, and other 16444
contagious diseases. The officer, officers, or other person in 16445
charge of the operation of the center may cause a convicted or 16446
accused offender in the center who refuses to be tested or treated 16447
for tuberculosis, HIV infection, hepatitis, including but not 16448
limited to hepatitis A, B, and C, or another contagious disease to 16449
be tested and treated involuntarily. 16450

(I) As used in this section: 16451

~~(1) "Multicounty municipal", "multicounty-municipal" means 16452~~
more than one county and a municipal corporation, or more than one 16453
municipal corporation and a county, or more than one municipal 16454
corporation and more than one county. 16455

~~(2) "Ohio river valley facility" has the same meaning as in 16456~~
~~section 341.121 of the Revised Code. 16457~~

Sec. 319.54. (A) On all moneys collected by the county 16458
treasurer on any tax duplicate of the county, other than estate 16459
tax duplicates, and on all moneys received as advance payments of 16460
personal property and classified property taxes, the county 16461
auditor, on settlement with the treasurer and tax commissioner, on 16462
or before the date prescribed by law for such settlement or any 16463
lawful extension of such date, shall be allowed as compensation 16464
for the county auditor's services the following percentages: 16465

(1) On the first one hundred thousand dollars, two and 16466
one-half per cent; 16467

(2) On the next two million dollars, eight thousand three 16468
hundred eighteen ten-thousandths of one per cent; 16469

(3) On the next two million dollars, six thousand six hundred 16470
fifty-five ten-thousandths of one per cent; 16471

(4) On all further sums, one thousand six hundred sixty-three 16472
ten-thousandths of one per cent. 16473

If any settlement is not made on or before the date 16474
prescribed by law for such settlement or any lawful extension of 16475
such date, the aggregate compensation allowed to the auditor shall 16476
be reduced one per cent for each day such settlement is delayed 16477
after the prescribed date. No penalty shall apply if the auditor 16478
and treasurer grant all requests for advances up to ninety per 16479
cent of the settlement pursuant to section 321.34 of the Revised 16480
Code. The compensation allowed in accordance with this section on 16481
settlements made before the dates prescribed by law, or the 16482
reduced compensation allowed in accordance with this section on 16483
settlements made after the date prescribed by law or any lawful 16484
extension of such date, shall be apportioned ratably by the 16485
auditor and deducted from the shares or portions of the revenue 16486
payable to the state as well as to the county, townships, 16487
municipal corporations, and school districts. 16488

(B) For the purpose of reimbursing county auditors for the 16489
expenses associated with the increased number of applications for 16490
reductions in real property taxes under sections 323.152 and 16491
4503.065 of the Revised Code that result from the amendment of 16492
those sections by Am. Sub. H.B. 119 of the 127th general assembly, 16493
there shall be paid from the state's general revenue fund to the 16494
county treasury, to the credit of the real estate assessment fund 16495
created by section 325.31 of the Revised Code, an amount equal to 16496
one per cent of the total annual amount of property tax relief 16497
reimbursement paid to that county under sections 323.156 and 16498
4503.068 of the Revised Code for the preceding tax year. Payments 16499
made under this division shall be made at the same times and in 16500
the same manner as payments made under section 323.156 of the 16501

Revised Code. 16502

(C) From all moneys collected by the county treasurer on any 16503
tax duplicate of the county, other than estate tax duplicates, and 16504
on all moneys received as advance payments of personal property 16505
and classified property taxes, there shall be paid into the county 16506
treasury to the credit of the real estate assessment fund created 16507
by section 325.31 of the Revised Code, an amount to be determined 16508
by the county auditor, which shall not exceed the percentages 16509
prescribed in divisions (C)(1) and (2) of this section. 16510

(1) For payments made after June 30, 2007, and before 2011, 16511
the following percentages: 16512

(a) On the first five hundred thousand dollars, four per 16513
cent; 16514

(b) On the next five million dollars, two per cent; 16515

(c) On the next five million dollars, one per cent; 16516

(d) On all further sums not exceeding one hundred fifty 16517
million dollars, three-quarters of one per cent; 16518

(e) On amounts exceeding one hundred fifty million dollars, 16519
five hundred eighty-five thousandths of one per cent. 16520

(2) For payments made in or after 2011, the following 16521
percentages: 16522

(a) On the first five hundred thousand dollars, four per 16523
cent; 16524

(b) On the next ten million dollars, two per cent; 16525

(c) On amounts exceeding ten million five hundred thousand 16526
dollars, three-fourths of one per cent. 16527

Such compensation shall be apportioned ratably by the auditor 16528
and deducted from the shares or portions of the revenue payable to 16529
the state as well as to the county, townships, municipal 16530

corporations, and school districts. 16531

(D) Each county auditor shall receive four per cent of the 16532
amount of tax collected and paid into the county treasury, on 16533
property omitted and placed by the county auditor on the tax 16534
duplicate. 16535

(E) On all estate tax moneys collected by the county 16536
treasurer, the county auditor, on settlement annually with the tax 16537
commissioner, shall be allowed, as compensation for the auditor's 16538
services under Chapter 5731. of the Revised Code, ~~the following~~ 16539
~~percentages:~~ 16540

~~(1) Four per cent on the first one hundred thousand dollars;~~ 16541

~~(2) One half of one per cent on all additional sums.~~ 16542

~~Such percentages shall be computed upon two per cent of the 16543
amount collected and reported ~~at each annual settlement~~ that year 16544
in excess of refunds distributed, ~~and shall be~~ for the use of the 16545
general fund of the county. 16546~~

(F) On all cigarette license moneys collected by the county 16547
treasurer, the county auditor, on settlement semiannually with the 16548
treasurer, shall be allowed as compensation for the auditor's 16549
services in the issuing of such licenses one-half of one per cent 16550
of such moneys, to be apportioned ratably and deducted from the 16551
shares of the revenue payable to the county and subdivisions, for 16552
the use of the general fund of the county. 16553

(G) The county auditor shall charge and receive fees as 16554
follows: 16555

(1) For deeds of land sold for taxes to be paid by the 16556
purchaser, five dollars; 16557

(2) For the transfer or entry of land, lot, or part of lot, 16558
or the transfer or entry on or after January 1, 2000, of a used 16559
manufactured home or mobile home as defined in section 5739.0210 16560

of the Revised Code, fifty cents for each transfer or entry, to be 16561
paid by the person requiring it; 16562

(3) For receiving statements of value and administering 16563
section 319.202 of the Revised Code, one dollar, or ten cents for 16564
each one hundred dollars or fraction of one hundred dollars, 16565
whichever is greater, of the value of the real property 16566
transferred or, for sales occurring on or after January 1, 2000, 16567
the value of the used manufactured home or used mobile home, as 16568
defined in section 5739.0210 of the Revised Code, transferred, 16569
except no fee shall be charged when the transfer is made: 16570

(a) To or from the United States, this state, or any 16571
instrumentality, agency, or political subdivision of the United 16572
States or this state; 16573

(b) Solely in order to provide or release security for a debt 16574
or obligation; 16575

(c) To confirm or correct a deed previously executed and 16576
recorded or when a current owner on any record made available to 16577
the general public on the internet or a publicly accessible 16578
database and the general tax list of real and public utility 16579
property and the general duplicate of real and public utility 16580
property is a peace officer, parole officer, prosecuting attorney, 16581
assistant prosecuting attorney, correctional employee, youth 16582
services employee, firefighter, EMT, or investigator of the bureau 16583
of criminal identification and investigation and is changing the 16584
current owner name listed on any record made available to the 16585
general public on the internet or a publicly accessible database 16586
and the general tax list of real and public utility property and 16587
the general duplicate of real and public utility property to the 16588
initials of the current owner as prescribed in division (B)(1) of 16589
section 319.28 of the Revised Code; 16590

(d) To evidence a gift, in trust or otherwise and whether 16591

revocable or irrevocable, between husband and wife, or parent and	16592
child or the spouse of either;	16593
(e) On sale for delinquent taxes or assessments;	16594
(f) Pursuant to court order, to the extent that such transfer	16595
is not the result of a sale effected or completed pursuant to such	16596
order;	16597
(g) Pursuant to a reorganization of corporations or	16598
unincorporated associations or pursuant to the dissolution of a	16599
corporation, to the extent that the corporation conveys the	16600
property to a stockholder as a distribution in kind of the	16601
corporation's assets in exchange for the stockholder's shares in	16602
the dissolved corporation;	16603
(h) By a subsidiary corporation to its parent corporation for	16604
no consideration, nominal consideration, or in sole consideration	16605
of the cancellation or surrender of the subsidiary's stock;	16606
(i) By lease, whether or not it extends to mineral or mineral	16607
rights, unless the lease is for a term of years renewable forever;	16608
(j) When the value of the real property or the manufactured	16609
or mobile home or the value of the interest that is conveyed does	16610
not exceed one hundred dollars;	16611
(k) Of an occupied residential property, including a	16612
manufactured or mobile home, being transferred to the builder of a	16613
new residence or to the dealer of a new manufactured or mobile	16614
home when the former residence is traded as part of the	16615
consideration for the new residence or new manufactured or mobile	16616
home;	16617
(l) To a grantee other than a dealer in real property or in	16618
manufactured or mobile homes, solely for the purpose of, and as a	16619
step in, the prompt sale of the real property or manufactured or	16620
mobile home to others;	16621

(m) To or from a person when no money or other valuable and 16622
tangible consideration readily convertible into money is paid or 16623
to be paid for the real estate or manufactured or mobile home and 16624
the transaction is not a gift; 16625

(n) Pursuant to division (B) of section 317.22 of the Revised 16626
Code, or section 2113.61 of the Revised Code, between spouses or 16627
to a surviving spouse pursuant to section 5302.17 of the Revised 16628
Code as it existed prior to April 4, 1985, between persons 16629
pursuant to section 5302.17 or 5302.18 of the Revised Code on or 16630
after April 4, 1985, to a person who is a surviving, survivorship 16631
tenant pursuant to section 5302.17 of the Revised Code on or after 16632
April 4, 1985, or pursuant to section 5309.45 of the Revised Code; 16633

(o) To a trustee acting on behalf of minor children of the 16634
deceased; 16635

(p) Of an easement or right-of-way when the value of the 16636
interest conveyed does not exceed one thousand dollars; 16637

(q) Of property sold to a surviving spouse pursuant to 16638
section 2106.16 of the Revised Code; 16639

(r) To or from an organization exempt from federal income 16640
taxation under section 501(c)(3) of the "Internal Revenue Code of 16641
1986," 100 Stat. 2085, 26 U.S.C.A. 1, as amended, provided such 16642
transfer is without consideration and is in furtherance of the 16643
charitable or public purposes of such organization; 16644

(s) Among the heirs at law or devisees, including a surviving 16645
spouse, of a common decedent, when no consideration in money is 16646
paid or to be paid for the real property or manufactured or mobile 16647
home; 16648

(t) To a trustee of a trust, when the grantor of the trust 16649
has reserved an unlimited power to revoke the trust; 16650

(u) To the grantor of a trust by a trustee of the trust, when 16651

the transfer is made to the grantor pursuant to the exercise of 16652
the grantor's power to revoke the trust or to withdraw trust 16653
assets; 16654

(v) To the beneficiaries of a trust if the fee was paid on 16655
the transfer from the grantor of the trust to the trustee or if 16656
the transfer is made pursuant to trust provisions which became 16657
irrevocable at the death of the grantor; 16658

(w) To a corporation for incorporation into a sports facility 16659
constructed pursuant to section 307.696 of the Revised Code; 16660

(x) Between persons pursuant to section 5302.18 of the 16661
Revised Code; 16662

(y) From a county land reutilization corporation organized 16663
under Chapter 1724. of the Revised Code, or its wholly owned 16664
subsidiary, to a third party. 16665

(4) For the cost of publishing the delinquent manufactured 16666
home tax list, the delinquent tax list, and the delinquent vacant 16667
land tax list, a flat fee, as determined by the county auditor, to 16668
be charged to the owner of a home on the delinquent manufactured 16669
home tax list or the property owner of land on the delinquent tax 16670
list or the delinquent vacant land tax list. 16671

The auditor shall compute and collect the fee. The auditor 16672
shall maintain a numbered receipt system, as prescribed by the tax 16673
commissioner, and use such receipt system to provide a receipt to 16674
each person paying a fee. The auditor shall deposit the receipts 16675
of the fees on conveyances in the county treasury daily to the 16676
credit of the general fund of the county, except that fees charged 16677
and received under division (G)(3) of this section for a transfer 16678
of real property to a county land reutilization corporation shall 16679
be credited to the county land reutilization corporation fund 16680
established under section 321.263 of the Revised Code. 16681

The real property transfer fee provided for in division 16682

(G)(3) of this section shall be applicable to any conveyance of 16683
real property presented to the auditor on or after January 1, 16684
1968, regardless of its time of execution or delivery. 16685

The transfer fee for a used manufactured home or used mobile 16686
home shall be computed by and paid to the county auditor of the 16687
county in which the home is located immediately prior to the 16688
transfer. 16689

Sec. 321.27. (A) On settlement annually with the county 16690
auditor, the county treasurer shall be allowed as fees on all 16691
moneys collected by the treasurer on estate tax duplicates ~~the~~ 16692
~~following percentages: three per cent on the first one hundred~~ 16693
~~thousand dollars; two per cent on the next one hundred thousand~~ 16694
~~dollars; five tenths per cent on all additional sums. Such~~ 16695
~~percentages shall be computed upon~~ of the amount collected and 16696
reported at each annual settlement that year in excess of refunds 16697
distributed, and shall be for the use of the general fund of the 16698
county. 16699

(B) On settlement semiannually with the county auditor, the 16700
county treasurer shall be allowed as fees on all cigarette license 16701
moneys collected by the treasurer one-half per cent on the amount 16702
received, to be paid upon the warrant of the auditor and 16703
apportioned ratably and deducted from the shares of revenue 16704
payable to the county and subdivisions of the county under section 16705
5743.15 of the Revised Code, for the use of the general fund of 16706
the county. 16707

Sec. 323.153. (A) To obtain a reduction in real property 16708
taxes under division (A) or (B) of section 323.152 of the Revised 16709
Code or in manufactured home taxes under division (B) of section 16710
323.152 of the Revised Code, the owner shall file an application 16711
with the county auditor of the county in which the owner's 16712

homestead is located. 16713

To obtain a reduction in real property taxes under division 16714
(A) of section 323.152 of the Revised Code, the occupant of a 16715
homestead in a housing cooperative shall file an application with 16716
the nonprofit corporation that owns and operates the housing 16717
cooperative, in accordance with this paragraph. Not later than the 16718
first day of March each year, the corporation shall obtain 16719
applications from the county auditor's office and provide one to 16720
each new occupant. Not later than the first day of May, any 16721
occupant who may be eligible for a reduction in taxes under 16722
division (A) of section 323.152 of the Revised Code shall submit 16723
the completed application to the corporation. Not later than the 16724
fifteenth day of May, the corporation shall file all completed 16725
applications, and the information required by division (B) of 16726
section 323.159 of the Revised Code, with the county auditor of 16727
the county in which the occupants' homesteads are located. 16728
Continuing applications shall be furnished to an occupant in the 16729
manner provided in division (C)(4) of this section. 16730

(1) An application for reduction based upon a physical 16731
disability shall be accompanied by a certificate signed by a 16732
physician, and an application for reduction based upon a mental 16733
disability shall be accompanied by a certificate signed by a 16734
physician or psychologist licensed to practice in this state, 16735
attesting to the fact that the applicant is permanently and 16736
totally disabled. The certificate shall be in a form that the tax 16737
commissioner requires and shall include the definition of 16738
permanently and totally disabled as set forth in section 323.151 16739
of the Revised Code. An application for reduction based upon a 16740
disability certified as permanent and total by a state or federal 16741
agency having the function of so classifying persons shall be 16742
accompanied by a certificate from that agency. 16743

An application by a disabled veteran for the reduction under 16744
division (A)(2) of section 323.152 of the Revised Code shall be 16745
accompanied by a letter or other written confirmation from the 16746
United States department of veterans affairs, or its predecessor 16747
or successor agency, showing that the veteran qualifies as a 16748
disabled veteran. 16749

An application by the surviving spouse of a public service 16750
officer killed in the line of duty for the reduction under 16751
division (A)(3) of section 323.152 of the Revised Code shall be 16752
accompanied by a letter or other written confirmation from an 16753
employee or officer of the board of trustees of a retirement or 16754
pension fund in this state or another state or from the chief or 16755
other chief executive of the department, agency, or other employer 16756
for which the public service officer served when killed in the 16757
line of duty affirming that the public service officer was killed 16758
in the line of duty. 16759

An application for a reduction under division (A) of section 16760
323.152 of the Revised Code constitutes a continuing application 16761
for a reduction in taxes for each year in which the dwelling is 16762
the applicant's homestead. 16763

(2) An application for a reduction in taxes under division 16764
(B) of section 323.152 of the Revised Code shall be filed only if 16765
the homestead or manufactured or mobile home was transferred in 16766
the preceding year or did not qualify for and receive the 16767
reduction in taxes under that division for the preceding tax year. 16768
The application for homesteads transferred in the preceding year 16769
shall be incorporated into any form used by the county auditor to 16770
administer the tax law in respect to the conveyance of real 16771
property pursuant to section 319.20 of the Revised Code or of used 16772
manufactured homes or used mobile homes as defined in section 16773
5739.0210 of the Revised Code. The owner of a manufactured or 16774
mobile home who has elected under division (D)(4) of section 16775

4503.06 of the Revised Code to be taxed under division (D)(2) of 16776
that section for the ensuing year may file the application at the 16777
time of making that election. The application shall contain a 16778
statement that failure by the applicant to affirm on the 16779
application that the dwelling on the property conveyed is the 16780
applicant's homestead prohibits the owner from receiving the 16781
reduction in taxes until a proper application is filed within the 16782
period prescribed by division (A)(3) of this section. Such an 16783
application constitutes a continuing application for a reduction 16784
in taxes for each year in which the dwelling is the applicant's 16785
homestead. 16786

(3) Failure to receive a new application filed under division 16787
(A)(1) or (2) or notification under division (C) of this section 16788
after an application for reduction has been approved is 16789
prima-facie evidence that the original applicant is entitled to 16790
the reduction in taxes calculated on the basis of the information 16791
contained in the original application. The original application 16792
and any subsequent application, including any late application, 16793
shall be in the form of a signed statement and shall be filed on 16794
or before the thirty-first day of December of the year for which 16795
the reduction is sought. The original application and any 16796
subsequent application for a reduction in manufactured home taxes 16797
shall be filed in the year preceding the year for which the 16798
reduction is sought. The statement shall be on a form, devised and 16799
supplied by the tax commissioner, which shall require no more 16800
information than is necessary to establish the applicant's 16801
eligibility for the reduction in taxes and the amount of the 16802
reduction, and, except for homesteads that are units in a housing 16803
cooperative, shall include an affirmation by the applicant that 16804
ownership of the homestead was not acquired from a person, other 16805
than the applicant's spouse, related to the owner by consanguinity 16806
or affinity for the purpose of qualifying for the real property or 16807
manufactured home tax reduction provided for in division (A) or 16808

(B) of section 323.152 of the Revised Code. The form shall contain 16809
a statement that conviction of willfully falsifying information to 16810
obtain a reduction in taxes or failing to comply with division (C) 16811
of this section results in the revocation of the right to the 16812
reduction for a period of three years. In the case of an 16813
application for a reduction in taxes for persons described in 16814
division (A)(1)(b)(iii) of section 323.152 of the Revised Code, 16815
the form shall contain a statement that signing the application 16816
constitutes a delegation of authority by the applicant to the tax 16817
commissioner or the county auditor, individually or in 16818
consultation with each other, to examine any tax or financial 16819
records relating to the income of the applicant as stated on the 16820
application for the purpose of determining eligibility for the 16821
exemption or a possible violation of division (D) or (E) of this 16822
section. 16823

(B) A late application for a tax reduction for the year 16824
preceding the year in which an original application is filed, or 16825
for a reduction in manufactured home taxes for the year in which 16826
an original application is filed, may be filed with the original 16827
application. If the county auditor determines the information 16828
contained in the late application is correct, the auditor shall 16829
determine the amount of the reduction in taxes to which the 16830
applicant would have been entitled for the preceding tax year had 16831
the applicant's application been timely filed and approved in that 16832
year. 16833

The amount of such reduction shall be treated by the auditor 16834
as an overpayment of taxes by the applicant and shall be refunded 16835
in the manner prescribed in section 5715.22 of the Revised Code 16836
for making refunds of overpayments. The county auditor shall 16837
certify the total amount of the reductions in taxes made in the 16838
current year under this division to the tax commissioner, who 16839
shall treat the full amount thereof as a reduction in taxes for 16840

the preceding tax year and shall make reimbursement to the county 16841
therefor in the manner prescribed by section 323.156 of the 16842
Revised Code, from money appropriated for that purpose. 16843

(C)(1) If, in any year after an application has been filed 16844
under division (A)(1) or (2) of this section, the owner does not 16845
qualify for a reduction in taxes on the homestead or on the 16846
manufactured or mobile home set forth on such application, the 16847
owner shall notify the county auditor that the owner is not 16848
qualified for a reduction in taxes. 16849

(2) If, in any year after an application has been filed under 16850
division (A)(1) of this section, the occupant of a homestead in a 16851
housing cooperative does not qualify for a reduction in taxes on 16852
the homestead, the occupant shall notify the county auditor that 16853
the occupant is not qualified for a reduction in taxes or file a 16854
new application under division (A)(1) of this section. 16855

(3) If the county auditor or county treasurer discovers that 16856
the an owner of property or occupant of a homestead in a housing 16857
cooperative not entitled to the reduction in taxes under division 16858
(A) or (B) of section 323.152 of the Revised Code failed to notify 16859
the county auditor as required by division (C)(1) or (2) of this 16860
section, a charge shall be imposed against the property in the 16861
amount by which taxes were reduced under that division for each 16862
tax year the county auditor ascertains that the property was not 16863
entitled to the reduction and was owned by the current owner or, 16864
in the case of a homestead in a housing cooperative, occupied by 16865
the current occupant. Interest shall accrue in the manner 16866
prescribed by division (B) of section 323.121 or division (G)(2) 16867
of section 4503.06 of the Revised Code on the amount by which 16868
taxes were reduced for each such tax year as if the reduction 16869
became delinquent taxes at the close of the last day the second 16870
installment of taxes for that tax year could be paid without 16871
penalty. The county auditor shall notify the owner or occupant, by 16872

ordinary mail, of the charge, of the owner's or occupant's right 16873
to appeal the charge, and of the manner in which the owner or 16874
occupant may appeal. The owner or occupant may appeal the 16875
imposition of the charge and interest by filing an appeal with the 16876
county board of revision not later than the last day prescribed 16877
for payment of real and public utility property taxes under 16878
section 323.12 of the Revised Code following receipt of the notice 16879
and occurring at least ninety days after receipt of the notice. 16880
The appeal shall be treated in the same manner as a complaint 16881
relating to the valuation or assessment of real property under 16882
Chapter 5715. of the Revised Code. The charge and any interest 16883
shall be collected as other delinquent taxes. 16884

(4) Each year during January, the county auditor shall 16885
furnish by ordinary mail a continuing application to each person 16886
receiving a reduction under division (A) of section 323.152 of the 16887
Revised Code. The continuing application shall be used to report 16888
changes in total income, ownership, occupancy, disability, and 16889
other information earlier furnished the auditor relative to the 16890
reduction in taxes on the property. The continuing application 16891
shall be returned to the auditor not later than the thirty-first 16892
day of December; provided, that if such changes do not affect the 16893
status of the homestead exemption or the amount of the reduction 16894
to which the owner is entitled under division (A) of section 16895
323.152 of the Revised Code or to which the occupant is entitled 16896
under section 323.159 of the Revised Code, the application does 16897
not need to be returned. 16898

(5) Each year during February, the county auditor, except as 16899
otherwise provided in this paragraph, shall furnish by ordinary 16900
mail an original application to the owner, as of the first day of 16901
January of that year, of a homestead or a manufactured or mobile 16902
home that transferred during the preceding calendar year and that 16903
qualified for and received a reduction in taxes under division (B) 16904

of section 323.152 of the Revised Code for the preceding tax year. 16905
In order to receive the reduction under that division, the owner 16906
shall file the application with the county auditor not later than 16907
the thirty-first day of December. If the application is not timely 16908
filed, the auditor shall not grant a reduction in taxes for the 16909
homestead for the current year, and shall notify the owner that 16910
the reduction in taxes has not been granted, in the same manner 16911
prescribed under section 323.154 of the Revised Code for 16912
notification of denial of an application. Failure of an owner to 16913
receive an application does not excuse the failure of the owner to 16914
file an original application. The county auditor is not required 16915
to furnish an application under this paragraph for any homestead 16916
for which application has previously been made on a form 16917
incorporated into any form used by the county auditor to 16918
administer the tax law in respect to the conveyance of real 16919
property or of used manufactured homes or used mobile homes, and 16920
an owner who previously has applied on such a form is not required 16921
to return an application furnished under this paragraph. 16922

(D) No person shall knowingly make a false statement for the 16923
purpose of obtaining a reduction in the person's real property or 16924
manufactured home taxes under section 323.152 of the Revised Code. 16925

(E) No person shall knowingly fail to notify the county 16926
auditor of changes required by division (C) of this section that 16927
have the effect of maintaining or securing a reduction in taxes 16928
under section 323.152 of the Revised Code. 16929

(F) No person shall knowingly make a false statement or 16930
certification attesting to any person's physical or mental 16931
condition for purposes of qualifying such person for tax relief 16932
pursuant to sections 323.151 to 323.159 of the Revised Code. 16933

Sec. 325.19. (A)(1) The granting of vacation leave under 16934
division (A)(1) of this section is subject to divisions (A)(2) and 16935

(3) of this section. Each full-time employee in the several 16936
offices and departments of the county service, including full-time 16937
hourly rate employees, after service of one year with the county 16938
or any political subdivision of the state, shall have earned and 16939
will be due upon the attainment of the first year of employment, 16940
and annually thereafter, eighty hours of vacation leave with full 16941
pay. One year of service shall be computed on the basis of 16942
twenty-six biweekly pay periods. A full-time county employee with 16943
eight or more years of service with the county or any political 16944
subdivision of the state shall have earned and is entitled to one 16945
hundred twenty hours of vacation leave with full pay. A full-time 16946
county employee with fifteen or more years of service with the 16947
county or any political subdivision of the state shall have earned 16948
and is entitled to one hundred sixty hours of vacation leave with 16949
full pay. A full-time county employee with twenty-five years of 16950
service with the county or any political subdivision of the state 16951
shall have earned and is entitled to two hundred hours of vacation 16952
leave with full pay. Such vacation leave shall accrue to the 16953
employee at the rate of three and one-tenth hours each biweekly 16954
period for those entitled to eighty hours per year; four and 16955
six-tenths hours each biweekly period for those entitled to one 16956
hundred twenty hours per year; six and two-tenths hours each 16957
biweekly period for those entitled to one hundred sixty hours per 16958
year; and seven and seven-tenths hours each biweekly period for 16959
those entitled to two hundred hours per year. 16960

The appointing authorities of the offices and departments of 16961
the county service may permit all or any part of a person's prior 16962
service with any regional council of government established in 16963
accordance with Chapter 167. of the Revised Code to be considered 16964
service with the county or a political subdivision of the state 16965
for the purpose of determining years of service under this 16966
division. 16967

(2) Full-time employees granted vacation leave under division 16968
(A)(1) of this section who render any standard of service other 16969
than forty hours per week as described in division (K) of this 16970
section and who are in active pay status in a biweekly pay period, 16971
shall accrue a number of hours of vacation leave during each such 16972
pay period that bears the same ratio to the number of hours 16973
specified in division (A)(1) of this section as their number of 16974
hours which are accepted as full-time in active pay status, 16975
excluding overtime hours, bears to eighty hours. 16976

(3) Full-time employees granted vacation leave under division 16977
(A)(1) of this section who are in active pay status in a biweekly 16978
pay period for less than eighty hours or the number of hours of 16979
service otherwise accepted as full-time by their employing office 16980
or department shall accrue a number of hours of vacation leave 16981
during that pay period that bears the same ratio to the number of 16982
hours specified in division (A)(1) of this section as their number 16983
of hours in active pay status, excluding overtime hours, bears to 16984
eighty or the number of hours of service accepted as full-time, 16985
whichever is applicable. 16986

(B) A board of county commissioners, by resolution, may grant 16987
vacation leave with full pay to part-time county employees. A 16988
part-time county employee shall be eligible for vacation leave 16989
with full pay upon the attainment of the first year of employment, 16990
and annually thereafter. The ratio between the hours worked and 16991
the vacation hours awarded to a part-time employee shall be the 16992
same as the ratio between the hours worked and the vacation hours 16993
earned by a full-time employee as provided for in this section. 16994

(C) Days specified as holidays in section 124.19 of the 16995
Revised Code shall not be charged to an employee's vacation leave. 16996
Vacation leave shall be taken by the employee during the year in 16997
which it accrued and prior to the next recurrence of the 16998
anniversary date of the employee's employment, provided that the 16999

appointing authority may, in special and meritorious cases, permit 17000
such employee to accumulate and carry over the employee's vacation 17001
leave to the following year. No vacation leave shall be carried 17002
over for more than three years. An employee is entitled to 17003
compensation, at the employee's current rate of pay, for the 17004
prorated portion of any earned but unused vacation leave for the 17005
current year to the employee's credit at time of separation, and 17006
in addition shall be compensated for any unused vacation leave 17007
accrued to the employee's credit, with the permission of the 17008
appointing authority, for the three years immediately preceding 17009
the last anniversary date of employment. 17010

(D)(1) In addition to vacation leave, a full-time county 17011
employee is entitled to eight hours of holiday pay for New Year's 17012
day, Martin Luther King day, Washington-Lincoln day, Memorial day, 17013
Juneteenth day, Independence day, Labor day, Columbus day, 17014
Veterans' day, Thanksgiving day, and Christmas day, of each year. 17015
Except as provided in division (D)(2) of this section, holidays 17016
shall occur on the days specified in section 1.14 of the Revised 17017
Code. If any of those holidays fall on Saturday, the Friday 17018
immediately preceding shall be observed as the holiday. If any of 17019
those holidays fall on Sunday, the Monday immediately succeeding 17020
shall be observed as the holiday. If an employee's work schedule 17021
is other than Monday through Friday, the employee is entitled to 17022
holiday pay for holidays observed on the employee's day off 17023
regardless of the day of the week on which they are observed. 17024

(2)(a) When a classified employee of a county board of 17025
developmental disabilities works at a site maintained by a 17026
government entity other than the board, such as a public school, 17027
the board may adjust the employee's holiday schedule to conform to 17028
the schedule adopted by the government entity. Under an adjusted 17029
holiday schedule, an employee shall receive the number of hours of 17030
holiday pay granted under division (D)(1) of this section. 17031

(b) Pursuant to division (J)(6) of section 339.06 of the Revised Code, a county hospital may observe Martin Luther King day, Washington-Lincoln day, Columbus day, and Veterans' day on days other than those specified in section 1.14 of the Revised Code. 17032
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(E) In the case of the death of a county employee, the unused vacation leave and unpaid overtime to the credit of the employee shall be paid in accordance with section 2113.04 of the Revised Code, or to the employee's estate. 17037
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(F) Notwithstanding this section or any other section of the Revised Code, any appointing authority of a county office, department, commission, board, or body may, upon notification to the board of county commissioners, establish alternative schedules of vacation leave and holidays for employees of the appointing authority for whom the state employment relations board has not established an appropriate bargaining unit pursuant to section 4117.06 of the Revised Code, as long as the alternative schedules are not inconsistent with the provisions of at least one collective bargaining agreement covering other employees of that appointing authority, if such an agreement exists. If no such collective bargaining agreement exists, an appointing authority, upon notification to the board of county commissioners, may establish an alternative schedule of vacation leave and holidays for its employees that does not diminish the vacation leave and holiday benefits granted by this section. 17041
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(G) The employees of a county children services board that establishes vacation benefits under section 5153.12 of the Revised Code are exempt from division (A) of this section. 17057
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(H) The provisions of this section do not apply to superintendents and management employees of county boards of developmental disabilities. 17060
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(I) Division (A) of this section does not apply to an 17063
employee of a county board of developmental disabilities who works 17064
at, or provides transportation services to pupils of, a special 17065
education program provided by the county board pursuant to 17066
division (A)(4) of section 5126.05 of the Revised Code, if the 17067
employee's employment is based on a school year and the employee 17068
is not subject to a contract with the county board that provides 17069
for division (A) of this section to apply to the employee. 17070

(J) Notwithstanding division (C) of this section or any other 17071
section of the Revised Code, if a separation from county service 17072
occurs in connection with the lease, sale, or other transfer of 17073
all or substantially all the business and assets of a county 17074
hospital organized under Chapter 339. of the Revised Code to a 17075
private corporation or other entity, the appointing authority 17076
shall have no obligation to pay any compensation with respect to 17077
unused vacation leave accrued to the credit of an employee who 17078
accepts employment with the acquiring corporation or other entity, 17079
if at the effective time of separation the acquiring corporation 17080
or other entity expressly assumes such unused vacation leave 17081
accrued to the employee's credit. 17082

(K) As used in this section: 17083

(1) "Full-time employee" means an employee whose regular 17084
hours of service for a county total forty hours per week, or who 17085
renders any other standard of service accepted as full-time by an 17086
office, department, or agency of county service. 17087

(2) "Part-time employee" means an employee whose regular 17088
hours of service for a county total less than forty hours per 17089
week, or who renders any other standard of service accepted as 17090
part-time by an office, department, or agency of county service, 17091
and whose hours of county service total at least five hundred 17092
twenty hours annually. 17093

(3) "Management employee" has the same meaning as in section 17094
5126.20 of the Revised Code. 17095

Sec. 329.12. (A) A county department of job and family 17096
services may establish an individual development account program 17097
for residents of the county. The program shall provide for 17098
establishment of accounts for participants and acceptance of 17099
contributions from individuals and entities, including the county 17100
department, to be used as matching funds for deposit in the 17101
accounts. 17102

(B) A county department shall select a fiduciary organization 17103
to administer its individual development account program. In 17104
selecting a fiduciary organization, the department shall consider 17105
all of the following regarding the organization: 17106

(1) Its ability to market the program to potential 17107
participants and matching fund contributors; 17108

(2) Its ability to invest money in the accounts in a way that 17109
provides for return with minimal risk of loss; 17110

(3) Its overall administrative capacity, including the 17111
ability to verify eligibility of individuals for participation in 17112
the program, prevent unauthorized use of matching contributions, 17113
and enforce any penalties for unauthorized uses that may be 17114
provided for by rule adopted by the director of job and family 17115
services under section 5101.971 of the Revised Code; 17116

(4) Its ability to provide financial counseling to 17117
participants; 17118

(5) Its affiliation with other activities designed to 17119
increase the independence of individuals and families through 17120
postsecondary education, home ownership, and business development; 17121

(6) Any other factor the county department considers 17122
appropriate. 17123

(C) At the time it commences the program and on the first day 17124
of each subsequent program year, the county department may make a 17125
grant to the fiduciary organization to pay all or part of the 17126
administrative costs of the program. 17127

(D) The county department shall require the fiduciary 17128
organization to collect and maintain information regarding the 17129
program, including all of the following: 17130

(1) The number of accounts established; 17131

(2) The amount deposited by each participant and the amount 17132
matched by contributions; 17133

(3) The uses of funds withdrawn from the account, including 17134
the number of participants who used funds for postsecondary 17135
educational expenses and the institutions attended, the number of 17136
personal residences purchased, and the number of participants who 17137
used funds for business capitalization; 17138

(4) The demographics of program participants; 17139

(5) The number of participants who withdrew from the program 17140
and the reasons for withdrawal. 17141

~~(E) The county department shall prepare and file with the 17142
department of job and family services a semiannual report 17143
containing the information the director of job and family services 17144
requires by rule adopted under section 5101.971 of the Revised 17145
Code, with the first report being filed at the end of the 17146
six month period following October 1, 1997. 17147~~

Sec. 340.022. (A) Notwithstanding the membership requirements 17148
of section 340.02 of the Revised Code, if the director of mental 17149
health and addiction services during the period beginning January 17150
1, 2021, and ending December 31, 2022, grants approval to a board 17151
of county commissioners of a county with a population of at least 17152
seventy thousand but not more than eighty thousand, according to 17153

data from the 2010 federal census, to withdraw from a joint-county alcohol, drug addiction, and mental health service district pursuant to section 340.01 of the Revised Code, a board of alcohol, drug addiction, and mental health services that is established as a result of that withdrawal shall meet the requirements of this section. 17154
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The size of the board shall be determined by the board of county commissioners representing the county that constitutes the alcohol, drug addiction, and mental health service district. The determination shall be made from among the options that may be selected under division (B) of this section. Once an option is selected, the board of county commissioners shall adopt a resolution specifying the selection that has been made and shall notify the department of mental health and addiction services. After the resolution is adopted and the department is notified, the determination of size is final. 17160
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(B)(1) In the case of a board of alcohol, drug addiction, and mental health services that is established on or after the date the director grants the approval to withdraw described in division (A) of this section, any of the following options may be selected by the board of county commissioners when making the determination required under that division: 17170
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(a) To establish the board as an eighteen-member board; 17176

(b) To establish the board as a fourteen-member board; 17177

(c) To establish the board by selecting a number of members that is not less than seven nor more than nine. 17178
17179

(2) In the case of a board of alcohol, drug addiction, and mental health services that existed immediately prior to the date the director grants the approval to withdraw described in division (A) of this section, either of the following options may be 17180
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selected when making the determination required under that 17184
division: 17185

(a) To continue the board's operation as an eighteen-member 17186
or fourteen-member board, as a board of that size was authorized 17187
by section 340.02 of the Revised Code at the time the board was 17188
established; 17189

(b) Subject to division (B)(3) of this section, to reduce the 17190
board's size by selecting a number of members that is not less 17191
than seven nor more than nine. 17192

(3) The option to reduce the size of the board, as described 17193
in division (B)(2)(b) of this section, is available only during 17194
the period beginning on the date the director grants the approval 17195
to withdraw described in division (A) of this section and ending 17196
on the date that is six months thereafter. Before exercising this 17197
option, the board of county commissioners shall notify the board 17198
of alcohol, drug addiction, and mental health services and provide 17199
an opportunity for the board of alcohol, drug addiction, and 17200
mental health services to participate in a public hearing, in 17201
accordance with section 121.22 of the Revised Code, regarding the 17202
proposed reduction. 17203

If a reduction is implemented, the reduction may occur by 17204
attrition as members' terms expire or vacancies otherwise occur. 17205

(C) The director of mental health and addiction services 17206
shall appoint four members of an eighteen-member board, three 17207
members of a fourteen-member board, and two members of a seven- to 17208
nine-member board. The board of county commissioners representing 17209
the county constituting the service district shall appoint 17210
fourteen members of an eighteen-member board, eleven members of a 17211
fourteen-member board, and the remaining members of a seven- to 17212
nine-member board. 17213

As the appointing authorities for a board of alcohol, drug 17214

addiction, and mental health services, the director of mental 17215
health and addiction services and the board of county 17216
commissioners shall ensure that at least one member of the board 17217
is a person who has received or is receiving mental health 17218
services or is a parent or other relative of such a person and at 17219
least one member of the board is a person who has received or is 17220
receiving addiction services or is a parent or guardian of such a 17221
person. 17222

When a board is established on or after the effective date of 17223
this section, the initial appointments shall be staggered among 17224
the members as equally as possible with terms of two years, three 17225
years, and four years. 17226

(D)(1) Notwithstanding the membership requirements of section 17227
340.02 of the Revised Code, if a county with a population of at 17228
least thirty-five thousand but not more than forty-five thousand, 17229
according to data from the 2010 federal census, joins an existing 17230
alcohol, drug addiction, and mental health service district during 17231
the period beginning on June 30, 2021, and ending June 30, 2023, 17232
the existing board of alcohol, drug addiction, and mental health 17233
services serving that district may elect to expand its membership 17234
to eighteen members if the existing board has fourteen members. 17235

(2) The option to expand the board, as provided in division 17236
(D)(1) of this section, is available only during the twelve-month 17237
period beginning on the date the county with a population of at 17238
least thirty-five thousand but not more than forty-five thousand 17239
joins the alcohol, drug addiction, and mental health service 17240
district served by the board. The additional members shall be 17241
appointed in the manner specified in section 340.02 of the Revised 17242
Code. 17243

Sec. 340.13. (A) As used in this section: 17244

(1) "Minority business enterprise" has the same meaning as in 17245

section 122.71 of the Revised Code. 17246

(2) "EDGE business enterprise" has the same meaning as in 17247
section ~~123.152~~122.922 of the Revised Code. 17248

(B) Any minority business enterprise that desires to bid on a 17249
contract under division (C) of this section shall first apply to 17250
the ~~equal employment opportunity coordinator in the department of~~ 17251
~~administrative services~~department of development for certification 17252
as a minority business enterprise. Any EDGE business enterprise 17253
that desires to bid on a contract under division (D) of this 17254
section shall first apply to the ~~equal employment opportunity~~ 17255
~~coordinator of the department of administrative services~~department 17256
of development for certification as an EDGE business enterprise. 17257
The ~~coordinator~~director of development shall approve the 17258
application of any minority business enterprise or EDGE business 17259
enterprise that complies with the rules adopted under section 17260
122.71 or ~~123.152~~122.922 of the Revised Code, respectively. The 17261
~~coordinator~~director shall prepare and maintain a list of minority 17262
business enterprises and EDGE business enterprises certified under 17263
those sections. 17264

(C) From the contracts to be awarded for the purchases of 17265
equipment, materials, supplies, or services, other than contracts 17266
entered into under section 340.036 of the Revised Code, each board 17267
of alcohol, drug addiction, and mental health services shall 17268
select a number of contracts with an aggregate value of 17269
approximately fifteen per cent of the total estimated value of 17270
contracts to be awarded in the current fiscal year. The board 17271
shall set aside the contracts so selected for bidding by minority 17272
business enterprises only. The bidding procedures for such 17273
contracts shall be the same as for all other contracts awarded 17274
under section 307.86 of the Revised Code, except that only 17275
minority business enterprises certified and listed pursuant to 17276
division (B) of this section shall be qualified to submit bids. 17277

(D) To the extent that a board is authorized to enter into 17278
contracts for construction, the board shall strive to attain a 17279
yearly contract dollar procurement goal the aggregate value of 17280
which equals approximately five per cent of the aggregate value of 17281
construction contracts for the current fiscal year for EDGE 17282
business enterprises only. 17283

(E)(1) In the case of contracts set aside under division (C) 17284
of this section, if no bid is submitted by a minority business 17285
enterprise, the contract shall be awarded according to normal 17286
bidding procedures. The board shall from time to time set aside 17287
such additional contracts as are necessary to replace those 17288
contracts previously set aside on which no minority business 17289
enterprise bid. 17290

(2) If a board, after having made a good faith effort, is 17291
unable to comply with the goal of procurement for contracting with 17292
EDGE business enterprises pursuant to division (D) of this 17293
section, the board may apply in writing, on a form prescribed by 17294
the department of administrative services, to the director of 17295
mental health and addiction services for a waiver or modification 17296
of the goal. 17297

(F) This section does not preclude any minority business 17298
enterprise or EDGE business enterprise from bidding on any other 17299
contract not specifically set aside for minority business 17300
enterprises or subject to procurement goals for EDGE business 17301
enterprises. 17302

(G) Within ninety days after the beginning of each fiscal 17303
year, each board shall file a report with the department of mental 17304
health and addiction services that shows for that fiscal year the 17305
name of each minority business enterprise and EDGE business 17306
enterprise with which the board entered into a contract, the value 17307
and type of each such contract, the total value of contracts 17308
awarded under divisions (C) and (D) of this section, the total 17309

value of contracts awarded for the purchases of equipment, 17310
materials, supplies, or services, other than contracts entered 17311
into under section 340.036 of the Revised Code, and the total 17312
value of contracts entered into for construction. 17313

(H) Any person who intentionally misrepresents self as 17314
owning, controlling, operating, or participating in a minority 17315
business enterprise or an EDGE business enterprise for the purpose 17316
of obtaining contracts or any other benefits under this section 17317
shall be guilty of theft by deception as provided for in section 17318
2913.02 of the Revised Code. 17319

Sec. 341.12. ~~(A)~~ In a county not having a sufficient jail or 17320
staff, ~~subject to division (B) of this section~~, the sheriff shall 17321
convey any person charged with the commission of an offense, 17322
sentenced to imprisonment in the county jail, or in custody upon 17323
civil process to a jail in any county the sheriff considers most 17324
convenient and secure. As used in this paragraph, any county 17325
includes a contiguous county in an adjoining state. 17326

The sheriff may call such aid as is necessary in guarding, 17327
transporting, or returning such person. Whoever neglects or 17328
refuses to render such aid, when so called upon, shall forfeit and 17329
pay the sum of ten dollars, to be recovered by an action in the 17330
name and for the use of the county. 17331

Such sheriff and the sheriff's assistants shall receive such 17332
compensation for their services as the county auditor of the 17333
county from which such person was removed considers reasonable. 17334
The compensation shall be paid from the county treasury on the 17335
warrant of the auditor. 17336

The receiving sheriff shall not, pursuant to this section, 17337
convey the person received to any county other than the one from 17338
which the person was removed. 17339

~~(B)(1) If Lawrence county does not have sufficient jail space 17340
in the county or staff based upon the minimum standards for jails 17341
in Ohio promulgated pursuant to section 5120.10 of the Revised 17342
Code, instead of conveying a person in a category described in 17343
division (A) of this section to a jail in any county pursuant to 17344
that division, the Lawrence county sheriff may convey the person 17345
to the Ohio river valley facility in accordance with section 17346
341.121 of the Revised Code if an agreement for the Lawrence 17347
county sheriff's use of a portion of that facility entered into 17348
under that section then is in effect. 17349~~

~~(2) If a county other than Lawrence county does not have 17350
sufficient jail space or staff based upon the minimum standards 17351
for jails in Ohio promulgated pursuant to section 5120.10 of the 17352
Revised Code and has entered into an agreement to jail persons 17353
with the Lawrence county sheriff, instead of conveying a person in 17354
a category described in division (A) of this section to a jail in 17355
any county pursuant to that division, the sheriff of the other 17356
county may convey the person to the Ohio river valley facility in 17357
accordance with section 341.121 of the Revised Code if an 17358
agreement for the Lawrence county sheriff's use of a portion of 17359
that facility entered into under that section then is in effect. 17360~~

~~(3) As used in divisions (B)(1) and (2) of this section, 17361
"Ohio river valley facility" has the same meaning as in section 17362
341.121 of the Revised Code. 17363~~

Sec. 349.01. As used in this chapter: 17364

(A) "New community" means a community or development of 17365
property in relation to an existing community planned so that the 17366
resulting community includes facilities for the conduct of 17367
industrial, commercial, residential, cultural, educational, and 17368
recreational activities, and designed in accordance with planning 17369
concepts for the placement of utility, open space, and other 17370

supportive facilities. 17371

(B) "New community development program" means a program for 17372
the development of a new community characterized by well-balanced 17373
and diversified land use patterns and which includes land 17374
acquisition and land development, the acquisition, construction, 17375
operation, and maintenance of community facilities, and the 17376
provision of services authorized in this chapter. 17377

A new community development program may take into account any 17378
existing community in relation to which a new community is 17379
developed for purposes of being characterized by well-balanced and 17380
diversified land use patterns. 17381

(C) "New community district" means the area of land described 17382
by the developer in the petition as set forth in division (A) of 17383
section 349.03 of the Revised Code for development as a new 17384
community and any lands added to the district by amendment of the 17385
resolution establishing the community authority. 17386

(D) "New community authority" means a body corporate and 17387
politic in this state, established pursuant to section 349.03 of 17388
the Revised Code and governed by a board of trustees as provided 17389
in section 349.04 of the Revised Code. 17390

(E) "Developer" means any person, organized for carrying out 17391
a new community development program who owns or controls, through 17392
leases of at least seventy-five years' duration, options, or 17393
contracts to purchase, the land within a new community district, 17394
or any municipal corporation, county, or port authority that owns 17395
the land within a new community district, or has the ability to 17396
acquire such land, either by voluntary acquisition or condemnation 17397
in order to eliminate slum, blighted, and deteriorated or 17398
deteriorating areas and to prevent the recurrence thereof. 17399
"Developer" may also mean a person, municipal corporation, county, 17400
or port authority that controls land within a new community 17401

district through leases of at least seventy-five years' duration. 17402

"Developer" includes a lessor that continues to own and control 17403

land for purposes of this chapter pursuant to leases with a 17404

ninety-nine-year renewable term, so long as all of the following 17405

apply: 17406

(1) The developer's new community district consists of at 17407

least five leases described in this section. 17408

(2) The leases are subject to forfeiture for all of the 17409

following: 17410

(a) Failing to pay taxes and assessments; 17411

(b) Failing to pay an annual fee of up to one per cent of 17412

rent for sanitary purposes and improvements made to streets; 17413

(c) Failing to keep the premises as required by sanitary and 17414

police regulations of the developer. 17415

(3) The new community authority is established on or before 17416

December 31, 2021. 17417

(F) "Organizational board of commissioners" means the 17418

following: 17419

(1) For a new community district that is located in only one 17420

county, the board of county commissioners of that county; 17421

(2) For a new community district that is located in more than 17422

one county, a board consisting of the members of the board of 17423

county commissioners of each of the counties in which the district 17424

is located, provided that action of the board shall require a 17425

majority vote of the members of each separate board of county 17426

commissioners; or 17427

(3) For a new community district that is located entirely 17428

within the boundaries of a municipal corporation or for a new 17429

community district where more than half of the new community 17430

district is located within the boundaries of the most populous 17431

municipal corporation of a county, the legislative authority of 17432
the municipal corporation. 17433

(G) "Land acquisition" means the acquisition of real property 17434
and interests in real property as part of a new community 17435
development program. 17436

(H) "Land development" means the process of clearing and 17437
grading land, making, installing, or constructing water 17438
distribution systems, sewers, sewage collection systems, steam, 17439
gas, and electric lines, roads, streets, curbs, gutters, 17440
sidewalks, storm drainage facilities, and other installations or 17441
work, whether within or without the new community district, and 17442
the construction of community facilities. 17443

(I) "Community facilities" means all real property, 17444
buildings, structures, or other facilities, including related 17445
fixtures, equipment, and furnishings, to be owned, operated, 17446
financed, constructed, and maintained under this chapter or in 17447
furtherance of community activities, whether within or without the 17448
new community district, including public, community, village, 17449
neighborhood, or town buildings, centers and plazas, auditoriums, 17450
day care centers, recreation halls, educational facilities, health 17451
care facilities including hospital facilities as defined in 17452
section 140.01 of the Revised Code, telecommunications facilities, 17453
including all facilities necessary to provide telecommunications 17454
service as defined in section 4927.01 of the Revised Code, 17455
recreational facilities, natural resource facilities, including 17456
parks and other open space land, lakes and streams, cultural 17457
facilities, community streets and off-street parking facilities, 17458
pathway and bikeway systems, pedestrian underpasses and 17459
overpasses, lighting facilities, design amenities, or other 17460
community facilities, and buildings needed in connection with 17461
water supply or sewage disposal installations, or energy 17462
facilities including those for renewable or sustainable energy 17463

sources, and steam, gas, or electric lines or installation. 17464

(J) "Cost" as applied to a new community development program 17465
means all costs related to land acquisition and land development, 17466
the acquisition, construction, maintenance, and operation of 17467
community facilities and offices of the community authority, and 17468
of providing furnishings and equipment therefor, financing charges 17469
including interest prior to and during construction and for the 17470
duration of the new community development program, planning 17471
expenses, engineering expenses, administrative expenses including 17472
working capital, and all other expenses necessary and incident to 17473
the carrying forward of the new community development program. 17474

(K) "Income source" means any and all sources of income to 17475
the community authority, including community development charges 17476
of which the new community authority is the beneficiary as 17477
provided in section 349.07 of the Revised Code, rentals, user fees 17478
and other charges received by the new community authority, any 17479
gift or grant received, any moneys received from any funds 17480
invested by or on behalf of the new community authority, and 17481
proceeds from the sale or lease of land and community facilities. 17482

(L) "Community development charge" means: 17483

(1) A dollar amount which shall be determined on the basis of 17484
the assessed valuation of real property or interests in real 17485
property in a new community district, the income of the residents 17486
of such property subject to such charge under section 349.07 of 17487
the Revised Code, if such property is devoted to residential uses 17488
or to the profits, gross receipts, or other revenues of any 17489
business including, but not limited to, rentals received from 17490
leases of real property located in the district, a uniform or 17491
other fee on each parcel of such real property in a new community 17492
district, or any combination of the foregoing bases. 17493

(2) If a new community authority imposes a community 17494

development charge determined on the basis of rentals received 17495
from leases of real property, improvements of any real property 17496
located in the new community district and subject to that charge 17497
may not be exempted from taxation under section 5709.40, 5709.41, 17498
5709.73, or 5709.78 of the Revised Code. 17499

(M) "Proximate city" means the following: 17500

(1) For a new community district other than a new community 17501
district described in division (M)(2) or (3) of this section, any 17502
city that, as of the date of filing of the petition under section 17503
349.03 of the Revised Code, is the city with the greatest 17504
population located in the county in which the proposed new 17505
community district is located, is the city with the greatest 17506
population located in an adjoining county if any portion of such 17507
city is within five miles of any part of the boundaries of such 17508
district, or exercises extraterritorial subdivision authority 17509
under section 711.09 of the Revised Code with respect to any part 17510
of such district. 17511

(2) A municipal corporation in which, at the time of filing 17512
the petition under section 349.03 of the Revised Code, any portion 17513
of the proposed new community district is located. 17514

(3) For a new community district other than a new community 17515
district described in division (M)(2) of this section, if at the 17516
time of filing the petition under section 349.03 of the Revised 17517
Code, more than one-half of the proposed district is contained 17518
within a joint economic development district created under 17519
sections 715.70 to 715.83 of the Revised Code, the township 17520
containing the greatest portion of the territory of the joint 17521
economic development district. 17522

(N) "Community activities" means cultural, educational, 17523
governmental, recreational, residential, industrial, commercial, 17524
distribution and research activities, or any combination thereof 17525

that includes residential activities. 17526

Sec. 351.021. (A) The resolution of the county commissioners 17527
creating a convention facilities authority, or any amendment or 17528
supplement to that resolution, may authorize the authority to levy 17529
one or both of the excise taxes authorized by division (B) of this 17530
section to pay the cost of one or more facilities; to pay 17531
principal, interest, and premium on convention facilities 17532
authority tax anticipation bonds issued to pay those costs; to pay 17533
the operating costs of the authority; to pay operating and 17534
maintenance costs of those facilities; and to pay the costs of 17535
administering the excise tax. 17536

(B) The board of directors of a convention facilities 17537
authority that has been authorized pursuant to resolution adopted, 17538
amended, or supplemented by the board of county commissioners 17539
pursuant to division (A) of this section may levy, by resolution 17540
adopted on or before December 31, 1988, either or both of the 17541
following: 17542

(1) Within the territory of the authority, an additional 17543
excise tax not to exceed four per cent on each transaction. The 17544
excise tax authorized by division (B)(1) of this section shall be 17545
in addition to any excise tax levied pursuant to section 5739.08 17546
or 5739.09 of the Revised Code, or division (B)(2) of this 17547
section. 17548

(2) Within that portion of any municipal corporation that is 17549
located within the territory of the authority or within the 17550
boundaries of any township that is located within the territory of 17551
the authority, which municipal corporation or township is levying 17552
any portion of the excise tax authorized by division (A) of 17553
section 5739.08 of the Revised Code, and with the approval, by 17554
ordinance or resolution, of the legislative authority of that 17555
municipal corporation or township, an additional excise tax not to 17556

exceed nine-tenths of one per cent on each transaction. The excise 17557
tax authorized by division (B)(2) of this section may be levied 17558
only if, on the effective date of the levy specified in the 17559
resolution making the levy, the amount being levied pursuant to 17560
division (A) of section 5739.08 of the Revised Code by each 17561
municipal corporation or township in which the tax authorized by 17562
division (B)(2) of this section will be levied, when added to the 17563
amount levied under division (B)(2) of this section, does not 17564
exceed three per cent on each transaction. The excise tax 17565
authorized by division (B)(2) of this section shall be in addition 17566
to any excise tax that is levied pursuant to section 5739.08 or 17567
5739.09 of the Revised Code, or division (B)(1) of this section. 17568

(C)(1) The board of directors of a convention facilities 17569
authority that is located in an eligible Appalachian county; that 17570
has been authorized pursuant to resolution adopted, amended, or 17571
supplemented by the board of county commissioners pursuant to 17572
division (A) of this section; and that is not levying a tax under 17573
division (B)(1) or (2) of this section may levy within the 17574
territory of the authority, by resolution adopted on or before 17575
December 31, 2005, an additional excise tax not to exceed three 17576
per cent on each transaction. The excise tax authorized under 17577
division (C)(1) of this section shall be in addition to any excise 17578
tax levied pursuant to section 5739.08 or 5739.09 of the Revised 17579
Code. 17580

As used in division (C)(1) of this section, "eligible 17581
Appalachian county" means a county in this state designated as 17582
being in the "Appalachian region" under the "Appalachian Regional 17583
Development Act of 1965," 79 Stat. 4, 40 U.S.C. App. 403, and 17584
having a population less than eighty thousand according to the 17585
most recent federal decennial census. 17586

(2) Division (C)(2) of this section applies only to a 17587
convention facilities authority located in a county with a 17588

population, according to the 2000 federal decennial census, of at 17589
least one hundred thirty-five thousand and not more than one 17590
hundred fifty thousand and containing entirely within its 17591
boundaries the territory of a municipal corporation with a 17592
population according to that census of more than fifty thousand. 17593
The board of directors of such a convention facilities authority, 17594
by resolution adopted on or before November 1, 2009, may levy 17595
within the territory of the authority an excise tax on 17596
transactions by which lodging by a hotel is or is to be furnished 17597
to transient guests at a rate not to exceed three per cent on such 17598
transactions for the same purposes for which a tax may be levied 17599
under division (B) of this section. The resolution may be adopted 17600
only if the board of county commissioners of the county, by 17601
resolution, authorizes the levy of the tax. The resolution of the 17602
board of county commissioners is subject to referendum as 17603
prescribed by sections 305.31 to 305.41 of the Revised Code. If, 17604
pursuant to those procedures, a referendum is to be held, the 17605
board's resolution does not take effect until approved by a 17606
majority of electors voting on the question. The convention 17607
facilities authority may adopt the resolution authorized by 17608
division (C)(2) of this section before the election, but the 17609
authority's resolution shall not take effect if the board of 17610
commissioners' resolution is not approved at the election. A tax 17611
levied under division (C)(2) of this section is in addition to any 17612
tax levied under section 5739.09 of the Revised Code. 17613

The board of directors of a convention facilities authority 17614
that levies an excise tax under division (C)(2) of this section 17615
may, by resolution adopted by a majority of the members of the 17616
board on or before November 1, 2021, amend the resolution levying 17617
the tax to increase the rate of the tax by not more than an 17618
additional one per cent on each transaction. The resolution shall 17619
provide that all revenue from the increase in rate shall be used 17620
for the same purposes for which a tax may be levied under division 17621

(B) of this section. The resolution may be adopted only if the 17622
board of county commissioners of the county, by resolution, 17623
authorizes the rate increase. 17624

(3) The board of directors of a convention facilities 17625
authority created between July 1, 2019, and December 31, 2019, by 17626
resolution adopted on or before December 30, 2020, may levy within 17627
the territory of the authority an excise tax on transactions by 17628
which lodging by a hotel is or is to be furnished to transient 17629
guests at a rate not to exceed three per cent on such transactions 17630
for the purposes described in division (A) of this section. This 17631
tax shall be in addition to any excise tax levied pursuant to this 17632
section or section 5739.08 or 5739.09 of the Revised Code. The 17633
resolution levying the tax shall not take effect sooner than 17634
ninety days after the convention facilities authority is created. 17635

(D) The authority shall provide for the administration and 17636
allocation of an excise tax levied pursuant to division (B) or (C) 17637
of this section. All receipts arising from those excise taxes 17638
shall be expended for the purposes provided in, and in accordance 17639
with this section and section 351.141 of the Revised Code. An 17640
excise tax levied under division (B) or (C) of this section shall 17641
remain in effect at the rate at which it is levied for at least 17642
the duration of the period for which the receipts from the tax 17643
have been anticipated and pledged pursuant to section 351.141 of 17644
the Revised Code. 17645

(E) Except as provided in division (B)(2) of this section, 17646
the levy of an excise tax on each transaction pursuant to sections 17647
5739.08 and 5739.09 of the Revised Code does not prevent a 17648
convention facilities authority from levying an excise tax 17649
pursuant to division (B) or (C) of this section. 17650

(F) A convention facilities authority located in a county 17651
with a population greater than eighty thousand but less than 17652
ninety thousand according to the 2010 federal decennial census 17653

that levies a tax under division (B) of this section may amend the 17654
resolution levying the tax to allocate a portion of the revenue 17655
from the tax for support of tourism-related sites or facilities 17656
and programs operated by the county or a municipal corporation 17657
within the county in which the authority is located or for the 17658
purpose of leasing lands for county fairs, erecting buildings for 17659
county fair purposes, making improvements on a county fairground, 17660
or for any purpose connected with the use of a county fairground 17661
or with the management thereof by the county in which the 17662
authority is located. The revenue allocated by the authority for 17663
such purposes in a calendar year shall not exceed twenty-five per 17664
cent of the total revenue from the tax in the preceding calendar 17665
year. Revenue allocated for such purposes that is not fully used 17666
by the end of the calendar year may be carried forward for use in 17667
subsequent calendar years. Any amount carried forward does not 17668
count toward the limitation on the amount that may be allocated 17669
for such purposes in succeeding calendar years. 17670

Sec. 503.56. (A) As used in this section: 17671

(1) "Tourism development district" means a district 17672
designated by a township under this section. 17673

(2) "Territory of a tourism development district" means all 17674
of the area included within the territorial boundaries of a 17675
tourism development district. 17676

(3) "Business" means a sole proprietorship, a corporation for 17677
profit, a pass-through entity as defined in section 5733.04 of the 17678
Revised Code, the federal government, the state, the state's 17679
political subdivisions, a nonprofit organization, or a school 17680
district. A business "operates within the proposed district" if 17681
the business would be subject to a tax levied in the proposed 17682
tourism development district pursuant to division (C) of section 17683
5739.101 of the Revised Code. 17684

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

(5) "Eligible township" means a township wholly or partly located in a county having a population greater than three hundred seventy-five thousand but less than four hundred thousand that levies taxes under section 5739.021 or 5739.026 of the Revised Code, the aggregate rate of which does not exceed one-half of one per cent on September 29, 2015.

(B)(1) The board of trustees of an eligible township, by resolution, may declare an unincorporated area of the township to be a tourism development district for the purpose of fostering and developing tourism in the district if all of the following criteria are met:

(a) The district's area does not exceed six hundred acres.

(b) All territory in the district is contiguous.

(c) Before adopting that resolution or ordinance, the board holds at least two public hearings concerning the creation of the tourism development district.

(d) Before adopting the resolution or ordinance, the board receives a petition signed by every record owner of a parcel of real property located in the proposed district and the owner of every business that operates in the proposed district.

(e) The board adopts the resolution on or before December 31, 2020.

(2) The petition described in division (B)(1)(d) of this

section shall include an explanation of the taxes and charges that 17715
may be levied or imposed in the proposed district. 17716

(3) The board shall certify the resolution to the tax 17717
commissioner within five days after its adoption, along with a 17718
description of the boundaries of the district authorized in the 17719
resolution. That description shall include sufficient information 17720
for the commissioner to determine if the address of a vendor is 17721
within the boundaries of the district. 17722

(4) Subject to the limitations of division (B)(1)(a) and (b) 17723
of this section, the board of trustees of an eligible township may 17724
enlarge the territory of an existing tourism development district 17725
in the manner prescribed for the creation of a district under 17726
divisions (B)(1) to (3) of this section, except that the petition 17727
described in division (B)(1)(d) of this section must be signed by 17728
every record owner of a parcel of real property located in the 17729
area proposed to be added to the district and the owner of every 17730
business that operates in the area proposed to be added to the 17731
district. Division (B)(1)(e) of this section does not apply to a 17732
resolution enlarging the territory of an existing tourism 17733
development district. 17734

(C) For the purpose of fostering and developing tourism in a 17735
tourism development district, a lessor leasing real property in a 17736
tourism development district may impose and collect a uniform fee 17737
on each parcel of real property leased by the lessor, to be paid 17738
by each of the person's lessees. A lessee is subject to such a fee 17739
only if the lease separately states the amount of the fee. Before 17740
a lessor may impose and collect such a fee, the lessor shall file 17741
a copy of such lease with the fiscal officer of the township that 17742
designated the tourism development district. A lessor that imposes 17743
such a fee shall remit all collections of the fee to the fiscal 17744
officer of the township in which the real property is located. 17745

The board shall establish all regulations necessary to 17746

provide for the administration and remittance of such fees. The 17747
regulations may prescribe the time for payment of the fee, and may 17748
provide for the imposition of a penalty or interest, or both, for 17749
late remittances, provided that the penalty does not exceed ten 17750
per cent of the amount of fee due, and the rate at which interest 17751
accrues does not exceed the rate per annum prescribed pursuant to 17752
section 5703.47 of the Revised Code. The regulations shall 17753
provide, after deducting the real and actual costs of 17754
administering the fee, that the revenue be used exclusively for 17755
fostering and developing tourism within the tourism development 17756
district. 17757

(D) The board of trustees of an eligible township that has 17758
designated a tourism development district under this section may 17759
levy one or both of the taxes authorized under section 503.57 or 17760
5739.101 of the Revised Code. If the board does not levy a tax 17761
under section 5739.101 of the Revised Code, the board may enter 17762
into and enforce agreements imposing a development charge under 17763
section 503.58 of the Revised Code. 17764

(E) On or before the first day of each January and July, 17765
beginning after the designation of the tourism development 17766
district, the fiscal officer of the township shall certify a list 17767
of vendors located within the tourism development district to the 17768
tax commissioner, which shall include the name, address, and 17769
vendor's license number for each vendor. 17770

Sec. 504.04. (A) A township that adopts a limited home rule 17771
government may do all of the following by resolution, provided 17772
that any of these resolutions, other than a resolution to supply 17773
water or sewer services in accordance with sections 504.18 to 17774
504.20 of the Revised Code, may be enforced only by the imposition 17775
of civil fines as authorized in this chapter: 17776

(1) Exercise all powers of local self-government within the 17777

unincorporated area of the township, other than powers that are in 17778
conflict with general laws, except that the township shall comply 17779
with the requirements and prohibitions of this chapter, and shall 17780
enact no taxes other than those authorized by general law, and 17781
except that no resolution adopted pursuant to this chapter shall 17782
encroach upon the powers, duties, and privileges of elected 17783
township officers or change, alter, combine, eliminate, or 17784
otherwise modify the form or structure of the township government 17785
unless the change is required or permitted by this chapter; 17786

(2) Adopt and enforce within the unincorporated area of the 17787
township local police, sanitary, and other similar regulations 17788
that are not in conflict with general laws or otherwise prohibited 17789
by division (B) of this section; 17790

(3) Supply water and sewer services to users within the 17791
unincorporated area of the township in accordance with sections 17792
504.18 to 504.20 of the Revised Code; 17793

(4) Adopt and enforce within the unincorporated area of the 17794
township any resolution of a type described in section 503.52 or 17795
503.60 of the Revised Code. 17796

(B) No resolution adopted pursuant to this chapter shall do 17797
any of the following: 17798

(1) Create a criminal offense or impose criminal penalties, 17799
except as authorized by division (A) of this section or by section 17800
503.52 of the Revised Code; 17801

(2) Impose civil fines other than as authorized by this 17802
chapter; 17803

(3) Establish or revise subdivision regulations, road 17804
construction standards, urban sediment rules, or storm water and 17805
drainage regulations, except as provided in section 504.21 of the 17806
Revised Code; 17807

(4) Establish or revise building standards, building codes, and other standard codes except as provided in section 504.13 of the Revised Code;	17808 17809 17810
(5) Increase, decrease, or otherwise alter the powers or duties of a township under any other chapter of the Revised Code pertaining to agriculture or the conservation or development of natural resources;	17811 17812 17813 17814
(6) Establish regulations affecting hunting, trapping, fishing, or the possession, use, or sale of firearms;	17815 17816
(7) Establish or revise water or sewer regulations, except in accordance with section 504.18, 504.19, or 504.21 of the Revised Code;	17817 17818 17819
(8) For twelve months after the effective date of the amendment of this section by H.B. 242 of the 133rd general assembly, impose <u>Impose</u> a fee, assessment, or other charge on auxiliary containers, on the sale, use, or consumption of such containers, or on the basis of receipts received from the sale of such containers. As used in this division, "auxiliary container" has the same meaning as in section 3767.32 of the Revised Code.	17820 17821 17822 17823 17824 17825 17826
Nothing in this chapter shall be construed as affecting the powers of counties with regard to the subjects listed in divisions (B)(3) to (5) of this section.	17827 17828 17829
(C) Under a limited home rule government, all officers shall have the qualifications, and be nominated, elected, or appointed, as provided in Chapter 505. of the Revised Code, except that the board of township trustees shall appoint a full-time or part-time law director pursuant to section 504.15 of the Revised Code, and except that a five-member board of township trustees approved for the township before September 26, 2003, shall continue to serve as the legislative authority with successive members serving for four-year terms of office until a termination of a limited home	17830 17831 17832 17833 17834 17835 17836 17837 17838

rule government under section 504.03 of the Revised Code. 17839

(D) In case of conflict between resolutions enacted by a 17840
board of township trustees and municipal ordinances or 17841
resolutions, the ordinance or resolution enacted by the municipal 17842
corporation prevails. In case of conflict between resolutions 17843
enacted by a board of township trustees and any county resolution, 17844
the resolution enacted by the board of township trustees prevails. 17845

Sec. 507.021. (A) The township fiscal officer may hire and 17846
appoint one or more persons as the fiscal officer finds necessary 17847
to provide assistance to the township fiscal officer or deputy 17848
fiscal officer. The township fiscal officer may set the 17849
compensation of those persons subject to ~~the prior approval of the~~ 17850
~~board of township trustees~~ division (B) of this section. Those 17851
persons shall serve at the pleasure of the township fiscal officer 17852
or, in the absence of the township fiscal officer, the deputy 17853
fiscal officer. The township fiscal officer may delegate to an 17854
assistant any of the duties the fiscal officer is otherwise 17855
required to perform. The appointment of assistants under this 17856
section does not relieve the township fiscal officer of 17857
responsibility to discharge the duties of the office but shall 17858
serve to provide assistance to the fiscal officer in performing 17859
those duties. 17860

(B) The compensation of an assistant appointed under this 17861
section shall be included in the estimate of contemplated 17862
expenditures for the township fiscal officer's office that is 17863
submitted to the board of township trustees for approval as 17864
provided in section 5705.28 of the Revised Code. 17865

(C) Except as otherwise provided in section 3.061 of the 17866
Revised Code, before serving, an assistant to the township fiscal 17867
officer shall give bond for the faithful discharge of the duties 17868
of the office as may be delegated by the fiscal officer. The bond 17869

shall be payable to the board of township trustees and shall be 17870
for the same sum as required under section 507.03 of the Revised 17871
Code for the township fiscal officer, with sureties approved by 17872
the board, and conditioned for the faithful performance of duties 17873
delegated by the fiscal officer. The bond shall be recorded by the 17874
township fiscal officer, filed with the county treasurer, and 17875
carefully preserved. 17876

Sec. 511.10. The board of township trustees may appoint such 17877
superintendents, architects, clerks, laborers, and other employees 17878
as are necessary and fix their compensation. Any person so 17879
appointed may be removed by a majority of the members of such 17880
board at any time. 17881

Any township employee working on a salary or hourly basis is 17882
entitled to eight hours of holiday pay for New Year's day, Martin 17883
Luther King day, Washington-Lincoln day, Memorial day, Juneteenth 17884
day, Independence day, Labor day, Columbus day, Veterans' day, 17885
Thanksgiving day, and Christmas day, of each year, provided that 17886
the employee is a regular employee with at least six months 17887
full-time township service prior to the month when such holiday 17888
occurs. Holidays shall occur on the days specified in section 1.14 17889
of the Revised Code. 17890

The board of township trustees may purchase or lease uniforms 17891
for laborers or other employees engaged in the maintenance of 17892
township property. 17893

Sec. 701.10. (A)(1) The legislative authority of a municipal 17894
corporation that has established a rate or charge, payable to the 17895
municipal corporation, for the provision of collection or disposal 17896
services for garbage, ashes, animal and vegetable refuse, dead 17897
animals, or animal offal may certify to the county auditor, by 17898
ordinance, the amount of the rate or charge that has not been paid 17899

in accordance with applicable requirements by a person using the 17900
collection or disposal services, when ~~the~~ either of the following 17901
applies: 17902

(a) The unpaid amount is at least equal to or greater than 17903
two hundred fifty dollars; or 17904

(b) The unpaid amount is equal to or greater than the 17905
applicable annual rate or charge imposed by the municipal 17906
corporation upon the person using the collection or disposal 17907
services, regardless of the actual cost incurred by the municipal 17908
corporation in providing the collection or disposal services. The 17909

(2) The amount certified shall be a lien on the person's 17910
property to which services are provided, placed on the tax list in 17911
a separate column, collected as other taxes, and paid into the 17912
general fund of the municipal corporation. 17913

(B) A municipal corporation that, on or before October 17, 17914
2019, collected all rates or charges for such services in a manner 17915
consistent with the collection of other taxes, rather than making 17916
that rate or charge payable to the municipal corporation, may 17917
continue to collect amounts in such manner without being subject 17918
to the limitation in division (A)(1) of this section. 17919

Sec. 715.013. (A) Except as otherwise expressly authorized by 17920
the Revised Code, no municipal corporation shall levy a tax that 17921
is the same as or similar to a tax levied under Chapter 322., 17922
3734., 3769., 4123., 4141., 4301., 4303., 4305., 4307., 4309., 17923
5707., 5725., 5726., 5727., 5728., 5729., 5731., 5735., 5736., 17924
5737., 5739., 5741., 5743., 5747., 5749., or 5751. of the Revised 17925
Code. 17926

(B) ~~For twelve months after the effective date of the~~ 17927
~~amendment of this section by H.B. 242 of the 133rd general~~ 17928
~~assembly, no~~ No municipal corporation may impose any tax, fee, 17929

assessment, or other charge on auxiliary containers, on the sale, 17930
use, or consumption of such containers, or on the basis of 17931
receipts received from the sale of such containers. As used in 17932
this division, "auxiliary container" has the same meaning as in 17933
section 3767.32 of the Revised Code. 17934

(C) This section does not prohibit a municipal corporation 17935
from levying an income tax or withholding tax in accordance with 17936
Chapter 718. of the Revised Code, or a tax on any of the 17937
following: 17938

(1) Amounts received for admission to any place; 17939

(2) The income of an electric company or combined company, as 17940
defined in section 5727.01 of the Revised Code; 17941

(3) On and after January 1, 2004, the income of a telephone 17942
company, as defined in section 5727.01 of the Revised Code. 17943

Sec. 715.014. (A) As used in this section: 17944

(1) "Tourism development district" means a district 17945
designated by a municipal corporation under this section. 17946

(2) "Territory of a tourism development district" means all 17947
of the area included within the territorial boundaries of a 17948
tourism development district. 17949

(3) "Business" and "owner" have the same meanings as in 17950
section 503.56 of the Revised Code. 17951

(4) "Eligible municipal corporation" means a municipal 17952
corporation wholly or partly located in a county having a 17953
population greater than three hundred seventy-five thousand but 17954
less than four hundred thousand that levies taxes under section 17955
5739.021 or 5739.026 of the Revised Code, the aggregate rate of 17956
which does not exceed one-half of one per cent on September 29, 17957
2015. 17958

(5) "Fiscal officer" means the city auditor, village clerk, 17959
or other municipal officer having the duties and functions of a 17960
city auditor or village clerk. 17961

(B)(1) The legislative authority of an eligible municipal 17962
corporation, by resolution or ordinance, may declare an area of 17963
the municipal corporation to be a tourism development district for 17964
the purpose of fostering and developing tourism in the district if 17965
all of the following criteria are met: 17966

(a) The district's area does not exceed six hundred acres. 17967

(b) All territory in the district is contiguous. 17968

(c) Before adopting the resolution or ordinance, the 17969
legislative authority holds at least two public hearings 17970
concerning the creation of the tourism development district. 17971

(d) Before adopting the resolution or ordinance, the 17972
legislative authority receives a petition signed by every record 17973
owner of a parcel of real property located in the proposed 17974
district and the owner of every business that operates in the 17975
proposed district. 17976

(e) The legislative authority adopts the resolution or 17977
ordinance on or before December 31, 2020. 17978

A legislative authority may declare more than one area of the 17979
municipal corporation to be a tourism development district under 17980
this section. 17981

(2) The petition described in division (B)(1)(d) of this 17982
section shall include an explanation of the taxes and charges that 17983
may be levied or imposed in the proposed district. 17984

(3) The legislative authority shall certify the resolution or 17985
ordinance to the tax commissioner within five days after its 17986
adoption, along with a description of the boundaries of the 17987
district authorized in the resolution. That description shall 17988

include sufficient information for the commissioner to determine 17989
if the address of a vendor is within the boundaries of the 17990
district. 17991

(4) Subject to the limitations of divisions (B)(1)(a) and (b) 17992
of this section, the legislative authority of an eligible 17993
municipal corporation may enlarge the territory of an existing 17994
tourism development district in the manner prescribed for the 17995
creation of a district under divisions (B)(1) to (3) of this 17996
section, except that the petition described in division (B)(1)(d) 17997
of this section must be signed by every record owner of a parcel 17998
of real property located in the area proposed to be added to the 17999
district and the owner of every business that operates in the area 18000
proposed to be added to the district. Division (B)(1)(e) of this 18001
section does not apply to a resolution or ordinance enlarging the 18002
territory of an existing tourism development district. 18003

(C) For the purpose of fostering and developing tourism in a 18004
tourism development district, a lessor leasing real property in a 18005
tourism development district may impose and collect a uniform fee 18006
on each parcel of real property leased by the lessor, to be paid 18007
by each of the person's lessees. A lessee is subject to such a fee 18008
only if the lease separately states the amount of the fee. Before 18009
a lessor may impose and collect such a fee, the lessor shall file 18010
a copy of such lease with the fiscal officer. A lessor that 18011
imposes such a fee shall remit all collections of the fee to the 18012
municipal corporation in which the real property is located. 18013

The legislative authority of that municipal corporation shall 18014
establish all regulations necessary to provide for the 18015
administration and remittance of such fees. The regulations may 18016
prescribe the time for payment of the fee, and may provide for the 18017
imposition of a penalty or interest, or both, for late 18018
remittances, provided that the penalty does not exceed ten per 18019
cent of the amount of fee due, and the rate at which interest 18020

accrues does not exceed the rate per annum prescribed pursuant to 18021
section 5703.47 of the Revised Code. The regulations shall 18022
provide, after deducting the real and actual costs of 18023
administering the fee, that the revenue be used exclusively for 18024
fostering and developing tourism within the tourism development 18025
district. 18026

(D) The legislative authority of an eligible municipal 18027
corporation that has designated a tourism development district may 18028
levy the tax authorized under section 5739.101 of the Revised Code 18029
or enter into and enforce agreements imposing a development charge 18030
under section 715.015 of the Revised Code. Nothing in this section 18031
limits the power of the legislative authority of a municipal 18032
corporation to levy a tax on the basis of admissions in a tourism 18033
development district pursuant to its powers of local 18034
self-government conferred by Section 3 of Article XVIII, Ohio 18035
Constitution. 18036

(E) On or before the first day of each January and July, 18037
beginning after the designation of a tourism development district, 18038
the fiscal officer shall certify a list of vendors located within 18039
the tourism development district to the tax commissioner, which 18040
shall include the name, address, and vendor's license number for 18041
each vendor. 18042

Sec. 715.72. (A) As used in this section: 18043

(1) "Contracting parties" means one or more municipal 18044
corporations, one or more townships, and, under division (D) of 18045
this section, one or more counties that have entered into a 18046
contract under this section to create a joint economic development 18047
district. 18048

(2) "District" means a joint economic development district 18049
created under this section. 18050

(3) "Contract for utility services" means a contract under 18051
which a municipal corporation agrees to provide to a township or 18052
another municipal corporation water, sewer, electric, or other 18053
utility services necessary to the public health, safety, and 18054
welfare. 18055

(4) "Business" means a sole proprietorship, a corporation for 18056
profit, a pass-through entity as defined in section 5733.04 of the 18057
Revised Code, the federal government, the state, the state's 18058
political subdivisions, a nonprofit organization, or a school 18059
district. 18060

(5) "Owner" means a partner of a partnership, a member of a 18061
limited liability company, a majority shareholder of an S 18062
corporation, a person with a majority ownership interest in a 18063
pass-through entity, or any officer, employee, or agent with 18064
authority to make decisions legally binding upon a business. 18065

(6) "Record owner" means the person or persons in whose name 18066
a parcel is listed on the tax list or exempt list compiled by the 18067
county auditor under section 319.28 or 5713.08 of the Revised 18068
Code. 18069

(7) A business "operates within" a district if the net 18070
profits of the business or the income of employees of the business 18071
would be subject to an income tax levied within the district. 18072

(8) An employee is "employed within" a district if any 18073
portion of the employee's income would be subject to an income tax 18074
levied within the district. 18075

(9) "Mixed-use development" means a real estate project that 18076
tends to mitigate traffic and sprawl by integrating some 18077
combination of retail, office, residential, hotel, recreation, and 18078
other functions in a pedestrian-oriented environment that 18079
maximizes the use of available space by allowing members of the 18080
community to live, work, and play in one architecturally 18081

expressive area with multiple amenities. 18082

(10) "Water or sewer service plan or agreement" means either 18083
of the following: 18084

(a) A state water quality management plan adopted by the Ohio 18085
environmental protection agency or another authorized planning 18086
agency pursuant to 33 U.S.C. 1288 and 1313 that contemplates that 18087
a non-contracting municipal corporation will provide sanitary 18088
sewer disposal services to an area within a proposed joint 18089
economic development district; 18090

(b) A binding agreement between a municipal corporation and a 18091
third-party water or sanitary sewer services provider, including 18092
another municipal corporation or other public or private provider, 18093
that provides that a non-contracting municipal corporation or 18094
another provider that is not a contracting party will provide 18095
water or sanitary sewer services to an area within a proposed 18096
joint economic development district. 18097

(11) "Non-contracting municipal corporation" means a 18098
municipal corporation that is not a contracting party. 18099

(B) This section provides alternative procedures and 18100
requirements to those set forth in sections 715.70 and 715.71 of 18101
the Revised Code for creating and operating a joint economic 18102
development district. This section applies to municipal 18103
corporations and townships that are located in the same county or 18104
in adjacent counties. 18105

(C) One or more municipal corporations, one or more 18106
townships, and, under division (D) of this section, one or more 18107
counties may enter into a contract pursuant to which they 18108
designate one or more areas as a joint economic development 18109
district for the purpose of facilitating economic development and 18110
redevelopment, to create or preserve jobs and employment 18111
opportunities, and to improve the economic welfare of the people 18112

in this state and in the area of the contracting parties. 18113

(1) Except as otherwise provided in division (C)(2) of this 18114
section, the territory of each of the contracting parties shall be 18115
contiguous to the territory of at least one other contracting 18116
party, or contiguous to the territory of a township, municipal 18117
corporation, or county that is contiguous to another contracting 18118
party, even if the intervening township or municipal corporation 18119
is not a contracting party. 18120

(2) Contracting parties that have entered into a contract 18121
under section 715.70 or 715.71 of the Revised Code creating a 18122
joint economic development district prior to November 15, 1995, 18123
may enter into a contract under this section even if the territory 18124
of each of the contracting parties is not contiguous to the 18125
territory of at least one other contracting party, or contiguous 18126
to the territory of a township or municipal corporation that is 18127
contiguous to another contracting party as otherwise required 18128
under division (C)(1) of this section. The contract and district 18129
shall meet the requirements of this section. 18130

(D) If, on or after December 30, 2008, but on or before June 18131
30, 2009, one or more municipal corporations and one or more 18132
townships enter into a contract or amend an existing contract 18133
under this section, one or more counties in which all of those 18134
municipal corporations or townships are located also may enter 18135
into the contract as a contracting party or parties. 18136

(E)(1) The area or areas to be included in a joint economic 18137
development district shall meet all of the following criteria: 18138

(a) The area or areas shall be located within the territory 18139
of one or more of the contracting parties and may consist of all 18140
of the territory of any or all of the contracting parties. 18141

(b) No electors, except those residing in a mixed-use 18142
development, shall reside within the area or areas on the 18143

effective date of the contract creating the district. 18144

(c) The area or areas shall not include any parcel of land 18145
owned in fee by or leased to a municipal corporation or township, 18146
unless the municipal corporation or township is a contracting 18147
party or has given its consent to have the parcel of land included 18148
in the district by the adoption of an ordinance or resolution. 18149

(d) The area or areas shall not include any parcel of land 18150
excluded pursuant to division (J)(2) of this section. 18151

(2) The contracting parties may designate excluded parcels 18152
within the boundaries of the joint economic development district. 18153
Excluded parcels are not part of the district and persons employed 18154
or residing on such parcels shall not be subject to any income tax 18155
imposed within the district under division (F)(5) of this section. 18156

(F)(1) The contract creating a joint economic development 18157
district shall provide for the amount or nature of the 18158
contribution of each contracting party to the development and 18159
operation of the district and may provide for the sharing of the 18160
costs of the operation of and improvements for the district. The 18161
contributions may be in any form to which the contracting parties 18162
agree and may include, but are not limited to, the provision of 18163
services, money, real or personal property, facilities, or 18164
equipment. 18165

(2) The contract may provide for the contracting parties to 18166
share revenue from taxes levied by one or more of the contracting 18167
parties if those revenues may lawfully be applied to that purpose 18168
under the legislation by which those taxes are levied. 18169

(3) The contract shall include an economic development plan 18170
for the district that consists of a schedule for the provision of 18171
new, expanded, or additional services, facilities, or 18172
improvements. The contract may provide for expanded or additional 18173
capacity for or other enhancement of existing services, 18174

facilities, or improvements. 18175

(4) The contract shall enumerate the specific powers, duties, 18176
and functions of the board of directors of the district described 18177
under division (P) of this section and shall designate procedures 18178
consistent with that division for appointing members to the board. 18179
The contract shall enumerate rules to govern the board in carrying 18180
out its business under this section. 18181

(5)(a) The contract may grant to the board the power to adopt 18182
a resolution to levy an income tax within the entire district or 18183
within portions of the district designated by the contract. The 18184
income tax shall be used to carry out the economic development 18185
plan for the district or the portion of the district in which the 18186
tax is levied and for any other lawful purpose of the contracting 18187
parties pursuant to the contract, including the provision of 18188
utility services by one or more of the contracting parties. 18189

(b) An income tax levied under this section shall be based on 18190
both the income earned by persons employed or residing within the 18191
district and the net profit of businesses operating within the 18192
district. 18193

Except as provided in this section, the income tax levied 18194
within the district is subject to Chapter 718. of the Revised 18195
Code, except that no vote shall be required. The rate of the 18196
income tax shall be no higher than the highest rate being levied 18197
by a municipal corporation that is a contracting party. 18198

(c) If the board adopts a resolution to levy an income tax, 18199
it shall enter into an agreement with a municipal corporation that 18200
is a contracting party to administer, collect, and enforce the 18201
income tax on behalf of the district. 18202

(d) A resolution levying an income tax under this section 18203
shall require the contracting parties to annually set aside a 18204
percentage, to be stated in the resolution, of the amount of the 18205

income tax collected for the long-term maintenance of the 18206
district. 18207

(e) An income tax levied under this section shall apply in 18208
the district or the portion of the district in which the contract 18209
authorizes an income tax throughout the term of the contract 18210
creating the district. The tax shall not apply to any persons 18211
employed or residing on a parcel excluded from the district under 18212
division (E)(2) of this section. 18213

(6) If there is unincorporated territory in the district, the 18214
contract shall specify that restrictions on annexation proceedings 18215
under division (R) of this section apply to such unincorporated 18216
territory. The contract may prohibit proceedings under Chapter 18217
709. of the Revised Code proposing the annexation to, merger of, 18218
or consolidation with a municipal corporation that is a 18219
contracting party of any unincorporated territory within a 18220
township that is a contracting party during the term of the 18221
contract regardless of whether that territory is located within 18222
the district. 18223

(7) The contract may designate property as a community 18224
entertainment district, or may be amended to designate property as 18225
a community entertainment district, as prescribed in division (D) 18226
of section 4301.80 of the Revised Code. A contract or amendment 18227
designating a community entertainment district shall include all 18228
information and documentation described in divisions (B)(1) to (6) 18229
of section 4301.80 of the Revised Code. The public notice required 18230
under division (I) of this section shall specify that the contract 18231
designates a community entertainment district and describe the 18232
location of that district. Except as provided in division (F) of 18233
section 4301.80 of the Revised Code, an area designated as a 18234
community entertainment district under a joint economic 18235
development district contract shall not lose its designation even 18236
if the contract is canceled or terminated. 18237

(8) If any part of the district is located either within 18238
one-half of one mile of a non-contracting municipal corporation or 18239
within an area covered by or subject to a water or sewer service 18240
plan or agreement, the contract shall include all of the 18241
following: 18242

(a) A preliminary estimate of the costs of providing public 18243
utility services, facilities, and improvements to the district, 18244
prepared by a professional engineer; 18245

(b) An analysis of the anticipated sources for funding the 18246
costs of the public utilities infrastructure needed to serve the 18247
district and a projection of when such funds will be available and 18248
when such costs are likely to be incurred; 18249

(c) Evidence or estimates indicating that the construction of 18250
the public utility infrastructure needed to serve at least some 18251
portion of the district will be completed within five years after 18252
the creation of the district. 18253

(G) The contract creating a joint economic development 18254
district shall continue in existence throughout its term and shall 18255
be binding on the contracting parties and on any parties 18256
succeeding to the contracting parties, whether by annexation, 18257
merger, or consolidation. Except as provided in division (H) of 18258
this section, the contract may be amended, renewed, or terminated 18259
with the approval of the contracting parties or any parties 18260
succeeding to the contracting parties. If the contract is amended 18261
to add or remove an area to or from an existing district, the 18262
amendment shall be adopted in the manner prescribed under division 18263
(L) of this section. 18264

(H) If two or more contracting parties previously have 18265
entered into a separate contract for utility services, then 18266
amendment, renewal, or termination of the separate contract for 18267
utility services shall not constitute any part of the 18268

consideration for the contract creating a joint economic 18269
development district. A contract creating a joint economic 18270
development district shall be rebuttably presumed to violate this 18271
division if it is entered into within two years prior or five 18272
years subsequent to the amendment, renewal, or termination of a 18273
separate contract for utility services that two or more 18274
contracting parties previously have entered into. The presumption 18275
stated in this division may be rebutted by clear and convincing 18276
evidence of both of the following: 18277

(1) That other substantial consideration existed to support 18278
the contract creating a joint economic development district; 18279

(2) That the contracting parties entered into the contract 18280
creating a joint economic development district freely and without 18281
duress or coercion related to the amendment, renewal, or 18282
termination of the separate contract for utility services. 18283

A contract creating a joint economic development district 18284
that violates this division is void and unenforceable. 18285

(I)(1) Before the legislative authority of any of the 18286
contracting parties adopts an ordinance or resolution approving a 18287
contract to create a district, the legislative authority of each 18288
of the contracting parties shall hold a public hearing concerning 18289
the contract and district. Each legislative authority shall 18290
provide at least thirty days' public notice of the time and place 18291
of the public hearing in a newspaper of general circulation in the 18292
municipal corporation, township, or county, as applicable. During 18293
the thirty-day period prior to the public hearing and until the 18294
date that an ordinance or resolution is adopted under division (K) 18295
of this section to approve the joint economic development district 18296
contract, all of the following documents shall be available for 18297
public inspection in the office of the clerk of the legislative 18298
authority of a municipal corporation and county that is a 18299
contracting party and in the office of the fiscal officer of a 18300

township that is a contracting party: 18301

(a) A copy of the contract creating the district, including 18302
the economic development plan for the district and the schedule 18303
for the provision of new, expanded, or additional services, 18304
facilities, or improvements described in division (F)(3) of this 18305
section; 18306

(b) A description of the area or areas to be included in the 18307
district, including a map in sufficient detail to denote the 18308
specific boundaries of the area or areas and to indicate any 18309
zoning restrictions applicable to the area or areas, and the 18310
parcel number, provided for under section 319.28 of the Revised 18311
Code, of any parcel located within the boundaries of the joint 18312
economic development district and excluded from the district under 18313
division (E)(2) of this section; 18314

(c) If the contract authorizes the board of directors of the 18315
district to adopt a resolution to levy an income tax within the 18316
district or within portions of the district, a schedule for the 18317
collection of the tax. 18318

(2) At least thirty days before the first public hearing is 18319
to be held by one or more legislative authorities on a proposed 18320
district, notice shall be sent in writing to each non-contracting 18321
municipal corporation that is located within one-half of one mile 18322
of the proposed district or that is identified in a water or sewer 18323
service plan or agreement as a future provider of water or sewer 18324
services to all or part of the proposed district. 18325

(3) A public hearing held under this division shall allow for 18326
public comment and recommendations on the contract and district. 18327
The contracting parties may include in the contract any of those 18328
recommendations prior to approval of the contract. 18329

(J)(1) Before any of the contracting parties approves a 18330
contract under division (K) of this section, the contracting 18331

parties shall circulate one or more petitions to record owners of 18332
real property located within the proposed joint economic 18333
development district and owners of businesses operating within the 18334
proposed district. The petitions shall state that all of the 18335
documents described in divisions (I)(1)(a) to (c) of this section 18336
are available for public inspection in the office of the clerk of 18337
the legislative authority of each municipal corporation and county 18338
that is a contracting party or the office of the fiscal officer of 18339
each township that is a contracting party. The petitions shall 18340
clearly indicate that, by signing the petition, the record owner 18341
or owner consents to the proposed joint economic development 18342
district. 18343

A contracting party may send written notice of the petitions 18344
by certified mail with return receipt requested to the last known 18345
mailing addresses of any or all of the record owners of real 18346
property located within the proposed district or the owners of 18347
businesses operating within the proposed district. The contracting 18348
parties shall equally share the costs of complying with this 18349
division. 18350

(2) If any portion of property located within the proposed 18351
joint economic development district is also either located within 18352
one-half of one mile of a non-contracting municipal corporation or 18353
covered by or subject to a water or sewer service plan or 18354
agreement under which a non-contracting municipal corporation is 18355
identified as a future provider of water or sewer services to all 18356
or part of the proposed district, then that property and any 18357
property contiguous to that property if owned by the same person 18358
shall be excluded from the joint economic development district 18359
unless the owner of the property signs the petition. 18360

(K)(1) After the public hearings required under division (I) 18361
of this section have been held and the petitions described in 18362
division (J) of this section have been signed by the majority of 18363

the record owners of real property located within the proposed 18364
joint economic development district and by a majority of the 18365
owners of businesses, if any, operating within the proposed 18366
district, each contracting party may adopt an ordinance or 18367
resolution approving the contract to create a joint economic 18368
development district. Not later than ten days after all of the 18369
contracting parties have adopted ordinances or resolutions 18370
approving the district contract, each contracting party shall give 18371
notice of the proposed district to all of the following: 18372

(a) Each record owner of real property to be included in the 18373
district and in the territory of that contracting party who did 18374
not sign the petitions described in division (J) of this section; 18375

(b) An owner of each business operating within the district 18376
and in the territory of that contracting party no owner of which 18377
signed the petitions described in division (J) of this section. 18378

(2) Such notices shall be given by certified mail and shall 18379
specify that the property or business is located within an area to 18380
be included in the district and that all of the documents 18381
described in divisions (I)(1)(a) to (c) of this section are 18382
available for public inspection in the office of the clerk of the 18383
legislative authority of each municipal corporation and county 18384
that is a contracting party or the office of the fiscal officer of 18385
each township that is a contracting party. The contracting parties 18386
shall equally share the costs of complying with division (K) of 18387
this section. 18388

(L)(1) The contracting parties may amend the joint economic 18389
development district contract to add any area that was not 18390
originally included in the district if the area satisfies the 18391
criteria prescribed under division (E) of this section. The 18392
contracting parties may also amend the district contract to remove 18393
any area originally included in the district or exclude one or 18394
more parcels located within the district pursuant to division 18395

(E)(2) of this section. 18396

(2) An amendment adding an area to a district, removing an area from the district, or excluding one or more parcels from the district may be approved only by a resolution or ordinance adopted by each of the contracting parties. The contracting parties shall conduct public hearings on the amendment and provide notice in the manner required under division (I) of this section for original contracts. The contracting parties shall make available for public inspection a copy of the amendment, a description of the area to be added, removed, or excluded to or from the district, and a map of that area in sufficient detail to denote the specific boundaries of the area and to indicate any zoning restrictions applicable to the area. 18397
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(3) Before adopting a resolution or ordinance approving the addition of an area to the district, the contracting parties shall circulate petitions to the record owners of real property located within the proposed addition to the district and owners of businesses operating within the proposed addition to the district in the same manner required under division (J) of this section for original contracts. The contracting parties may notify such record owners of real property and owners of businesses that the petitions are available for signing in the same manner provided by that division. The contracting parties shall equally share the costs of complying with this division. 18409
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(4) The contracting parties to a joint economic development district may vote to approve an amendment to the district contract under this division after the public hearings required under division (L)(2) of this section are completed and, if the amendment adds an area or areas to the district, the petitions required under division (L)(3) of this section have been signed by the majority of record owners of real property located within the area or areas added to the district and by a majority of the 18420
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owners of businesses, if any, operating within the proposed 18428
addition to the district. 18429

(5) Not later than ten days after all of the contracting 18430
parties have adopted ordinances or resolutions approving an 18431
amendment adding one or more areas to the district, each 18432
contracting party shall give notice of the addition to all of the 18433
following: 18434

(a) Each record owner of real property to be included in the 18435
addition to the district and in the territory of that contracting 18436
party who did not sign the petitions described in division (L)(3) 18437
of this section; 18438

(b) An owner of each business operating within the addition 18439
to the district and in the territory of that contracting party no 18440
owner of which signed the petitions described in division (L)(3) 18441
of this section. 18442

The contracting parties shall equally share the costs of 18443
complying with division (L)(5) of this section. 18444

(M)(1) A board of township trustees that is a party to a 18445
contract creating a joint economic development district may choose 18446
not to submit its resolution approving the contract to the 18447
electors of the township if all of the following conditions are 18448
satisfied: 18449

(a) The resolution has been approved by a unanimous vote of 18450
the members of the board of township trustees or, if a county is 18451
one of the contracting parties under division (D) of this section, 18452
the resolution has been approved by a majority vote of the members 18453
of the board of township trustees; 18454

(b) The contracting parties have circulated petitions as 18455
required under division (J) of this section and obtained the 18456
signatures required under division (L) of this section; 18457

(c) The territory to be included in the proposed district is 18458
zoned in a manner appropriate to the function of the district. 18459

(2) If the board of township trustees has not invoked its 18460
authority under division (M)(1) of this section, the board, at 18461
least ninety days before the date of the election, shall file its 18462
resolution approving the district contract with the board of 18463
elections for submission to the electors of the township for 18464
approval at the next succeeding general, primary, or special 18465
election. 18466

(3) Any contract creating a district in which a board of 18467
township trustees is a party shall provide that the contract is 18468
not effective before the thirty-first day after its approval, 18469
including approval by the electors of the township if required by 18470
this section. 18471

(4) If the board of township trustees invokes its authority 18472
under division (M)(1) of this section and does not submit the 18473
district contract to the electors for approval, the resolution of 18474
the board of township trustees approving the contract is subject 18475
to a referendum of the electors of the township when requested 18476
through a petition. When signed by ten per cent of the number of 18477
electors in the township who voted for the office of governor at 18478
the most recent general election, a referendum petition asking 18479
that the resolution be submitted to the electors of the township 18480
may be presented to the board of township trustees. Such a 18481
petition shall be presented within thirty days after the board of 18482
township trustees adopts the resolution approving the district 18483
contract. The board of township trustees shall, not later than 18484
four p.m. of the tenth day after receipt of the petition, certify 18485
the text of the resolution to the board of elections. The board of 18486
elections shall submit the resolution to the electors of the 18487
township for their approval or rejection at the next general, 18488
primary, or special election occurring at least ninety days after 18489

certification of the resolution.	18490
(N) The ballot respecting a resolution to create a district	18491
or a referendum of such a resolution shall be in the following	18492
form:	18493
"Shall the resolution of the board of township trustees	18494
approving the contract with (here insert name of	18495
every other contracting party) for the creation of a joint	18496
economic development district be approved?	18497
FOR THE RESOLUTION AND CONTRACT	18498
AGAINST THE RESOLUTION AND CONTRACT"	18499
If a majority of the electors of the township voting on the	18500
issue vote for the resolution and contract, the resolution shall	18501
become effective immediately and the contract shall go into effect	18502
on the thirty-first day after the election or thereafter in	18503
accordance with terms of the contract.	18504
(O) Upon the creation of a district under this section, one	18505
of the contracting parties shall file a copy of each of the	18506
following documents with the director of development services :	18507
(1) All of the documents described in divisions (I)(1)(a) to	18508
(c) of this section;	18509
(2) Certified copies of the ordinances and resolutions of the	18510
contracting parties relating to the contract and district;	18511
(3) Documentation from each contracting party that the public	18512
hearings required by division (I) of this section have been held,	18513
the date of the hearings, and evidence that notice of the hearings	18514
was published as required by that division;	18515
(4) A copy of the signed petitions required under divisions	18516
(J) and (K) of this section.	18517
(P) A board of directors shall govern each district created	18518
under this section.	18519

(1) If there are businesses operating and persons employed within the district, the board shall be composed of the following members: 18520
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(a) One member representing the municipal corporations that are contracting parties; 18523
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(b) One member representing the townships that are contracting parties; 18525
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(c) One member representing the owners of businesses operating within the district; 18527
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(d) One member representing the persons employed within the district; 18529
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(e) One member representing the counties that are contracting parties, or, if no contracting party is a county, one member selected by the members described in divisions (P)(1)(a) to (d) of this section. 18531
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The members of the board shall be appointed as provided in the district contract. Of the members initially appointed to the board, the member described in division (P)(1)(a) of this section shall serve a term of one year; the member described in division (P)(1)(b) of this section shall serve a term of two years; the member described in division (P)(1)(c) of this section shall serve a term of three years; and the members described in divisions (P)(1)(d) and (e) of this section shall serve terms of four years. Thereafter, terms for each member shall be for four years, each term ending on the same day of the same month of the year as did the term that it succeeds. A member may be reappointed to the board, but no member shall serve more than two consecutive terms on the board. 18535
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The member described in division (P)(1)(e) of this section shall serve as chairperson of the board described under division (P)(1) of this section. 18548
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(2) If there are no businesses operating or persons employed within the district, the board shall be composed of the following members:

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

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

(c) One member representing the counties that are contracting parties, or if no contracting party is a county, one member selected by the members described in divisions (P)(2)(a) and (b) of this section.

The members of the board shall be appointed as provided in the district contract. Of the members initially appointed to the board, the member described in division (P)(2)(a) of this section shall serve a term of one year; the member described in division (P)(2)(b) of this section shall serve a term of two years; and the member described in division (P)(2)(c) of this section shall serve a term of three years. Thereafter, terms for each member shall be for four years, each term ending on the same day of the same month of the year as did the term that it succeeds. A member may be reappointed to the board, but no member shall serve more than two consecutive terms on the board.

The member described in division (P)(2)(c) of this section shall serve as chairperson of a board described under division (P)(2) of this section.

(3) A board described under division (P)(1) or (2) of this section has no powers except as described in this section and in the contract creating the district.

(4) Membership on the board of directors of a joint economic development district created under this section is not the holding of a public office or employment within the meaning of any section

of the Revised Code prohibiting the holding of other public office 18582
or employment. Membership on such a board is not a direct or 18583
indirect interest in a contract or expenditure of money by a 18584
municipal corporation, township, county, or other political 18585
subdivision with which a member may be affiliated. Notwithstanding 18586
any provision of law to the contrary, no member of a board of 18587
directors of a joint economic development district shall forfeit 18588
or be disqualified from holding any public office or employment by 18589
reason of membership on the board. 18590

(5) The board of directors of a joint economic development 18591
district is a public body for the purposes of section 121.22 of 18592
the Revised Code. Chapter 2744. of the Revised Code applies to 18593
such a board and the district. 18594

(Q)(1) On or before the date occurring six months after the 18595
effective date of the district contract, an owner of a business 18596
operating within the district may, on behalf of the business and 18597
its employees, file a complaint with the court of common pleas of 18598
the county in which the majority of the territory of the district 18599
is located requesting exemption from any income tax imposed by the 18600
board of directors of the district under division (F)(5) of this 18601
section if all of the following apply: 18602

(a) The business operated within an unincorporated area of 18603
the district before the effective date of the district contract; 18604

(b) No owner of the business signed a petition described in 18605
division (J) of this section; 18606

(c) Neither the business nor its employees has derived or 18607
will derive any material benefit from the new, expanded, or 18608
additional services, facilities, or improvements described in the 18609
economic development plan for the district, or the material 18610
benefit that has, or will be, derived is negligible in comparison 18611
to the income tax revenue generated from the net profits of the 18612

business and the income of employees of the business. 18613

The legislative authority of each contracting party shall be 18614
made a party to the proceedings and the business owner filing the 18615
complaint shall serve notice of the complaint by certified mail to 18616
each such contracting party. The court shall not accept any 18617
complaint filed more than six months after the effective date of 18618
the district contract. 18619

(2) Any or all of the contracting parties may submit a 18620
written answer to the complaint submitted under division (Q)(1) of 18621
this section to the court within thirty days after notice of the 18622
complaint was served upon them. Such a contracting party shall 18623
submit to the court, along with the answer, documentation 18624
sufficient to prove that the contracting party sent copies of the 18625
answer to the owner of the business who filed the complaint. 18626

(3) The court shall review each complaint submitted by a 18627
business owner under division (Q)(1) of this section and each 18628
answer submitted by a contracting party under division (Q)(2) of 18629
this section. The court may make a determination on the record and 18630
the evidence thus submitted, or it may conduct a hearing and 18631
request the presence of the business owner and the contracting 18632
parties to present evidence relevant to the complaint. The court 18633
shall make a determination on the complaint not sooner than thirty 18634
days but not later than sixty days after the complaint is filed by 18635
the business owner. The court may make a determination more than 18636
sixty days after the complaint is filed if the business owner and 18637
all contracting parties to the district consent. 18638

(4) The court shall grant the exemption requested in the 18639
complaint if all of the criteria described in divisions (Q)(1)(a) 18640
to (c) of this section are met. 18641

(5) If all the criteria described in divisions (Q)(1)(a) to 18642
(c) of this section are not met, the court shall deny the 18643

complaint and the exemption. 18644

(6) The court shall send notice of the determination with 18645
respect to the complaint to the owner of the business and each 18646
contracting party. If the court grants the exemption, the net 18647
profits of the business from operations within the district and 18648
the income of its employees from employment within the district 18649
are exempt from any income tax imposed by the board of directors 18650
of the district. If the court denies the exemption, the net 18651
profits of the business and the income of its employees shall be 18652
taxed according to the terms of the district contract and any 18653
taxes, penalties, and interest accrued before the date of the 18654
court's determination shall be paid in full. In addition, no owner 18655
of the business may submit another complaint under division (Q)(1) 18656
of this section for the same district contract. The court's 18657
determination on a complaint filed under division (Q) of this 18658
section is final. 18659

(7) Chapter 2506. of the Revised Code does not apply to the 18660
proceedings described in division (Q) of this section. 18661

(R)(1) No proceeding pursuant to Chapter 709. of the Revised 18662
Code that proposes the annexation to, merger of, or consolidation 18663
with a municipal corporation of any unincorporated territory 18664
within a joint economic development district may be commenced at 18665
any time between the effective date of the contract creating the 18666
district and the date the contract expires, terminates, or is 18667
otherwise rendered unenforceable. This division does not apply if 18668
each board of township trustees whose territory is included within 18669
the district and whose territory is proposed to be annexed, 18670
merged, or consolidated adopts a resolution consenting to the 18671
commencement of the proceeding. Each such board of township 18672
trustees shall file a copy of the resolution with the clerk of the 18673
legislative authority of each county within which a contracting 18674
party is located. 18675

(2) The contract creating a joint economic development district may prohibit any annexation proceeding by a contracting municipal corporation of any unincorporated territory within the district or zone beyond the period described in division (R)(1) of this section.

(3) No contracting party is divested or relieved of its rights or obligations under the contract creating a joint economic development district because of annexation, merger, or consolidation.

(S) Contracting parties may enter into agreements pursuant to the contract creating a joint economic development district with respect to the substance and administration of zoning and other land use regulations, building codes, permanent public improvements, and other regulatory and proprietary matters determined to be for a public purpose. No contract, however, shall exempt the territory within the district from the procedures of land use regulation applicable pursuant to municipal corporation, township, and county regulations, including, but not limited to, zoning procedures.

(T) The powers granted under this section are in addition to and not in the derogation of all other powers possessed by or granted to municipal corporations, townships, and counties pursuant to law.

(1) When exercising a power or performing a function or duty under a contract entered into under this section, a municipal corporation may exercise all the powers of a municipal corporation, and may perform all the functions and duties of a municipal corporation, within the district, pursuant to and to the extent consistent with the contract.

(2) When exercising a power or performing a function or duty under a contract entered into under division (D) of this section,

a county may exercise all of the powers of a county, and may 18707
perform all the functions and duties of a county, within the 18708
district pursuant to and to the extent consistent with the 18709
contract. 18710

(3) When exercising a power or performing a function or duty 18711
under a contract entered into under this section, a township may 18712
exercise all the powers of a township, and may perform all the 18713
functions and duties of a township, within the district, pursuant 18714
to and to the extent consistent with the contract. 18715

(U) No political subdivision shall grant any tax exemption 18716
under Chapter 1728. or section 3735.67, 5709.62, 5709.63, or 18717
5709.632 of the Revised Code on any property located within the 18718
district without the consent of all the contracting parties. The 18719
prohibition against granting a tax exemption under this section 18720
does not apply to any exemption filed, pending, or approved before 18721
the effective date of the contract entered into under this 18722
section. 18723

Sec. 727.031. (A) As used in this section: 18724

(1) "Nonprofit arts institution" has the same meaning as in 18725
division (G) of section 5709.121 of the Revised Code. 18726

(2) "Qualifying real property" means any real property that 18727
is located in a county having a population greater than five 18728
hundred thousand but less than five hundred forty thousand and 18729
that is either (i) owned and operated by a nonprofit arts 18730
institution or (ii) owned and operated by a limited liability 18731
company whose sole member is a nonprofit arts institution. 18732

(B) For tax years 2020 to 2024, qualifying real property is 18733
exempt from special assessments levied under Chapter 727. or 729. 18734
of the Revised Code, provided no delinquent special assessments 18735
and related interest and penalties are levied or assessed against 18736

any property owned by the owner and operator of the qualifying 18737
real property for that tax year. 18738

Sec. 733.81. (A) As used in this section, "fiscal officer" 18739
means the city auditor, city treasurer, village fiscal officer, 18740
village clerk-treasurer, village clerk, and, in the case of a 18741
municipal corporation having a charter that designates an officer 18742
who, by virtue of the charter, has duties and functions similar to 18743
those of the city or village officers referred to in this section, 18744
the officer so designated by the charter. 18745

(B) To enhance the background and working knowledge of fiscal 18746
officers in government accounting, budgeting and financing, 18747
financial report preparation, cybersecurity, and the rules adopted 18748
by the auditor of state, the auditor of state shall conduct 18749
education programs and continuing education courses for 18750
individuals elected or appointed for the first time to the office 18751
of fiscal officer, and shall conduct continuing education courses 18752
for individuals who continue to hold the office in a subsequent 18753
term. The Ohio municipal league also may conduct such initial 18754
education programs and continuing education courses if approved by 18755
the auditor of state. The auditor of state, in conjunction with 18756
the Ohio municipal league, shall determine the manner and content 18757
of the initial education programs and continuing education 18758
courses. 18759

(C) A newly elected or appointed fiscal officer shall 18760
complete at least six hours of initial education programs before 18761
commencing, or during the first year of, office. A fiscal officer 18762
who participates in a training program held under section 117.44 18763
of the Revised Code may apply those hours taken before commencing 18764
office to the six hours of initial education programs required 18765
under this division. 18766

(D)(1) In addition to the six hours of initial education 18767

required under division (B) of this section, a newly elected or 18768
appointed fiscal officer shall complete at least a total of 18769
eighteen continuing education hours during the fiscal officer's 18770
first term of office. 18771

(2) ~~A~~ An elected or appointed fiscal officer who ~~is elected~~ 18772
~~to~~ retains office for a subsequent term ~~of office~~ shall complete 18773
twelve hours of continuing education courses in each subsequent 18774
term of office. 18775

(3) The auditor of state shall adopt rules specifying the 18776
initial education programs and continuing education courses that 18777
are required for a fiscal officer who has been appointed ~~to fill a~~ 18778
~~vacancy~~. The requirements shall be proportionally equivalent, 18779
based on the time remaining in the vacated office, to the 18780
requirements for a newly elected or appointed fiscal officer. 18781

(4) At least two hours of ethics instruction shall be 18782
included in the continuing education hours required by divisions 18783
(D)(1) and (2) of this section. 18784

(5) A fiscal officer who participates in a training program 18785
or seminar established under section 109.43 of the Revised Code 18786
may apply the three hours of training to the continuing education 18787
hours required by divisions (D)(1) and (2) of this section. 18788

(E)(1) A certified public accountant who serves as a fiscal 18789
officer may apply to the continuing education hours required by 18790
division (D) of this section any hours of continuing education 18791
completed under section 4701.11 of the Revised Code after being 18792
elected or appointed as a fiscal officer. 18793

(2) A fiscal officer may apply to the continuing education 18794
hours required by division (D) of this section any hours of 18795
continuing education completed under section 135.22 of the Revised 18796
Code after being elected or appointed as a fiscal officer. 18797

(3) A fiscal officer who teaches an approved continuing 18798

education course under division (D) of this section is entitled to 18799
credit for the course in the same manner as if the fiscal officer 18800
had attended the course. 18801

(F) The auditor of state shall adopt rules for verifying the 18802
completion of initial education programs and continuing education 18803
courses required under this section for each category of fiscal 18804
officer. The auditor of state shall issue a certificate of 18805
completion to each fiscal officer who completes the initial 18806
education programs and continuing education courses. The auditor 18807
of state shall issue a "failure to complete" notice to any fiscal 18808
officer who is required to complete initial education programs and 18809
continuing education courses under this section, but who fails to 18810
do so. The notice is for informational purposes only and does not 18811
affect any individual's ability to hold the office to which the 18812
individual was elected or appointed. 18813

(G) The legislative authority of a municipal corporation 18814
shall approve a reasonable amount requested by the fiscal officer 18815
to cover the costs the fiscal officer is required to incur to meet 18816
the requirements of this section, including registration fees, 18817
lodging and meal expenses, and travel expenses. 18818

Sec. 901.171. (A) The department of agriculture may promote 18819
the use of Ohio-produced agricultural goods, including natural 18820
spring water, through the issuance of logotypes to qualified 18821
producers and processors under a promotional certification program 18822
to be developed and administered by the division of markets. 18823

(B) Pursuant to rules adopted under Chapter 119. of the 18824
Revised Code, the department may establish reasonable fees and 18825
criteria for participation in the program. All such fees shall be 18826
credited to the ~~general revenue~~ Ohio proud, international, and 18827
domestic market development fund created in section 901.20 of the 18828
Revised Code and used to finance the program. 18829

(C) The department may sell merchandise that promotes the certification program. The director of agriculture shall deposit all proceeds from the sales of merchandise in the state treasury to the credit of the Ohio proud, international, and domestic market development fund. 18830
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Sec. 901.91. The director of agriculture may assess the 18835
operating funds of the department of agriculture to pay a share of 18836
the department's central support and administrative costs. The 18837
assessments shall be based on a plan that the director develops 18838
~~and submits to the director of budget and management not later~~ 18839
~~than the fifteenth day of July of the fiscal year in which the~~ 18840
~~assessments are to be made. If the director of budget and~~ 18841
~~management determines that the assessments proposed in the plan~~ 18842
~~are appropriate, the director shall approve the plan.~~ Assessments 18843
shall be paid from the funds designated in the plan and credited 18844
by means of intrastate transfer voucher to the department of 18845
agriculture central support indirect costs fund, which is hereby 18846
created in the state treasury. The fund shall be administered by 18847
the director of agriculture and used to pay central support and 18848
administrative costs of the department of agriculture. 18849

Sec. 905.59. (A) The director of agriculture may inspect, 18850
sample, and analyze any liming material utilized within the state 18851
to such extent as the director considers necessary to determine 18852
whether the liming material is in compliance with sections 905.51 18853
to 905.65 of the Revised Code, and the rules adopted under such 18854
sections. The director may enter into an agreement with a person 18855
that is not a department of agriculture employee that authorizes 18856
that person to perform the inspections, sampling, and analysis of 18857
liming material. If the director enters into an agreement, the 18858
director shall annually audit the records relating to the 18859
inspections, sampling, and analysis performed by the person. 18860

(B) The director or a person who has entered into an agreement with the director under division (A) of this section may enter upon any public or private premises or means of conveyance at any reasonable time to have access to liming material subject to sections 905.51 to 905.65 of the Revised Code, and the rules adopted under such sections.

(C) The methods of sampling and analysis of liming materials shall be those adopted by the association of official analytical chemists or as prescribed by the director.

(D) The results of the official analysis of any sample of liming material that is found to be in violation of sections 905.51 to 905.65 of the Revised Code, or any regulation adopted under such sections, shall be forwarded to the licensee. A licensee may request a portion of any such sample if the request is made not more than thirty days after the date of the analysis report.

(E) Analytical tolerances shall be governed by rules adopted by the director, subject to Chapter 119. of the Revised Code.

Sec. 940.111. (A) As used in this section:

(1) "Financial transaction device" includes a credit card, debit card, charge card, or prepaid or stored value card, or automated clearinghouse network credit, debit, or e-check entry that includes, but is not limited to, accounts receivable and internet-initiated, point of purchase, and telephone-initiated applications or any other device or method for making an electronic payment or transfer of funds.

(2) "Soil and water district officials" includes the board of supervisors of a soil and water conservation district and employees of the district.

(3) "Soil and water district expenses" includes payments or

any other expense a person owes or otherwise pays to a soil and 18891
water conservation district under the authority of this chapter. 18892

(B) Notwithstanding any other section of the Revised Code, 18893
the board of supervisors of a soil and water conservation district 18894
may adopt a resolution authorizing the acceptance of payments by 18895
financial transaction devices for soil and water district 18896
expenses. 18897

The resolution shall include the following: 18898

(1) A specification of those soil and water district 18899
officials who are authorized to accept payments by financial 18900
transaction device; 18901

(2) A list of soil and water district expenses that may be 18902
paid for through the use of a financial transaction device; 18903

(3) Specific identification of financial transaction devices 18904
that the board authorizes as acceptable means of payment for soil 18905
and water district expenses. Uniform acceptance of financial 18906
transaction devices among different types of soil and water 18907
district expenses is not required. 18908

(4) The amount, if any, authorized as a surcharge or 18909
convenience fee under division (D) of this section for persons 18910
using a financial transaction device. Uniform application of 18911
surcharges or convenience fees among different types of soil and 18912
water district expenses is not required. 18913

(5) A specific provision as provided in division (F) of this 18914
section requiring the payment of a penalty if a payment made by 18915
means of a financial transaction device is returned or dishonored 18916
for any reason. 18917

The board's resolution shall also designate the county 18918
treasurer as an administrative agent to solicit proposals, within 18919
guidelines established by the board in the resolution and in 18920

compliance with the procedures provided in division (C) of this 18921
section, from financial institutions, issuers of financial 18922
transaction devices, and processors of financial transaction 18923
devices, to make recommendations about those proposals to the 18924
board, and to assist the soil and water conservation district in 18925
implementing the board's financial transaction devices program. 18926
The county treasurer may decline this responsibility within thirty 18927
days after receiving a copy of the board's resolution by notifying 18928
the board in writing within that period. If the treasurer so 18929
notifies the board, the board shall perform the duties of the 18930
administrative agent. 18931

If the county treasurer is the administrative agent and fails 18932
to administer the board's financial transaction devices program in 18933
accordance with the guidelines in the board's resolution, the 18934
board shall notify the treasurer in writing of the board's 18935
findings, explain the failures, and give the treasurer six months 18936
to correct the failures. If the treasurer fails to make the 18937
appropriate corrections within that six-month period, the board 18938
may adopt a resolution declaring the board to be the 18939
administrative agent. The board may later rescind that resolution 18940
at its discretion. 18941

(C) The board shall follow the procedures provided in this 18942
division whenever it plans to contract with financial 18943
institutions, issuers of financial transaction devices, or 18944
processors of financial transaction devices for the purposes of 18945
this section. The administrative agent shall request proposals 18946
from at least three financial institutions, issuers of financial 18947
transaction devices, or processors of financial transaction 18948
devices, as appropriate in accordance with the resolution adopted 18949
under division (B) of this section. Prior to sending any financial 18950
institution, issuer, or processor a copy of any such request, the 18951
board shall advertise its intent to request proposals in a 18952

newspaper of general circulation in the soil and water 18953
conservation district once a week for two consecutive weeks or as 18954
provided in section 7.16 of the Revised Code. 18955

The notice shall: 18956

(1) State that the board intends to request proposals; 18957

(2) Specify the purpose of the request; 18958

(3) Indicate the date, which shall be at least ten days after 18959
the second publication, on which the request for proposals will be 18960
mailed to financial institutions, issuers, or processors; 18961

(4) Require that any financial institution, issuer, or 18962
processor, whichever is appropriate, interested in receiving the 18963
request for proposals submit written notice of this interest to 18964
the board not later than noon of the day on which the request for 18965
proposals will be mailed. 18966

Upon receiving the proposals, the administrative agent shall 18967
review them and make a recommendation to the board on which 18968
proposals to accept. The board shall consider the agent's 18969
recommendation and review all proposals submitted, and then may 18970
choose to contract with any or all of the entities submitting 18971
proposals, as appropriate. The board shall provide any financial 18972
institution, issuer, or processor that submitted a proposal, but 18973
with which the board does not enter into a contract, notice that 18974
its proposal is rejected. The notice shall state the reasons for 18975
the rejection, indicate whose proposals were accepted, and provide 18976
a copy of the terms and conditions of the successful bids. 18977

(D) A board of supervisors of a soil and water conservation 18978
district may establish a surcharge or convenience fee that may be 18979
imposed upon a person making payment by a financial transaction 18980
device. The surcharge or convenience fee shall not be imposed 18981
unless authorized or otherwise permitted by the rules prescribed 18982
by an agreement governing the use and acceptance of the financial 18983

transaction device. If a surcharge or convenience fee is imposed, 18984
the board shall clearly post a notice and shall notify each person 18985
making a payment by such a device about the surcharge or fee. 18986
Notice to each person making a payment shall be provided 18987
regardless of the medium used to make the payment and in a manner 18988
appropriate to that medium. 18989

Each notice shall include all of the following: 18990

(1) A statement that there is a surcharge or convenience fee 18991
for using a financial transaction device; 18992

(2) The total amount of the charge or fee expressed in 18993
dollars and cents for each transaction, or the rate of the charge 18994
or fee expressed as a percentage of the total amount of the 18995
transaction, whichever is applicable; 18996

(3) A clear statement that the surcharge or convenience fee 18997
is nonrefundable. 18998

(E) If a person elects to make a payment to the soil and 18999
water conservation district by a financial transaction device and 19000
a surcharge or convenience fee is imposed, the payment of the 19001
surcharge or fee shall be considered voluntary and the surcharge 19002
or fee is not refundable. 19003

(F) If a person makes payment by financial transaction device 19004
and the payment is returned or dishonored for any reason, the 19005
person is liable to the soil and water conservation district for 19006
payment of a penalty over and above the amount of the expense due. 19007
The board shall determine the amount of the penalty, which may be 19008
either a fee not to exceed twenty dollars or payment of the amount 19009
necessary to reimburse the district for banking charges, legal 19010
fees, or other expenses incurred by the district in collecting the 19011
returned or dishonored payment. The remedies and procedures 19012
provided in this section are in addition to any other available 19013
civil or criminal remedies provided by law. 19014

(G) No person making any payment by financial transaction device to a soil and water conservation district shall be relieved from liability for the underlying obligation except to the extent that the district realizes final payment of the underlying obligation in cash or its equivalent. If final payment is not made by the financial transaction device issuer or other guarantor of payment in the transaction, the underlying obligation survives and the district retains all remedies for enforcement that would have applied if the transaction had not occurred. 19015
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(H) A soil and water district official who accepts a financial transaction device payment in accordance with this section and any applicable state or local policies or rules is immune from personal liability for the final collection of such payments. 19024
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Sec. 955.15. (A) The board of county commissioners shall provide nets and other suitable devices for the taking of dogs in a humane manner, provide a suitable place for impounding dogs, make proper provision for feeding and caring for the same, and provide humane devices and methods for destroying dogs. In any county in which there is a society for the prevention of cruelty to children and animals, having one or more agents and maintaining an animal shelter suitable for a dog pound and devices for humanely destroying dogs, the board need not furnish a dog pound, but the county dog warden shall deliver all dogs seized by the warden and the warden's deputies to such society at its animal shelter, there to be dealt with in accordance with law 19029
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(B) Subject to division (C) of this section, the dog warden shall deliver any dog that the warden or the warden's deputies have seized to one of the following: 19041
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(1) A dog pound operated by the county; 19044

(2) Another animal shelter for dogs, as defined in section 19045

956.01 of the Revised Code, that operates in a manner suitable for 19046
a dog pound and that is able to adopt out, transfer out, or 19047
humanely destroy dogs in accordance with state law. The 19048

(C) A dog warden shall not deliver dogs to an animal shelter 19049
for dogs under division (B)(2) of this section unless the board of 19050
county commissioners has entered into a written agreement with the 19051
animal shelter for dogs to operate as a dog pound on behalf of the 19052
county. 19053

(D) A pound or animal shelter for dogs to which a dog has 19054
been delivered under division (B) of this section shall deal with 19055
the dog in accordance with state law, including the maintenance of 19056
any public records pertaining to the intake and disposition of the 19057
dog. 19058

(E) The board shall provide for the payment of reasonable 19059
compensation to ~~such society~~ an animal shelter for dogs described 19060
in division (B)(2) of this section for its services so performed 19061
out of the dog and kennel fund or the county's general revenue 19062
fund. The 19063

(F) The board may designate and appoint any officers 19064
regularly employed by any society organized under sections 1717.02 19065
to 1717.05 of the Revised Code, to act as county dog warden or 19066
deputies for the purpose of carrying out sections 955.01 to 955.27 19067
of the Revised Code, if such society whose agents are so employed 19068
owns or controls a suitable place for keeping and destroying dogs. 19069

Sec. 1121.30. (A) All assessments, fees, charges, and 19070
forfeitures provided for in Chapters 1101. to 1127. and sections 19071
1315.01 to 1315.18 of the Revised Code, except civil penalties 19072
assessed pursuant to section 1121.35 or 1315.152 of the Revised 19073
Code, shall be paid to the superintendent of financial 19074
institutions, and the superintendent shall deposit them into the 19075
state treasury to the credit of the banks fund, which is hereby 19076

created. 19077

(B) The superintendent may expend or obligate the banks fund 19078
to defray the costs of the division of financial institutions in 19079
administering Chapters 1101. to 1127. and sections 1315.01 to 19080
1315.18 of the Revised Code. The superintendent shall pay from the 19081
fund all actual and necessary expenses incurred by the 19082
superintendent, including for any services rendered by the 19083
department of commerce for the division's administration of 19084
Chapters 1101. to 1127. and sections 1315.01 to 1315.18 of the 19085
Revised Code. The fund shall be assessed a proportionate share of 19086
the administrative costs of the department and the division of 19087
financial institutions. The proportionate share of the 19088
administration costs of the division of financial institutions 19089
shall be determined in accordance with procedures prescribed by 19090
the superintendent ~~and approved by the director of budget and~~ 19091
~~management~~. The amount assessed for the fund's proportional share 19092
of the department's administrative costs and the division's 19093
administrative costs shall be paid from the banks fund to the 19094
division of administration fund and the division of financial 19095
institutions fund respectively. 19096

(C) Any money deposited into the state treasury to the credit 19097
of the banks fund, but not expended or encumbered by the 19098
superintendent to defray the costs of administering Chapters 1101. 19099
to 1127. and sections 1315.01 to 1315.18 of the Revised Code, 19100
shall remain in the banks fund for expenditures by the 19101
superintendent in subsequent years and shall not be used for any 19102
purpose other than as set forth in this section. 19103

Sec. 1181.06. There is hereby created in the state treasury 19104
the financial institutions fund. The fund shall receive 19105
assessments on the banks fund established under section 1121.30 of 19106
the Revised Code, the credit unions fund established under section 19107

1733.321 of the Revised Code, and the consumer finance fund 19108
established under section 1321.21 of the Revised Code in 19109
accordance with procedures prescribed by the superintendent of 19110
financial institutions ~~and approved by the director of budget and~~ 19111
~~management~~. Such assessments shall be in addition to any 19112
assessments on these funds required under division (G) of section 19113
121.08 of the Revised Code. All operating expenses of the division 19114
of financial institutions shall be paid from the financial 19115
institutions fund. Money in the fund shall be used only for that 19116
purpose. 19117

Sec. 1321.21. All fees, charges, penalties, and forfeitures 19118
collected under Chapters 1321., 1322., 4712., 4727., and 4728., 19119
sections 1315.21 to 1315.30, and sections 1349.25 to 1349.37 of 19120
the Revised Code shall be paid to the superintendent of financial 19121
institutions and shall be deposited by the superintendent into the 19122
state treasury to the credit of the consumer finance fund, which 19123
is hereby created. The fund may be expended or obligated by the 19124
superintendent for the defrayment of the costs of administration 19125
of Chapters 1321., 1322., 4712., 4727., and 4728., sections 19126
1315.21 to 1315.30, and sections 1349.25 to 1349.37 of the Revised 19127
Code by the division of financial institutions. All actual and 19128
necessary expenses incurred by the superintendent, including any 19129
services rendered by the department of commerce for the division's 19130
administration of Chapters 1321., 1322., 4712., 4727., and 4728., 19131
sections 1315.21 to 1315.30, and sections 1349.25 to 1349.37 of 19132
the Revised Code, shall be paid from the fund. The fund shall be 19133
assessed a proportionate share of the administrative costs of the 19134
department and the division. The proportionate share of the 19135
administrative costs of the division of financial institutions 19136
shall be determined in accordance with procedures prescribed by 19137
the superintendent ~~and approved by the director of budget and~~ 19138
~~management~~. Such assessment shall be paid from the consumer 19139

finance fund to the division of administration fund or the 19140
financial institutions fund. 19141

Periodically, in accordance with a schedule the director 19142
establishes by rule, but at least once every three months, the 19143
director of budget and management shall transfer five per cent of 19144
all charges, penalties, and forfeitures received into the consumer 19145
finance fund to the financial literacy education fund created 19146
under section 121.085 of the Revised Code. 19147

Sec. 1322.09. (A)(1) An application for a certificate of 19148
registration shall be in writing, under oath, and in a form 19149
prescribed by the superintendent of financial institutions that 19150
complies with the requirements of the nationwide mortgage 19151
licensing system and registry. The application shall be 19152
accompanied by a nonrefundable application fee of ~~five~~ seven 19153
hundred dollars for each location of an office to be maintained by 19154
the applicant in accordance with division (A) of section 1322.07 19155
of the Revised Code and any additional fee required by the 19156
nationwide mortgage licensing system and registry. 19157

(2) The application shall include the names and addresses of 19158
the owners, officers, or partners having control of the applicant, 19159
including all of the following: 19160

(a) In the case of a sole proprietor, the name and address of 19161
the sole proprietor; 19162

(b) In the case of a partnership, the name and address of 19163
each partner; 19164

(c) In the case of a corporation, the name and address of 19165
each shareholder owning five per cent or more of the corporation; 19166

(d) In the case of any other entity, the name and address of 19167
any person that owns five per cent or more of any entity that will 19168
transact business under the certificate of registration. 19169

(3) In addition to any information required by this section, 19170
an applicant shall furnish to the superintendent any reasonable 19171
information the superintendent may require. 19172

(B) Upon the filing of the application and payment of the 19173
nonrefundable application fee and any fee required by the 19174
nationwide mortgage licensing system and registry, the 19175
superintendent shall investigate the applicant and any individual 19176
whose identity is required to be disclosed in the application. As 19177
part of that investigation, the superintendent shall conduct a 19178
civil records check. 19179

If, in order to issue a certificate of registration to an 19180
applicant, additional investigation by the superintendent outside 19181
this state is necessary, the superintendent may require the 19182
applicant to advance sufficient funds to pay the actual expenses 19183
of the investigation, if it appears that these expenses will 19184
exceed five hundred dollars. The superintendent shall provide the 19185
applicant with an itemized statement of the actual expenses that 19186
the applicant is required to pay. 19187

(C) In connection with applying for a certificate of 19188
registration, the applicant shall furnish to the nationwide 19189
mortgage licensing system and registry information concerning the 19190
applicant's identity, including all of the following for the 19191
applicant and any individual with control of the applicant: 19192

(1) The applicant's fingerprints for submission to the 19193
federal bureau of investigation, and any other governmental agency 19194
or entity authorized to receive such information, for purposes of 19195
a state, national, and international criminal history background 19196
check; 19197

(2) Personal history and experience in a form prescribed by 19198
the nationwide mortgage licensing system and registry, along with 19199
authorization for the superintendent and the nationwide mortgage 19200

licensing system and registry to obtain both of the following: 19201

(a) An independent credit report from a consumer reporting 19202
agency; 19203

(b) Information related to any administrative, civil, or 19204
criminal findings by any governmental jurisdiction. 19205

(D) The superintendent shall pay all funds advanced and 19206
application and renewal fees and penalties the superintendent 19207
receives pursuant to this section and section 1322.10 of the 19208
Revised Code to the treasurer of state to the credit of the 19209
consumer finance fund created in section 1321.21 of the Revised 19210
Code. 19211

(E) If an application for a certificate of registration does 19212
not contain all of the information required under this section, 19213
and if that information is not submitted to the superintendent or 19214
to the nationwide mortgage licensing system and registry within 19215
ninety days after the superintendent or the nationwide mortgage 19216
licensing system and registry requests the information in writing, 19217
including by electronic transmission or facsimile, the 19218
superintendent may consider the application withdrawn. 19219

(F) A certificate of registration and the authority granted 19220
under that certificate is not transferable or assignable and 19221
cannot be franchised by contract or any other means. 19222

(G)(1) The superintendent may establish relationships or 19223
enter into contracts with the nationwide mortgage licensing system 19224
and registry, or any entities designated by it, to collect and 19225
maintain records and process transaction fees or other fees 19226
related to mortgage lender, mortgage servicer, or mortgage broker 19227
certificates of registration or the persons associated with a 19228
mortgage lender, mortgage servicer, or mortgage broker. 19229

(2) For purposes of this section and to reduce the points of 19230
contact that the federal bureau of investigation may have to 19231

maintain, the division of financial institutions may use the 19232
nationwide mortgage licensing system and registry as a channeling 19233
agent for requesting information from and distributing information 19234
to the United States department of justice or other governmental 19235
agencies. 19236

(3) For purposes of this section and to reduce the points of 19237
contact that the division may have to maintain, the division may 19238
use the nationwide mortgage licensing system and registry as a 19239
channeling agent for requesting information from and distributing 19240
information to any source as determined by the division. 19241

Sec. 1322.10. (A) Upon the conclusion of the investigation 19242
required under division (B) of section 1322.09 of the Revised 19243
Code, the superintendent of financial institutions shall issue a 19244
certificate of registration to the applicant if the superintendent 19245
finds that the following conditions are met: 19246

(1) The application is accompanied by the application fee and 19247
any fee required by the nationwide mortgage licensing system and 19248
registry. 19249

(a) If a check or other draft instrument is returned to the 19250
superintendent for insufficient funds, the superintendent shall 19251
notify the applicant by certified mail, return receipt requested, 19252
that the application will be withdrawn unless the applicant, 19253
within thirty days after receipt of the notice, submits the 19254
application fee and a one-hundred-dollar penalty to the 19255
superintendent. If the applicant does not submit the application 19256
fee and penalty within that time period, or if any check or other 19257
draft instrument used to pay the fee or penalty is returned to the 19258
superintendent for insufficient funds, the application shall be 19259
withdrawn. 19260

(b) If a check or other draft instrument is returned to the 19261
superintendent for insufficient funds after the certificate of 19262

registration has been issued, the superintendent shall notify the 19263
registrant by certified mail, return receipt requested, that the 19264
certificate of registration issued in reliance on the check or 19265
other draft instrument will be canceled unless the registrant, 19266
within thirty days after receipt of the notice, submits the 19267
application fee and a one-hundred-dollar penalty to the 19268
superintendent. If the registrant does not submit the application 19269
fee and penalty within that time period, or if any check or other 19270
draft instrument used to pay the fee or penalty is returned to the 19271
superintendent for insufficient funds, the certificate of 19272
registration shall be canceled immediately without a hearing, and 19273
the registrant shall cease activity as a mortgage broker, mortgage 19274
lender, or mortgage servicer. 19275

(2) If the application is for a location that is a residence, 19276
evidence that the use of the residence to transact business as a 19277
mortgage lender, mortgage broker, or mortgage servicer is not 19278
prohibited. 19279

(3) The applicant maintains all necessary filings and 19280
approvals required by the secretary of state. 19281

(4) The applicant complies with the surety bond requirements 19282
of section 1322.32 of the Revised Code. 19283

(5) The applicant has not made a material misstatement of 19284
fact or material omission of fact in the application. 19285

(6) Neither the applicant nor any person whose identity is 19286
required to be disclosed on an application for a certificate of 19287
registration has had such a certificate of registration or 19288
mortgage loan originator license, or any comparable authority, 19289
revoked in any governmental jurisdiction or has pleaded guilty or 19290
nolo contendere to or been convicted of a disqualifying offense as 19291
determined in accordance with section 9.79 of the Revised Code. 19292

(7) The applicant's operations manager successfully completed 19293

the examination required by section 1322.27 of the Revised Code. 19294

(8) The applicant's financial responsibility, experience, and 19295
general fitness command the confidence of the public and warrant 19296
the belief that the business will be operated honestly, fairly, 19297
and efficiently in compliance with the purposes of this chapter 19298
and the rules adopted thereunder. The superintendent shall not use 19299
a credit score or a bankruptcy as the sole basis for registration 19300
denial. 19301

(B) For purposes of determining whether an applicant that is 19302
a partnership, corporation, or other business entity or 19303
association has met the conditions set forth in divisions (A)(6) 19304
and (8) of this section, the superintendent shall determine which 19305
partners, shareholders, or persons named in the application must 19306
meet those conditions. This determination shall be based on the 19307
extent and nature of the partner's, shareholder's, or person's 19308
ownership interest in the partnership, corporation, or other 19309
business entity or association that is the applicant and on 19310
whether the person is in a position to direct, control, or 19311
adversely influence the operations of the applicant. 19312

(C) The certificate of registration issued pursuant to 19313
division (A) of this section may be renewed annually on or before 19314
the thirty-first day of December if the superintendent finds that 19315
all of the following conditions are met: 19316

(1) The renewal application is accompanied by a nonrefundable 19317
renewal fee of ~~five~~ seven hundred dollars for each location of an 19318
office to be maintained by the applicant in accordance with 19319
division (A) of section 1322.07 of the Revised Code and any fee 19320
required by the nationwide mortgage licensing system and registry. 19321
If a check or other draft instrument is returned to the 19322
superintendent for insufficient funds, the superintendent shall 19323
notify the registrant by certified mail, return receipt requested, 19324
that the certificate of registration renewed in reliance on the 19325

check or other draft instrument will be canceled unless the 19326
registrant, within thirty days after receipt of the notice, 19327
submits the renewal fee and a one-hundred-dollar penalty to the 19328
superintendent. If the registrant does not submit the renewal fee 19329
and penalty within that time period, or if any check or other 19330
draft instrument used to pay the fee or penalty is returned to the 19331
superintendent for insufficient funds, the certificate of 19332
registration shall be canceled immediately without a hearing and 19333
the registrant shall cease activity as a mortgage broker, mortgage 19334
lender, or mortgage servicer. 19335

(2) The applicant meets the conditions set forth in divisions 19336
(A)(2), (3), (4), (5), (7), and (8) of this section. 19337

(3) Neither the applicant nor any person whose identity is 19338
required to be disclosed on the renewal application has had a 19339
certificate of registration or mortgage loan originator license, 19340
or any comparable authority, revoked in any governmental 19341
jurisdiction or has pleaded guilty or nolo contendere to or been 19342
convicted of any of the following in a domestic, foreign, or 19343
military court: 19344

(a) During the seven-year period immediately preceding the 19345
date of the renewal application but excluding any time before the 19346
certificate of registration was issued, a misdemeanor involving 19347
theft or any felony; 19348

(b) At any time between the date of the original certificate 19349
of registration and the date of the renewal application, a felony 19350
involving an act of fraud, dishonesty, a breach of trust, theft, 19351
or money laundering. 19352

(4) The applicant's certificate of registration is not 19353
subject to an order of suspension or an unpaid and past due fine 19354
imposed by the superintendent. 19355

(D)(1) Subject to division (D)(2) of this section, if a 19356

renewal fee or additional fee required by the nationwide mortgage 19357
licensing system and registry is received by the superintendent 19358
after the thirty-first day of December, the certificate of 19359
registration shall not be considered renewed, and the applicant 19360
shall cease activity as a mortgage lender, mortgage broker, or 19361
mortgage servicer. 19362

(2) Division (D)(1) of this section shall not apply if the 19363
applicant, not later than forty-five days after the renewal 19364
deadline, submits the renewal fee or additional fee and a 19365
~~one hundred dollar~~ one hundred-fifty-dollar penalty to the 19366
superintendent. 19367

(E) Certificates of registration issued under this chapter 19368
annually expire on the thirty-first day of December. 19369

(F) The pardon or expungement of a conviction shall not be 19370
considered a conviction for purposes of this section. 19371

Sec. 1322.20. (A) An application for a license as a mortgage 19372
loan originator shall be in writing, under oath, and in a form 19373
prescribed by the superintendent of financial institutions that 19374
complies with the requirements of the nationwide mortgage 19375
licensing system and registry. The application shall be 19376
accompanied by a nonrefundable application fee of ~~one~~ two hundred 19377
~~fifty~~ dollars and any additional fee required by the nationwide 19378
mortgage licensing system and registry. 19379

(B)(1) The application shall provide evidence, acceptable to 19380
the superintendent, that the applicant has successfully completed 19381
at least twenty-four hours of pre-licensing instruction consisting 19382
of all of the following: 19383

(a) Twenty hours of instruction in an approved education 19384
course; 19385

(b) Four hours of instruction in a course or program of study 19386

reviewed and approved by the superintendent concerning Ohio 19387
lending laws and the Ohio consumer sales practices act, Chapter 19388
1345. of the Revised Code, as it applies to registrants and 19389
licensees. 19390

(2) If an applicant held a valid mortgage loan originator 19391
license issued by this state at any time during the immediately 19392
preceding five-year period, the applicant shall not be required to 19393
complete any additional pre-licensing instruction. For this 19394
purpose, any time during which the individual is a registered 19395
mortgage loan originator shall not be taken into account. 19396

(3) A person having successfully completed the pre-licensing 19397
education requirement reviewed and approved by the nationwide 19398
mortgage licensing system and registry for any state within the 19399
previous five years shall be granted credit toward completion of 19400
the pre-licensing education requirement of this state. 19401

(C) In addition to the information required under division 19402
(B) of this section, the application shall provide both of the 19403
following: 19404

(1) Evidence that the applicant passed a written test that 19405
meets the requirements described in section 1322.27 of the Revised 19406
Code; 19407

(2) Any further information that the superintendent requires. 19408

(D) Upon the filing of the application and payment of the 19409
application fee and any fee required by the nationwide mortgage 19410
licensing system and registry, the superintendent of financial 19411
institutions shall investigate the applicant. As part of that 19412
investigation, the superintendent shall conduct a civil records 19413
check. 19414

If, in order to issue a license to an applicant, additional 19415
investigation by the superintendent outside this state is 19416
necessary, the superintendent may require the applicant to advance 19417

sufficient funds to pay the actual expenses of the investigation, 19418
if it appears that these expenses will exceed five hundred 19419
dollars. The superintendent shall provide the applicant with an 19420
itemized statement of the actual expenses that the applicant is 19421
required to pay. 19422

(E) In connection with applying for a loan originator 19423
license, the applicant shall furnish to the nationwide mortgage 19424
licensing system and registry information concerning the 19425
applicant's identity, including all of the following: 19426

(1) The applicant's fingerprints for submission to the 19427
federal bureau of investigation, and any other governmental agency 19428
or entity authorized to receive such information, for purposes of 19429
a state, national, and international criminal history background 19430
check; 19431

(2) Personal history and experience in a form prescribed by 19432
the nationwide mortgage licensing system and registry, along with 19433
authorization for the superintendent and the nationwide mortgage 19434
licensing system and registry to obtain both of the following: 19435

(a) An independent credit report from a consumer reporting 19436
agency; 19437

(b) Information related to any administrative, civil, or 19438
criminal findings by any governmental jurisdiction. 19439

(F) The superintendent shall pay all funds advanced and 19440
application and renewal fees and penalties the superintendent 19441
receives pursuant to this section and section 1322.21 of the 19442
Revised Code to the treasurer of state to the credit of the 19443
consumer finance fund created in section 1321.21 of the Revised 19444
Code. 19445

(G) If an application for a mortgage loan originator license 19446
does not contain all of the information required under this 19447
section, and if that information is not submitted to the 19448

superintendent or to the nationwide mortgage licensing system and 19449
registry within ninety days after the superintendent or the 19450
nationwide mortgage licensing system and registry requests the 19451
information in writing, including by electronic transmission or 19452
facsimile, the superintendent may consider the application 19453
withdrawn. 19454

(H)(1) The superintendent may establish relationships or 19455
enter into contracts with the nationwide mortgage licensing system 19456
and registry, or any entities designated by it, to collect and 19457
maintain records and process transaction fees or other fees 19458
related to mortgage loan originator licenses or the persons 19459
associated with a licensee. 19460

(2) For purposes of this section and to reduce the points of 19461
contact that the federal bureau of investigation may have to 19462
maintain, the division of financial institutions may use the 19463
nationwide mortgage licensing system and registry as a channeling 19464
agent for requesting information from and distributing information 19465
to the United States department of justice or other governmental 19466
agencies. 19467

(3) For purposes of this section and to reduce the points of 19468
contact that the division may have to maintain, the division may 19469
use the nationwide mortgage licensing system and registry as a 19470
channeling agent for requesting information from and distributing 19471
information to any source as determined by the division. 19472

(I) A mortgage loan originator license, or the authority 19473
granted under that license, is not assignable or transferable. 19474

Sec. 1322.21. (A) Upon the conclusion of the investigation 19475
required under division (C) of section 1322.20 of the Revised 19476
Code, the superintendent of financial institutions shall issue a 19477
mortgage loan originator license to the applicant if the 19478
superintendent finds that the following conditions are met: 19479

(1) The application is accompanied by the application fee and any fee required by the nationwide mortgage licensing system and registry. 19480
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(a) If a check or other draft instrument is returned to the superintendent for insufficient funds, the superintendent shall notify the applicant by certified mail, return receipt requested, that the application will be withdrawn unless the applicant, within thirty days after receipt of the notice, submits the application fee and a one-hundred-dollar penalty to the superintendent. If the applicant does not submit the application fee and penalty within that time period, or if any check or other draft instrument used to pay the fee or penalty is returned to the superintendent for insufficient funds, the application shall be withdrawn. 19483
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(b) If a check or other draft instrument is returned to the superintendent for insufficient funds after the license has been issued, the superintendent shall notify the licensee by certified mail, return receipt requested, that the license issued in reliance on the check or other draft instrument will be canceled unless the licensee, within thirty days after receipt of the notice, submits the application fee and a one-hundred-dollar penalty to the superintendent. If the licensee does not submit the application fee and penalty within that time period, or if any check or other draft instrument used to pay the fee or penalty is returned to the superintendent for insufficient funds, the license shall be canceled immediately without a hearing, and the licensee shall cease activity as a loan originator. 19494
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(2) The applicant has not made a material misstatement of fact or material omission of fact in the application. 19507
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(3) The applicant has not been convicted of or pleaded guilty or nolo contendere to a disqualifying offense as determined in accordance with section 9.79 of the Revised Code. 19509
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(4) The applicant completed the prelicensing instruction set 19512
forth in division (B) of section 1322.20 of the Revised Code. 19513

(5) The applicant's financial responsibility and general 19514
fitness command the confidence of the public and warrant the 19515
belief that the business will be operated honestly and fairly in 19516
compliance with the purposes of this chapter. The superintendent 19517
shall not use a credit score or bankruptcy as the sole basis for a 19518
license denial. 19519

(6) The applicant is in compliance with the surety bond 19520
requirements of section 1322.32 of the Revised Code. 19521

(7) The applicant has not had a mortgage loan originator 19522
license, or comparable authority, revoked in any governmental 19523
jurisdiction. 19524

(B) The license issued under division (A) of this section may 19525
be renewed annually on or before the thirty-first day of December 19526
if the superintendent finds that all of the following conditions 19527
are met: 19528

(1) The renewal application is accompanied by a nonrefundable 19529
renewal fee of ~~one~~ two hundred ~~fifty~~ dollars and any fee required 19530
by the nationwide mortgage licensing system and registry. If a 19531
check or other draft instrument is returned to the superintendent 19532
for insufficient funds, the superintendent shall notify the 19533
licensee by certified mail, return receipt requested, that the 19534
license renewed in reliance on the check or other draft instrument 19535
will be canceled unless the licensee, within thirty days after 19536
receipt of the notice, submits the renewal fee and a 19537
one-hundred-dollar penalty to the superintendent. If the licensee 19538
does not submit the renewal fee and penalty within that time 19539
period, or if any check or other draft instrument used to pay the 19540
fee or penalty is returned to the superintendent for insufficient 19541
funds, the license shall be canceled immediately without a 19542

hearing, and the licensee shall cease activity as a loan
originator. 19543
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(2) The applicant has completed at least eight hours of
continuing education as required under section 1322.28 of the
Revised Code. 19545
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(3) The applicant meets the conditions set forth in divisions
(A)(2), (4), (5), (6), and (7) of this section. 19548
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(4) The applicant has not been convicted of or pleaded guilty
or nolo contendere to any of the following in a domestic, foreign,
or military court: 19550
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(a) During the seven-year period immediately preceding the
date of the renewal application but excluding any time before the
license was issued, a misdemeanor involving theft or any felony; 19553
19554
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(b) At any time between the date of the original license and
the date of the renewal application, a felony involving an act of
fraud, dishonesty, a breach of trust, theft, or money laundering. 19556
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(5) The applicant's license is not subject to an order of
suspension or an unpaid and past due fine imposed by the
superintendent. 19559
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(C)(1) Subject to division (C)(2) of this section, if a
license renewal application fee, including any fee required by the
nationwide mortgage licensing system and registry, is received by
the superintendent after the thirty-first day of December, the
license shall not be considered renewed, and the applicant shall
cease activity as a mortgage loan originator. 19562
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(2) Division (C)(1) of this section shall not apply if the
applicant, not later than forty-five days after the renewal
deadline, submits the renewal application and any other required
fees and a ~~one hundred dollar~~ one hundred-fifty-dollar penalty to
the superintendent. 19568
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(D) Mortgage originator licenses annually expire on the 19573
thirty-first day of December. 19574

(E) The pardon or expungement of a conviction shall not be 19575
considered a conviction for purposes of this section. When 19576
determining the eligibility of an applicant, the superintendent 19577
may consider the underlying crime, facts, or circumstances 19578
connected with a pardoned or expunged conviction. 19579

Sec. 1337.11. As used in sections 1337.11 to 1337.17 of the 19580
Revised Code: 19581

(A) "Adult" means a person who is eighteen years of age or 19582
older. 19583

(B) "Attending physician" means the physician to whom a 19584
principal or the family of a principal has assigned primary 19585
responsibility for the treatment or care of the principal or, if 19586
the responsibility has not been assigned, the physician who has 19587
accepted that responsibility. 19588

(C) "Comfort care" means any of the following: 19589

(1) Nutrition when administered to diminish the pain or 19590
discomfort of a principal, but not to postpone death; 19591

(2) Hydration when administered to diminish the pain or 19592
discomfort of a principal, but not to postpone death; 19593

(3) Any other medical or nursing procedure, treatment, 19594
intervention, or other measure that is taken to diminish the pain 19595
or discomfort of a principal, but not to postpone death. 19596

(D) "Consulting physician" means a physician who, in 19597
conjunction with the attending physician of a principal, makes one 19598
or more determinations that are required to be made by the 19599
attending physician, or to be made by the attending physician and 19600
one other physician, by an applicable provision of sections 19601
1337.11 to 1337.17 of the Revised Code, to a reasonable degree of 19602

medical certainty and in accordance with reasonable medical standards. 19603
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(E) "Declaration for mental health treatment" has the same meaning as in section 2135.01 of the Revised Code. 19605
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(F) "Guardian" means a person appointed by a probate court pursuant to Chapter 2111. of the Revised Code to have the care and management of the person of an incompetent. 19607
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(G) "Health care" means any care, treatment, service, or procedure to maintain, diagnose, or treat an individual's physical or mental condition or physical or mental health. 19610
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(H) "Health care decision" means informed consent, refusal to give informed consent, or withdrawal of informed consent to health care. 19613
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(I) "Health care facility" means any of the following: 19616

(1) A hospital; 19617

(2) A hospice care program, pediatric respite care program, or other institution that specializes in comfort care of patients in a terminal condition or in a permanently unconscious state; 19618
19619
19620

(3) A nursing home; 19621

(4) A home health agency; 19622

(5) An intermediate care facility for individuals with intellectual disabilities; 19623
19624

(6) A regulated community mental health organization. 19625

(J) "Health care personnel" means physicians, nurses, physician assistants, emergency medical technicians-basic, emergency medical technicians-intermediate, emergency medical technicians-paramedic, medical technicians, dietitians, other authorized persons acting under the direction of an attending physician, and administrators of health care facilities. 19626
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(K) "Home health agency" has the same meaning as in section	19632
3701.881 <u>3740.01</u> of the Revised Code.	19633
(L) "Hospice care program" and "pediatric respite care	19634
program" have the same meanings as in section 3712.01 of the	19635
Revised Code.	19636
(M) "Hospital" has the same meanings as in sections 3701.01,	19637
3727.01, and 5122.01 of the Revised Code.	19638
(N) "Hydration" means fluids that are artificially or	19639
technologically administered.	19640
(O) "Incompetent" has the same meaning as in section 2111.01	19641
of the Revised Code.	19642
(P) "Intermediate care facility for individuals with	19643
intellectual disabilities" has the same meaning as in section	19644
5124.01 of the Revised Code.	19645
(Q) "Life-sustaining treatment" means any medical procedure,	19646
treatment, intervention, or other measure that, when administered	19647
to a principal, will serve principally to prolong the process of	19648
dying.	19649
(R) "Medical claim" has the same meaning as in section	19650
2305.113 of the Revised Code.	19651
(S) "Mental health treatment" has the same meaning as in	19652
section 2135.01 of the Revised Code.	19653
(T) "Nursing home" has the same meaning as in section 3721.01	19654
of the Revised Code.	19655
(U) "Nutrition" means sustenance that is artificially or	19656
technologically administered.	19657
(V) "Permanently unconscious state" means a state of	19658
permanent unconsciousness in a principal that, to a reasonable	19659
degree of medical certainty as determined in accordance with	19660
reasonable medical standards by the principal's attending	19661

physician and one other physician who has examined the principal, 19662
is characterized by both of the following: 19663

(1) Irreversible unawareness of one's being and environment. 19664

(2) Total loss of cerebral cortical functioning, resulting in 19665
the principal having no capacity to experience pain or suffering. 19666

(W) "Person" has the same meaning as in section 1.59 of the 19667
Revised Code and additionally includes political subdivisions and 19668
governmental agencies, boards, commissions, departments, 19669
institutions, offices, and other instrumentalities. 19670

(X) "Physician" means a person who is authorized under 19671
Chapter 4731. of the Revised Code to practice medicine and surgery 19672
or osteopathic medicine and surgery. 19673

(Y) "Political subdivision" and "state" have the same 19674
meanings as in section 2744.01 of the Revised Code. 19675

(Z) "Professional disciplinary action" means action taken by 19676
the board or other entity that regulates the professional conduct 19677
of health care personnel, including the state medical board and 19678
the board of nursing. 19679

(AA) "Regulated community mental health organization" means a 19680
residential facility as defined and licensed under section 5119.34 19681
of the Revised Code or a community mental health services provider 19682
as defined in section 5122.01 of the Revised Code. 19683

(BB) "Terminal condition" means an irreversible, incurable, 19684
and untreatable condition caused by disease, illness, or injury 19685
from which, to a reasonable degree of medical certainty as 19686
determined in accordance with reasonable medical standards by a 19687
principal's attending physician and one other physician who has 19688
examined the principal, both of the following apply: 19689

(1) There can be no recovery. 19690

(2) Death is likely to occur within a relatively short time 19691

if life-sustaining treatment is not administered. 19692

(CC) "Tort action" means a civil action for damages for 19693
injury, death, or loss to person or property, other than a civil 19694
action for damages for a breach of contract or another agreement 19695
between persons. 19696

Sec. 1345.21. As used in sections 1345.21 to 1345.28 of the 19697
Revised Code: 19698

(A) "Home solicitation sale" means a sale of consumer goods 19699
or services in which the seller or a person acting for the seller 19700
engages in a personal solicitation of the sale at a residence of 19701
the buyer, including solicitations in response to or following an 19702
invitation by the buyer, and the buyer's agreement or offer to 19703
purchase is there given to the seller or a person acting for the 19704
seller, or in which the buyer's agreement or offer to purchase is 19705
made at a place other than the seller's place of business. It does 19706
not include a transaction or transactions in which: 19707

(1) The total purchase price to be paid by the buyer, whether 19708
under single or multiple contracts, is less than twenty-five 19709
dollars; 19710

(2) The transaction was conducted and consummated entirely by 19711
mail or by telephone if initiated by the buyer, and without any 19712
other contact between the seller or the seller's representative 19713
prior to the delivery of goods or performance of the service; 19714

(3) The final agreement is made pursuant to prior 19715
negotiations in the course of a visit by the buyer to a retail 19716
business establishment having a fixed permanent location where the 19717
goods are exhibited or the services are offered for sale on a 19718
continuing basis; 19719

(4) The buyer initiates the contact between the parties for 19720
the purpose of negotiating a purchase and the seller has a 19721

business establishment at a fixed location in this state where the 19722
goods or services involved in the transaction are regularly 19723
offered or exhibited for sale. 19724

Advertisements by such a seller in newspapers, magazines, 19725
catalogues, radio, or television do not constitute the seller 19726
initiation of the contact. 19727

(5) The buyer initiates the contact between the parties, the 19728
goods or services are needed to meet a bona fide immediate 19729
personal emergency of the buyer which will jeopardize the welfare, 19730
health, or safety of natural persons, or endanger property which 19731
the buyer owns or for which the buyer is responsible, and the 19732
buyer furnishes the seller with a separate, dated, and signed 19733
statement in the buyer's handwriting describing the situation 19734
requiring immediate remedy and expressly acknowledging and waiving 19735
the right to cancel the sale within three business days; 19736

(6) The buyer has initiated the contact between the parties 19737
and specifically requested the seller to visit the buyer's home 19738
for the purpose of repairing or performing maintenance upon the 19739
buyer's personal property. If, in the course of such a visit, the 19740
seller sells the buyer additional services or goods other than 19741
replacement parts necessarily used in performing the maintenance 19742
or in making the repairs, the sale of those additional goods or 19743
services does not fall within this exclusion. 19744

(7) The buyer is accorded the right of rescission by the 19745
"Consumer Credit Protection Act," (1968) 82 Stat. 152, 15 U.S.C. 19746
1635, or regulations adopted pursuant to it. 19747

(B) "Sale" includes a lease or rental. 19748

(C) "Seller" includes a lessor or anyone offering goods for 19749
rent. 19750

(D) "Buyer" includes a lessee or anyone who gives a 19751
consideration for the privilege of using goods. 19752

(E) "Consumer goods or services" means goods or services 19753
purchased, leased, or rented primarily for personal, family, or 19754
household purposes, including courses or instruction or training 19755
regardless of the purpose for which they are taken. 19756

(F) "Consumer goods or services" does not include goods or 19757
services pertaining to any of the following: 19758

(1) Sales or rentals of real property by a real estate broker 19759
or salesperson, or by a foreign real estate dealer or salesperson, 19760
who is licensed by the Ohio real estate commission under Chapter 19761
4735. of the Revised Code; 19762

(2) The sale of securities or commodities by a broker-dealer 19763
registered with the securities and exchange commission; 19764

(3) The sale of securities or commodities by a securities 19765
dealer or salesperson licensed by the division of securities under 19766
Chapter 1707. of the Revised Code; 19767

(4) The sale of insurance by a person licensed by the 19768
superintendent of insurance; 19769

(5) Goods sold or services provided by automobile dealers and 19770
salespersons licensed by the registrar of motor vehicles under 19771
Chapter 4517. of the Revised Code; 19772

(6) The sale of property at an auction by an auctioneer 19773
licensed by the department of agriculture under Chapter 4707. of 19774
the Revised Code. 19775

(G) "Purchase price" means the total cumulative price of the 19776
consumer goods or services, including all interest and service 19777
charges. 19778

(H) "Place of business" means the main office, or a permanent 19779
branch office or permanent local address of a seller. 19780

(I) "Business day" means any calendar day except Sunday, or 19781
the following business holidays: New Year's day, Martin Luther 19782

King day, Presidents' day, Memorial day, Juneteenth day, 19783
Independence day, Labor day, Columbus day, Veterans day, 19784
Thanksgiving day, and Christmas day. 19785

Sec. 1501.29. (A) As used in this section: 19786

(1) "Qualifying land" means land that meets all of the 19787
following criteria: 19788

(a) The land is owned in fee by the department of natural 19789
resources or the department owns an interest in the land. 19790

(b) The land or the department's interest in the land is 19791
exempted from taxation. 19792

(c) The total area of the land is more than five thousand 19793
acres. 19794

(d) The land or interest in the land was acquired by the 19795
department on January 1, 2018, or thereafter, in either one 19796
transaction or a series of transactions with the same seller. 19797

(2) "Unimproved taxable value" means the taxable value of 19798
qualifying land, exclusive of improvements, for the tax year in 19799
which the land or interest in the land was acquired by the 19800
department of natural resources. 19801

(B) On or before the thirtieth day of June of each year, 19802
beginning in 2022, the director of natural resources shall pay to 19803
the county treasurer of each county in which qualifying land is 19804
located, an amount equal to two and one-half per cent of the 19805
unimproved taxable value of qualifying land located within that 19806
county. The director shall draw the funds necessary to make such 19807
payments from the state park fund created under section 1546.21 of 19808
the Revised Code, the wildlife fund created under section 1531.17 19809
of the Revised Code, or both of those funds. 19810

(C) Within thirty days of receiving a payment under division 19811
(B) of this section, the county treasurer shall distribute the 19812

money among the taxing units within the territory of which the 19813
county's qualifying land is located as follows: 19814

(1) Sixty per cent of the money shall be distributed 19815
proportionally among school districts that include qualifying land 19816
located within the county based on the unimproved taxable value of 19817
that qualifying land located within the territory of each such 19818
school district. 19819

(2) Forty per cent of the money shall be distributed 19820
proportionally among taxing units other than school districts that 19821
include qualifying land located within the county based on the 19822
unimproved taxable value of that qualifying land located within 19823
the territory of each such taxing unit. 19824

(D) Moneys received by a school district or other taxing unit 19825
under this section shall be used for any lawful purpose. 19826

(E) If compensation is payable for land or interests in land 19827
under this section, no compensation shall be made payable under 19828
section 1531.27 of the Revised Code for the same land or interest. 19829

Sec. 1503.03. The chief of the division of forestry shall 19830
cooperate with all state operated universities and the department 19831
of agriculture. The chief, with the approval of the director of 19832
natural resources, may purchase or acquire by gift, donations, or 19833
contributions any interest in land suitable for forestry purposes. 19834
The chief may enter into agreements with the federal government or 19835
other agencies for the acquisition, by lease, purchase, or 19836
otherwise, of such lands as in the judgment of the chief and 19837
director are desirable for state forests, building sites, or 19838
nursery lands. The chief may expend funds, not otherwise 19839
obligated, for the management, development, and utilization of 19840
such lands. 19841

The chief, with the approval of the director of natural 19842

resources, may acquire by lease, purchase, gift, or otherwise, in 19843
the name of the state, forested or other lands in the state 19844
suitable for the growth of forest trees to the amount of the 19845
appropriation for that purpose. The chief shall prepare and submit 19846
to the director of natural resources maps and descriptions of such 19847
areas including and adjacent to the existing state forest lands, 19848
the lands within which, not at the time belonging to the state, 19849
are properly subject to purchase as state forest lands for reasons 19850
of protection, utilization, and administration. When such an area 19851
is approved by the director of natural resources, it shall be 19852
known as a state forest purchase area and the map and description, 19853
with the approval of the director of natural resources indorsed 19854
thereon, shall be filed in duplicate with the ~~auditor of state~~ 19855
director of administrative services and the attorney general. 19856

All lands purchased for forest purposes shall be deeded to 19857
the state, but the purchase price of such lands shall not be paid 19858
until the title thereof has been approved by the attorney general. 19859
The price of such lands shall not exceed the appropriation for 19860
such purposes. 19861

Sec. 1503.05. (A) The chief of the division of forestry may 19862
sell timber and other forest products from the state forest ~~and~~, 19863
state forest nurseries, and federal lands in accordance with the 19864
terms of an agreement under section 1503.271 of the Revised Code 19865
whenever the chief considers such a sale desirable ~~and, with.~~ With 19866
the approval of the attorney general and the director of natural 19867
resources, the chief may sell portions of the state forest lands 19868
when such a sale is advantageous to the state. 19869

(B) Except as otherwise provided in this section, a timber 19870
sale agreement shall not be executed unless the person or 19871
governmental entity bidding on the sale executes and files a 19872
surety bond conditioned on completion of the timber sale in 19873

accordance with the terms of the agreement in an amount determined 19874
by the chief. All bonds shall be given in a form prescribed by the 19875
chief and shall run to the state as obligee. 19876

The chief shall not approve any bond until it is personally 19877
signed and acknowledged by both principal and surety, or as to 19878
either by the attorney in fact thereof, with a certified copy of 19879
the power of attorney attached. The chief shall not approve the 19880
bond unless there is attached a certificate of the superintendent 19881
of insurance that the company is authorized to transact a fidelity 19882
and surety business in this state. 19883

In lieu of a bond, the bidder may deposit any of the 19884
following: 19885

(1) Cash in an amount equal to the amount of the bond; 19886

(2) United States government securities having a par value 19887
equal to or greater than the amount of the bond; 19888

(3) Negotiable certificates of deposit or irrevocable letters 19889
of credit issued by any bank organized or transacting business in 19890
this state having a par value equal to or greater than the amount 19891
of the bond. 19892

The cash or securities shall be deposited on the same terms 19893
as bonds. If one or more certificates of deposit are deposited in 19894
lieu of a bond, the chief shall require the bank that issued any 19895
of the certificates to pledge securities of the aggregate market 19896
value equal to the amount of the certificate or certificates that 19897
is in excess of the amount insured by the federal deposit 19898
insurance corporation. The securities to be pledged shall be those 19899
designated as eligible under section 135.18 of the Revised Code. 19900
The securities shall be security for the repayment of the 19901
certificate or certificates of deposit. 19902

Immediately upon a deposit of cash, securities, certificates 19903
of deposit, or letters of credit, the chief shall deliver them to 19904

the treasurer of state, who shall hold them in trust for the 19905
purposes for which they have been deposited. The treasurer of 19906
state is responsible for the safekeeping of the deposits. A bidder 19907
making a deposit of cash, securities, certificates of deposit, or 19908
letters of credit may withdraw and receive from the treasurer of 19909
state, on the written order of the chief, all or any portion of 19910
the cash, securities, certificates of deposit, or letters of 19911
credit upon depositing with the treasurer of state cash, other 19912
United States government securities, or other negotiable 19913
certificates of deposit or irrevocable letters of credit issued by 19914
any bank organized or transacting business in this state, equal in 19915
par value to the par value of the cash, securities, certificates 19916
of deposit, or letters of credit withdrawn. 19917

A bidder may demand and receive from the treasurer of state 19918
all interest or other income from any such securities or 19919
certificates as it becomes due. If securities so deposited with 19920
and in the possession of the treasurer of state mature or are 19921
called for payment by their issuer, the treasurer of state, at the 19922
request of the bidder who deposited them, shall convert the 19923
proceeds of the redemption or payment of the securities into other 19924
United States government securities, negotiable certificates of 19925
deposit, or cash as the bidder designates. 19926

When the chief finds that a person or governmental agency has 19927
failed to comply with the conditions of the person's or 19928
governmental agency's bond, the chief shall make a finding of that 19929
fact and declare the bond, cash, securities, certificates, or 19930
letters of credit forfeited. The chief thereupon shall certify the 19931
total forfeiture to the attorney general, who shall proceed to 19932
collect the amount of the bond, cash, securities, certificates, or 19933
letters of credit. 19934

In lieu of total forfeiture, the surety, at its option, may 19935
cause the timber sale to be completed or pay to the treasurer of 19936

state the cost thereof. 19937

All ~~moneys~~ money collected as a result of forfeitures of 19938
bonds, cash, securities, certificates, and letters of credit under 19939
this section shall be credited to the state forest fund created in 19940
this section. 19941

(C) The chief may grant easements and leases on portions of 19942
the state forest lands and state forest nurseries under terms that 19943
are advantageous to the state, and the chief may grant mineral 19944
rights on a royalty basis on those lands and nurseries, with the 19945
approval of the attorney general and the director. 19946

(D) All ~~moneys~~ money received from the sale of state forest 19947
lands, or in payment for easements or leases on or as rents from 19948
those lands or from state forest nurseries, shall be paid into the 19949
state treasury to the credit of the state forest fund, which is 19950
hereby created. In addition, all ~~moneys~~ money received from 19951
federal grants, payments, and reimbursements, from the sale of 19952
reforestation tree stock, from the sale of forest products, other 19953
than standing timber, and from the sale of minerals taken from the 19954
state forest lands and state forest nurseries, together with 19955
royalties from mineral rights, shall be paid into the state 19956
treasury to the credit of the state forest fund. Any other 19957
revenues derived from the operation of the state forests and 19958
related facilities or equipment also shall be paid into the state 19959
treasury to the credit of the state forest fund, as shall 19960
contributions received for the issuance of Smokey Bear license 19961
plates under section 4503.574 of the Revised Code and any other 19962
~~moneys~~ money required by law to be deposited in the fund. Any 19963
revenue generated from agreements entered into under section 19964
1503.271 of the Revised Code shall be deposited in the fund. 19965

The state forest fund shall not be expended for any purpose 19966
other than the administration, operation, maintenance, 19967
development, or utilization of the state forests, forest 19968

nurseries, and forest programs; for facilities or equipment 19969
incident to them; for the further purchase of lands for state 19970
forest or forest nursery purposes; ~~or~~; for wildfire suppression 19971
payments ~~and~~; for fire prevention purposes in the case of 19972
contributions received pursuant to section 4503.574 of the Revised 19973
Code, ~~for fire prevention purposes; or for forest management~~ 19974
projects associated with federal lands in the case of revenues 19975
received pursuant to agreements entered into under section 19976
1503.271 of the Revised Code. 19977

(E) All ~~moneys~~ money received from the sale of standing 19978
timber taken from state forest lands and state forest nurseries 19979
shall be deposited into the state treasury to the credit of the 19980
forestry holding account redistribution fund, which is hereby 19981
created. The ~~moneys~~ money shall remain in the fund until they are 19982
redistributed in accordance with this division. 19983

The redistribution shall occur at least once each year. To 19984
begin the redistribution, the chief first shall determine the 19985
amount of all standing timber sold from state forest lands and 19986
state forest nurseries, together with the amount of the total sale 19987
proceeds, in each county, in each township within the county, and 19988
in each school district within the county. The chief next shall 19989
determine the amount of the direct costs that the division of 19990
forestry incurred in association with the sale of that standing 19991
timber. The amount of the direct costs shall be subtracted from 19992
the amount of the total sale proceeds and shall be transferred 19993
from the forestry holding account redistribution fund to the state 19994
forest fund. 19995

The remaining amount of the total sale proceeds equals the 19996
net value of the standing timber that was sold. The chief shall 19997
determine the net value of standing timber sold from state forest 19998
lands and state forest nurseries in each county, in each township 19999
within the county, and in each school district within the county 20000

and shall send to each county treasurer a copy of the 20001
determination at the time that ~~moneys are~~ money is paid to the 20002
county treasurer under this division. 20003

Thirty-five per cent of the net value of standing timber sold 20004
from state forest lands and state forest nurseries located in a 20005
county shall be transferred from the forestry holding account 20006
redistribution fund to the state forest fund. The remaining 20007
sixty-five per cent of the net value shall be transferred from the 20008
forestry holding account redistribution fund and paid to the 20009
county treasurer for the use of the general fund of that county. 20010

The county auditor shall do all of the following: 20011

(1) Retain for the use of the general fund of the county 20012
one-fourth of the amount received by the county under division 20013
~~(D)~~(E) of this section; 20014

(2) Pay into the general fund of any township located within 20015
the county and containing such lands and nurseries one-fourth of 20016
the amount received by the county from standing timber sold from 20017
lands and nurseries located in the township; 20018

(3) Request the board of education of any school district 20019
located within the county and containing such lands and nurseries 20020
to identify which fund or funds of the district should receive the 20021
~~moneys~~ money available to the school district under division 20022
~~(D)~~(3)~~(E)~~(3) of this section. After receiving notice from the 20023
board, the county auditor shall pay into the fund or funds so 20024
identified one-half of the amount received by the county from 20025
standing timber sold from lands and nurseries located in the 20026
school district, distributed proportionately as identified by the 20027
board. 20028

The division of forestry shall not supply logs, lumber, or 20029
other forest products or minerals, taken from the state forest 20030
lands or state forest nurseries, to any other agency or 20031

subdivision of the state unless payment is made therefor in the 20032
amount of the actual prevailing value thereof. This section is 20033
applicable to the ~~moneys~~ money so received. 20034

~~(E)~~(F) The chief may enter into a personal service contract 20035
for consulting services to assist the chief with the sale of 20036
timber or other forest products and related inventory. 20037
Compensation for consulting services shall be paid from the 20038
proceeds of the sale of timber or other forest products and 20039
related inventory that are the subject of the personal service 20040
contract. 20041

Sec. 1503.141. (A) As used in this section, "firefighting 20042
agency" and "private fire company" have the same meanings as in 20043
section 9.60 of the Revised Code. 20044

(B) Each fiscal year, the director of natural resources or 20045
the director's designee shall designate not more than two hundred 20046
thousand dollars in the state forest fund created in section 20047
1503.05 of the Revised Code for wildfire suppression payments. The 20048
amount designated shall consist only of money credited to the fund 20049
from the sale of standing timber taken from state forest lands as 20050
set forth in that section. 20051

(C) The director or the director's designee may use money 20052
designated for wildfire suppression payments to reimburse 20053
firefighting agencies and private fire companies for their costs 20054
incurred in the suppression of wildfires in counties within fire 20055
protection areas established under section 1503.08 of the Revised 20056
Code where there is a state forest or national forest, or portion 20057
thereof. The director or the director's designee may provide such 20058
reimbursement in additional counties. The director or the 20059
director's designee shall provide such reimbursement pursuant to 20060
agreements and contracts entered into under section 1503.14 of the 20061
Revised Code and in accordance with the following schedule: 20062

~~(A)(1)~~ For wildfire suppression on private land, an initial 20063
seventy-dollar payment to the firefighting agency or private fire 20064
company; 20065

~~(B)(2)~~ For wildfire suppression on land under the 20066
administration or care of the department of natural resources or 20067
on land that is part of any national forest administered by the 20068
United States department of agriculture forest service, an initial 20069
one-hundred-dollar payment to the firefighting agency or private 20070
fire company; 20071

~~(C)(3)~~ For any wildfire suppression on land specified in 20072
division ~~(A)(C)(1)~~ or ~~(B)(2)~~ of this section lasting more than two 20073
hours, an additional payment of thirty-five dollars per hour. 20074

~~As used in this section, "firefighting agency" and "private 20075
fire company" have the same meanings as in section 9.60 of the 20076
Revised Code~~ (D) For wildfire suppression, prescribed fire 20077
assistance, or emergency response support to federal agencies, the 20078
division may reimburse costs in addition to the amounts set forth 20079
in division (C) of this section provided those costs are eligible 20080
in accordance with an agreement under section 1503.27 of the 20081
Revised Code. 20082

Sec. 1503.271. The chief of the division of forestry may 20083
enter into agreements with the federal government under 16 U.S.C. 20084
2113a or other applicable federal statutes for the purpose of 20085
forest management projects, including timber sales. 20086

Sec. 1503.33. In order to further cooperation with other 20087
states and with federal agencies, the chief of the division of 20088
forestry, with the approval of the director of natural resources, 20089
may request assistance and aid from and may provide assistance and 20090
aid to other states, groups of states, and federal agencies in the 20091
protection of forests from forest fires and may enter into 20092

agreements for that purpose. Upon the request of another state, 20093
the chief may send to or receive from that state such personnel, 20094
equipment, and supplies as may be available and appropriate for 20095
use in accordance with the terms of the applicable agreement. 20096

Employees of the ~~division~~ department of natural resources and 20097
the department of commerce serving outside the state under the 20098
terms of an agreement entered into under this section shall be 20099
considered as performing services within their regular employment 20100
for the purposes of compensation, pension or indemnity fund 20101
rights, workers' compensation, and other rights or benefits to 20102
which they may be entitled as incidents of their regular 20103
employment. Such employees retain personal immunity from civil 20104
liability as specified in section 9.86 of the Revised Code. 20105

Sec. 1505.09. (A) There is hereby created in the state 20106
treasury the geological mapping fund, to be administered by the 20107
chief of the division of geological survey. Except as provided in 20108
~~divisions~~ division (C) ~~and (D)~~ of this section, the fund shall be 20109
used for ~~both~~ any of the following purposes: 20110

(1) Performing the necessary field, laboratory, and 20111
administrative tasks to map and make public reports on the 20112
geology, geologic hazards, and energy and mineral resources of the 20113
state; 20114

(2) The administration of the oil and gas ~~leasing~~ land 20115
management commission created in section ~~1509.71~~ 155.31 of the 20116
Revised Code; 20117

(3) To award grants to geology departments at state colleges 20118
and universities for undergraduate or graduate level research 20119
conducted at locations of geological interest in the state. The 20120
chief shall award grants at least annually, but at the chief's 20121
discretion, may award grants more frequently; 20122

<u>(4) To provide materials such as rock and mineral kits to</u>	20123
<u>state elementary and secondary schools to assist students in the</u>	20124
<u>study of geology.</u>	20125
(B) The sources of money for the fund shall include all of	20126
the following:	20127
(1) The mineral severance tax as specified in section 5749.02	20128
of the Revised Code;	20129
(2) Transfers made to the fund in accordance with section	20130
6111.046 of the Revised Code;	20131
(3) Contributions that a person pays to the bureau of motor	20132
vehicles to obtain "Ohio geology" license plates under section	20133
4503.515 of the Revised Code;	20134
(4) The fees collected under rules adopted under section	20135
1505.05 of the Revised Code.	20136
The chief may seek federal or other money in addition to the	20137
mineral severance tax and fees to carry out the purposes of this	20138
section. If the chief receives federal money for the purposes of	20139
this section, the chief shall deposit that money into the state	20140
treasury to the credit of a fund created by the controlling board	20141
to carry out those purposes.	20142
Other money received by the chief for the purposes of this	20143
section in addition to the mineral severance tax, fees, and	20144
federal money shall be credited to the geological mapping fund.	20145
(C) Any money transferred to the geological mapping fund in	20146
accordance with section 6111.046 of the Revised Code shall be used	20147
by the chiefs of the divisions of mineral resources management,	20148
oil and gas resources management, geological survey, and water	20149
resources in the department of natural resources for the purpose	20150
of executing their duties under sections 6111.043 to 6111.047 of	20151
the Revised Code.	20152

~~(D) The director of natural resources shall use contributions from "Ohio geology" license plates deposited into the fund for both of the following purposes in order of preference:~~

~~(1) To award grants to geology departments at state colleges and universities for graduate level research conducted at locations of geological interest in the state;~~

~~(2) To provide materials such as rock and mineral kits to state elementary and secondary schools to assist students in the study of geology.~~

~~The director shall award grants at least annually, but at the director's discretion, may award grants more frequently.~~

Sec. 1509.12. (A) ~~(1) No owner of any well person shall construct or operate a well, or permit defective casing in a well to leak fluids or gases, that causes damage to other permeable strata, underground sources of drinking water, or the surface of the land or that threatens the public health and safety or the environment. Upon~~

~~(2) No owner of a well shall permit a well to leak fluids or gases.~~

~~(3) Upon the discovery that the casing in a well is defective or that a well was not adequately constructed, the owner of person that owns the well or that is responsible for the well shall notify the chief of the division of oil and gas resources management within twenty-four hours of the discovery, and the owner shall immediately repair the casing, correct the construction inadequacies, or plug and abandon the well.~~

~~(B) When the chief finds that a well should be plugged, the chief shall notify the owner to that effect by order in writing issue an order to the person that owns the well or that is responsible for the well to plug the well and shall specify in the~~

order a reasonable time within which to comply. No ~~owner~~ person 20183
shall fail or refuse to plug a well within the time specified in 20184
the order. Each day on which such a well remains unplugged 20185
thereafter constitutes a separate offense. 20186

Where the plugging method prescribed by rules adopted 20187
pursuant to section 1509.15 of the Revised Code cannot be applied 20188
or if applied would be ineffective in carrying out the protection 20189
that the law is meant to give, the chief may designate a different 20190
method of plugging. The abandonment report shall show the manner 20191
in which the well was plugged. 20192

(C) In case of oil or gas wells abandoned prior to September 20193
1, 1978, the board of county commissioners of the county in which 20194
the wells are located may submit to the electors of the county the 20195
question of establishing a special fund, by general levy, by 20196
general bond issue, or out of current funds, which shall be 20197
approved by a majority of the electors voting upon that question 20198
for the purpose of plugging the wells. The fund shall be 20199
administered by the board and the plugging of oil and gas wells 20200
shall be under the supervision of the chief, and the board shall 20201
let contracts for that purpose, provided that the fund shall not 20202
be used for the purpose of plugging oil and gas wells that were 20203
abandoned subsequent to September 1, 1978. 20204

Sec. 1509.13. (A) ~~No~~ (1) Except as otherwise provided in 20205
division (A)(2) of this section and division (E)(1) of section 20206
1509.071 of the Revised Code, no person shall plug and abandon a 20207
well without having a permit to do so issued by the chief of the 20208
division of oil and gas resources management. The permit shall be 20209
issued by the chief in accordance with this chapter and shall be 20210
valid for a period of twenty-four months from the date of issue. 20211

(2) The holder of a valid permit issued under section 1509.06 20212
of the Revised Code may receive approval from an oil and gas 20213

resources inspector to plug and abandon the well associated with 20214
that permit, without obtaining the permit required under division 20215
(A) of this section, if either of the following apply: 20216

(a) The well was drilled to total depth and the well cannot 20217
or will not be completed. 20218

(b) The well is a lost hole or dry hole. 20219

(3) A permit holder plugging a well pursuant to division 20220
(A)(2)(a) of this section shall plug the well within thirty days 20221
of receipt of approval from the oil and gas resources inspector. 20222

(4) A permit holder plugging a well pursuant to division 20223
(A)(2)(b) of this section shall plug the well immediately after 20224
determining that the well is a lost hole or dry hole in accordance 20225
with rules adopted under this chapter. 20226

(B) ~~Application by the owner~~ The application for a permit to 20227
plug and abandon shall be filed as many days in advance as will be 20228
necessary for an oil and gas resources inspector or, if the well 20229
is located in a coal bearing township, both a deputy mine 20230
inspector and an oil and gas resources inspector to be present at 20231
the plugging. The application shall be filed with the chief upon a 20232
form that the chief prescribes and shall contain the following 20233
information: 20234

(1) The name and address of the ~~owner~~ applicant; 20235

(2) The signature of the ~~owner~~ applicant or the ~~owner's~~ 20236
applicant's authorized agent. When an authorized agent signs an 20237
application, it shall be accompanied by a certified copy of the 20238
appointment as that agent. 20239

(3) The location of the well identified by section or lot 20240
number, city, village, township, and county; 20241

(4) Designation of well by name and number; 20242

(5) The total depth of the well to be plugged; 20243

(6) The date and amount of last production from the well; 20244

(7) Other ~~data~~ information that the chief may require. 20245

(C) Except as otherwise provided in division (E)(2)(a) of 20246
section 1509.071 of the Revised Code, ~~if oil or gas has been~~ 20247
~~produced from the well,~~ the application shall be accompanied by a 20248
nonrefundable fee of two hundred fifty dollars. ~~If a well has been~~ 20249
~~drilled in accordance with law and the permit is still valid, the~~ 20250
~~permit holder may receive approval to plug the well from an oil~~ 20251
~~and gas resources inspector so that the well can be plugged and~~ 20252
~~abandoned without undue delay.~~ Unless waived by an oil and gas 20253
resources inspector, the owner of a well or the owner's authorized 20254
representative shall notify an oil and gas resources inspector at 20255
least twenty-four hours prior to the commencement of the plugging 20256
of a well. No well shall be plugged and abandoned without an oil 20257
and gas resources inspector present unless permission has been 20258
granted by the chief. The owner of a well that has produced oil or 20259
gas shall give written notice at the same time to the owner of the 20260
land upon which the well is located and to all lessors that 20261
receive gas from the well pursuant to a ~~lease~~ an agreement. If the 20262
well penetrates or passes within one hundred feet of the 20263
excavations and workings of a mine, the owner of the well shall 20264
give written notice to the owner or lessee of that mine, ~~of the~~ 20265
~~well owner's~~ intention to abandon the well and of the time when 20266
the ~~well~~ owner of the well will be prepared to commence plugging 20267
it. 20268

(D) An applicant may file a request with the chief for 20269
expedited review of an application for a permit to plug and 20270
abandon a well. The chief may refuse to accept a request for 20271
expedited review if, in the chief's judgment, acceptance of the 20272
request will prevent the issuance, within twenty-one days of 20273
filing, of permits for which applications filed under section 20274
1509.06 of the Revised Code are pending. In addition to a complete 20275

application for a permit that meets the requirements of this 20276
section and the permit fee prescribed by this section, if 20277
applicable, a request shall be accompanied by a nonrefundable 20278
filing fee of five hundred dollars unless the chief has ordered 20279
the applicant to plug and abandon the well. When a request for 20280
expedited review is filed, the chief shall immediately begin to 20281
process the application and shall issue a permit within seven days 20282
of the filing of the request unless the chief, by order, denies 20283
the application. 20284

(E) This (1) Except as otherwise provided in division (E)(2) 20285
of this section, any person undertaking the plugging of a well for 20286
which a permit has been issued under this section shall obtain 20287
insurance for bodily injury coverage and property damage coverage 20288
in the amount established under section 1509.07 of the Revised 20289
Code to pay for damages or injury to property or person, including 20290
damages caused by the plugging of the well. The person shall 20291
electronically submit proof of insurance to the chief upon the 20292
chief's request. 20293

(2) Division (E)(1) of this section does not apply to a 20294
person already required to maintain an insurance policy under 20295
section 1509.07 of the Revised Code. 20296

(F) This section does not apply to a well plugged or 20297
abandoned in compliance with section 1571.05 of the Revised Code. 20298

Sec. 1509.28. (A) The chief of the division of oil and gas 20299
resources management, upon the chief's own motion or upon 20300
application by the owners of sixty-five per cent of the land area 20301
overlying the pool, shall hold a hearing to consider the need for 20302
the operation as a unit of an entire pool or part thereof. In 20303
calculating the sixty-five per cent, an owner's entire interest in 20304
each tract in the proposed unit area, including any divided, 20305
undivided, partial, fee, or other interest in the tract, shall be 20306

included to the fullest extent of that interest. An application by owners shall be accompanied by a nonrefundable fee of ten thousand dollars and by such information as the chief may request.

The chief shall make an order providing for the unit operation of a pool or part thereof if the chief finds that such operation is reasonably necessary to increase substantially the ultimate recovery of oil and gas, and the value of the estimated additional recovery of oil or gas exceeds the estimated additional cost incident to conducting the operation. The order shall be upon terms and conditions that are just and reasonable and shall prescribe a plan for unit operations that shall include:

(1) A description of the unitized area, termed the unit area;

(2) A statement of the nature of the operations contemplated;

(3) An allocation to the separately owned tracts in the unit area of all the oil and gas that is produced from the unit area and is saved, being the production that is not used in the conduct of operations on the unit area or not unavoidably lost. The allocation shall be in accord with the agreement, if any, of the interested parties. If there is no such agreement, the chief shall determine the value, from the evidence introduced at the hearing, of each separately owned tract in the unit area, exclusive of physical equipment, for development of oil and gas by unit operations, and the production allocated to each tract shall be the proportion that the value of each tract so determined bears to the value of all tracts in the unit area.

(4) A provision for the credits and charges to be made in the adjustment among the owners in the unit area for their respective investments in wells, tanks, pumps, machinery, materials, and equipment contributed to the unit operations;

(5) A provision providing how the expenses of unit operations, including capital investment, shall be determined and

charged to the separately owned tracts and how the expenses shall 20338
be paid; 20339

(6) A provision, if necessary, for carrying or otherwise 20340
financing any person who is unable to meet the person's financial 20341
obligations in connection with the unit, allowing a reasonable 20342
interest charge for such service; 20343

(7) A provision for the supervision and conduct of the unit 20344
operations, in respect to which each person shall have a vote with 20345
a value corresponding to the percentage of the expenses of unit 20346
operations chargeable against the interest of that person; 20347

(8) The time when the unit operations shall commence, and the 20348
manner in which, and the circumstances under which, the unit 20349
operations shall terminate; 20350

(9) Such additional provisions as are found to be appropriate 20351
for carrying on the unit operations, and for the protection or 20352
adjustment of correlative rights. 20353

(B) No order of the chief providing for unit operations shall 20354
become effective unless and until the plan for unit operations 20355
prescribed by the chief has been approved in writing by those 20356
owners who, under the chief's order, will be required to pay at 20357
least sixty-five per cent of the costs of the unit operation, and 20358
also by the royalty or, with respect to unleased acreage, fee 20359
owners of sixty-five per cent of the acreage to be included in the 20360
unit. If the plan for unit operations has not been so approved by 20361
owners and royalty owners at the time the order providing for unit 20362
operations is made, the chief shall upon application and notice 20363
hold such supplemental hearings as may be required to determine if 20364
and when the plan for unit operations has been so approved. If the 20365
owners and royalty owners, or either, owning the required 20366
percentage of interest in the unit area do not approve the plan 20367
for unit operations within a period of six months from the date on 20368

which the order providing for unit operations is made, the order 20369
shall cease to be of force and shall be revoked by the chief. 20370

An order providing for unit operations may be amended by an 20371
order made by the chief, in the same manner and subject to the 20372
same conditions as an original order providing for unit 20373
operations, provided that: 20374

(1) If such an amendment affects only the rights and 20375
interests of the owners, the approval of the amendment by the 20376
royalty owners shall not be required. 20377

(2) No such order of amendment shall change the percentage 20378
for allocation of oil and gas as established for any separately 20379
owned tract by the original order, except with the consent of all 20380
persons owning interest in the tract. 20381

The chief, by an order, may provide for the unit operation of 20382
a pool or a part thereof that embraces a unit area established by 20383
a previous order of the chief. Such an order, in providing for the 20384
allocation of unit production, shall first treat the unit area 20385
previously established as a single tract, and the portion of the 20386
unit production so allocated thereto shall then be allocated among 20387
the separately owned tracts included in the previously established 20388
unit area in the same proportions as those specified in the 20389
previous order. 20390

Oil and gas allocated to a separately owned tract shall be 20391
deemed, for all purposes, to have been actually produced from the 20392
tract, and all operations, including, but not limited to, the 20393
commencement, drilling, operation of, or production from a well 20394
upon any portion of the unit area shall be deemed for all purposes 20395
the conduct of such operations and production from any lease or 20396
contract for lands any portion of which is included in the unit 20397
area. The operations conducted pursuant to the order of the chief 20398
shall constitute a fulfillment of all the express or implied 20399

obligations of each lease or contract covering lands in the unit 20400
area to the extent that compliance with such obligations cannot be 20401
had because of the order of the chief. 20402

Oil and gas allocated to any tract, and the proceeds from the 20403
sale thereof, shall be the property and income of the several 20404
persons to whom, or to whose credit, the same are allocated or 20405
payable under the order providing for unit operations. 20406

No order of the chief or other contract relating to the sale 20407
or purchase of production from a separately owned tract shall be 20408
terminated by the order providing for unit operations, but shall 20409
remain in force and apply to oil and gas allocated to the tract 20410
until terminated in accordance with the provisions thereof. 20411

Notwithstanding divisions (A) to ~~(H)~~(G) of section ~~1509.73~~ 20412
155.33 of the Revised Code and rules adopted under it, the chief 20413
shall issue an order for the unit operation of a pool or a part of 20414
a pool that encompasses a unit area for which all or a portion of 20415
the mineral rights are owned by the department of transportation. 20416

Except to the extent that the parties affected so agree, no 20417
order providing for unit operations shall be construed to result 20418
in a transfer of all or any part of the title of any person to the 20419
oil and gas rights in any tract in the unit area. All property, 20420
whether real or personal, that may be acquired for the account of 20421
the owners within the unit area shall be the property of such 20422
owners in the proportion that the expenses of unit operations are 20423
charged. 20424

Sec. 1513.08. (A) After a coal mining and reclamation permit 20425
application has been approved, the applicant shall file with the 20426
chief of the division of mineral resources management, on a form 20427
prescribed and furnished by the chief, the performance security 20428
required under this section that shall be payable to the state and 20429
conditioned on the faithful performance of all the requirements of 20430

this chapter and rules adopted under it and the terms and conditions of the permit. 20431
20432

(B) Using the information contained in the permit 20433
application; the requirements contained in the approved permit and 20434
reclamation plan; and, after considering the topography, geology, 20435
hydrology, and revegetation potential of the area of the approved 20436
permit, the probable difficulty of reclamation; the chief shall 20437
determine the estimated cost of reclamation under the initial term 20438
of the permit if the reclamation has to be performed by the 20439
division of mineral resources management in the event of 20440
forfeiture of the performance security by the applicant. The chief 20441
shall send written notice of the amount of the estimated cost of 20442
reclamation by certified mail to the applicant. The applicant 20443
shall send written notice to the chief indicating the method by 20444
which the applicant will provide the performance security pursuant 20445
to division (C) of this section. 20446

(C) The applicant shall provide the performance security in 20447
an amount using one of the following: 20448

(1) If the applicant elects to provide performance security 20449
without reliance on the reclamation forfeiture fund created in 20450
section 1513.18 of the Revised Code, the amount of the estimated 20451
cost of reclamation as determined by the chief under division (B) 20452
of this section for the increments of land on which the operator 20453
will conduct a coal mining and reclamation operation under the 20454
initial term of the permit as indicated in the application; 20455

(2) If the applicant elects to provide performance security 20456
together with reliance on the reclamation forfeiture fund through 20457
payment of the additional tax on the severance of coal that is 20458
levied under division (A)(8) of section 5749.02 of the Revised 20459
Code, an amount of twenty-five hundred dollars per acre of land on 20460
which the operator will conduct coal mining and reclamation under 20461
the initial term of the permit as indicated in the application. 20462

However, ~~in~~ In order for an applicant to be eligible to provide performance security in accordance with division (C)(2) of this section, the applicant, an owner and controller of the applicant, or an affiliate of the applicant shall have held a permit issued under this chapter for any coal mining and reclamation operation for a period of not less than five years. ~~It~~

If a permit is transferred, assigned, or sold, the transferee is not eligible to provide performance security under division (C)(2) of this section if the transferee has not held a permit issued under this chapter for any coal mining and reclamation operation for a period of not less than five years. This restriction applies even if the status or name of the permittee otherwise remains the same after the transfer, assignment, or sale.

In the event of forfeiture of performance security that was provided in accordance with division (C)(2) of this section, the difference between the amount of that performance security and the estimated cost of reclamation as determined by the chief under division (B) of this section shall be obtained from money in the reclamation forfeiture fund as needed to complete the reclamation.

The performance security provided under division (C) of this section for the entire area to be mined under one permit issued under this chapter shall not be less than ten thousand dollars.

The performance security shall cover areas of land affected by mining within or immediately adjacent to the permitted area, so long as the total number of acres does not exceed the number of acres for which the performance security is provided. However, the authority for the performance security to cover areas of land immediately adjacent to the permitted area does not authorize a permittee to mine areas outside an approved permit area. As succeeding increments of coal mining and reclamation operations are to be initiated and conducted within the permit area, the

permittee shall file with the chief additional performance 20495
security to cover the increments in accordance with this section. 20496
If a permittee intends to mine areas outside the approved permit 20497
area, the permittee shall provide additional performance security 20498
in accordance with this section to cover the areas to be mined. 20499

If an applicant or permittee ~~has~~ is not held a permit issued 20500
~~under this chapter for any coal mining and reclamation operation~~ 20501
~~for a period of five years or more~~ eligible to provide performance 20502
security in accordance with division (C)(2) of this section, the 20503
applicant or permittee shall provide performance security in 20504
accordance with division (C)(1) of this section in the full amount 20505
of the estimated cost of reclamation as determined by the chief 20506
for a permitted coal preparation plant or coal refuse disposal 20507
area that is not located within a permitted area of a mine. If an 20508
applicant for a permit for a coal preparation plant or coal refuse 20509
disposal area or a permittee of a permitted coal preparation plant 20510
or coal refuse disposal area that is not located within a 20511
permitted area of a mine has held a permit issued under this 20512
chapter for any coal mining and reclamation operation for a period 20513
of five years or more, the applicant or permittee may provide 20514
performance security for the coal preparation plant or coal refuse 20515
disposal area either in accordance with division (C)(1) of this 20516
section in the full amount of the estimated cost of reclamation as 20517
determined by the chief or in accordance with division (C)(2) of 20518
this section in an amount of twenty-five hundred dollars per acre 20519
of land with reliance on the reclamation forfeiture fund. If a 20520
permittee has previously provided performance security under 20521
division (C)(1) of this section for a coal preparation plant or 20522
coal refuse disposal area that is not located within a permitted 20523
area of a mine and elects to provide performance security in 20524
accordance with division (C)(2) of this section, the permittee 20525
shall submit written notice to the chief indicating that the 20526
permittee elects to provide performance security in accordance 20527

with division (C)(2) of this section. Upon receipt of such a 20528
written notice, the chief shall release to the permittee the 20529
amount of the performance security previously provided under 20530
division (C)(1) of this section that exceeds the amount of 20531
performance security that is required to be provided under 20532
division (C)(2) of this section. 20533

(D) A permittee's liability under the performance security 20534
shall be limited to the obligations established under the permit, 20535
which include completion of the reclamation plan in order to make 20536
the land capable of supporting the postmining land use that was 20537
approved in the permit. The period of liability under the 20538
performance security shall be for the duration of the coal mining 20539
and reclamation operation and for a period coincident with the 20540
operator's responsibility for revegetation requirements under 20541
section 1513.16 of the Revised Code. 20542

(E) The amount of the estimated cost of reclamation 20543
determined under division (B) of this section and the amount of a 20544
permittee's performance security provided in accordance with 20545
division (C)(1) of this section shall be adjusted by the chief as 20546
the land that is affected by mining increases or decreases or if 20547
the cost of reclamation increases or decreases. If the performance 20548
security was provided in accordance with division (C)(2) of this 20549
section and the chief has issued a cessation order under division 20550
(D)(2) of section 1513.02 of the Revised Code for failure to abate 20551
a violation of the contemporaneous reclamation requirement under 20552
division (A)(15) of section 1513.16 of the Revised Code, the chief 20553
may require the permittee to increase the amount of performance 20554
security from twenty-five hundred dollars per acre of land to five 20555
thousand dollars per acre of land. 20556

The chief shall notify the permittee, each surety, and any 20557
person who has a property interest in the performance security and 20558
who has requested to be notified of any proposed adjustment to the 20559

performance security. The permittee may request an informal 20560
conference with the chief concerning the proposed adjustment, and 20561
the chief shall provide such an informal conference. 20562

If the chief increases the amount of performance security 20563
under this division, the permittee shall provide additional 20564
performance security in an amount determined by the chief. If the 20565
chief decreases the amount of performance security under this 20566
division, the chief shall determine the amount of the reduction of 20567
the performance security and send written notice of the amount of 20568
reduction to the permittee. The permittee may reduce the amount of 20569
the performance security in the amount determined by the chief. 20570

(F) A permittee may request a reduction in the amount of the 20571
performance security by submitting to the chief documentation 20572
proving that the amount of the performance security provided by 20573
the permittee exceeds the estimated cost of reclamation if the 20574
reclamation would have to be performed by the division in the 20575
event of forfeiture of the performance security. The chief shall 20576
examine the documentation and determine whether the permittee's 20577
performance security exceeds the estimated cost of reclamation. If 20578
the chief determines that the performance security exceeds that 20579
estimated cost, the chief shall determine the amount of the 20580
reduction of the performance security and send written notice of 20581
the amount to the permittee. The permittee may reduce the amount 20582
of the performance security in the amount determined by the chief. 20583
Adjustments in the amount of performance security under this 20584
division shall not be considered release of performance security 20585
and are not subject to section 1513.16 of the Revised Code. 20586

(G) If the performance security is a bond, it shall be 20587
executed by the operator and a corporate surety licensed to do 20588
business in this state. If the performance security is a cash 20589
deposit or negotiable certificates of deposit of a bank or savings 20590
and loan association, the bank or savings and loan association 20591

shall be licensed and operating in this state. The cash deposit or 20592
market value of the securities shall be equal to or greater than 20593
the amount of the performance security required under this 20594
section. The chief shall review any documents pertaining to the 20595
performance security and approve or disapprove the documents. The 20596
chief shall notify the applicant of the chief's determination. 20597

(H) If the performance security is a bond, the chief may 20598
accept the bond of the applicant itself without separate surety 20599
when the applicant demonstrates to the satisfaction of the chief 20600
the existence of a suitable agent to receive service of process 20601
and a history of financial solvency and continuous operation 20602
sufficient for authorization to self-insure or bond the amount. 20603

(I) Performance security provided under this section may be 20604
held in trust, provided that the state is the primary beneficiary 20605
of the trust and the custodian of the performance security held in 20606
trust is a bank, trust company, or other financial institution 20607
that is licensed and operating in this state. The chief shall 20608
review the trust document and approve or disapprove the document. 20609
The chief shall notify the applicant of the chief's determination. 20610

(J) If a surety, bank, savings and loan association, trust 20611
company, or other financial institution that holds the performance 20612
security required under this section becomes insolvent, the 20613
permittee shall notify the chief of the insolvency, and the chief 20614
shall order the permittee to submit a plan for replacement 20615
performance security within thirty days after receipt of notice 20616
from the chief. If the permittee provided performance security in 20617
accordance with division (C)(1) of this section, the permittee 20618
shall provide the replacement performance security within ninety 20619
days after receipt of notice from the chief. If the permittee 20620
provided performance security in accordance with division (C)(2) 20621
of this section, the permittee shall provide the replacement 20622
performance security within one year after receipt of notice from 20623

the chief, and, for a period of one year after the permittee's 20624
receipt of notice from the chief or until the permittee provides 20625
the replacement performance security, whichever occurs first, 20626
money in the reclamation forfeiture fund shall be the permittee's 20627
replacement performance security in an amount not to exceed the 20628
estimated cost of reclamation as determined by the chief. 20629

(K) If a permittee provided performance security in 20630
accordance with division (C)(1) of this section, the permittee's 20631
responsibility for repairing material damage and replacement of 20632
water supply resulting from subsidence shall be satisfied by 20633
either of the following: 20634

(1) The purchase prior to mining of a noncancelable 20635
premium-prepaid liability insurance policy in lieu of the 20636
permittee's performance security for subsidence damage. The 20637
insurance policy shall contain terms and conditions that 20638
specifically provide coverage for repairing material damage and 20639
replacement of water supply resulting from subsidence. 20640

(2) The provision of additional performance security in the 20641
amount of the estimated cost to the division of mineral resources 20642
management to repair material damage and replace water supplies 20643
resulting from subsidence until the repair or replacement is 20644
completed. However, if such repair or replacement is completed, or 20645
compensation for structures that have been damaged by subsidence 20646
is provided, by the permittee within ninety days of the occurrence 20647
of the subsidence, additional performance security is not 20648
required. In addition, the chief may extend the ninety-day period 20649
for a period not to exceed one year if the chief determines that 20650
the permittee has demonstrated in writing that subsidence is not 20651
complete and that probable subsidence-related damage likely will 20652
occur and, as a result, the completion of repairs of 20653
subsidence-related material damage to lands or protected 20654
structures or the replacement of water supply within ninety days 20655

of the occurrence of the subsidence would be unreasonable. 20656

(L) If the performance security provided in accordance with 20657
this section exceeds the estimated cost of reclamation, the chief 20658
may authorize the amount of the performance security that exceeds 20659
the estimated cost of reclamation together with any interest or 20660
other earnings on the performance security to be paid to the 20661
permittee. 20662

(M) A permittee that held a valid coal mining and reclamation 20663
permit immediately prior to April 6, 2007, shall provide, not 20664
later than a date established by the chief, performance security 20665
in accordance with division (C)(1) or (2) of this section, rather 20666
than in accordance with the law as it existed prior to that date, 20667
by filing it with the chief on a form that the chief prescribes 20668
and furnishes. Accordingly, for purposes of this section, 20669
"applicant" is deemed to include such a permittee. 20670

(N) As used in this section: 20671

(1) "Affiliate of the applicant" means an entity that has a 20672
parent entity in common with the applicant. 20673

(2) "Owner and controller of the applicant" means a person 20674
that has any relationship with the applicant that gives the person 20675
authority to determine directly or indirectly the manner in which 20676
the applicant conducts coal mining operations. 20677

Sec. 1521.06. (A) No dam may be constructed for the purpose 20678
of storing, conserving, or retarding water, or for any other 20679
purpose, nor shall any levee be constructed for the purpose of 20680
diverting or retaining flood water, unless the person or 20681
governmental agency desiring the construction has a construction 20682
permit for the dam or levee issued by the chief of the division of 20683
water resources. 20684

A construction permit is not required under this section for: 20685

(1) A dam that is or will be less than ten feet in height and 20686
that has or will have a storage capacity of not more than fifty 20687
acre-feet at the elevation of the top of the dam, as determined by 20688
the chief. For the purposes of this section, the height of a dam 20689
shall be measured from the natural stream bed or lowest ground 20690
elevation at the downstream or outside limit of the dam to the 20691
elevation of the top of the dam. 20692

(2) A dam, regardless of height, that has or will have a 20693
storage capacity of not more than fifteen acre-feet at the 20694
elevation of the top of the dam, as determined by the chief; 20695

(3) A dam, regardless of storage capacity, that is or will be 20696
six feet or less in height, as determined by the chief; 20697

(4) A dam or levee that belongs to a class exempted by the 20698
chief; 20699

(5) The repair, maintenance, improvement, alteration, or 20700
removal of a dam or levee that is subject to section 1521.062 of 20701
the Revised Code, unless the construction constitutes an 20702
enlargement or reconstruction of the structure as determined by 20703
the chief; 20704

(6) A dam or impoundment constructed under Chapter 1513. of 20705
the Revised Code. 20706

(B) Before a construction permit may be issued, three copies 20707
of the plans and specifications, including a detailed cost 20708
estimate, for the proposed construction, prepared by a registered 20709
professional engineer, together with any filing fee specified by 20710
rules adopted by the chief in accordance with division (I) of this 20711
section and the bond or other security required by section 20712
1521.061 of the Revised Code, shall be filed with the chief. The 20713
detailed estimate of the cost shall include all costs associated 20714
with the construction of the dam or levee, including supervision 20715
and inspection of the construction by a registered professional 20716

engineer. 20717

All fees collected pursuant to this section, ~~and all fines~~ 20718
~~collected pursuant to section 1521.99 of the Revised Code,~~ shall 20719
be deposited in the state treasury to the credit of the dam safety 20720
fund, which is hereby created. Expenditures from the fund shall be 20721
made by the chief for the purpose of administering this section 20722
and sections 1521.061 and 1521.062 of the Revised Code. 20723

(C) The chief shall, within thirty days from the date of the 20724
receipt of the application, fee, and bond or other security, issue 20725
or deny a construction permit for the construction or may issue a 20726
construction permit conditioned upon the making of such changes in 20727
the plans and specifications for the construction as the chief 20728
considers advisable if the chief determines that the construction 20729
of the proposed dam or levee, in accordance with the plans and 20730
specifications filed, would endanger life, health, or property. 20731

(D) The chief may deny a construction permit after finding 20732
that a dam or levee built in accordance with the plans and 20733
specifications would endanger life, health, or property, because 20734
of improper or inadequate design, or for such other reasons as the 20735
chief may determine. 20736

In the event the chief denies a permit for the construction 20737
of the dam or levee, or issues a permit conditioned upon a making 20738
of changes in the plans or specifications for the construction, 20739
the chief shall state the reasons therefor and so notify, in 20740
writing, the person or governmental agency making the application 20741
for a permit. If the permit is denied, the chief shall return the 20742
bond or other security to the person or governmental agency making 20743
application for the permit. 20744

The decision of the chief conditioning or denying a 20745
construction permit is subject to appeal as provided in Chapter 20746
119. of the Revised Code. A dam or levee built substantially at 20747

variance from the plans and specifications upon which a 20748
construction permit was issued is in violation of this section. 20749
The chief may at any time inspect any dam or levee, or site upon 20750
which any dam or levee is to be constructed, in order to determine 20751
whether it complies with this section. 20752

(E) A registered professional engineer shall inspect the 20753
construction for which the permit was issued during all phases of 20754
construction and shall furnish to the chief such regular reports 20755
of the engineer's inspections as the chief may require. When the 20756
chief finds that construction has been fully completed in 20757
accordance with the terms of the permit and the plans and 20758
specifications approved by the chief, the chief shall approve the 20759
construction. When one year has elapsed after approval of the 20760
completed construction, and the chief finds that within this 20761
period no fact has become apparent to indicate that the 20762
construction was not performed in accordance with the terms of the 20763
permit and the plans and specifications approved by the chief, or 20764
that the construction as performed would endanger life, health, or 20765
property, the chief shall release the bond or other security. No 20766
bond or other security shall be released until one year after 20767
final approval by the chief, unless the dam or levee has been 20768
modified so that it will not retain water and has been approved as 20769
nonhazardous after determination by the chief that the dam or 20770
levee as modified will not endanger life, health, or property. 20771

(F) When inspections required by this section are not being 20772
performed, the chief shall notify the person or governmental 20773
agency to which the permit has been issued that inspections are 20774
not being performed by the registered professional engineer and 20775
that the chief will inspect the remainder of the construction. 20776
Thereafter, the chief shall inspect the construction and the cost 20777
of inspection shall be charged against the owner. Failure of the 20778
registered professional engineer to submit required inspection 20779

reports shall be deemed notice that the engineer's inspections are 20780
not being performed. 20781

(G) The chief may order construction to cease on any dam or 20782
levee that is being built in violation of this section, and may 20783
prohibit the retention of water behind any dam or levee that has 20784
been built in violation of this section. 20785

(H) The chief may adopt rules in accordance with Chapter 119. 20786
of the Revised Code, for the design and construction of dams and 20787
levees for which a construction permit is required by this section 20788
or for which periodic inspection is required by section 1521.062 20789
of the Revised Code, for deposit and forfeiture of bonds and other 20790
securities required by section 1521.061 of the Revised Code, for 20791
the periodic inspection, operation, repair, improvement, 20792
alteration, or removal of all dams and levees, as specified in 20793
section 1521.062 of the Revised Code, and for establishing classes 20794
of dams or levees that are exempt from the requirements of this 20795
section and section 1521.062 of the Revised Code as being of a 20796
size, purpose, or situation that does not present a substantial 20797
hazard to life, health, or property. The chief may, by rule, limit 20798
the period during which a construction permit issued under this 20799
section is valid. The rules may allow for the extension of the 20800
period during which a permit is valid upon written request, 20801
provided that the written request includes a revised construction 20802
cost estimate, and may require the payment of an additional filing 20803
fee for the requested extension. If a construction permit expires 20804
without an extension before construction is completed, the person 20805
or agency shall apply for a new permit, and shall not continue 20806
construction until the new permit is issued. 20807

(I) The chief shall adopt rules in accordance with Chapter 20808
119. of the Revised Code establishing a filing fee schedule for 20809
purposes of division (B) of this section. 20810

Sec. 1521.061. (A)(1) Except as otherwise provided in this 20811
section, the chief of the division of water resources shall not 20812
issue a construction permit ~~shall not be issued~~ under section 20813
1521.06 of the Revised Code unless the person or governmental 20814
agency applying for the permit executes and files a surety bond 20815
conditioned on completion of the dam or levee in accordance with 20816
the terms of the permit and the plans and specifications approved 20817
by the chief ~~of the division of water resources, in an amount~~ 20818
~~equal to fifty per cent of the estimated cost of the project.~~ 20819
Except as provided in division (A)(2) of this section, the surety 20820
bond shall equal: 20821

(a) \$50,000 for the first \$500,000 of the estimated cost of 20822
the project; plus 20823

(b) Twenty-five per cent of the estimated cost for the next 20824
\$4,500,000 of the estimated cost of the project; plus 20825

(c) Ten per cent of the estimated cost that exceeds 20826
\$5,000,000. 20827

(2) The chief may reduce the amount of the required surety 20828
bond to the amount equal to the cost estimate of construction 20829
activities necessary to render the dam nonhazardous if the cost 20830
estimate is provided by the applicant and approved by the chief. 20831

(B) If a permittee requests an extension of the time period 20832
during which a construction permit is valid in accordance with 20833
rules adopted under section 1521.06 of the Revised Code, the chief 20834
shall determine whether the revised construction cost estimate 20835
provided with the request exceeds the original construction cost 20836
estimate that was filed with the chief by more than twenty-five 20837
per cent. If the revised construction cost estimate exceeds the 20838
original construction cost estimate by more than twenty-five per 20839
cent, the chief may require an additional surety bond to be filed 20840
~~so that the total amount of the surety bonds equals at least fifty~~ 20841

~~per cent of~~ in an amount determined in accordance with division 20842
(A) of this section based on the revised construction cost 20843
estimate. 20844

(C) The chief shall not approve any bond until it is 20845
personally signed and acknowledged by both principal and surety, 20846
or as to either by the attorney in fact thereof, with a certified 20847
copy of the power of attorney attached. The chief shall not 20848
approve the bond unless there is attached a certificate of the 20849
superintendent of insurance that the company is authorized to 20850
transact a fidelity and surety business in this state. 20851

All bonds shall be given in a form prescribed by the chief 20852
and shall run to the state as obligee. 20853

(D)(1) The applicant may deposit, in lieu of a bond, cash in 20854
an amount equal to the amount of the bond or United States 20855
government securities or negotiable certificates of deposit issued 20856
by any bank organized or transacting business in this state having 20857
a par value equal to or greater than the amount of the bond. Such 20858
cash or securities shall be deposited upon the same terms as 20859
bonds. If one or more certificates of deposit are deposited in 20860
lieu of a bond, the chief shall require the bank that issued any 20861
such certificate to pledge securities of the aggregate market 20862
value equal to the amount of the certificate that is in excess of 20863
the amount insured by the federal deposit insurance corporation. 20864
The securities to be pledged shall be those designated as eligible 20865
under section 135.18 of the Revised Code. The securities shall be 20866
security for the repayment of the certificate of deposit. 20867

(2) Immediately upon a deposit of cash, securities, or 20868
certificates of deposit, the chief shall deliver them to the 20869
treasurer of state, who shall hold them in trust for the purposes 20870
for which they have been deposited. The treasurer of state is 20871
responsible for the safekeeping of such deposits. An applicant 20872
making a deposit of cash, securities, or certificates of deposit 20873

may withdraw and receive from the treasurer of state, on the 20874
written order of the chief, all or any portion of the cash, 20875
securities, or certificates of deposit, upon depositing with the 20876
treasurer of state cash, other United States government 20877
securities, or negotiable certificates of deposit issued by any 20878
bank organized or transacting business in this state equal in par 20879
value to the par value of the cash, securities, or certificates of 20880
deposit withdrawn. An applicant may demand and receive from the 20881
treasurer of state all interest or other income from any such 20882
securities or certificates as it becomes due. If securities so 20883
deposited with and in the possession of the treasurer of state 20884
mature or are called for payment by the issuer thereof, the 20885
treasurer of state, at the request of the applicant who deposited 20886
them, shall convert the proceeds of the redemption or payment of 20887
the securities into such other United States government 20888
securities, negotiable certificates of deposit issued by any bank 20889
organized or transacting business in this state, or cash as the 20890
applicant designates. 20891

(E)(1) When the chief finds that a person or governmental 20892
agency has failed to comply with the conditions of the person's or 20893
agency's bond, the chief shall make a finding of that fact and 20894
declare the bond, cash, securities, or certificates of deposit 20895
forfeited in the amount set by rule of the chief. The chief shall 20896
thereupon certify the total forfeiture to the attorney general, 20897
who shall proceed to collect that amount. 20898

(2) In lieu of total forfeiture, the surety, at its option, 20899
may cause the dam or levee to be completed as required by section 20900
1521.06 of the Revised Code and rules of the chief, or otherwise 20901
rendered nonhazardous, or pay to the treasurer of state the cost 20902
thereof. 20903

(F)(1) All moneys collected on account of forfeitures of 20904
bonds, cash, securities, and certificates of deposit under this 20905

section shall be credited to the dam safety fund created in 20906
section 1521.06 of the Revised Code. The chief shall make 20907
expenditures from the fund to complete dams and levees for which 20908
bonds have been forfeited or to otherwise render them 20909
nonhazardous. 20910

(2) Expenditures from the fund for those purposes shall be 20911
made pursuant to contracts entered into by the chief with persons 20912
who agree to furnish all of the materials, equipment, work, and 20913
labor as specified and provided in the contract. 20914

(G) A surety bond shall not be required for a permit for a 20915
dam or levee that is to be designed and constructed by an agency 20916
of the United States government, if the agency files with the 20917
chief written assurance of the agency's financial responsibility 20918
for the structure ~~during the one-year period~~ for one year 20919
following the chief's approval of the completed construction 20920
provided for under division (E) of section 1521.06 of the Revised 20921
Code. 20922

Sec. 1521.40. (A) No person shall violate any provision of 20923
this chapter, any rule or order adopted or issued under it, or any 20924
term or condition of a permit issued under it. 20925

(B) The attorney general, upon written request of the chief 20926
of the division of water resources, shall bring an action for an 20927
injunction or other appropriate legal or equitable action against 20928
any person who has violated, is violating, or is threatening to 20929
violate any provision of this chapter, any rule or order adopted 20930
or issued under it, or any term or condition of a permit issued 20931
under it. 20932

(C) A person who violates any provision of this chapter, any 20933
rule or order adopted or issued under it, or any term or condition 20934
of a permit issued under it is liable to the chief for any costs 20935
incurred by the division of water resources in investigating, 20936

mitigating, minimizing, removing, or abating the violation and 20937
conditions caused by it. The chief also may assess a civil penalty 20938
of not more than five thousand dollars per day for each day a 20939
violation occurs of any provision of this chapter, any rule or 20940
order adopted or issued under it, or any term or condition of a 20941
permit issued under it. 20942

(D) Upon the request of the chief, the attorney general shall 20943
bring a civil action against the responsible person to recover 20944
those costs and civil penalties in the court of common pleas of 20945
Franklin county. ~~Moneys~~ Money recovered under this division for 20946
violations of sections 1521.06 to 1521.063 of the Revised Code, 20947
any rule or order adopted or issued under those sections, or any 20948
term or condition of a permit issued under those sections shall be 20949
deposited in the state treasury to the credit of the dam safety 20950
fund created in section 1521.06 of the Revised Code. Money 20951
recovered under this division for violations of sections 1521.16 20952
and 1521.22 to 1521.35 of the Revised Code, any rule or order 20953
adopted or issued under those sections, or any term or condition 20954
of a permit issued under those sections shall be deposited in the 20955
state treasury to the credit of the water management fund created 20956
in section 1521.22 of the Revised Code. 20957

Sec. 1521.99. (A) Whoever violates division (E)(1) of section 20958
1521.05 or division (E)(1) of section 1521.16 of the Revised Code 20959
is guilty of a misdemeanor of the fourth degree. All fines 20960
collected pursuant to this division shall be deposited in the 20961
state treasury to the credit of the water management fund created 20962
in section 1521.22 of the Revised Code. 20963

(B) Whoever violates section 1521.06 or 1521.062 of the 20964
Revised Code shall be fined not less than one hundred dollars nor 20965
more than one thousand dollars for each offense. Each day of 20966
violation constitutes a separate offense. All fines collected 20967

pursuant to this division shall be deposited in the state treasury 20968
to the credit of the dam safety fund created in section 1521.06 of 20969
the Revised Code. 20970

(C) Whoever violates section 1521.22 of the Revised Code or 20971
the terms or conditions of a permit issued under that section 20972
shall be fined not more than ten thousand dollars for each day of 20973
violation. All fines collected pursuant to this division shall be 20974
deposited in the state treasury to the credit of the water 20975
management fund created in section 1521.22 of the Revised Code. 20976

(D) Whoever violates section 1521.23 of the Revised Code or 20977
the terms or conditions of a permit issued under section 1521.29 20978
of the Revised Code is guilty of a misdemeanor of the fourth 20979
degree. All fines collected pursuant to this division shall be 20980
deposited in the state treasury to the credit of the water 20981
management fund created in section 1521.22 of the Revised Code. 20982

Sec. 1531.01. As used in this chapter and Chapter 1533. of 20983
the Revised Code: 20984

(A) "Person" means a person as defined in section 1.59 of the 20985
Revised Code or a company; an employee, agent, or officer of such 20986
a person or company; a combination of individuals; the state; a 20987
political subdivision of the state; an interstate body created by 20988
a compact; or the federal government or a department, agency, or 20989
instrumentality of it. 20990

(B) "Resident" means any individual who has resided in this 20991
state for not less than six months preceding the date of making 20992
application for a license or permit. 20993

(C) "Nonresident" means any individual who does not qualify 20994
as a resident. 20995

(D) "Division rule" or "rule" means any rule adopted by the 20996
chief of the division of wildlife under section 1531.10 of the 20997

Revised Code unless the context indicates otherwise.	20998
(E) "Closed season" means that period of time during which the taking of wild animals protected by this chapter and Chapter 1533. of the Revised Code is prohibited.	20999 21000 21001
(F) "Open season" means that period of time during which the taking of wild animals protected by this chapter and Chapter 1533. of the Revised Code is permitted.	21002 21003 21004
(G) "Take or taking" includes pursuing, shooting, hunting, killing, trapping, angling, fishing with a trotline, or netting any clam, mussel, crayfish, aquatic insect, fish, frog, turtle, wild bird, or wild quadruped, and any lesser act, such as wounding, or placing, setting, drawing, or using any other device for killing or capturing any wild animal, whether it results in killing or capturing the animal or not. "Take or taking" includes every attempt to kill or capture and every act of assistance to any other person in killing or capturing or attempting to kill or capture a wild animal.	21005 21006 21007 21008 21009 21010 21011 21012 21013 21014
(H) "Possession" means both actual and constructive possession and any control of things referred to.	21015 21016
(I) "Bag limit" means the number, measurement, or weight of any kind of crayfish, aquatic insects, fish, frogs, turtles, wild birds, and wild quadrupeds permitted to be taken.	21017 21018 21019
(J) "Transport and transportation" means carrying or moving or causing to be carried or moved.	21020 21021
(K) "Sell and sale" means barter, exchange, or offer or expose for sale.	21022 21023
(L) "Whole to include part" means that every provision relating to any wild animal protected by this chapter and Chapter 1533. of the Revised Code applies to any part of the wild animal with the same effect as it applies to the whole.	21024 21025 21026 21027

(M) "Angling" means fishing with not more than two hand 21028
lines, not more than two units of rod and line, or a combination 21029
of not more than one hand line and one rod and line, either in 21030
hand or under control at any time while fishing. The hand line or 21031
rod and line shall have attached to it not more than three baited 21032
hooks, not more than three artificial fly rod lures, or one 21033
artificial bait casting lure equipped with not more than three 21034
sets of three hooks each. 21035

(N) "Trotline" means a device for catching fish that consists 21036
of a line having suspended from it, at frequent intervals, 21037
vertical lines with hooks attached. 21038

(O) "Fish" means a cold-blooded vertebrate having fins. 21039

(P) "Measurement of fish" means length from the end of the 21040
nose to the longest tip or end of the tail. 21041

(Q) "Wild birds" includes game birds and nongame birds. 21042

(R) "Game" includes game birds, game quadrupeds, and 21043
fur-bearing animals. 21044

(S) "Game birds" includes mourning doves, ringneck pheasants, 21045
bobwhite quail, ruffed grouse, sharp-tailed grouse, pinnated 21046
grouse, wild turkey, Hungarian partridge, Chukar partridge, 21047
woodcocks, black-breasted plover, golden plover, Wilson's snipe or 21048
jacksnipe, greater and lesser yellowlegs, rail, coots, gallinules, 21049
duck, geese, brant, and crows. 21050

(T) "Nongame birds" includes all other wild birds not 21051
included and defined as game birds or migratory game birds. 21052

(U) "Wild quadrupeds" includes game quadrupeds and 21053
fur-bearing animals. 21054

(V) "Game quadrupeds" includes cottontail rabbits, gray 21055
squirrels, black squirrels, fox squirrels, red squirrels, flying 21056
squirrels, chipmunks, groundhogs or woodchucks, white-tailed deer, 21057

wild boar, elk, and black bears.	21058
(W) "Fur-bearing animals" includes minks, weasels, raccoons,	21059
skunks, opossums, muskrats, fox, beavers, badgers, otters,	21060
coyotes, and bobcats.	21061
(X) "Wild animals" includes mollusks, crustaceans, aquatic	21062
insects, fish, reptiles, amphibians, wild birds, wild quadrupeds,	21063
and all other wild mammals, but does not include domestic deer.	21064
(Y) "Hunting" means pursuing, shooting, killing, following	21065
after or on the trail of, lying in wait for, shooting at, or	21066
wounding wild birds or wild quadrupeds while employing any device	21067
commonly used to kill or wound wild birds or wild quadrupeds	21068
whether or not the acts result in killing or wounding. "Hunting"	21069
includes every attempt to kill or wound and every act of	21070
assistance to any other person in killing or wounding or	21071
attempting to kill or wound wild birds or wild quadrupeds.	21072
(Z) "Trapping" means securing or attempting to secure	21073
possession of a wild bird or wild quadruped by means of setting,	21074
placing, drawing, or using any device that is designed to close	21075
upon, hold fast, confine, or otherwise capture a wild bird or wild	21076
quadruped whether or not the means results in capture. "Trapping"	21077
includes every act of assistance to any other person in capturing	21078
wild birds or wild quadrupeds by means of the device whether or	21079
not the means results in capture.	21080
(AA) "Muskrat spear" means any device used in spearing	21081
muskrats.	21082
(BB) "Channels and passages" means those narrow bodies of	21083
water lying between islands or between an island and the mainland	21084
in Lake Erie.	21085
(CC) "Island" means a rock or land elevation above the waters	21086
of Lake Erie having an area of five or more acres above water.	21087

(DD) "Reef" means an elevation of rock, either broken or in place, or gravel shown by the latest United States chart to be above the common level of the surrounding bottom of the lake, other than the rock bottom, or in place forming the base or foundation rock of an island or mainland and sloping from the shore of it. "Reef" also means all elevations shown by that chart to be above the common level of the sloping base or foundation rock of an island or mainland, whether running from the shore of an island or parallel with the contour of the shore of an island or in any other way and whether formed by rock, broken or in place, or from gravel.

(EE) "Fur farm" means any area used exclusively for raising fur-bearing animals or in addition thereto used for hunting game, the boundaries of which are plainly marked as such.

(FF) "Waters" includes any lake, pond, reservoir, stream, channel, lagoon, or other body of water, or any part thereof, whether natural or artificial.

(GG) "Crib" or "car" refers to that particular compartment of the net from which the fish are taken when the net is lifted.

(HH) "Commercial fish" means those species of fish permitted to be taken, possessed, bought, or sold unless otherwise restricted by the Revised Code or division rule and are alewife (*Alosa pseudoharengus*), American eel (*Anguilla rostrata*), bowfin (*Amia calva*), burbot (*Lota lota*), carp (*Cyprinus carpio*), smallmouth buffalo (*Ictiobus bubalus*), bigmouth buffalo (*Ictiobus cyprinellus*), black bullhead (*Ictalurus melas*), yellow bullhead (*Ictalurus natalis*), brown bullhead (*Ictalurus nebulosus*), channel catfish (*Ictalurus punctatus*), flathead catfish (*Pylodictis olivaris*), whitefish (*Coregonus* sp.), cisco (*Coregonus* sp.), freshwater drum or sheepshead (*Aplodinotus grunniens*), gar (*Lepisosteus* sp.), gizzard shad (*Dorosoma cepedianum*), goldfish (*Carassius auratus*), lake trout (*Salvelinus namaycush*), mooneye

(Hiodon tergisus), quillback (Carpiodes cyprinus), smelt	21120
(Allosmerus elongatus, Hypomesus sp., Osmerus sp., Spirinchus	21121
sp.), sturgeon (Acipenser sp., Scaphirhynchus sp.), sucker other	21122
than buffalo and quillback (Carpiodes sp., Catostomus sp.,	21123
Hypentelium sp., Minytrema sp., Moxostoma sp.), white bass (Morone	21124
chrysops), white perch (Roccus americanus), and yellow perch	21125
(Perca flavescens). When the common name of a fish is used in this	21126
chapter or Chapter 1533. of the Revised Code, it refers to the	21127
fish designated by the scientific name in this definition.	21128
(II) "Fishing" means taking or attempting to take fish by any	21129
method, and all other acts such as placing, setting, drawing, or	21130
using any device commonly used to take fish whether resulting in a	21131
taking or not.	21132
(JJ) "Fillet" means the pieces of flesh taken or cut from	21133
both sides of a fish, joined to form one piece of flesh.	21134
(KK) "Part fillet" means a piece of flesh taken or cut from	21135
one side of a fish.	21136
(LL) "Round" when used in describing fish means with head and	21137
tail intact.	21138
(MM) "Migrate" means the transit or movement of fish to or	21139
from one place to another as a result of natural forces or	21140
instinct and includes, but is not limited to, movement of fish	21141
induced or caused by changes in the water flow.	21142
(NN) "Spreader bar" means a brail or rigid bar placed across	21143
the entire width of the back, at the top and bottom of the cars in	21144
all trap, crib, and fyke nets for the purpose of keeping the	21145
meshes hanging squarely while the nets are fishing.	21146
(OO) "Fishing guide" means any person who, for consideration	21147
or hire, operates a boat, rents, leases, or otherwise furnishes	21148
angling devices, ice fishing shanties or shelters of any kind, or	21149
other fishing equipment, and accompanies, guides, directs, or	21150

assists any other person in order for the other person to engage 21151
in fishing. 21152

(PP) "Net" means fishing devices with meshes composed of 21153
twine or synthetic material and includes, but is not limited to, 21154
trap nets, fyke nets, crib nets, carp aprons, dip nets, and 21155
seines, except minnow seines and minnow dip nets. 21156

(QQ) "Commercial fishing gear" means seines, trap nets, fyke 21157
nets, dip nets, carp aprons, trotlines, other similar gear, and 21158
any boat used in conjunction with that gear, but does not include 21159
gill nets. 21160

(RR) "Native wildlife" means any species of the animal 21161
kingdom indigenous to this state. 21162

(SS) "Gill net" means a single section of fabric or netting 21163
seamed to a float line at the top and a lead line at the bottom, 21164
which is designed to entangle fish in the net openings as they 21165
swim into it. 21166

(TT) "Tag fishing tournament" means a contest in which a 21167
participant pays a fee, or gives other valuable consideration, for 21168
a chance to win a prize by virtue of catching a tagged or 21169
otherwise specifically marked fish within a limited period of 21170
time. 21171

(UU) "Tenant" means an individual who resides on land for 21172
which the individual pays rent and whose annual income is 21173
primarily derived from agricultural production conducted on that 21174
land, as "agricultural production" is defined in section 929.01 of 21175
the Revised Code. 21176

(VV) "Nonnative wildlife" means any wild animal not 21177
indigenous to this state, but does not include domestic deer. 21178

(WW) "Reptiles" includes common musk turtle (*sternotherus* 21179
odoratus), common snapping turtle (*Chelydra serpentina* 21180

serpentina), spotted turtle (<i>Clemmys guttata</i>), eastern box turtle	21181
(<i>Terrapene carolina carolina</i>), Blanding's turtle (<i>Emydoidea</i>	21182
<i>blandingii</i>), common map turtle (<i>Graptemys geographica</i>), ouachita	21183
map turtle (<i>Graptemys pseudogeographica ouachitensis</i>), midland	21184
painted turtle (<i>Chrysemys picta marginata</i>), red-eared slider	21185
(<i>Trachemys scripta elegans</i>), eastern spiny softshell turtle	21186
(<i>Apalone spinifera spinifera</i>), midland smooth softshell turtle	21187
(<i>Apalone mutica mutica</i>), northern fence lizard (<i>Sceloporus</i>	21188
<i>undulatus hyacinthinus</i>), ground skink (<i>Scincella lateralis</i>),	21189
five-lined skink (<i>Eumeces fasciatus</i>), broadhead skink (<i>Eumeces</i>	21190
<i>laticeps</i>), northern coal skink (<i>Eumeces anthracinus anthracinus</i>),	21191
European wall lizard (<i>Podarcis muralis</i>), queen snake (<i>Regina</i>	21192
<i>septemvittata</i>), Kirtland's snake (<i>Clonophis kirtlandii</i>), northern	21193
water snake (<i>Nerodia sipedon sipedon</i>), Lake Erie watersnake	21194
(<i>Nerodia sipedon insularum</i>), copperbelly water snake (<i>Nerodia</i>	21195
<i>erythrogaster neglecta</i>), northern brown snake (<i>Storeria dekayi</i>	21196
<i>dekayi</i>), midland brown snake (<i>Storeria dekayi wrightorum</i>),	21197
northern redbelly snake (<i>Storeria occipitomaculata</i>	21198
<i>occipitomaculata</i>), eastern garter snake (<i>Thamnophis sirtalis</i>	21199
<i>sirtalis</i>), eastern plains garter snake (<i>Thamnophis radix radix</i>),	21200
Butler's garter snake (<i>Thamnophis butleri</i>), shorthead garter snake	21201
(<i>Thamnophis brachystoma</i>), eastern ribbon snake (<i>Thamnophis</i>	21202
<i>sauritus sauritus</i>), northern ribbon snake (<i>Thamnophis sauritus</i>	21203
<i>septentrionalis</i>), eastern hognose snake (<i>Heterodon platirhinos</i>),	21204
eastern smooth earth snake (<i>Virginia valeriae valeriae</i>), northern	21205
ringneck snake (<i>Diadophis punctatus edwardsii</i>), midwest worm snake	21206
(<i>Carphophis amoenus helena</i>), eastern worm snake (<i>Carphophis</i>	21207
<i>amoenus amoenus</i>), black racer (<i>Coluber constrictor constrictor</i>),	21208
blue racer (<i>Coluber constrictor foxii</i>), rough green snake	21209
(<i>opheodrys aestivus</i>), smooth green snake (<i>opheodrys vernalis</i>	21210
<i>vernalis</i>), black rat snake (<i>Elaphe obsoleta obsoleta</i>), eastern fox	21211
snake (<i>Elaphe vulpina gloydi</i>), black kingsnake (<i>Lampropeltis</i>	21212
<i>getula nigra</i>), eastern milk snake (<i>Lampropeltis triangulum</i>	21213

triangulum), northern copperhead (<i>Agkistrodon contortrix mokasen</i>),	21214
eastern massasauga (<i>Sistrurus catenatus catenatus</i>), and timber	21215
rattlesnake (<i>Crotalus horridus horridus</i>).	21216
(XX) "Amphibians" includes eastern hellbender (<i>Cryptobranchus</i>	21217
<i>alleganiensis alleganiensis</i>), mudpuppy (<i>Necturus maculosus</i>	21218
<i>maculosus</i>), red-spotted newt (<i>Notophthalmus viridescens</i>	21219
<i>viridescens</i>), Jefferson salamander (<i>Ambystoma jeffersonianum</i>),	21220
spotted salamander (<i>Ambystoma maculatum</i>), blue-spotted salamander	21221
(<i>Ambystoma laterale</i>), smallmouth salamander (<i>Ambystoma texanum</i>),	21222
streamside salamander (<i>Ambystoma barbouri</i>), marbled salamander	21223
(<i>Ambystoma opacum</i>), eastern tiger salamander (<i>Ambystoma tigrinum</i>	21224
<i>tigrinum</i>), northern dusky salamander (<i>Desmognathus fuscus fuscus</i>),	21225
mountain dusky salamander (<i>Desmognathus ochrophaeus</i>), redback	21226
salamander (<i>Plethodon cinereus</i>), ravine salamander (<i>Plethodon</i>	21227
<i>richmondi</i>), northern slimy salamander (<i>Plethodon glutinosus</i>),	21228
Wehrle's salamander (<i>Plethodon wehrlei</i>), four-toed salamander	21229
(<i>Hemidactylium scutatum</i>), Kentucky spring salamander (<i>Gyrinophilus</i>	21230
<i>porphyriticus duryi</i>), northern spring salamander (<i>Gyrinophilus</i>	21231
<i>porphyriticus porphyriticus</i>), mud salamander (<i>Pseudotriton</i>	21232
<i>montanus</i>), northern red salamander (<i>Pseudotriton ruber ruber</i>),	21233
green salamander (<i>Aneides aeneus</i>), northern two-lined salamander	21234
(<i>Eurycea bislineata</i>), longtail salamander (<i>Eurycea longicauda</i>	21235
<i>longicauda</i>), cave salamander (<i>Eurycea lucifuga</i>), southern	21236
two-lined salamander (<i>Eurycea cirrigera</i>), Fowler's toad (<i>Bufo</i>	21237
<i>woodhousii fowleri</i>), American toad (<i>Bufo americanus</i>), eastern	21238
spadefoot (<i>Scaphiopus holbrookii</i>), Blanchard's cricket frog (<i>Acris</i>	21239
<i>crepitans blanchardi</i>), northern spring peeper (<i>Pseudacris crucifer</i>	21240
<i>crucifer</i>), gray treefrog (<i>Hyla versicolor</i>), Cope's gray treefrog	21241
(<i>Hyla chrysoscelis</i>), western chorus frog (<i>Pseudacris triseriata</i>	21242
<i>triseriata</i>), mountain chorus frog (<i>Pseudacris brachyphona</i>),	21243
bullfrog (<i>Rana catesbeiana</i>), green frog (<i>Rana clamitans melanota</i>),	21244
northern leopard frog (<i>Rana pipiens</i>), pickerel frog (<i>Rana</i>	21245
<i>palustris</i>), southern leopard frog (<i>Rana utricularia</i>), and wood	21246

frog (<i>Rana sylvatica</i>).	21247
(YY) "Deer" means white-tailed deer (<i>Odocoileus virginianus</i>).	21248
(ZZ) "Domestic deer" means nonnative deer that have been legally acquired or their offspring and that are held in private ownership for primarily agricultural purposes.	21249
(AAA) "Migratory game bird" includes waterfowl (<i>Anatidae</i>); doves (<i>Columbidae</i>); cranes (<i>Gruidae</i>); cormorants (<i>Phalacrocoracidae</i>); rails, coots, and gallinules (<i>Rallidae</i>); and woodcock and snipe (<i>Scolopacidae</i>).	21250
(BBB) "Accompany" means to go along with another person while staying within a distance from the person that enables uninterrupted, unaided visual and auditory communication.	21251
(CCC) "All-purpose vehicle" means any vehicle that is designed primarily for cross-country travel on land, water, or land and water and that is steered by wheels, caterpillar treads, or a combination of wheels and caterpillar treads and includes vehicles that operate on a cushion of air, vehicles commonly known as all-terrain vehicles, all-season vehicles, mini-bikes, and trail bikes.	21252
(DDD) "Wholly enclosed preserve" means an area of land that is surrounded by a fence that is at least six feet in height, unless otherwise specified in division rule, and is constructed of a woven wire mesh, or another enclosure that the division of wildlife may approve, where game birds, game quadrupeds, reptiles, amphibians, or fur-bearing animals are raised and may be sold under the authority of a commercial propagating license or captive white-tailed deer propagation license obtained under section 1533.71 of the Revised Code.	21253
(EEE) "Commercial bird shooting preserve" means an area of land where game birds are released and hunted by shooting as	21254

authorized by a commercial bird shooting preserve license obtained 21278
under section 1533.72 of the Revised Code. 21279

(FFF) "Wild animal hunting preserve" means an area of land 21280
where game, captive white-tailed deer, and nonnative wildlife, 21281
other than game birds, are released and hunted as authorized by a 21282
wild animal hunting preserve license obtained under section 21283
1533.721 of the Revised Code. 21284

(GGG) "Captive white-tailed deer" means legally acquired deer 21285
that are held in private ownership at a facility licensed under 21286
section 943.03 or 943.031 of the Revised Code and under section 21287
1533.71 or 1533.721 of the Revised Code. 21288

~~(HHH) "Lake Erie sport fishing district" means the Ohio 21289
waters of Lake Erie and its embayments, including Maumee bay, 21290
Sandusky bay, East Harbor, Middle Harbor, West Harbor, and the 21291
entire length of all tributaries or to the first dam or designated 21292
landmark as follows: 21293~~

~~Vermilion river — state route 2 bridge 21294~~

~~Black river — state route 611 bridge 21295~~

~~Rocky river — Detroit road bridge 21296~~

~~Cuyahoga river — Harvard road bridge 21297~~

~~Euclid creek — state route 283 bridge 21298~~

~~Chagrin river — state route 283 bridge 21299~~

~~Arcola creek — United States route 20 bridge 21300~~

~~Wheeler creek — United States route 20 bridge 21301~~

~~Cowles creek — United States route 20 bridge 21302~~

~~Indian creek — United States route 20 bridge 21303~~

~~Grand river — state route 535 bridge 21304~~

~~Conneaut creek — Main street bridge, downtown Conneaut 21305~~

~~Ashtabula river — east 24th street bridge~~ 21306

Sec. 1531.17. All fines, penalties, and forfeitures arising 21307
from prosecutions, convictions, confiscations, or otherwise under 21308
this chapter and Chapters 1517. and 1533. of the Revised Code, 21309
unless otherwise directed by the director of natural resources, 21310
shall be paid by the officer by whom collected to the director and 21311
by the director paid into the state treasury to the credit of the 21312
wildlife fund, which is hereby created, for the use of the 21313
division of wildlife. All moneys received from the sale of wild 21314
animals under division (J) of section 1531.06 of the Revised Code 21315
shall be paid into the state treasury to the credit of the 21316
wildlife fund for the use of the division. All moneys collected as 21317
license fees on nets in the Lake Erie fishing district shall be 21318
paid by the director into the state treasury to the credit of the 21319
wildlife fund for use only in the betterment and the propagation 21320
of fish therein or in otherwise propagating fish in such district. 21321
All investment earnings of the fund shall be credited to the fund. 21322
The wildlife fund shall not be used for compensation of personnel 21323
employed by other divisions of the department of natural resources 21324
who are assigned to law enforcement duties in aid of the division 21325
of wildlife or for compensation of division of wildlife personnel 21326
for activities related to the instruction of personnel of other 21327
divisions. 21328

The director of natural resources may use moneys from the 21329
fund to make the payments required under section 1501.29 of the 21330
Revised Code. 21331

Sec. 1531.33. (A) The wildlife habitat fund is hereby created 21332
in the state treasury. The fund shall consist of the investment 21333
earnings of the wildlife habitat trust fund created in section 21334
1531.32 of the Revised Code; gifts, donations, bequests, and other 21335
moneys contributed to the division of wildlife for the purposes of 21336

the fund; moneys collected under division (H) of section 1531.06 21337
of the Revised Code; ~~moneys deposited in the fund under division~~ 21338
~~(C)(2)(b) of section 1509.73 of the Revised Code;~~ contributions 21339
collected under section 4503.568 of the Revised Code from issuance 21340
of the "Ohio Bullfrog" license plate; and moneys received by the 21341
division pursuant to negotiated mitigation settlements from 21342
persons who have adversely affected fish and wildlife, or their 21343
habitats, over which the division has jurisdiction under this 21344
chapter or Chapter 1533. of the Revised Code other than fish and 21345
wildlife of the Ohio river or their habitats. 21346

(B)(1) Except as provided in division (B)(2) of this section, 21347
the fund shall be used by the division to acquire and develop 21348
lands for the preservation, propagation, and protection of wild 21349
animals. 21350

(2) The contributions from the "Ohio Bullfrog" license plate 21351
shall be used for the protection and preservation of wetlands in 21352
Ohio and for educational programs pertaining to the bullfrog and 21353
similar wetland animals. 21354

(C) All expenditures from the wildlife habitat fund shall be 21355
approved by the director of natural resources. 21356

(D) Quarterly each fiscal year, the treasurer of state shall 21357
transfer the investment earnings of the wildlife habitat trust 21358
fund to the wildlife habitat fund. 21359

Sec. 1531.35. The wildlife boater angler fund is hereby 21360
created in the state treasury. The fund shall consist of money 21361
credited to the fund pursuant to section 5735.051 of the Revised 21362
Code and other money contributed to the division of wildlife for 21363
the purposes of the fund. The fund shall be used for boating 21364
access construction, improvements, maintenance and repair of dams 21365
and impoundments, and acquisitions, including lands and facilities 21366

for boating access, and to pay for equipment and personnel costs 21367
involved with those activities, on waters on which the operation 21368
of gasoline-powered watercraft is permissible. ~~However, not more~~ 21369
~~than five hundred thousand dollars of the annual expenditures from~~ 21370
~~the fund may be used to pay for the equipment and personnel costs.~~ 21371

Sec. 1533.01. As used in this chapter, "person," "resident," 21372
"nonresident," "division rule," "rule," "closed season," "open 21373
season," "take or taking," "possession," "bag limit," "transport 21374
and transportation," "sell and sale," "whole to include part," 21375
"angling," "trotline," "fish," "measurement of fish," "wild 21376
birds," "game," "game birds," "nongame birds," "wild quadrupeds," 21377
"game quadrupeds," "fur-bearing animals," "wild animals," 21378
"hunting," "trapping," "muskrat spear," "channels and passages," 21379
"island," "reef," "fur farm," "waters," "crib," "car," "commercial 21380
fish," "fishing," "fillet," "part fillet," "round," "migrate," 21381
"spreader bar," "fishing guide," "net," "commercial fishing gear," 21382
"native wildlife," "gill net," "tag fishing tournament," "tenant," 21383
"nonnative wildlife," "reptiles," "amphibians," "deer," "domestic 21384
deer," "migratory game bird," "accompany," "all-purpose vehicle," 21385
"wholly enclosed preserve," "commercial bird shooting preserve," 21386
"wild animal hunting preserve," and "captive white-tailed deer," 21387
~~and "Lake Erie sport fishing district"~~ have the same meanings as 21388
in section 1531.01 of the Revised Code. 21389

Sec. 1533.101. Any person who has a current hunting or 21390
fishing license, ~~a nonresident Lake Erie sport fishing district~~ 21391
~~permit,~~ a wetlands habitat stamp, a deer or wild turkey permit, or 21392
a fur taker permit pursuant to this chapter and has lost or 21393
destroyed the license, stamp, or permit, or had the license, 21394
stamp, or permit stolen, may be reissued such license, stamp, or 21395
permit. The person shall file with the clerk of the court of 21396
common pleas an application in affidavit form or, if the chief of 21397

the division of wildlife authorizes it, apply for a reissued 21398
license, stamp, or permit to an authorized agent designated by the 21399
chief, and pay a fee for each license, stamp, or permit of four 21400
dollars. The clerk or agent shall administer the oath to the 21401
applicant, issue a reissued license, stamp, or permit that shall 21402
allow the applicant to hunt, fish, or trap, as applicable, and 21403
send a copy of the reissued license, stamp, or permit to the 21404
division of wildlife. 21405

All moneys received as fees for the issuance of reissued 21406
licenses, stamps, or permits shall be transmitted to the director 21407
of natural resources to be paid into the state treasury to the 21408
credit of the funds to which the fees for the original licenses, 21409
stamps, and permits were credited. 21410

No person shall knowingly or willfully secure, attempt to 21411
secure, or use a reissued hunting or fishing license, wetlands 21412
habitat stamp, deer or wild turkey permit, or fur taker permit to 21413
which the person is not entitled. No person shall knowingly or 21414
willfully issue a reissued hunting or fishing license, wetlands 21415
habitat stamp, deer or wild turkey permit, or fur taker permit 21416
under this section to any person who is not entitled to receive 21417
and use such a reissued license, stamp, or permit. 21418

Sec. 1533.11. (A)(1) Except as provided in this section or 21419
section 1533.731 of the Revised Code, no person shall hunt deer on 21420
lands of another without first obtaining an annual deer permit. 21421
Except as provided in this section, no person shall hunt wild 21422
turkeys on lands of another without first obtaining an annual wild 21423
turkey permit. A deer or wild turkey permit is valid during the 21424
hunting license year in which the permit is purchased. Except as 21425
provided in rules adopted under division (B) of ~~that~~ section 21426
1533.12 of the Revised Code, each applicant for a deer or wild 21427
turkey permit shall pay an annual fee for each permit in 21428

accordance with the following schedule:		21429
Deer permit - resident	\$30.00	21430
Deer permit - nonresident	\$74.00	21431
Youth deer permit - resident and nonresident	\$15.00	21432
Senior deer permit - resident	\$11.50 <u>\$11.00</u>	21433
Wild turkey permit - resident	\$30.00	21434
Wild turkey permit - nonresident	\$37.00	21435
Youth wild turkey permit - resident and nonresident	\$15.00	21436
Senior wild turkey permit - resident	\$11.50 <u>\$11.00</u>	21437
(2) As used in division (A)(1) of this section:		21438
(a) "Resident" means an individual who has resided in this state for not less than six months preceding the date of making application for a permit.		21439 21440 21441
(b) "Nonresident" means any individual who does not qualify as a resident.		21442 21443
(c) "Youth" means an applicant who is under the age of eighteen years at the time of application for a permit.		21444 21445
(d)(b) "Senior" means an applicant who is sixty-six years of age or older at the time of application for a permit.		21446 21447
(3) The money received shall be paid into the state treasury to the credit of the wildlife fund, created in section 1531.17 of the Revised Code, exclusively for the use of the division of wildlife in the acquisition and development of land for deer or wild turkey management, for investigating deer or wild turkey problems, and for the stocking, management, and protection of deer or wild turkey.		21448 21449 21450 21451 21452 21453 21454
(4) Every person, while hunting deer or wild turkey on lands of another, shall carry the person's deer or wild turkey permit and exhibit it to any enforcement officer so requesting. Failure		21455 21456 21457

to so carry and exhibit such a permit constitutes an offense under 21458
this section. 21459

(5) The chief of the division of wildlife shall adopt any 21460
additional rules the chief considers necessary to carry out this 21461
section and section 1533.10 of the Revised Code. 21462

(6) An owner who is a resident of this state or an owner who 21463
is exempt from obtaining a hunting license under section 1533.10 21464
of the Revised Code and the children of the owner of lands in this 21465
state may hunt deer or wild turkey thereon without a deer or wild 21466
turkey permit. If the owner of land in this state is a limited 21467
liability company or a limited liability partnership that consists 21468
of three or fewer individual members or partners, as applicable, 21469
an individual member or partner who is a resident of this state 21470
and the member's or partner's children of any age may hunt deer or 21471
wild turkey on the land owned by the limited liability company or 21472
limited liability partnership without a deer or wild turkey 21473
permit. In addition, if the owner of land in this state is a trust 21474
that has a total of three or fewer trustees and beneficiaries, an 21475
individual who is a trustee or beneficiary and who is a resident 21476
of this state and the individual's children of any age may hunt 21477
deer or wild turkey on the land owned by the trust without a deer 21478
or wild turkey permit. The tenant and children of the tenant may 21479
hunt deer or wild turkey on lands where they reside without a deer 21480
or wild turkey permit. 21481

(B) A deer or wild turkey permit is not transferable. No 21482
person shall carry a deer or wild turkey permit issued in the name 21483
of another person. 21484

(C) The wildlife refunds fund is hereby created in the state 21485
treasury. The fund shall consist of money received from 21486
application fees for deer permits that are not issued. Money in 21487
the fund shall be used to make refunds of such application fees. 21488

(D) If the division establishes a system for the electronic submission of information regarding deer or wild turkey that are taken, the division shall allow the owner and the children of the owner of lands in this state to use the owner's name or address for purposes of submitting that information electronically via that system.

Sec. 1533.321. (A) The chief of the division of wildlife may issue any of the following:

(1) Multi-year hunting or fishing licenses for three-, five-, or ten-year terms to a resident of this state;

(2) Lifetime hunting or fishing licenses to a resident of this state;

(3) A package consisting of any combination of license, stamp, or permit that the chief is authorized to issue under this chapter.

(B) The chief may adopt rules in accordance with section 1531.10 of the Revised Code governing multi-year hunting and fishing licenses, lifetime hunting and fishing licenses, and combination packages, including rules establishing fees for the combination packages. The chief shall ensure that the price for a combination package is not discounted by more than five per cent of the total fees for the licenses, permits, or stamps that a person would otherwise pay for those licenses, permits, or stamps if the person purchased them individually.

(C)(1) The multi-year and lifetime license fund is hereby created in the state treasury. The fund shall consist of money received from application fees for multi-year and lifetime hunting and fishing licenses.

(2) Each fiscal year, a prorated amount of the money from each multi-year and lifetime license fee shall be transferred from

the multi-year and lifetime license fund to the fund into which 21519
the applicable single year license fee would otherwise be 21520
deposited. The prorated amount shall equal the total amount of the 21521
fee charged for the license divided by the number of years the 21522
license is valid. The chief shall adopt rules in accordance with 21523
section 1531.10 of the Revised Code for the administration of this 21524
division, including establishing a system that prorates lifetime 21525
license fees for deposit each year into the wildlife fund created 21526
in section 1531.17 of the Revised Code. 21527

(3) Each fiscal year, all previous year's investment earnings 21528
from the multi-year and lifetime license fund shall be transferred 21529
into the wildlife fund created in section 1531.17 of the Revised 21530
Code. 21531

(D)(1) Each applicant for a multi-year or lifetime fishing 21532
license who is a resident of this state shall pay a fee for each 21533
license in accordance with the following schedule: 21534

Senior 3-year fishing license	\$27.50	21535
	<u>26.00</u>	
Senior 5-year fishing license	\$45.75	21536
	<u>43.34</u>	
Senior lifetime fishing license	\$81.00	21537
3-year fishing license	\$52.00 <u>69.34</u>	21538
5-year fishing license	\$86.75	21539
	<u>115.56</u>	
10-year fishing license	\$173.50	21540
	<u>231.12</u>	
Lifetime fishing license	\$450.00	21541
	<u>576.00</u>	
Youth lifetime fishing license	\$414.00	21542

(2) As used in division (D)(1) of this section: 21543

(a) "Youth" means an applicant who is under the age of 21544
sixteen years at the time of application for a license. 21545

(b) "Senior" means an applicant who is sixty-six years of age 21546
or older at the time of application for a license. 21547

(E)(1) Each applicant for a multi-year or lifetime hunting 21548
license who is a resident of this state shall pay a fee for each 21549
license in accordance with the following schedule: 21550

Senior 3-year hunting license \$~~27.50~~ 21551

26.00

Senior 5-year hunting license \$~~45.75~~ 21552

43.34

Senior lifetime hunting license \$81.00 21553

Youth 3-year hunting license \$~~27.50~~ 21554

26.00

Youth 5-year hunting license \$~~45.75~~ 21555

43.34

Youth 10-year hunting license \$~~91.50~~ 21556

86.67

Youth lifetime hunting license \$414.00 21557

3-year hunting license \$52.00 21558

5-year hunting license \$~~86.75~~ 21559

86.67

10-year hunting license \$~~173.50~~ 21560

173.34

Lifetime hunting license \$~~450.00~~ 21561

432.00

(2) As used in division (E)(1) of this section: 21562

(a) "Youth" means an applicant who is under the age of 21563
eighteen years at the time of application for a license. 21564

(b) "Senior" means an applicant who is sixty-six years of age 21565
or older at the time of application for a license. 21566

(F) If a person who is issued a multi-year hunting or fishing 21567
license or lifetime hunting or fishing license in accordance with 21568

division (A) of this section subsequently becomes a nonresident 21569
after issuance of the license, the person's license remains valid 21570
in this state during its term, regardless of residency status. 21571

Sec. 1546.06. The chief of the division of parks and 21572
watercraft shall prepare and submit to the director of natural 21573
resources maps and descriptions of the areas of lands and waters 21574
which the chief intends to designate as state park purchase areas. 21575
Such state park purchase areas may include lands and waters at the 21576
time belonging to the state, together with lands and waters not 21577
belonging to the state but which for reasons of protection, 21578
utilization, and administration should be subject to purchase by 21579
the state for park purposes. If such area is approved by the 21580
director of natural resources, it shall be known as a state park 21581
purchase area, and the map and description thereof, with the 21582
approval of the director of natural resources indorsed thereon, 21583
shall be filed in duplicate with the ~~auditor of state~~ director of 21584
administrative services and the attorney general. 21585

All moneys appropriated for the purchase of lands and waters 21586
by the state for park purposes, unless specifically appropriated 21587
for the purchase of particular tracts or areas, may be expended 21588
for the purchase of lands or waters within any legally established 21589
state park purchase area. If, after the purchase of specifically 21590
designated tracts or areas, moneys from such appropriations remain 21591
unexpended, upon the request of the director of natural resources, 21592
the controlling board shall release such funds, in whole or in 21593
part, for the purchase of lands or waters within any state park 21594
purchase area. 21595

Sec. 1546.21. (A) The chief of the division of parks and 21596
watercraft shall collect all rentals from leases of state lands 21597
and moneys for pipe permits, dock licenses, concession fees, and 21598
special privileges of any nature from all lands and waters 21599

operated and administered by the division. The chief shall keep a 21600
record of all such payments showing the amounts received, from 21601
whom, and for what purpose collected. All such payments shall be 21602
credited to the state park fund, which is hereby created in the 21603
state treasury, except such revenues required to be set aside or 21604
paid into depositories or trust funds for the payment of bonds 21605
issued under sections 1501.12 to 1501.15 of the Revised Code, and 21606
to maintain the required reserves therefor as provided in the 21607
orders authorizing the issuance of such bonds or the trust 21608
agreements securing such bonds, and except such revenues required 21609
to be paid and credited pursuant to the bond proceedings 21610
applicable to obligations issued pursuant to section 154.22 of the 21611
Revised Code. All moneys derived from the operation of the lands, 21612
waters, facilities, and equipment by the division, except such 21613
revenues required to be set aside or paid into depositories or 21614
trust funds for the payment of bonds issued under sections 1501.12 21615
to 1501.15 of the Revised Code, and to maintain the required 21616
reserves therefor as provided in the orders authorizing the 21617
issuance of such bonds or the trust agreements securing such 21618
bonds, and except such revenues required to be paid and credited 21619
pursuant to the bond proceedings applicable to obligations issued 21620
pursuant to section 154.22 of the Revised Code, shall accrue to 21621
the credit of the state park fund. 21622

Except as otherwise provided in ~~division~~ divisions (B) and 21623
(C) of this section and in sections 154.22, 1501.11, and 1501.14 21624
of the Revised Code, such fund shall not be expended for any 21625
purpose other than the administration, operation, maintenance, 21626
development, and utilization of lands and waters, and for 21627
facilities and equipment incident thereto, administered by the 21628
division, or for the further purchase of lands and waters by the 21629
state for park and recreational purposes. 21630

(B) The chief shall use moneys in the fund from the issuance 21631

of Ohio state parks license plates under section 4503.575 of the Revised Code only to pay the costs of state park interpretive and educational programs and displays and the development and operation of state park interpretive centers.

(C) The director of natural resources may use moneys from the fund to make the payments required under section 1501.29 of the Revised Code.

Sec. 1546.31. (A) The "Doris Duke Woods" is hereby designated within the Malabar state park in Richland county to honor Doris Duke's pioneering contributions to conservation at Malabar state park and across the nation.

(B) The "Doris Duke Woods" consists of one hundred twenty contiguous acres of Malabar state park's most mature hardwood forest located between Bromfield road and state route number ninety-five.

(C) The department of natural resources shall not remove or allow any person or governmental entity to remove timber from the "Doris Duke Woods," except for normal maintenance purposes.

Sec. 1547.533. No person shall operate a watercraft in this state if it displays an identification number or registration decal that is any of the following:

(A) Fictitious;

(B) A counterfeit or an unlawfully made copy of any identification number or registration decal;

(C) An identification number or registration decal that belongs to another watercraft.

Sec. 1547.59. The operator of a vessel involved in a collision, accident, or other casualty, so far as the operator can

do so without serious danger to the operator's own vessel, crew, 21660
and passengers, shall render to other persons affected by the 21661
collision, accident, or other casualty such assistance as may be 21662
practicable and as may be necessary in order to save them from or 21663
minimize any danger caused by the collision, accident, or other 21664
casualty. The operator also shall give the operator's name, 21665
address, and identification of the operator's vessel in writing to 21666
any person injured and to the owner of any property damaged in the 21667
collision, accident, or other casualty. 21668

Any person who renders assistance at the scene of a 21669
collision, accident, or other casualty involving a vessel is not 21670
liable in a civil action for damages or injury to persons or 21671
property resulting from any act or omission in rendering 21672
assistance or in providing or arranging salvage, towage, medical 21673
treatment, or other assistance, except that the person is liable 21674
for willful or wanton misconduct in rendering assistance. Nothing 21675
in this section precludes recovery from any tortfeasor causing a 21676
collision, accident, or other casualty of damages caused or 21677
aggravated by the rendering of assistance. 21678

In the case of collision, accident, or other casualty 21679
involving a vessel, the operator thereof, if the collision, 21680
accident, or other casualty results in loss of life, personal 21681
injury requiring medical treatment beyond first aid, damage to 21682
property in excess of ~~five hundred~~ one thousand dollars, or the 21683
total loss of a vessel, shall file with the chief of the division 21684
of parks and watercraft a full description of the collision, 21685
accident, or other casualty on a form prescribed by the chief. 21686

If the operator of the vessel involved in a collision, 21687
accident, or other casualty is incapacitated, the investigating 21688
law enforcement officer shall file the required form as prescribed 21689
by the chief. 21690

Sec. 1551.01. As used in this chapter:	21691
(A) "Governmental agency" means the United States government	21692
or any department, agency, or instrumentality thereof; any	21693
department, agency, or instrumentality of a state government; any	21694
municipal corporation, county, township, board of education, or	21695
other political subdivision or any other body corporate and	21696
politic of a state; or any agency, commission, or authority	21697
established under an interstate compact or agreement.	21698
(B) "Energy resource development facility" means any energy	21699
resource development, research, or conservation facility,	21700
including pilot as well as demonstration facilities, and including	21701
undivided or other interests therein, acquired or to be acquired,	21702
or constructed or to be constructed under this chapter or Chapter	21703
6121. or 6123. of the Revised Code, or acquired or to be acquired,	21704
or constructed or to be constructed by a governmental agency or	21705
person with all or a part of the cost thereof being paid from a	21706
loan or grant under such chapters, including all buildings and	21707
facilities that the director of development services determines	21708
necessary for the operation of the facility, together with all	21709
property, rights, easements, and interests that may be required	21710
for the operation of the facility, which facilities may include:	21711
(1) Any building, testing facility, testing device, or	21712
support facilities which would provide experimental,	21713
demonstration, or testing capabilities or services not otherwise	21714
available in this state and which are necessary for the	21715
accomplishment of the purposes of this chapter;	21716
(2) Any method, process, structure, or equipment that is used	21717
to store coal, oil, natural gas, fuel for nuclear reactors, or any	21718
other form of energy;	21719
(3) Any method, process, structure, or equipment that is used	21720
to recover or convert coal, oil, natural gas, steam, or other form	21721

of energy from property located within the state for the purpose 21722
of supplying energy for utilization; 21723

(4) Any method, process, structure, or equipment that is 21724
designed to result in more efficient recovery, conversion, or 21725
utilization of energy resources within the state, including any 21726
scrap tire recovery facility for which a registration certificate 21727
or permit has been issued under section 3734.78 of the Revised 21728
Code; 21729

(5) Any improvement that is designed to improve the thermal 21730
efficiency of a building or structure or reduce the fuel or power 21731
needed to heat, cool, light, ventilate, or provide hot water in a 21732
building or structure; 21733

(6) Any improvement designed to enable the substitution of 21734
coal or alternate fuel, other than natural gas, for natural gas or 21735
a petroleum fuel, or the conversion of coal to other fuels; 21736

(7) Any improvement designed to enable the combustion of high 21737
sulfur coal in compliance with air or water pollution control or 21738
solid waste disposal laws, including, but not limited to, any 21739
facility for processing coal to remove sulfur before combustion of 21740
the coal, for fluidized bed combustion, or for removal of the 21741
sulfur before the products of combustion are emitted or 21742
discharged. 21743

(C) "Cost" as applied to an energy resource development 21744
facility means the cost of acquisition and construction, the cost 21745
of acquisition of all land, rights-of-way, property rights, 21746
easements, franchise rights, and interests required for such 21747
acquisition and construction, the cost of demolishing or removing 21748
any buildings or structures on land so acquired, including the 21749
cost of acquiring any lands to which such buildings or structures 21750
may be moved, the cost of acquiring or constructing and equipping 21751
a principal office and sub-offices of the department of 21752

development, the cost of diverting highways, interchange of 21753
highways, access roads to private property, including the cost of 21754
land or easements for such access roads, the cost of public 21755
utility and common carrier relocation or duplication, the cost of 21756
all machinery, furnishings, and equipment, financing charges, 21757
interest prior to and during construction and for no more than 21758
eighteen months after completion of construction, engineering, 21759
expenses of research and development with respect to the facility, 21760
legal expenses, plans, specifications, surveys, studies, estimates 21761
of cost and revenues, working capital, other expenses necessary or 21762
incident to determining the feasibility or practicability of 21763
acquiring or constructing such facility, administrative expense, 21764
and such other expense as may be necessary or incident to the 21765
acquisition or construction of the facility, the financing of such 21766
acquisition or construction, including the amount authorized in 21767
the resolution of the Ohio water development authority providing 21768
for the issuance of energy resource development revenue bonds to 21769
be paid into any special funds from the proceeds of such bonds, 21770
and the financing of the placing of such facility in operation. 21771
Any obligation, cost, or expense incurred after August 26, 1975, 21772
by any governmental agency or person for surveys, borings, 21773
preparation of plans and specifications, and other engineering 21774
services, or any other cost described above, in connection with 21775
the acquisition or construction of a facility may be regarded as a 21776
part of the cost of such facility and may be reimbursed out of the 21777
proceeds of energy resource development revenue bonds. 21778

(D) "Revenues" means all rentals and other charges received 21779
by the Ohio water development authority for the use or services of 21780
any energy resource development facility, any contract, gift, or 21781
grant received with respect to any energy resource development 21782
facility, and moneys received with respect to the lease, sublease, 21783
sale, including installment sale or conditional sale, or other 21784
disposition of an energy resource development facility, moneys 21785

received in repayment of and for interest on any loans made by the 21786
authority to a person or governmental agency, whether from the 21787
United States or any department, administration, or agency 21788
thereof, or otherwise, proceeds of energy resource development 21789
revenue bonds to the extent that the use thereof for payment of 21790
principal of, premium, if any, or interest on the bonds is 21791
authorized by the authority, proceeds from any insurance, 21792
condemnation, or guaranty pertaining to a facility or property 21793
mortgaged to secure bonds or pertaining to the financing of a 21794
facility, and income and profit from the investment of the 21795
proceeds of energy resource development revenue bonds or of any 21796
revenues. 21797

(E) "Construction," unless the context indicates a different 21798
meaning or intent, includes construction, reconstruction, 21799
enlargement, improvement, or providing furnishings or equipment. 21800

(F) "Energy resource development revenue bonds," unless the 21801
context indicates a different meaning or intent, includes energy 21802
resource development revenue bonds, energy resource development 21803
revenue notes, and energy resource development revenue refunding 21804
bonds. 21805

(G) "Energy" means work or heat that is, or can be, produced 21806
from any fuel or source whatsoever. 21807

(H) "Energy audit" means any process by which energy usage or 21808
costs of heating, cooling, lighting, and climate control in a 21809
building or structure are determined. 21810

(I) "Energy conservation" means preservation of energy 21811
resources by efficient utilization, and reduction of waste. 21812

(J) "Energy conservation measure" means any modification of a 21813
building, structure, machine, appliance, vehicle, improvement, or 21814
process in order to improve its efficiency of energy use or energy 21815
costs. 21816

(K) "Fuel" means petroleum, crude oil, petroleum product, 21817
coal, natural gas, synthetic natural or artificial gas, nuclear, 21818
or other substance used primarily for its energy content. 21819

(L) "Net energy analysis" means the determination of the 21820
amount of energy remaining after all energy outputs have been 21821
subtracted from the energy inputs of a given system. 21822

~~(M) "Department of development" means the development 21823
services agency and "director of development" means the director 21824
of development services. 21825~~

Sec. 1551.33. (A) The director of development ~~services~~ shall 21826
appoint and fix the compensation of the director of the Ohio coal 21827
development office. The director shall serve at the pleasure of 21828
the director of development ~~services~~. 21829

(B) The director of the office shall do all of the following: 21830

(1) Biennially prepare and maintain the Ohio coal development 21831
agenda required under section 1551.34 of the Revised Code; 21832

(2) Propose and support policies for the office consistent 21833
with the Ohio coal development agenda and develop means to 21834
implement the agenda; 21835

(3) Initiate, undertake, and support projects to carry out 21836
the office's purposes and ensure that the projects are consistent 21837
with and meet the selection criteria established by the Ohio coal 21838
development agenda; 21839

(4) Actively encourage joint participation in and, when 21840
feasible, joint funding of the office's projects with governmental 21841
agencies, electric utilities, universities and colleges, other 21842
public or private interests, or any other person; 21843

(5) Establish a table of organization for and employ such 21844
employees and agents as are necessary for the administration and 21845
operation of the office. Any such employees shall be in the 21846

unclassified service and shall serve at the pleasure of the 21847
director of development ~~services~~. 21848

(6) Convene the technical advisory committee established 21849
under section 1551.35 of the Revised Code; 21850

(7) Review, with the assistance of the technical advisory 21851
committee, proposed coal research and development projects as 21852
defined in section 1555.01 of the Revised Code, and coal 21853
development projects, submitted to the office by public utilities 21854
for the purpose of section 4905.304 of the Revised Code. If the 21855
director and the advisory committee determine that any such 21856
facility or project has as its purpose the enhanced use of Ohio 21857
coal in an environmentally acceptable, cost effective manner, 21858
promotes energy conservation, is cost effective, and is 21859
environmentally sound, the director shall submit to the public 21860
utilities commission a report recommending that the commission 21861
allow the recovery of costs associated with the facility or 21862
project under section 4905.304 of the Revised Code and including 21863
the reasons for the recommendation. 21864

(8) Establish such policies, procedures, and guidelines as 21865
are necessary to achieve the office's purposes. 21866

(C) With the approval of the director of development 21867
~~services~~, the director of the office may exercise any of the 21868
powers and duties that the director of development ~~services~~ 21869
considers appropriate or desirable to achieve the office's 21870
purposes, including, but not limited to, the powers and duties 21871
enumerated in sections 1551.11, 1551.12, and 1551.15 of the 21872
Revised Code. 21873

Additionally, the director of the office may make loans to 21874
governmental agencies or persons for projects to carry out the 21875
office's purposes. Fees, charges, rates of interest, times of 21876
payment of interest and principal, and other terms, conditions, 21877

and provisions of the loans shall be such as the director of the 21878
office determines to be appropriate and in furtherance of the 21879
purposes for which the loans are made. The mortgage lien securing 21880
any moneys lent by the director of the office may be subordinate 21881
to the mortgage lien securing any moneys lent or invested by a 21882
financial institution, but shall be superior to that securing any 21883
moneys lent or expended by any other person. The moneys used in 21884
making the loans shall be disbursed upon order of the director of 21885
the office. 21886

Sec. 1551.35. (A) There is hereby established a technical 21887
advisory committee to assist the director of the Ohio coal 21888
development office in achieving the office's purposes. The 21889
director of development ~~services~~ shall appoint to the committee 21890
one member of the public utilities commission and one 21891
representative each of coal production companies, the united mine 21892
workers of America, and electric utilities, as well as two people 21893
with a background in coal research and development technology, one 21894
of whom is employed at the time of the member's appointment by a 21895
state university, as defined in section 3345.011 of the Revised 21896
Code. In addition, the committee shall include four legislative 21897
members. The speaker and minority leader of the house of 21898
representatives each shall appoint one member of the house of 21899
representatives, and the president and minority leader of the 21900
senate each shall appoint one member of the senate, to the 21901
committee. The director of environmental protection shall serve on 21902
the committee as an ex officio member. Any member of the committee 21903
may designate in writing a substitute to serve in the member's 21904
absence on the committee. The director of environmental protection 21905
may designate in writing the chief of the air pollution control 21906
division of the environmental protection agency to represent the 21907
agency. Members shall serve on the committee at the pleasure of 21908
their appointing authority. Members of the committee appointed by 21909

the director of development ~~services~~ and, notwithstanding section 21910
101.26 of the Revised Code, legislative members of the committee, 21911
when engaged in their official duties as members of the committee, 21912
shall be compensated on a per diem basis in accordance with 21913
division (J) of section 124.15 of the Revised Code, except that 21914
the member of the public utilities commission and, while employed 21915
by a state university, the member with a background in coal 21916
research, shall not be so compensated. Members shall receive their 21917
actual and necessary expenses incurred in the performance of their 21918
duties. 21919

(B) The technical advisory committee shall review and make 21920
recommendations concerning the Ohio coal development agenda 21921
required under section 1551.34 of the Revised Code, project 21922
proposals, research and development projects submitted to the 21923
office by public utilities for the purpose of section 4905.304 of 21924
the Revised Code, proposals for grants, loans, and loan guarantees 21925
for purposes of sections 1555.01 to 1555.06 of the Revised Code, 21926
and such other topics as the director of the office considers 21927
appropriate. 21928

(C) The technical advisory committee may hold an executive 21929
session at any regular or special meeting for the purpose of 21930
considering research and development project proposals or 21931
applications for assistance submitted to the Ohio coal development 21932
office under section 1551.33, or sections 1555.01 to 1555.06, of 21933
the Revised Code, to the extent that the proposals or applications 21934
consist of trade secrets or other proprietary information. 21935

Any materials or data submitted to, made available to, or 21936
received by the department of development ~~services~~ ~~agency~~ or the 21937
director of the Ohio coal development office in connection with 21938
agreements for assistance entered into under this chapter or 21939
Chapter 1555. of the Revised Code, or any information taken from 21940

those materials or data for any purpose, to the extent that the 21941
materials or data consist of trade secrets or other proprietary 21942
information, are not public records for the purposes of section 21943
149.43 of the Revised Code. 21944

As used in this division, "trade secrets" has the same 21945
meaning as in section 1333.61 of the Revised Code. 21946

Sec. 1561.12. An applicant for any examination or certificate 21947
under this section shall, before being examined, register the 21948
applicant's name with the chief of the division of mineral 21949
resources management and file with the chief an affidavit as to 21950
all matters of fact establishing the applicant's right to receive 21951
the examination and a certificate from a reputable and 21952
disinterested physician as to the physical condition of the 21953
applicant showing that the applicant is physically capable of 21954
performing the duties of the office or position. 21955

Each applicant for examination for any of the following 21956
positions shall present evidence satisfactory to the chief that 21957
the applicant has been a resident and citizen of this state for 21958
two years next preceding the date of application: 21959

(A) An applicant for the position of deputy mine inspector of 21960
underground mines shall have had actual practical experience of 21961
not less than six years, ~~at least two of which shall have been in~~ 21962
~~the underground workings of mines in this state. In the case of an~~ 21963
~~applicant who would inspect underground coal mines, the two years~~ 21964
~~shall consist of actual practical experience in underground coal~~ 21965
~~mines. In the case of an applicant who would inspect noncoal~~ 21966
~~mines, the two years shall consist of actual practical experience~~ 21967
~~in noncoal mines~~ in underground mines. In lieu of two of the six 21968
years of ~~the~~ actual practical experience required in underground 21969
mines, the chief may accept as the equivalent thereof a 21970
certificate evidencing graduation from an accredited school of 21971

mines or mining, after a four-year course of study, ~~but such~~ 21972
~~credit shall not apply as to the two years' actual practical~~ 21973
~~experience required in the mines in this state.~~ 21974

The applicant shall pass an examination as to the applicant's 21975
practical and technological knowledge of mine surveying, mining 21976
machinery, and appliances; the proper development and operation of 21977
mines; the best methods of working and ventilating mines; the 21978
nature, properties, and powers of noxious, poisonous, and 21979
explosive gases, particularly methane; the best means and methods 21980
of detecting, preventing, and removing the accumulation of such 21981
gases; the use and operation of gas detecting devices and 21982
appliances; first aid to the injured; and the uses and dangers of 21983
electricity as applied and used in, at, and around mines. The 21984
applicant shall also hold a certificate for foreperson of gaseous 21985
mines issued by the chief. 21986

(B) An applicant for the position of deputy mine inspector of 21987
surface mines shall have had actual practical mining experience of 21988
not less than six years, ~~at least two of which shall have been in~~ 21989
~~surface mines in this state.~~ In lieu of two of the six years of 21990
~~the~~ actual practical experience required, the chief may accept as 21991
the equivalent thereof a certificate evidencing graduation from an 21992
accredited school of mines or mining, after a four-year course of 21993
study, ~~but that credit shall not apply as to the two years' actual~~ 21994
~~practical experience required in the mines in this state.~~ The 21995
applicant shall pass an examination as to the applicant's 21996
practical and technological knowledge of surface mine surveying, 21997
machinery, and appliances; the proper development and operations 21998
of surface mines; first aid to the injured; and the use and 21999
dangers of explosives and electricity as applied and used in, at, 22000
and around surface mines. The applicant shall also hold a surface 22001
mine foreperson certificate issued by the chief. 22002

(C) An applicant for the position of electrical inspector 22003

shall have had at least five years' practical experience in the 22004
installation and maintenance of electrical circuits and equipment 22005
in mines, and the applicant shall be thoroughly familiar with the 22006
principles underlying the safety features of permissible and 22007
approved equipment as authorized and used in mines. 22008

The applicant shall be required to pass the examination 22009
required for deputy mine inspectors and an examination testing and 22010
determining the applicant's qualification and ability to 22011
competently inspect and administer the mining law that relates to 22012
electricity used in and around mines and mining in this state. 22013

(D) An applicant for the position of superintendent or 22014
assistant superintendent of rescue stations shall possess the same 22015
qualifications as those required for a deputy mine inspector. In 22016
addition, the applicant shall present evidence satisfactory to the 22017
chief that the applicant is sufficiently qualified and trained to 22018
organize, supervise, and conduct group training classes in first 22019
aid, safety, and rescue work. 22020

The applicant shall pass the examination required for deputy 22021
mine inspectors and shall be tested as to the applicant's 22022
practical and technological experience and training in first aid, 22023
safety, and mine rescue work. 22024

(E) An applicant for the position of mine chemist shall have 22025
such educational training as is represented by the degree MS in 22026
chemistry from a university of recognized standing, and at least 22027
five years of actual practical experience in research work in 22028
chemistry or as an assistant chemist. The chief may provide that 22029
an equivalent combination of education and experience together 22030
with a wide knowledge of the methods of and skill in chemical 22031
analysis and research may be accepted in lieu of the above 22032
qualifications. It is preferred that the chemist shall have had 22033
actual experience in mineralogy and metallurgy. 22034

Sec. 1561.23. (A) The chief of the division of mineral resources management shall issue the following certificates to those applicants who pass their examination:

~~(A)~~(1) Certificates for mine forepersons of gaseous mines;

~~(B)~~(2) Certificates for mine forepersons of nongaseous mines;

~~(C)~~(3) Certificates for forepersons of gaseous mines;

~~(D)~~(4) Certificates for forepersons of nongaseous mines;

~~(E)~~(5) Certificates for forepersons of surface maintenance facilities of underground or surface mines;

~~(F)~~(6) Certificates for mine forepersons of surface mines;

~~(G)~~(7) Certificates for forepersons of surface mines;

~~(H)~~(8) Certificates for fire bosses;

~~(I)~~(9) Certificates for mine electricians;

~~(J)~~(10) Certificates for surface mine blasters;

~~(K)~~(11) Certificates for shot firers.

(B) Applicants for certificates shall make application to the chief, on a form provided by the chief, for examination.

applicants shall be able to read and write the English language intelligently, and shall furnish the chief with a certificate as to the length and description of their practical experience and satisfactory evidence of their ability to perform the duties of the position for which they make application for examination.

(C) The chief may issue a certificate to an applicant for mine foreperson, foreperson, or mine electrician who holds a valid certification or other authorization from a state with which the department of natural resources has a reciprocal agreement for the certification or other authorization. However, the applicant shall pass an examination on this chapter and rules adopted under it or

on any other relevant material that the chief determines to be 22063
appropriate. 22064

A mine foreperson, foreperson, or mine electrician who has 22065
been issued a temporary certificate under section 1565.06 of the 22066
Revised Code prior to the effective date of this amendment and who 22067
holds a valid certification or other authorization from a state 22068
with which the department has a reciprocal agreement for the 22069
certification or other authorization may continue to operate under 22070
the temporary certificate until it expires or the chief suspends 22071
or revokes it. 22072

(D) Except as provided in sections 1561.16 and 1561.17 of the 22073
Revised Code, any certificate issued by the former mine examining 22074
board prior to October 29, 1995, shall remain in effect 22075
notwithstanding the new classifications of certificates 22076
established by this section. 22077

Sec. 1703.27. No foreign nonprofit corporation shall exercise 22078
its corporate privileges in this state in a continual course of 22079
transactions until it has first procured from the secretary of 22080
state a certificate authorizing it to do so. 22081

Before issuing such certificate, the secretary of state shall 22082
require such foreign corporation to file in the secretary of 22083
state's office a certificate of good standing or subsistence, 22084
setting forth the exact corporate title, the date of 22085
incorporation, and the fact that the corporation is in good 22086
standing or is a subsisting corporation, certified by the 22087
secretary of state, or other proper official, of the state under 22088
the laws of which the corporation was incorporated, and a 22089
statement, on a form prescribed by the secretary of state, 22090
verified by the oath of one of its officers, setting forth, but 22091
not limited to, the following: 22092

(A) The name of the corporation; 22093

(B) The state under the laws of which it is incorporated;	22094
(C) The location of its principal office;	22095
(D) The corporate privileges it proposes to exercise in this state;	22096 22097
(E) The location of its principal office in this state;	22098
(F) The appointment of a designated agent and the complete address of such agent, <u>which shall comply with the requirements of section 1703.041 of the Revised Code;</u>	22099 22100 22101
(G) <u>(F)</u> Its irrevocable consent to service of process on such agent so long as the authority of the agent continues and to service of process upon the secretary of state in the events provided for in section 1703.19 of the Revised Code.	22102 22103 22104 22105
For the filing of that statement, the secretary of state shall charge and collect the fee specified in division (I)(1) of section 111.16 of the Revised Code.	22106 22107 22108
A foreign nonprofit corporation shall file an amendment with the secretary of state if there is a modification of any of the information required to be included in its statement, except for changes in information required by division (F) <u>(E)</u> of this section, which shall be corrected in the same manner as described in section 1702.06 of the Revised Code. For the filing of those amendments and corrections, the secretary of state shall charge and collect the fee specified in division (B) or (R) of section 111.16 of the Revised Code.	22109 22110 22111 22112 22113 22114 22115 22116 22117
Sections 1703.01 to 1703.31 of the Revised Code, governing foreign corporations for profit in respect to exemption from attachment, change of location of principal office, change of its designated agent or of the designated agent's address, service on the secretary of state, license certificate as prima-facie evidence, proof of due incorporation, filing of amendments	22118 22119 22120 22121 22122 22123

evidencing changes of corporate name, merger, or consolidation, 22124
filing of certificate of surrender, service on retired 22125
corporation, and penalties or forfeitures for transacting business 22126
without license, for false reports, and for failure to comply with 22127
other applicable provisions of such sections, shall also apply to 22128
foreign nonprofit corporations. 22129

The secretary of state may require further reports, 22130
certificates, or information from a foreign nonprofit corporation, 22131
including verification of the continued existence of the 22132
corporation. Upon the failure of any corporation to provide the 22133
information, the secretary of state shall give notice of the 22134
failure by certified mail and, if the report is not filed within 22135
thirty days after the mailing of the notice, the license of the 22136
corporation to exercise its corporate privileges in this state 22137
shall expire and the secretary of state shall make a notation to 22138
that effect on the secretary of state's records. 22139

Sec. 1706.83. On and after ~~January 1~~February 11, 2022, this 22140
chapter shall govern all limited liability companies, including 22141
every foreign limited liability company that files an application 22142
for registration as a foreign limited liability company on or 22143
after ~~January 1~~February 11, 2022, every foreign limited liability 22144
company that registers a name in this state on or after ~~January~~ 22145
~~1~~February 11, 2022, every foreign limited liability company that 22146
has registered a name in this state prior to ~~January 1~~February 11, 22147
2022, and every foreign limited liability company that has filed 22148
an application for registration as a foreign limited liability 22149
company prior to ~~January 1~~February 11, 2022, pursuant to Chapter 22150
1705. of the Revised Code. 22151

Sec. 1707.37. (A) All fees and charges collected under this 22152
chapter shall be paid into the state treasury to the credit of the 22153
division of securities fund, which is hereby created. All expenses 22154

of the division of securities, other than those specified in 22155
division (B) of this section, shall be paid from the fund. 22156

The fund shall be assessed a proportionate share of the 22157
administrative costs of the department of commerce in accordance 22158
with procedures prescribed by the director of commerce ~~and~~ 22159
~~approved by the director of budget and management.~~ The assessments 22160
shall be paid from the division of securities fund to the division 22161
of administration fund. 22162

If moneys in the division of securities fund are determined 22163
by the director of budget and management and the director of 22164
commerce to be in excess of those necessary to defray all the 22165
expenses in any fiscal year, the director of budget and management 22166
shall transfer the excess to the general revenue fund. 22167

(B) There is hereby created in the state treasury the 22168
division of securities investor education and enforcement expense 22169
fund, which shall consist of all money received in settlement of 22170
any violation of this chapter and any cash transfers. Money in the 22171
fund shall be used to pay expenses of the division of securities 22172
relating to education or enforcement for the protection of 22173
securities investors and the public. The division may adopt rules 22174
pursuant to section 1707.20 of the Revised Code that establish 22175
what qualifies as such an expense. 22176

Sec. 1707.47. (A) As used in this section and section 22177
1707.471 of the Revised Code: 22178

(1) "Claimant" means a person that files an application for 22179
restitution assistance on behalf of a victim. 22180

(2) "Final order" means a final administrative order issued 22181
by the division of securities or a final court order in a civil or 22182
criminal proceeding initiated by the division. 22183

(3) "Victim" means a purchaser identified in a final order 22184

that has suffered a pecuniary loss as the result of a violation of 22185
this chapter or any rules adopted thereunder, or, in the case of a 22186
deceased purchaser so identified, the purchaser's surviving spouse 22187
or dependent children. 22188

(B) There is hereby created in the state treasury the Ohio 22189
investor recovery fund, which shall consist of all cash transfers 22190
from the division of securities fund, created in section 1707.37 22191
of the Revised Code, not to exceed an aggregate total of two 22192
million five hundred thousand dollars in any fiscal year. Money in 22193
the Ohio investor recovery fund shall be used for the purposes 22194
identified in division (C) of this section. 22195

(C) The division shall use the Ohio investor recovery fund 22196
only to pay awards of restitution assistance and any expenses 22197
incurred in administering this section. 22198

(D)(1) If the Ohio investor recovery fund is reduced below 22199
two hundred fifty thousand dollars due to payment in full of 22200
restitution assistance awards that become final during a month, 22201
the division shall suspend payment of further claims that become 22202
final during that month and the following two months. 22203

(2) At the end of the suspension period described in division 22204
(D)(1) of this section, the division shall pay the suspended 22205
claims. If the Ohio investor recovery fund would be exhausted by 22206
payment in full of the suspended claims, the amount paid to each 22207
claimant shall be prorated according to the amount remaining in 22208
the Ohio investor recovery fund at the end of the suspension 22209
period. 22210

(E) The state shall not be liable for a determination made by 22211
the division under this section except to the extent that money is 22212
available in the Ohio investor recovery fund on the date the award 22213
is calculated. 22214

(F) The following victims are eligible for restitution 22215

<u>assistance:</u>	22216
<u>(1) A natural person who is a resident of this state;</u>	22217
<u>(2) A person, other than a natural person, that is domiciled</u> <u>in Ohio.</u>	22218 22219
<u>(G) The division shall not award restitution assistance as</u> <u>follows:</u>	22220 22221
<u>(1) To more than one claimant per victim;</u>	22222
<u>(2) To a claimant on behalf of a victim that has received the</u> <u>full amount of restitution owed from the person ordered to pay</u> <u>restitution to the victim in the final order before the</u> <u>application for restitution assistance from the fund is filed;</u>	22223 22224 22225 22226
<u>(3) To a claimant if the final order identifies no pecuniary</u> <u>loss to the victim on whose behalf the application is made;</u>	22227 22228
<u>(4) To a claimant on behalf of a victim that assisted in the</u> <u>commission of the violation of this chapter;</u>	22229 22230
<u>(5) If the portion of the final order giving rise to a</u> <u>restitution order or otherwise establishing a pecuniary loss to</u> <u>the victim is overturned on appeal.</u>	22231 22232 22233
<u>(H) If, after the division has made a restitution assistance</u> <u>award from the Ohio investor recovery fund under this section, the</u> <u>restitution award in the final order is overturned on appeal and</u> <u>all legal remedies have been exhausted, then the claimant shall</u> <u>forfeit the restitution assistance award.</u>	22234 22235 22236 22237 22238
<u>Sec. 1707.471. (A) A person that is eligible for a</u> <u>restitution assistance award under section 1707.47 of the Revised</u> <u>Code may submit an application for restitution assistance to the</u> <u>division in a manner and form prescribed by the division of</u> <u>securities.</u>	22239 22240 22241 22242 22243
<u>(B) To receive a restitution assistance award, the claimant</u>	22244

shall submit an application to the division within one hundred 22245
eighty days after the date of the final order. The division may 22246
grant an extension for good cause shown by the claimant. In no 22247
case shall the division accept an application that is received 22248
more than two years after the date of the final order. 22249

(C) The maximum award from the Ohio investor recovery fund 22250
created in section 1707.47 of the Revised Code for each claimant 22251
shall be the lesser of twenty-five thousand dollars or twenty-five 22252
per cent of the amount of monetary injury suffered by the victim 22253
as specified in the final order. 22254

(D) The state is subrogated to the rights of the person 22255
awarded restitution assistance under section 1707.47 of the 22256
Revised Code to the extent of the award. The subrogation rights 22257
are against the person that committed the securities violation or 22258
a person liable for the pecuniary loss. 22259

(E) The state may obtain a lien on the restitution assistance 22260
award in a separation action brought by the state or through state 22261
intervention in an action brought by or on behalf of the victim. 22262

(F)(1) No claimant shall knowingly file or cause to be filed 22263
an application for restitution assistance or documents supporting 22264
the application that contain false, incomplete, or misleading 22265
information in any material respect. 22266

(2) A claimant that violates division (F)(1) of this section 22267
shall forfeit all restitution assistance provided from the fund 22268
and shall be fined not more than ten thousand dollars by the 22269
division. 22270

(3) Notwithstanding section 1707.28 of the Revised Code, a 22271
proceeding to determine whether a violation of division (F)(1) of 22272
this section occurred shall be commenced not later than two years 22273
after the date on which the division discovered the violation or 22274
through reasonable diligence should have discovered the violation. 22275

<u>whichever is earlier.</u>	22276
<u>(G) The division shall adopt rules as necessary to implement</u>	22277
<u>sections 1707.47 and 1707.471 of the Revised Code, including rules</u>	22278
<u>governing the processes for both of the following:</u>	22279
<u>(1) Reviewing applications for restitution assistance awards;</u>	22280
<u>(2) Suspending awards or making a prorated payment of awards</u>	22281
<u>when the fund balance approaches or reaches a balance below two</u>	22282
<u>hundred fifty thousand dollars.</u>	22283
<u>Sec. 1707.49.</u> (A) <u>As used in this section:</u>	22284
<u>(1) "Eligible adult" means either of the following:</u>	22285
<u>(a) A person sixty years of age or older;</u>	22286
<u>(b) A person eligible to receive protective services pursuant</u>	22287
<u>to sections 5101.60 to 5101.71 of the Revised Code.</u>	22288
<u>(2) "Financial exploitation" means either of the following:</u>	22289
<u>(a) The wrongful or unauthorized taking, withholding,</u>	22290
<u>directing, appropriation, or use of money, assets, or property of</u>	22291
<u>an eligible adult;</u>	22292
<u>(b) Any act or omission by a person, including through the</u>	22293
<u>use of a power of attorney or guardianship of an eligible adult,</u>	22294
<u>to do either of the following:</u>	22295
<u>(i) Obtain control, through deception, intimidation, or undue</u>	22296
<u>influence, money, assets, or property of an eligible adult and</u>	22297
<u>thereby deprive the eligible adult of the ownership, use, benefit,</u>	22298
<u>or possession of the money, assets, or property;</u>	22299
<u>(ii) Convert money, assets, or property of an eligible adult</u>	22300
<u>and thereby deprive the eligible adult of the ownership, use,</u>	22301
<u>benefit, or possession of the money, assets, or property.</u>	22302
<u>(B) If an employee of a dealer or investment adviser has</u>	22303

reasonable cause to believe that an eligible adult who is an 22304
account holder may be subject to past, current, or attempted 22305
financial exploitation, then both of the following apply: 22306

(1) The employee shall follow any internal written policy, 22307
program, plan, or procedure adopted by the dealer or investment 22308
adviser for the purpose of establishing protocols for the 22309
reporting of past, current, or attempted financial exploitation. 22310

(2) The dealer or investment adviser may place a hold on any 22311
transaction impacted by the past, current, or attempted financial 22312
exploitation for a period of time not to exceed fifteen business 22313
days. 22314

(C) A dealer or investment adviser shall report any 22315
transactional hold placed pursuant to division (B)(2) of this 22316
section, along with a summary of the facts and circumstances 22317
leading up to the hold, in writing immediately to the division and 22318
the county department of job and family services for the county in 22319
which the eligible adult resides. 22320

(D) A dealer or investment adviser making a report to the 22321
division and the county department of job and family services 22322
pursuant to division (C) of this section may continue the 22323
transactional hold for up to another fifteen business days at the 22324
request of an investigating federal or state agency or if the 22325
dealer or investment adviser has not heard from either the 22326
division or the county department of job and family services 22327
within the initial fifteen-day hold period. Nothing in this 22328
section shall be construed as limiting a dealer's or investment 22329
adviser's ability to seek injunctive relief from a court of 22330
competent jurisdiction at any time for any past, current, or 22331
attempted financial exploitation. 22332

(E) Any person participating in good faith in making a report 22333
or placing a transactional hold pursuant to this section is immune 22334

from any civil or administrative liability arising from the report 22335
or hold. 22336

(F) Any record made available to a state agency under this 22337
section shall be considered an investigative record pursuant to 22338
division (B) of section 1707.12 of the Revised Code. Any record of 22339
a transactional hold, any report relating to the hold, and any 22340
notification of the hold shall be maintained by the dealer or 22341
investment adviser for not less than five years. 22342

Sec. 1710.01. As used in this chapter: 22343

(A) "Special improvement district" means a special 22344
improvement district organized under this chapter. 22345

(B) "Church" means a fellowship of believers, congregation, 22346
society, corporation, convention, or association that is formed 22347
primarily or exclusively for religious purposes and that is not 22348
formed for the private profit of any person. 22349

(C) "Church property" means property that is described as 22350
being exempt from taxation under division (A)(2) of section 22351
5709.07 of the Revised Code and that the county auditor has 22352
entered on the exempt list compiled under section 5713.07 of the 22353
Revised Code. 22354

(D) "Municipal executive" means the mayor, city manager, or 22355
other chief executive officer of the municipal corporation in 22356
which a special improvement district is located. 22357

(E) "Participating political subdivision" means the municipal 22358
corporation or township, or each of the municipal corporations or 22359
townships, that has territory within the boundaries of a special 22360
improvement district created under this chapter. 22361

(F) "Legislative authority of a participating political 22362
subdivision" means, with reference to a township, the board of 22363
township trustees. 22364

(G) "Public improvement" means the planning, design, 22365
construction, reconstruction, enlargement, or alteration of any 22366
facility or improvement, including the acquisition of land, for 22367
which a special assessment may be levied under Chapter 727. of the 22368
Revised Code, and includes any special energy improvement project 22369
or shoreline improvement project. 22370

(H) "Public service" means any service that can be provided 22371
by a municipal corporation or any service for which a special 22372
assessment may be levied under Chapter 727. of the Revised Code. 22373

(I) "Special energy improvement project" means any property, 22374
device, structure, or equipment necessary for the acquisition, 22375
installation, equipping, and improvement of any real or personal 22376
property used for the purpose of creating a solar photovoltaic 22377
project, a solar thermal energy project, a geothermal energy 22378
project, a customer-generated energy project, or an energy 22379
efficiency improvement, whether such real or personal property is 22380
publicly or privately owned. 22381

(J) ~~Existing~~(1) Except as provided in division (J)(2) of 22382
this section, "existing" qualified nonprofit corporation" means a 22383
nonprofit corporation that existed before the creation of the 22384
corresponding district under this chapter, that is composed of 22385
members located within or adjacent to the district, that has 22386
established a police department under section 1702.80 of the 22387
Revised Code, and that is organized for purposes that include 22388
acquisition of real property within an area specified by its 22389
articles for the subsequent transfer of such property to its 22390
members exclusively for charitable, scientific, literary, or 22391
educational purposes, or holding and maintaining and leasing such 22392
property; planning for and assisting in the development of its 22393
members; providing for the relief of the poor and distressed or 22394
underprivileged in the area and adjacent areas; combating 22395
community deterioration and lessening the burdens of government; 22396

providing or assisting others in providing housing for low- or 22397
moderate-income persons; and assisting its members by the 22398
provision of public safety and security services, parking 22399
facilities, transit service, landscaping, and parks. 22400

(2) Regarding a special improvement district to implement a 22401
shoreline improvement project, "existing qualified nonprofit 22402
corporation" has the same meaning as in division (J)(1) of this 22403
section, except that the nonprofit does not need to have an 22404
established police department and does not need to be organized 22405
for purposes that include the acquisition of real property. 22406

(K) "Energy efficiency improvement" means energy efficiency 22407
technologies, products, and activities that reduce or support the 22408
reduction of energy consumption, allow for the reduction in 22409
demand, or support the production of clean, renewable energy and 22410
that are or will be permanently fixed to real property. 22411

(L) "Customer-generated energy project" means a wind, 22412
biomass, or gasification facility for the production of 22413
electricity that meets either of the following requirements: 22414

(1) The facility is designed to have a generating capacity of 22415
two hundred fifty kilowatts of electricity or less. 22416

(2) The facility is: 22417

(a) Designed to have a generating capacity of more than two 22418
hundred fifty kilowatts of electricity; 22419

(b) Operated in parallel with electric transmission and 22420
distribution facilities serving the real property at the site of 22421
the customer-generated energy project; 22422

(c) Intended primarily to offset part or all of the facility 22423
owner's requirements for electricity at the site of the 22424
customer-generated energy project and is located on the facility 22425
owner's real property; and 22426

(d) Not producing energy for direct sale by the facility 22427
owner to the public. 22428

(M) "Reduction in demand" means a change in customer behavior 22429
or a change in customer-owned or operated assets that reduces or 22430
has the capability to reduce the demand for electricity as a 22431
result of price signals or other incentives. 22432

(N) "Electric distribution utility" and "mercantile customer" 22433
have the same meanings as in section 4928.01 of the Revised Code. 22434

(O) "Shoreline improvement project" means acquiring, 22435
constructing, installing, equipping, improving, maintaining, or 22436
repairing real or tangible personal property necessary or useful 22437
for making improvements to abate erosion along either the Lake 22438
Erie shoreline or any water resource. 22439

(P) "Water resource" has the same meaning as in section 22440
6105.01 of the Revised Code. 22441

Sec. 1710.06. (A) The board of directors of a special 22442
improvement district may develop and adopt one or more written 22443
plans for public improvements or public services that benefit all 22444
or any part of the district. Each plan shall set forth the 22445
specific public improvements or public services that are to be 22446
provided, identify the area in which they will be provided, and 22447
specify the method of assessment to be used. Each plan for public 22448
improvements or public services shall indicate the period of time 22449
the assessments are to be levied for the improvements and services 22450
and, if public services are included in the plan, the period of 22451
time the services are to remain in effect. Plans for public 22452
improvements may include the planning, design, construction, 22453
reconstruction, enlargement, or alteration of any public 22454
improvements and the acquisition of land for the improvements. 22455
Plans for public improvements or public services may also include, 22456
but are not limited to, provisions for the following: 22457

(1) Creating and operating the district and the nonprofit corporation under this chapter, including hiring employees and professional services, contracting for insurance, and purchasing or leasing office space and office equipment and other requirements of the district;	22458 22459 22460 22461 22462
(2) Planning, designing, and implementing a public improvements or public services plan, including hiring architectural, engineering, legal, appraisal, insurance, consulting, energy auditing, and planning services, and, for public services, managing, protecting, and maintaining public and private facilities, including public improvements;	22463 22464 22465 22466 22467 22468
(3) Conducting court proceedings to carry out this chapter;	22469
(4) Paying damages resulting from the provision of public improvements or public services and implementing the plans;	22470 22471
(5) Paying the costs of issuing, paying interest on, and redeeming notes and bonds issued for funding public improvements and public services plans;	22472 22473 22474
(6) Sale, lease, lease with an option to purchase, conveyance of other interests in, or other contracts for the acquisition, construction, maintenance, repair, furnishing, equipping, operation, or improvement of any special energy improvement project by the special improvement district, between a participating political subdivision and the special improvement district, and between the special improvement district and any owner of real property in the special improvement district on which a special energy improvement project has been acquired, installed, equipped, or improved; and	22475 22476 22477 22478 22479 22480 22481 22482 22483 22484
(7) Aggregating the renewable energy credits generated by one or more special energy improvement projects within a special improvement district, upon the consent of the owners of the credits and for the purpose of negotiating and completing the sale	22485 22486 22487 22488

of such credits. 22489

(B) Once the board of directors of the special improvement 22490
district adopts a plan, it shall submit the plan to the 22491
legislative authority of each participating political subdivision 22492
and the municipal executive of each municipal corporation in which 22493
the district is located, if any. The legislative authorities and 22494
municipal executives shall review the plan and, within sixty days 22495
after receiving it, may submit their comments and recommendations 22496
about it to the district. After reviewing these comments and 22497
recommendations, the board of directors may amend the plan. It may 22498
then submit the plan, amended or otherwise, in the form of a 22499
petition to members of the district whose property may be assessed 22500
for the plan. Once the petition is signed by those members who own 22501
at least sixty per cent of the front footage of property that is 22502
to be assessed and that abuts upon a street, alley, public road, 22503
place, boulevard, parkway, park entrance, easement, or other 22504
public improvement, or those members who own at least seventy-five 22505
per cent of the area to be assessed for the improvement or 22506
service, the petition may be submitted to each legislative 22507
authority for approval. Except as provided in division (H) of 22508
section 1710.02 of the Revised Code, if the special improvement 22509
district was created for the purpose of developing and 22510
implementing plans for special energy improvement projects or 22511
shoreline improvement projects, the petition required under this 22512
division shall be signed by one hundred per cent of the owners of 22513
the area of all real property located within the area to be 22514
assessed for the special energy improvement project or shoreline 22515
improvement project. 22516

Each legislative authority shall, by resolution, approve or 22517
reject the petition within sixty days after receiving it. If the 22518
petition is approved by the legislative authority of each 22519
participating political subdivision, the plan contained in the 22520

petition shall be effective at the earliest date on which a 22521
nonemergency resolution of the legislative authority with the 22522
latest effective date may become effective. A plan may not be 22523
resubmitted to the legislative authorities and municipal 22524
executives more than three times in any twelve-month period. 22525

(C) Each participating political subdivision shall levy, by 22526
special assessment upon specially benefited property located 22527
within the district, the costs of any public improvements or 22528
public services plan contained in a petition approved by the 22529
participating political subdivisions under this section or 22530
division (F) of section 1710.02 of the Revised Code. The levy 22531
shall be made in accordance with the procedures set forth in 22532
Chapter 727. of the Revised Code, except that: 22533

(1) The assessment for each improvements or services plan may 22534
be levied by any one or any combination of the methods of 22535
assessment listed in section 727.01 of the Revised Code, provided 22536
that the assessment is uniformly applied. 22537

(2) For the purpose of levying an assessment, the board of 22538
directors may combine one or more improvements or services plans 22539
or parts of plans and levy a single assessment against specially 22540
benefited property. 22541

(3) For purposes of special assessments levied by a township 22542
pursuant to this chapter, references in Chapter 727. of the 22543
Revised Code to the municipal corporation shall be deemed to refer 22544
to the township, and references to the legislative authority of 22545
the municipal corporation shall be deemed to refer to the board of 22546
township trustees. 22547

Church property or property owned by a political subdivision, 22548
including any participating political subdivision in which a 22549
special improvement district is located, shall be included in and 22550
be subject to special assessments made pursuant to a plan adopted 22551

under this section or division (F) of section 1710.02 of the Revised Code, if the church or political subdivision has specifically requested in writing that its property be included within the special improvement district and the church or political subdivision is a member of the district or, in the case of a district created by an existing qualified nonprofit corporation, if the church is a member of the corporation.

For tax years 2020 to 2024, qualifying real property, as defined in section 727.031 of the Revised Code, is exempt from special assessments levied under division (C) of this section, provided no delinquent special assessments and related interest and penalties are levied or assessed against any property owned by the owner and operator of the qualifying real property for that tax year.

(D) All rights and privileges of property owners who are assessed under Chapter 727. of the Revised Code shall be granted to property owners assessed under this chapter, including those rights and privileges specified in sections 727.15 to 727.17 and 727.18 to 727.22 of the Revised Code and the right to notice of the resolution of necessity and the filing of the estimated assessment under section 727.13 of the Revised Code. Property owners assessed for public services under this chapter shall have the same rights and privileges as property owners assessed for public improvements under this chapter.

Sec. 1716.21. (A)(1) Except as provided in division (B) of this section or as specifically required or authorized by federal law, no agency or official of this state shall impose any filing or reporting requirement on a charitable organization, regulated or specifically exempted from regulation under Chapter 1716. of the Revised Code, that is more stringent, restrictive, or expansive than the requirements explicitly authorized by the

<u>Revised Code.</u>	22583
<u>(2) Division (A)(1) of this section shall not be construed as repealing or otherwise negating any rule or requirement already in existence as of the effective date of this section.</u>	22584 22585 22586
<u>(3) Division (A)(1) of this section shall not be construed as negating or limiting any of the following:</u>	22587 22588
<u>(a) Any civil or criminal right, claim, or defense that the attorney general may assert under the Revised Code or common law;</u>	22589 22590
<u>(b) The authority of the attorney general to institute and prosecute an action to enforce any provision of the Revised Code the attorney general is authorized to enforce;</u>	22591 22592 22593
<u>(c) The independent authority of the attorney general to protect charitable assets in this state.</u>	22594 22595
<u>(B) This section does not apply to any of the following:</u>	22596
<u>(1) State grants and contracts;</u>	22597
<u>(2) Fraud investigations;</u>	22598
<u>(3) Any enforcement action taken against a specific charitable organization;</u>	22599 22600
<u>(4) Settlement agreements;</u>	22601
<u>(5) Assurances of discontinuance;</u>	22602
<u>(6) Court judgments;</u>	22603
<u>(7) Entities operating under Chapter 2915. of the Revised Code.</u>	22604 22605
Sec. 1733.321. All fees, charges, and forfeitures collected under this chapter shall be paid to the superintendent of financial institutions, who shall deposit them into the state treasury to the credit of the credit unions fund, which is hereby established, and may be expended or obligated by the	22606 22607 22608 22609 22610

superintendent for the defrayment of the costs of regulation of 22611
credit unions. All actual and necessary expenses incurred by the 22612
superintendent, including any services rendered by the department 22613
of commerce for the benefit of credit unions, shall be paid from 22614
the fund. The fund shall be assessed a proportionate share of the 22615
administrative costs of the department of commerce and the 22616
division of financial institutions. The proportionate share of the 22617
administrative costs of the division of financial institutions 22618
shall be determined in accordance with procedures prescribed by 22619
the superintendent ~~and approved by the director of budget and~~ 22620
~~management~~. Such assessment shall be paid from the credit unions 22621
fund to the division of administration fund or the financial 22622
institutions fund. 22623

Sec. 1901.31. The clerk and deputy clerks of a municipal 22624
court shall be selected, be compensated, give bond, and have 22625
powers and duties as follows: 22626

(A) There shall be a clerk of the court who is appointed or 22627
elected as follows: 22628

(1)(a) Except in the Akron, Barberton, Toledo, Hamilton 22629
county, Miami county, Montgomery county, Portage county, and Wayne 22630
county municipal courts and through December 31, 2008, the 22631
Cuyahoga Falls municipal court, if the population of the territory 22632
equals or exceeds one hundred thousand at the regular municipal 22633
election immediately preceding the expiration of the term of the 22634
present clerk, the clerk shall be nominated and elected by the 22635
qualified electors of the territory in the manner that is provided 22636
for the nomination and election of judges in section 1901.07 of 22637
the Revised Code. 22638

The clerk so elected shall hold office for a term of six 22639
years, which term shall commence on the first day of January 22640
following the clerk's election and continue until the clerk's 22641

successor is elected and qualified. 22642

(b) In the Hamilton county municipal court, the clerk of 22643
courts of Hamilton county shall be the clerk of the municipal 22644
court and may appoint an assistant clerk who shall receive the 22645
compensation, payable out of the treasury of Hamilton county in 22646
semimonthly installments, that the board of county commissioners 22647
prescribes. The clerk of courts of Hamilton county, acting as the 22648
clerk of the Hamilton county municipal court and assuming the 22649
duties of that office, shall receive compensation at one-fourth 22650
the rate that is prescribed for the clerks of courts of common 22651
pleas as determined in accordance with the population of the 22652
county and the rates set forth in sections 325.08 and 325.18 of 22653
the Revised Code. This compensation shall be paid from the county 22654
treasury in semimonthly installments and is in addition to the 22655
annual compensation that is received for the performance of the 22656
duties of the clerk of courts of Hamilton county, as provided in 22657
sections 325.08 and 325.18 of the Revised Code. 22658

(c) In the Portage county and Wayne county municipal courts, 22659
the clerks of courts of Portage county and Wayne county shall be 22660
the clerks, respectively, of the Portage county and Wayne county 22661
municipal courts and may appoint a chief deputy clerk for each 22662
branch that is established pursuant to section 1901.311 of the 22663
Revised Code and assistant clerks as the judges of the municipal 22664
court determine are necessary, all of whom shall receive the 22665
compensation that the legislative authority prescribes. The clerks 22666
of courts of Portage county and Wayne county, acting as the clerks 22667
of the Portage county and Wayne county municipal courts and 22668
assuming the duties of these offices, shall receive compensation 22669
payable from the county treasury in semimonthly installments at 22670
one-fourth the rate that is prescribed for the clerks of courts of 22671
common pleas as determined in accordance with the population of 22672
the county and the rates set forth in sections 325.08 and 325.18 22673

of the Revised Code. 22674

(d) In the Montgomery county and Miami county municipal 22675
courts, the clerks of courts of Montgomery county and Miami county 22676
shall be the clerks, respectively, of the Montgomery county and 22677
Miami county municipal courts. The clerks of courts of Montgomery 22678
county and Miami county, acting as the clerks of the Montgomery 22679
county and Miami county municipal courts and assuming the duties 22680
of these offices, shall receive compensation at one-fourth the 22681
rate that is prescribed for the clerks of courts of common pleas 22682
as determined in accordance with the population of the county and 22683
the rates set forth in sections 325.08 and 325.18 of the Revised 22684
Code. This compensation shall be paid from the county treasury in 22685
semimonthly installments and is in addition to the annual 22686
compensation that is received for the performance of the duties of 22687
the clerks of courts of Montgomery county and Miami county, as 22688
provided in sections 325.08 and 325.18 of the Revised Code. 22689

(e) Except as otherwise provided in division (A)(1)(e) of 22690
this section, in the Akron municipal court, candidates for 22691
election to the office of clerk of the court shall be nominated by 22692
primary election. The primary election shall be held on the day 22693
specified in the charter of the city of Akron for the nomination 22694
of municipal officers. Notwithstanding any contrary provision of 22695
section 3513.05 or 3513.257 of the Revised Code, the declarations 22696
of candidacy and petitions of partisan candidates and the 22697
nominating petitions of independent candidates for the office of 22698
clerk of the Akron municipal court shall be signed by at least 22699
fifty qualified electors of the territory of the court. 22700

The candidates shall file a declaration of candidacy and 22701
petition, or a nominating petition, whichever is applicable, not 22702
later than four p.m. of the ninetieth day before the day of the 22703
primary election, in the form prescribed by section 3513.07 or 22704
3513.261 of the Revised Code. The declaration of candidacy and 22705

petition, or the nominating petition, shall conform to the 22706
applicable requirements of section 3513.05 or 3513.257 of the 22707
Revised Code. 22708

If no valid declaration of candidacy and petition is filed by 22709
any person for nomination as a candidate of a particular political 22710
party for election to the office of clerk of the Akron municipal 22711
court, a primary election shall not be held for the purpose of 22712
nominating a candidate of that party for election to that office. 22713
If only one person files a valid declaration of candidacy and 22714
petition for nomination as a candidate of a particular political 22715
party for election to that office, a primary election shall not be 22716
held for the purpose of nominating a candidate of that party for 22717
election to that office, and the candidate shall be issued a 22718
certificate of nomination in the manner set forth in section 22719
3513.02 of the Revised Code. 22720

Declarations of candidacy and petitions, nominating 22721
petitions, and certificates of nomination for the office of clerk 22722
of the Akron municipal court shall contain a designation of the 22723
term for which the candidate seeks election. At the following 22724
regular municipal election, all candidates for the office shall be 22725
submitted to the qualified electors of the territory of the court 22726
in the manner that is provided in section 1901.07 of the Revised 22727
Code for the election of the judges of the court. The clerk so 22728
elected shall hold office for a term of six years, which term 22729
shall commence on the first day of January following the clerk's 22730
election and continue until the clerk's successor is elected and 22731
qualified. 22732

(f) Except as otherwise provided in division (A)(1)(f) of 22733
this section, in the Barberton municipal court, candidates for 22734
election to the office of clerk of the court shall be nominated by 22735
primary election. The primary election shall be held on the day 22736
specified in the charter of the city of Barberton for the 22737

nomination of municipal officers. Notwithstanding any contrary 22738
provision of section 3513.05 or 3513.257 of the Revised Code, the 22739
declarations of candidacy and petitions of partisan candidates and 22740
the nominating petitions of independent candidates for the office 22741
of clerk of the Barberton municipal court shall be signed by at 22742
least fifty qualified electors of the territory of the court. 22743

The candidates shall file a declaration of candidacy and 22744
petition, or a nominating petition, whichever is applicable, not 22745
later than four p.m. of the ninetieth day before the day of the 22746
primary election, in the form prescribed by section 3513.07 or 22747
3513.261 of the Revised Code. The declaration of candidacy and 22748
petition, or the nominating petition, shall conform to the 22749
applicable requirements of section 3513.05 or 3513.257 of the 22750
Revised Code. 22751

If no valid declaration of candidacy and petition is filed by 22752
any person for nomination as a candidate of a particular political 22753
party for election to the office of clerk of the Barberton 22754
municipal court, a primary election shall not be held for the 22755
purpose of nominating a candidate of that party for election to 22756
that office. If only one person files a valid declaration of 22757
candidacy and petition for nomination as a candidate of a 22758
particular political party for election to that office, a primary 22759
election shall not be held for the purpose of nominating a 22760
candidate of that party for election to that office, and the 22761
candidate shall be issued a certificate of nomination in the 22762
manner set forth in section 3513.02 of the Revised Code. 22763

Declarations of candidacy and petitions, nominating 22764
petitions, and certificates of nomination for the office of clerk 22765
of the Barberton municipal court shall contain a designation of 22766
the term for which the candidate seeks election. At the following 22767
regular municipal election, all candidates for the office shall be 22768
submitted to the qualified electors of the territory of the court 22769

in the manner that is provided in section 1901.07 of the Revised Code for the election of the judges of the court. The clerk so elected shall hold office for a term of six years, which term shall commence on the first day of January following the clerk's election and continue until the clerk's successor is elected and qualified.

(g)(i) Through December 31, 2008, except as otherwise provided in division (A)(1)(g)(i) of this section, in the Cuyahoga Falls municipal court, candidates for election to the office of clerk of the court shall be nominated by primary election. The primary election shall be held on the day specified in the charter of the city of Cuyahoga Falls for the nomination of municipal officers. Notwithstanding any contrary provision of section 3513.05 or 3513.257 of the Revised Code, the declarations of candidacy and petitions of partisan candidates and the nominating petitions of independent candidates for the office of clerk of the Cuyahoga Falls municipal court shall be signed by at least fifty qualified electors of the territory of the court.

The candidates shall file a declaration of candidacy and petition, or a nominating petition, whichever is applicable, not later than four p.m. of the ninetieth day before the day of the primary election, in the form prescribed by section 3513.07 or 3513.261 of the Revised Code. The declaration of candidacy and petition, or the nominating petition, shall conform to the applicable requirements of section 3513.05 or 3513.257 of the Revised Code.

If no valid declaration of candidacy and petition is filed by any person for nomination as a candidate of a particular political party for election to the office of clerk of the Cuyahoga Falls municipal court, a primary election shall not be held for the purpose of nominating a candidate of that party for election to that office. If only one person files a valid declaration of

candidacy and petition for nomination as a candidate of a 22802
particular political party for election to that office, a primary 22803
election shall not be held for the purpose of nominating a 22804
candidate of that party for election to that office, and the 22805
candidate shall be issued a certificate of nomination in the 22806
manner set forth in section 3513.02 of the Revised Code. 22807

Declarations of candidacy and petitions, nominating 22808
petitions, and certificates of nomination for the office of clerk 22809
of the Cuyahoga Falls municipal court shall contain a designation 22810
of the term for which the candidate seeks election. At the 22811
following regular municipal election, all candidates for the 22812
office shall be submitted to the qualified electors of the 22813
territory of the court in the manner that is provided in section 22814
1901.07 of the Revised Code for the election of the judges of the 22815
court. The clerk so elected shall hold office for a term of six 22816
years, which term shall commence on the first day of January 22817
following the clerk's election and continue until the clerk's 22818
successor is elected and qualified. 22819

(ii) Division (A)(1)(g)(i) of this section shall have no 22820
effect after December 31, 2008. 22821

(h) Except as otherwise provided in division (A)(1)(h) of 22822
this section, in the Toledo municipal court, candidates for 22823
election to the office of clerk of the court shall be nominated by 22824
primary election. The primary election shall be held on the day 22825
specified in the charter of the city of Toledo for the nomination 22826
of municipal officers. Notwithstanding any contrary provision of 22827
section 3513.05 or 3513.257 of the Revised Code, the declarations 22828
of candidacy and petitions of partisan candidates and the 22829
nominating petitions of independent candidates for the office of 22830
clerk of the Toledo municipal court shall be signed by at least 22831
fifty qualified electors of the territory of the court. 22832

The candidates shall file a declaration of candidacy and 22833

petition, or a nominating petition, whichever is applicable, not 22834
later than four p.m. of the ninetieth day before the day of the 22835
primary election, in the form prescribed by section 3513.07 or 22836
3513.261 of the Revised Code. The declaration of candidacy and 22837
petition, or the nominating petition, shall conform to the 22838
applicable requirements of section 3513.05 or 3513.257 of the 22839
Revised Code. 22840

If no valid declaration of candidacy and petition is filed by 22841
any person for nomination as a candidate of a particular political 22842
party for election to the office of clerk of the Toledo municipal 22843
court, a primary election shall not be held for the purpose of 22844
nominating a candidate of that party for election to that office. 22845
If only one person files a valid declaration of candidacy and 22846
petition for nomination as a candidate of a particular political 22847
party for election to that office, a primary election shall not be 22848
held for the purpose of nominating a candidate of that party for 22849
election to that office, and the candidate shall be issued a 22850
certificate of nomination in the manner set forth in section 22851
3513.02 of the Revised Code. 22852

Declarations of candidacy and petitions, nominating 22853
petitions, and certificates of nomination for the office of clerk 22854
of the Toledo municipal court shall contain a designation of the 22855
term for which the candidate seeks election. At the following 22856
regular municipal election, all candidates for the office shall be 22857
submitted to the qualified electors of the territory of the court 22858
in the manner that is provided in section 1901.07 of the Revised 22859
Code for the election of the judges of the court. The clerk so 22860
elected shall hold office for a term of six years, which term 22861
shall commence on the first day of January following the clerk's 22862
election and continue until the clerk's successor is elected and 22863
qualified. 22864

(2)(a) Except for the Alliance, Auglaize county, Brown 22865

county, Columbiana county, Holmes county, Perry county, Putnam 22866
county, Sandusky county, Lima, Lorain, Massillon, and Youngstown 22867
municipal courts, in a municipal court for which the population of 22868
the territory is less than one hundred thousand, the clerk shall 22869
be appointed by the court, and the clerk shall hold office until 22870
the clerk's successor is appointed and qualified. 22871

(b) In the Alliance, Lima, Lorain, Massillon, and Youngstown 22872
municipal courts, the clerk shall be elected for a term of office 22873
as described in division (A)(1)(a) of this section. 22874

(c) In the Auglaize county, Brown county, Holmes county, 22875
Perry county, Putnam county, and Sandusky county municipal courts, 22876
the clerks of courts of Auglaize county, Brown county, Holmes 22877
county, Perry county, Putnam county, and Sandusky county shall be 22878
the clerks, respectively, of the Auglaize county, Brown county, 22879
Holmes county, Perry county, Putnam county, and Sandusky county 22880
municipal courts and may appoint a chief deputy clerk for each 22881
branch office that is established pursuant to section 1901.311 of 22882
the Revised Code, and assistant clerks as the judge of the court 22883
determines are necessary, all of whom shall receive the 22884
compensation that the legislative authority prescribes. The clerks 22885
of courts of Auglaize county, Brown county, Holmes county, Perry 22886
county, Putnam county, and Sandusky county, acting as the clerks 22887
of the Auglaize county, Brown county, Holmes county, Perry county, 22888
Putnam county, and Sandusky county municipal courts and assuming 22889
the duties of these offices, shall receive compensation payable 22890
from the county treasury in semimonthly installments at one-fourth 22891
the rate that is prescribed for the clerks of courts of common 22892
pleas as determined in accordance with the population of the 22893
county and the rates set forth in sections 325.08 and 325.18 of 22894
the Revised Code. 22895

(d) In the Columbiana county municipal court, the clerk of 22896
courts of Columbiana county shall be the clerk of the municipal 22897

court, may appoint a chief deputy clerk for each branch office 22898
that is established pursuant to section 1901.311 of the Revised 22899
Code, and may appoint any assistant clerks that the judges of the 22900
court determine are necessary. All of the chief deputy clerks and 22901
assistant clerks shall receive the compensation that the 22902
legislative authority prescribes. The clerk of courts of 22903
Columbiana county, acting as the clerk of the Columbiana county 22904
municipal court and assuming the duties of that office, shall 22905
receive in either biweekly installments or semimonthly 22906
installments, as determined by the payroll administrator, 22907
compensation payable from the county treasury at one-fourth the 22908
rate that is prescribed for the clerks of courts of common pleas 22909
as determined in accordance with the population of the county and 22910
the rates set forth in sections 325.08 and 325.18 of the Revised 22911
Code. 22912

(3) During the temporary absence of the clerk due to illness, 22913
vacation, or other proper cause, the court may appoint a temporary 22914
clerk, who shall be paid the same compensation, have the same 22915
authority, and perform the same duties as the clerk. 22916

(B) Except in the Hamilton county, Montgomery county, Miami 22917
county, Portage county, and Wayne county municipal courts, if a 22918
vacancy occurs in the office of the clerk of the Alliance, Lima, 22919
Lorain, Massillon, or Youngstown municipal court or occurs in the 22920
office of the clerk of a municipal court for which the population 22921
of the territory equals or exceeds one hundred thousand because 22922
the clerk ceases to hold the office before the end of the clerk's 22923
term or because a clerk-elect fails to take office, the vacancy 22924
shall be filled, until a successor is elected and qualified, by a 22925
person chosen by the residents of the territory of the court who 22926
are members of the county central committee of the political party 22927
by which the last occupant of that office or the clerk-elect was 22928
nominated. Not less than five nor more than fifteen days after a 22929

vacancy occurs, those members of that county central committee 22930
shall meet to make an appointment to fill the vacancy. At least 22931
four days before the date of the meeting, the chairperson or a 22932
secretary of the county central committee shall notify each such 22933
member of that county central committee by first class mail of the 22934
date, time, and place of the meeting and its purpose. A majority 22935
of all such members of that county central committee constitutes a 22936
quorum, and a majority of the quorum is required to make the 22937
appointment. If the office so vacated was occupied or was to be 22938
occupied by a person not nominated at a primary election, or if 22939
the appointment was not made by the committee members in 22940
accordance with this division, the court shall make an appointment 22941
to fill the vacancy. A successor shall be elected to fill the 22942
office for the unexpired term at the first municipal election that 22943
is held more than one hundred thirty-five days after the vacancy 22944
occurred. 22945

(C)(1) In a municipal court, other than the Auglaize county, 22946
the Brown county, the Columbiana county, the Holmes county, the 22947
Perry county, the Putnam county, the Sandusky county, and the 22948
Lorain municipal courts, for which the population of the territory 22949
is less than one hundred thousand, the clerk of the municipal 22950
court shall receive the annual compensation that the presiding 22951
judge of the court prescribes, if the revenue of the court for the 22952
preceding calendar year, as certified by the auditor or chief 22953
fiscal officer of the municipal corporation in which the court is 22954
located or, in the case of a county-operated municipal court, the 22955
county auditor, is equal to or greater than the expenditures, 22956
including any debt charges, for the operation of the court payable 22957
under this chapter from the city treasury or, in the case of a 22958
county-operated municipal court, the county treasury for that 22959
calendar year, as also certified by the auditor or chief fiscal 22960
officer. If the revenue of a municipal court, other than the 22961
Auglaize county, the Brown county, the Columbiana county, the 22962

Perry county, the Putnam county, the Sandusky county, and the 22963
Lorain municipal courts, for which the population of the territory 22964
is less than one hundred thousand for the preceding calendar year 22965
as so certified is not equal to or greater than those expenditures 22966
for the operation of the court for that calendar year as so 22967
certified, the clerk of a municipal court shall receive the annual 22968
compensation that the legislative authority prescribes. As used in 22969
this division, "revenue" means the total of all costs and fees 22970
that are collected and paid to the city treasury or, in a 22971
county-operated municipal court, the county treasury by the clerk 22972
of the municipal court under division (F) of this section and all 22973
interest received and paid to the city treasury or, in a 22974
county-operated municipal court, the county treasury in relation 22975
to the costs and fees under division (G) of this section. 22976

(2) In a municipal court, other than the Hamilton county, 22977
Montgomery county, Miami county, Portage county, and Wayne county 22978
municipal courts, for which the population of the territory is one 22979
hundred thousand or more, and in the Lorain municipal court, the 22980
clerk of the municipal court shall receive annual compensation in 22981
a sum equal to eighty-five per cent of the salary of a judge of 22982
the court. 22983

(3) The compensation of a clerk described in division (C)(1) 22984
or (2) of this section and of the clerk of the Columbiana county 22985
municipal court is payable in either semimonthly installments or 22986
biweekly installments, as determined by the payroll administrator, 22987
from the same sources and in the same manner as provided in 22988
section 1901.11 of the Revised Code, except that the compensation 22989
of the clerk of the Carroll county municipal court is payable in 22990
biweekly installments. 22991

(D) Before entering upon the duties of the clerk's office, 22992
the clerk of a municipal court shall give bond of not less than 22993
six thousand dollars to be determined by the judges of the court, 22994

conditioned upon the faithful performance of the clerk's duties. 22995

(E) The clerk of a municipal court may do all of the 22996
following: administer oaths, take affidavits, and issue executions 22997
upon any judgment rendered in the court, including a judgment for 22998
unpaid costs; issue, sign, and attach the seal of the court to all 22999
writs, process, subpoenas, and papers issuing out of the court; 23000
and approve all bonds, sureties, recognizances, and undertakings 23001
fixed by any judge of the court or by law. The clerk may refuse to 23002
accept for filing any pleading or paper submitted for filing by a 23003
person who has been found to be a vexatious litigator under 23004
section 2323.52 of the Revised Code and who has failed to obtain 23005
leave to proceed under that section. The clerk shall do all of the 23006
following: file and safely keep all journals, records, books, and 23007
papers belonging or appertaining to the court; record the 23008
proceedings of the court; perform all other duties that the judges 23009
of the court may prescribe; and keep a book showing all receipts 23010
and disbursements, which book shall be open for public inspection 23011
at all times. 23012

The clerk shall prepare and maintain a general index, a 23013
docket, and other records that the court, by rule, requires, all 23014
of which shall be the public records of the court. In the docket, 23015
the clerk shall enter, at the time of the commencement of an 23016
action, the names of the parties in full, the names of the 23017
counsel, and the nature of the proceedings. Under proper dates, 23018
the clerk shall note the filing of the complaint, issuing of 23019
summons or other process, returns, and any subsequent pleadings. 23020
The clerk also shall enter all reports, verdicts, orders, 23021
judgments, and proceedings of the court, clearly specifying the 23022
relief granted or orders made in each action. The court may order 23023
an extended record of any of the above to be made and entered, 23024
under the proper action heading, upon the docket at the request of 23025
any party to the case, the expense of which record may be taxed as 23026

costs in the case or may be required to be prepaid by the party 23027
demanding the record, upon order of the court. 23028

(F) The clerk of a municipal court shall receive, collect, 23029
and issue receipts for all costs, fees, fines, bail, and other 23030
moneys payable to the office or to any officer of the court. The 23031
clerk shall on or before the twentieth day of the month following 23032
the month in which they are collected disburse to the proper 23033
persons or officers, and take receipts for, all costs, fees, 23034
fines, bail, and other moneys that the clerk collects. Subject to 23035
sections 307.515 and 4511.193 of the Revised Code and to any other 23036
section of the Revised Code that requires a specific manner of 23037
disbursement of any moneys received by a municipal court and 23038
except for the Hamilton county, Lawrence county, and Ottawa county 23039
municipal courts, the clerk shall pay all fines received for 23040
violation of municipal ordinances into the treasury of the 23041
municipal corporation the ordinance of which was violated and 23042
shall pay all fines received for violation of township resolutions 23043
adopted pursuant to section 503.52 or 503.53 or Chapter 504. of 23044
the Revised Code into the treasury of the township the resolution 23045
of which was violated. Subject to sections 1901.024 and 4511.193 23046
of the Revised Code, in the Hamilton county, Lawrence county, and 23047
Ottawa county municipal courts, the clerk shall pay fifty per cent 23048
of the fines received for violation of municipal ordinances and 23049
fifty per cent of the fines received for violation of township 23050
resolutions adopted pursuant to section 503.52 or 503.53 or 23051
Chapter 504. of the Revised Code into the treasury of the county. 23052
Subject to sections 307.515, 4511.19, and 5503.04 of the Revised 23053
Code and to any other section of the Revised Code that requires a 23054
specific manner of disbursement of any moneys received by a 23055
municipal court, the clerk shall pay all fines collected for the 23056
violation of state laws into the county treasury. Except in a 23057
county-operated municipal court, the clerk shall pay all costs and 23058
fees the disbursement of which is not otherwise provided for in 23059

the Revised Code into the city treasury. The clerk of a 23060
county-operated municipal court shall pay the costs and fees the 23061
disbursement of which is not otherwise provided for in the Revised 23062
Code into the county treasury. Moneys deposited as security for 23063
costs shall be retained pending the litigation. The clerk shall 23064
keep a separate account of all receipts and disbursements in civil 23065
and criminal cases, which shall be a permanent public record of 23066
the office. On the expiration of the term of the clerk, the clerk 23067
shall deliver the records to the clerk's successor. The clerk 23068
shall have other powers and duties as are prescribed by rule or 23069
order of the court. 23070

(G) All moneys paid into a municipal court shall be noted on 23071
the record of the case in which they are paid and shall be 23072
deposited in a state or national bank, as defined in section 23073
1101.01 of the Revised Code, that is selected by the clerk. Any 23074
interest received upon the deposits shall be paid into the city 23075
treasury, except that, in a county-operated municipal court, the 23076
interest shall be paid into the treasury of the county in which 23077
the court is located. 23078

On the first Monday in January of each year, the clerk shall 23079
make a list of the titles of all cases in the court that were 23080
finally determined more than one year past in which there remains 23081
unclaimed in the possession of the clerk any funds, or any part of 23082
a deposit for security of costs not consumed by the costs in the 23083
case. The clerk shall give notice of the moneys to the parties who 23084
are entitled to the moneys or to their attorneys of record. All 23085
the moneys remaining unclaimed on the first day of April of each 23086
year shall be paid by the clerk to the city treasurer, except 23087
that, in a county-operated municipal court, the moneys shall be 23088
paid to the treasurer of the county in which the court is located. 23089
The treasurer shall pay any part of the moneys at any time to the 23090
person who has the right to the moneys upon proper certification 23091

of the clerk. 23092

(H) Deputy clerks of a municipal court other than the Carroll 23093
county municipal court may be appointed by the clerk and shall 23094
receive the compensation, payable in either biweekly installments 23095
or semimonthly installments, as determined by the payroll 23096
administrator, out of the city treasury, that the clerk may 23097
prescribe, except that the compensation of any deputy clerk of a 23098
county-operated municipal court shall be paid out of the treasury 23099
of the county in which the court is located. The judge of the 23100
Carroll county municipal court may appoint deputy clerks for the 23101
court, and the deputy clerks shall receive the compensation, 23102
payable in biweekly installments out of the county treasury, that 23103
the judge may prescribe. Each deputy clerk shall take an oath of 23104
office before entering upon the duties of the deputy clerk's 23105
office and, when so qualified, may perform the duties appertaining 23106
to the office of the clerk. The clerk may require any of the 23107
deputy clerks to give bond of not less than three thousand 23108
dollars, conditioned for the faithful performance of the deputy 23109
clerk's duties. 23110

(I) For the purposes of this section, whenever the population 23111
of the territory of a municipal court falls below one hundred 23112
thousand but not below ninety thousand, and the population of the 23113
territory prior to the most recent regular federal census exceeded 23114
one hundred thousand, the legislative authority of the municipal 23115
corporation may declare, by resolution, that the territory shall 23116
be considered to have a population of at least one hundred 23117
thousand. 23118

(J) The clerk or a deputy clerk shall be in attendance at all 23119
sessions of the municipal court, although not necessarily in the 23120
courtroom, and may administer oaths to witnesses and jurors and 23121
receive verdicts. 23122

Sec. 1907.15. (A)(1) In counties having more than one county 23123
court judge, ~~subject to division (A)(2) of this section,~~ the 23124
presiding judge of the county court may divide the county court 23125
district into areas of separate jurisdiction and may designate the 23126
location at which each judge shall hold court. Except in county 23127
court districts exceeding one hundred twenty thousand population, 23128
each area of separate jurisdiction shall be made up of one or more 23129
townships. In assigning areas of separate jurisdiction, the 23130
presiding judge shall make each area of separate jurisdiction as 23131
equal in population and case load to others in the district as is 23132
possible under existing conditions. 23133

Whenever the territory of a county court district is reduced 23134
by the territorial expansion of municipal court jurisdiction, the 23135
presiding judge may redetermine areas of separate jurisdiction 23136
and, if necessary, reassign areas so as to make each area of 23137
separate jurisdiction as equal in population and case load to 23138
others in the district as is possible under the altered 23139
conditions. 23140

In county court districts exceeding one hundred twenty 23141
thousand population, ~~subject to division (A)(2) of this section,~~ 23142
the presiding judge of the county court may assign more than one 23143
county court judge to an area of separate jurisdiction. In any 23144
county court district of that nature, ~~subject to division (A)(2)~~ 23145
~~of this section,~~ the presiding judge from time to time may assign 23146
a judge from one area of separate jurisdiction to another area of 23147
separate jurisdiction and redetermine and reassign areas of 23148
separate jurisdiction. Upon that redetermination and reassignment, 23149
the presiding judge shall consider, in addition to population, the 23150
case load of each area of separate jurisdiction. 23151

(2) ~~The presiding judge of the county court of Jefferson~~ 23152
~~county shall determine areas of separate jurisdiction for the~~ 23153

~~judges of the Jefferson county county court in the manner 23154
described in division (A)(1) of this section but subject to the 23155
provisions of this division governing the location in which each 23156
judge shall hold court. The judge of the Jefferson county county 23157
court whose term commences January 1, 1993, and that judge's 23158
successors, shall hold court in Wintersville or Cross Creek 23159
township. The judge of the Jefferson county county court whose 23160
term commences January 1, 1995, and that judge's successors, shall 23161
hold court in Dillonvale. The judge of the Jefferson county county 23162
court whose term commences January 2, 1995, and that judge's 23163
successors, shall hold court in Toronto. 23164~~

~~(3) In counties having only one county court judge, the area 23165
of jurisdiction shall consist of the entire county court district, 23166
and the county court judge, with the concurrence of the board of 23167
county commissioners, shall designate the location at which the 23168
judge shall hold court. 23169~~

~~(B) The jurisdiction of each county court judge shall be 23170
coextensive with the boundaries of the county court district. 23171~~

~~**Sec. 2133.01.** Unless the context otherwise requires, as used 23172
in sections 2133.01 to 2133.15 of the Revised Code: 23173~~

~~(A) "Adult" means an individual who is eighteen years of age 23174
or older. 23175~~

~~(B) "Attending physician" means the physician to whom a 23176
declarant or other patient, or the family of a declarant or other 23177
patient, has assigned primary responsibility for the treatment or 23178
care of the declarant or other patient, or, if the responsibility 23179
has not been assigned, the physician who has accepted that 23180
responsibility. 23181~~

~~(C) "Comfort care" means any of the following: 23182~~

~~(1) Nutrition when administered to diminish the pain or 23183~~

discomfort of a declarant or other patient, but not to postpone	23184
the declarant's or other patient's death;	23185
(2) Hydration when administered to diminish the pain or	23186
discomfort of a declarant or other patient, but not to postpone	23187
the declarant's or other patient's death;	23188
(3) Any other medical or nursing procedure, treatment,	23189
intervention, or other measure that is taken to diminish the pain	23190
or discomfort of a declarant or other patient, but not to postpone	23191
the declarant's or other patient's death.	23192
(D) "Consulting physician" means a physician who, in	23193
conjunction with the attending physician of a declarant or other	23194
patient, makes one or more determinations that are required to be	23195
made by the attending physician, or to be made by the attending	23196
physician and one other physician, by an applicable provision of	23197
this chapter, to a reasonable degree of medical certainty and in	23198
accordance with reasonable medical standards.	23199
(E) "Declarant" means any adult who has executed a	23200
declaration in accordance with section 2133.02 of the Revised	23201
Code.	23202
(F) "Declaration" means a written document executed in	23203
accordance with section 2133.02 of the Revised Code.	23204
(G) "Durable power of attorney for health care" means a	23205
document created pursuant to sections 1337.11 to 1337.17 of the	23206
Revised Code.	23207
(H) "Guardian" means a person appointed by a probate court	23208
pursuant to Chapter 2111. of the Revised Code to have the care and	23209
management of the person of an incompetent.	23210
(I) "Health care facility" means any of the following:	23211
(1) A hospital;	23212
(2) A hospice care program, pediatric respite care program,	23213

or other institution that specializes in comfort care of patients	23214
in a terminal condition or in a permanently unconscious state;	23215
(3) A nursing home or residential care facility, as defined	23216
in section 3721.01 of the Revised Code;	23217
(4) A home health agency and any residential facility where a	23218
person is receiving care under the direction of a home health	23219
agency;	23220
(5) An intermediate care facility for individuals with	23221
intellectual disabilities.	23222
(J) "Health care personnel" means physicians, nurses,	23223
physician assistants, emergency medical technicians-basic,	23224
emergency medical technicians-intermediate, emergency medical	23225
technicians-paramedic, medical technicians, dietitians, other	23226
authorized persons acting under the direction of an attending	23227
physician, and administrators of health care facilities.	23228
(K) "Home health agency" has the same meaning as in section	23229
3701.881 <u>3740.01</u> of the Revised Code.	23230
(L) "Hospice care program" and "pediatric respite care	23231
program" have the same meanings as in section 3712.01 of the	23232
Revised Code.	23233
(M) "Hospital" has the same meanings as in sections 3701.01,	23234
3727.01, and 5122.01 of the Revised Code.	23235
(N) "Hydration" means fluids that are artificially or	23236
technologically administered.	23237
(O) "Incompetent" has the same meaning as in section 2111.01	23238
of the Revised Code.	23239
(P) "Intermediate care facility for the individuals with	23240
intellectual disabilities" has the same meaning as in section	23241
5124.01 of the Revised Code.	23242
(Q) "Life-sustaining treatment" means any medical procedure,	23243

treatment, intervention, or other measure that, when administered 23244
to a qualified patient or other patient, will serve principally to 23245
prolong the process of dying. 23246

(R) "Nurse" means a person who is licensed to practice 23247
nursing as a registered nurse or to practice practical nursing as 23248
a licensed practical nurse pursuant to Chapter 4723. of the 23249
Revised Code. 23250

(S) "Nursing home" has the same meaning as in section 3721.01 23251
of the Revised Code. 23252

(T) "Nutrition" means sustenance that is artificially or 23253
technologically administered. 23254

(U) "Permanently unconscious state" means a state of 23255
permanent unconsciousness in a declarant or other patient that, to 23256
a reasonable degree of medical certainty as determined in 23257
accordance with reasonable medical standards by the declarant's or 23258
other patient's attending physician and one other physician who 23259
has examined the declarant or other patient, is characterized by 23260
both of the following: 23261

(1) Irreversible unawareness of one's being and environment. 23262

(2) Total loss of cerebral cortical functioning, resulting in 23263
the declarant or other patient having no capacity to experience 23264
pain or suffering. 23265

(V) "Person" has the same meaning as in section 1.59 of the 23266
Revised Code and additionally includes political subdivisions and 23267
governmental agencies, boards, commissions, departments, 23268
institutions, offices, and other instrumentalities. 23269

(W) "Physician" means a person who is authorized under 23270
Chapter 4731. of the Revised Code to practice medicine and surgery 23271
or osteopathic medicine and surgery. 23272

(X) "Political subdivision" and "state" have the same 23273

meanings as in section 2744.01 of the Revised Code.	23274
(Y) "Professional disciplinary action" means action taken by	23275
the board or other entity that regulates the professional conduct	23276
of health care personnel, including the state medical board and	23277
the board of nursing.	23278
(Z) "Qualified patient" means an adult who has executed a	23279
declaration and has been determined to be in a terminal condition	23280
or in a permanently unconscious state.	23281
(AA) "Terminal condition" means an irreversible, incurable,	23282
and untreatable condition caused by disease, illness, or injury	23283
from which, to a reasonable degree of medical certainty as	23284
determined in accordance with reasonable medical standards by a	23285
declarant's or other patient's attending physician and one other	23286
physician who has examined the declarant or other patient, both of	23287
the following apply:	23288
(1) There can be no recovery.	23289
(2) Death is likely to occur within a relatively short time	23290
if life-sustaining treatment is not administered.	23291
(BB) "Tort action" means a civil action for damages for	23292
injury, death, or loss to person or property, other than a civil	23293
action for damages for breach of a contract or another agreement	23294
between persons.	23295
Sec. 2151.011. (A) As used in the Revised Code:	23296
(1) "Juvenile court" means whichever of the following is	23297
applicable that has jurisdiction under this chapter and Chapter	23298
2152. of the Revised Code:	23299
(a) The division of the court of common pleas specified in	23300
section 2101.022 or 2301.03 of the Revised Code as having	23301
jurisdiction under this chapter and Chapter 2152. of the Revised	23302
Code or as being the juvenile division or the juvenile division	23303

combined with one or more other divisions; 23304

(b) The juvenile court of Cuyahoga county or Hamilton county 23305
that is separately and independently created by section 2151.08 or 23306
Chapter 2153. of the Revised Code and that has jurisdiction under 23307
this chapter and Chapter 2152. of the Revised Code; 23308

(c) If division (A)(1)(a) or (b) of this section does not 23309
apply, the probate division of the court of common pleas. 23310

(2) "Juvenile judge" means a judge of a court having 23311
jurisdiction under this chapter. 23312

(3) "Private child placing agency" means any association, as 23313
defined in section 5103.02 of the Revised Code, that is certified 23314
under section 5103.03 of the Revised Code to accept temporary, 23315
permanent, or legal custody of children and place the children for 23316
either foster care or adoption. 23317

(4) "Private noncustodial agency" means any person, 23318
organization, association, or society certified by the department 23319
of job and family services that does not accept temporary or 23320
permanent legal custody of children, that is privately operated in 23321
this state, and that does one or more of the following: 23322

(a) Receives and cares for children for two or more 23323
consecutive weeks; 23324

(b) Participates in the placement of children in certified 23325
foster homes; 23326

(c) Provides adoption services in conjunction with a public 23327
children services agency or private child placing agency. 23328

(B) As used in this chapter: 23329

(1) "Adequate parental care" means the provision by a child's 23330
parent or parents, guardian, or custodian of adequate food, 23331
clothing, and shelter to ensure the child's health and physical 23332
safety and the provision by a child's parent or parents of 23333

specialized services warranted by the child's physical or mental 23334
needs. 23335

(2) "Adult" means an individual who is eighteen years of age 23336
or older. 23337

(3) "Agreement for temporary custody" means a voluntary 23338
agreement authorized by section 5103.15 of the Revised Code that 23339
transfers the temporary custody of a child to a public children 23340
services agency or a private child placing agency. 23341

(4) "Alternative response" means the public children services 23342
agency's response to a report of child abuse or neglect that 23343
engages the family in a comprehensive evaluation of child safety, 23344
risk of subsequent harm, and family strengths and needs and that 23345
does not include a determination as to whether child abuse or 23346
neglect occurred. 23347

(5) "Certified foster home" means a foster home, as defined 23348
in section 5103.02 of the Revised Code, certified under section 23349
5103.03 of the Revised Code. 23350

(6) "Child" means a person who is under eighteen years of 23351
age, except that the juvenile court has jurisdiction over any 23352
person who is adjudicated an unruly child prior to attaining 23353
eighteen years of age until the person attains twenty-one years of 23354
age, and, for purposes of that jurisdiction related to that 23355
adjudication, a person who is so adjudicated an unruly child shall 23356
be deemed a "child" until the person attains twenty-one years of 23357
age. 23358

(7) "Child day camp," "child care," "child day-care center," 23359
"part-time child day-care center," "type A family day-care home," 23360
"licensed type B family day-care home," "type B family day-care 23361
home," "administrator of a child day-care center," "administrator 23362
of a type A family day-care home," and "in-home aide" have the 23363
same meanings as in section 5104.01 of the Revised Code. 23364

- (8) "Child care provider" means an individual who is a child-care staff member or administrator of a child day-care center, a type A family day-care home, or a type B family day-care home, or an in-home aide or an individual who is licensed, is regulated, is approved, operates under the direction of, or otherwise is certified by the department of job and family services, department of developmental disabilities, or the early childhood programs of the department of education.
- (9) "Commit" means to vest custody as ordered by the court.
- (10) "Counseling" includes both of the following:
- (a) General counseling services performed by a public children services agency or shelter for victims of domestic violence to assist a child, a child's parents, and a child's siblings in alleviating identified problems that may cause or have caused the child to be an abused, neglected, or dependent child.
- (b) Psychiatric or psychological therapeutic counseling services provided to correct or alleviate any mental or emotional illness or disorder and performed by a licensed psychiatrist, licensed psychologist, or a person licensed under Chapter 4757. of the Revised Code to engage in social work or professional counseling.
- (11) "Custodian" means a person who has legal custody of a child or a public children services agency or private child placing agency that has permanent, temporary, or legal custody of a child.
- (12) "Delinquent child" has the same meaning as in section 2152.02 of the Revised Code.
- (13) "Detention" means the temporary care of children pending court adjudication or disposition, or execution of a court order, in a public or private facility designed to physically restrict the movement and activities of children.

(14) "Developmental disability" has the same meaning as in section 5123.01 of the Revised Code.	23396 23397
(15) "Differential response approach" means an approach that a public children services agency may use to respond to accepted reports of child abuse or neglect with either an alternative response or a traditional response.	23398 23399 23400 23401
(16) "Foster caregiver" has the same meaning as in section 5103.02 of the Revised Code.	23402 23403
(17) "Guardian" means a person, association, or corporation that is granted authority by a probate court pursuant to Chapter 2111. of the Revised Code to exercise parental rights over a child to the extent provided in the court's order and subject to the residual parental rights of the child's parents.	23404 23405 23406 23407 23408
(18) "Habitual truant" means any child of compulsory school age who is absent without legitimate excuse for absence from the public school the child is supposed to attend for thirty or more consecutive hours, forty-two or more hours in one school month, or seventy-two or more hours in a school year.	23409 23410 23411 23412 23413
(19) "Intellectual disability" has the same meaning as in section 5123.01 of the Revised Code.	23414 23415
(20) "Juvenile traffic offender" has the same meaning as in section 2152.02 of the Revised Code.	23416 23417
(21) "Legal custody" means a legal status that vests in the custodian the right to have physical care and control of the child and to determine where and with whom the child shall live, and the right and duty to protect, train, and discipline the child and to provide the child with food, shelter, education, and medical care, all subject to any residual parental rights, privileges, and responsibilities. An individual granted legal custody shall exercise the rights and responsibilities personally unless otherwise authorized by any section of the Revised Code or by the	23418 23419 23420 23421 23422 23423 23424 23425 23426

court.	23427
(22) A "legitimate excuse for absence from the public school	23428
the child is supposed to attend" includes, but is not limited to,	23429
any of the following:	23430
(a) The fact that the child in question has enrolled in and	23431
is attending another public or nonpublic school in this or another	23432
state;	23433
(b) The fact that the child in question is excused from	23434
attendance at school for any of the reasons specified in section	23435
3321.04 of the Revised Code;	23436
(c) The fact that the child in question has received an age	23437
and schooling certificate in accordance with section 3331.01 of	23438
the Revised Code.	23439
(23) "Mental illness" has the same meaning as in section	23440
5122.01 of the Revised Code.	23441
(24) "Mental injury" means any behavioral, cognitive,	23442
emotional, or mental disorder in a child caused by an act or	23443
omission that is described in section 2919.22 of the Revised Code	23444
and is committed by the parent or other person responsible for the	23445
child's care.	23446
(25) "Nonsecure care, supervision, or training" means care,	23447
supervision, or training of a child in a facility that does not	23448
confine or prevent movement of the child within the facility or	23449
from the facility.	23450
(26) "Of compulsory school age" has the same meaning as in	23451
section 3321.01 of the Revised Code.	23452
(27) "Organization" means any institution, public,	23453
semipublic, or private, and any private association, society, or	23454
agency located or operating in the state, incorporated or	23455
unincorporated, having among its functions the furnishing of	23456

protective services or care for children, or the placement of 23457
children in certified foster homes or elsewhere. 23458

(28) "Out-of-home care" means detention facilities, shelter 23459
facilities, certified children's crisis care facilities, certified 23460
foster homes, placement in a prospective adoptive home prior to 23461
the issuance of a final decree of adoption, organizations, 23462
certified organizations, child day-care centers, type A family 23463
day-care homes, type B family day-care homes, child care provided 23464
by in-home aides, group home providers, group homes, institutions, 23465
state institutions, residential facilities, residential care 23466
facilities, residential camps, day camps, private, nonprofit 23467
therapeutic wilderness camps, public schools, chartered nonpublic 23468
schools, educational service centers, hospitals, and medical 23469
clinics that are responsible for the care, physical custody, or 23470
control of children. 23471

(29) "Out-of-home care child abuse" means any of the 23472
following when committed by a person responsible for the care of a 23473
child in out-of-home care: 23474

(a) Engaging in sexual activity with a child in the person's 23475
care; 23476

(b) Denial to a child, as a means of punishment, of proper or 23477
necessary subsistence, education, medical care, or other care 23478
necessary for a child's health; 23479

(c) Use of restraint procedures on a child that cause injury 23480
or pain; 23481

(d) Administration of prescription drugs or psychotropic 23482
medication to the child without the written approval and ongoing 23483
supervision of a licensed physician; 23484

(e) Commission of any act, other than by accidental means, 23485
that results in any injury to or death of the child in out-of-home 23486
care or commission of any act by accidental means that results in 23487

an injury to or death of a child in out-of-home care and that is	23488
at variance with the history given of the injury or death.	23489
(30) "Out-of-home care child neglect" means any of the	23490
following when committed by a person responsible for the care of a	23491
child in out-of-home care:	23492
(a) Failure to provide reasonable supervision according to	23493
the standards of care appropriate to the age, mental and physical	23494
condition, or other special needs of the child;	23495
(b) Failure to provide reasonable supervision according to	23496
the standards of care appropriate to the age, mental and physical	23497
condition, or other special needs of the child, that results in	23498
sexual or physical abuse of the child by any person;	23499
(c) Failure to develop a process for all of the following:	23500
(i) Administration of prescription drugs or psychotropic	23501
drugs for the child;	23502
(ii) Assuring that the instructions of the licensed physician	23503
who prescribed a drug for the child are followed;	23504
(iii) Reporting to the licensed physician who prescribed the	23505
drug all unfavorable or dangerous side effects from the use of the	23506
drug.	23507
(d) Failure to provide proper or necessary subsistence,	23508
education, medical care, or other individualized care necessary	23509
for the health or well-being of the child;	23510
(e) Confinement of the child to a locked room without	23511
monitoring by staff;	23512
(f) Failure to provide ongoing security for all prescription	23513
and nonprescription medication;	23514
(g) Isolation of a child for a period of time when there is	23515
substantial risk that the isolation, if continued, will impair or	23516
retard the mental health or physical well-being of the child.	23517

(31) "Permanent custody" means a legal status that vests in a public children services agency or a private child placing agency, all parental rights, duties, and obligations, including the right to consent to adoption, and divests the natural parents or adoptive parents of all parental rights, privileges, and obligations, including all residual rights and obligations.

(32) "Permanent surrender" means the act of the parents or, if a child has only one parent, of the parent of a child, by a voluntary agreement authorized by section 5103.15 of the Revised Code, to transfer the permanent custody of the child to a public children services agency or a private child placing agency.

(33) "Person" means an individual, association, corporation, or partnership and the state or any of its political subdivisions, departments, or agencies.

(34) "Person responsible for a child's care in out-of-home care" means any of the following:

(a) Any foster caregiver, in-home aide, or provider;

(b) Any administrator, employee, or agent of any of the following: a public or private detention facility; shelter facility; certified children's crisis care facility; organization; certified organization; child day-care center; type A family day-care home; licensed type B family day-care home; group home; institution; state institution; residential facility; residential care facility; residential camp; day camp; school district; community school; chartered nonpublic school; educational service center; hospital; or medical clinic;

(c) Any person who supervises or coaches children as part of an extracurricular activity sponsored by a school district, public school, or chartered nonpublic school;

(d) Any other person who performs a similar function with respect to, or has a similar relationship to, children.

- (35) "Physical impairment" means having one or more of the following conditions that substantially limit one or more of an individual's major life activities, including self-care, receptive and expressive language, learning, mobility, and self-direction:
- (a) A substantial impairment of vision, speech, or hearing;
 - (b) A congenital orthopedic impairment;
 - (c) An orthopedic impairment caused by disease, rheumatic fever or any other similar chronic or acute health problem, or amputation or another similar cause.
- (36) "Placement for adoption" means the arrangement by a public children services agency or a private child placing agency with a person for the care and adoption by that person of a child of whom the agency has permanent custody.
- (37) "Placement in foster care" means the arrangement by a public children services agency or a private child placing agency for the out-of-home care of a child of whom the agency has temporary custody or permanent custody.
- (38) "Planned permanent living arrangement" means an order of a juvenile court pursuant to which both of the following apply:
- (a) The court gives legal custody of a child to a public children services agency or a private child placing agency without the termination of parental rights.
 - (b) The order permits the agency to make an appropriate placement of the child and to enter into a written agreement with a foster care provider or with another person or agency with whom the child is placed.
- (39) "Practice of social work" and "practice of professional counseling" have the same meanings as in section 4757.01 of the Revised Code.
- (40) "Private, nonprofit therapeutic wilderness camp" has the

same meaning as in section 5103.02 of the Revised Code. 23579

(41) "Sanction, service, or condition" means a sanction, 23580
service, or condition created by court order following an 23581
adjudication that a child is an unruly child that is described in 23582
division (A)(4) of section 2152.19 of the Revised Code. 23583

(42) "Protective supervision" means an order of disposition 23584
pursuant to which the court permits an abused, neglected, 23585
dependent, or unruly child to remain in the custody of the child's 23586
parents, guardian, or custodian and stay in the child's home, 23587
subject to any conditions and limitations upon the child, the 23588
child's parents, guardian, or custodian, or any other person that 23589
the court prescribes, including supervision as directed by the 23590
court for the protection of the child. 23591

(43) "Psychiatrist" has the same meaning as in section 23592
5122.01 of the Revised Code. 23593

(44) "Psychologist" has the same meaning as in section 23594
4732.01 of the Revised Code. 23595

(45) "Resource caregiver" has the same meaning as in section 23596
5103.02 of the Revised Code. 23597

(46) "Resource family" has the same meaning as in section 23598
5103.02 of the Revised Code. 23599

(47) "Residential camp" means a program in which the care, 23600
physical custody, or control of children is accepted overnight for 23601
recreational or recreational and educational purposes. 23602

~~(46)~~(48) "Residential care facility" means an institution, 23603
residence, or facility that is licensed by the department of 23604
mental health and addiction services under section 5119.34 of the 23605
Revised Code and that provides care for a child. 23606

~~(47)~~(49) "Residential facility" means a home or facility that 23607
is licensed by the department of developmental disabilities under 23608

section 5123.19 of the Revised Code and in which a child with a developmental disability resides.

~~(48)~~(50) "Residual parental rights, privileges, and responsibilities" means those rights, privileges, and responsibilities remaining with the natural parent after the transfer of legal custody of the child, including, but not necessarily limited to, the privilege of reasonable visitation, consent to adoption, the privilege to determine the child's religious affiliation, and the responsibility for support.

~~(49)~~(51) "School day" means the school day established by the board of education of the applicable school district pursuant to section 3313.481 of the Revised Code.

~~(50)~~(52) "School year" has the same meaning as in section 3313.62 of the Revised Code.

~~(51)~~(53) "Secure correctional facility" means a facility under the direction of the department of youth services that is designed to physically restrict the movement and activities of children and used for the placement of children after adjudication and disposition.

~~(52)~~(54) "Sexual activity" has the same meaning as in section 2907.01 of the Revised Code.

~~(53)~~(55) "Shelter" means the temporary care of children in physically unrestricted facilities pending court adjudication or disposition.

~~(54)~~(56) "Shelter for victims of domestic violence" has the same meaning as in section 3113.33 of the Revised Code.

~~(55)~~(57) "Temporary custody" means legal custody of a child who is removed from the child's home, which custody may be terminated at any time at the discretion of the court or, if the legal custody is granted in an agreement for temporary custody, by

the person who executed the agreement. 23639

~~(56)~~(58) "Traditional response" means a public children 23640
services agency's response to a report of child abuse or neglect 23641
that encourages engagement of the family in a comprehensive 23642
evaluation of the child's current and future safety needs and a 23643
fact-finding process to determine whether child abuse or neglect 23644
occurred and the circumstances surrounding the alleged harm or 23645
risk of harm. 23646

(C) For the purposes of this chapter, a child shall be 23647
presumed abandoned when the parents of the child have failed to 23648
visit or maintain contact with the child for more than ninety 23649
days, regardless of whether the parents resume contact with the 23650
child after that period of ninety days. 23651

Sec. 2151.152. The juvenile judge may enter into an agreement 23652
with the department of job and family services pursuant to section 23653
5101.11 of the Revised Code for the purpose of reimbursing the 23654
court for foster care maintenance costs ~~and~~, associated 23655
administrative and training costs, and prevention services costs 23656
under the "Family First Prevention Services Act," Public Law 23657
115-123, incurred on behalf of a child who is ~~either~~any of the 23658
following: 23659

(A) Eligible for payments under Title IV-E of the "Social 23660
Security Act," 94 Stat. 501 (1980), 42 U.S.C.A. 670, and who is in 23661
the temporary or permanent custody of the court or subject to a 23662
disposition issued under division (A)(5) of section 2151.354 or 23663
division (A)(7)(a)(ii) or (A)(8) of section 2152.19 of the Revised 23664
Code; 23665

(B) Determined to be at serious risk of removal from the home 23666
and for whom the court has undertaken a plan of reasonable efforts 23667
to prevent such removal-i 23668

(C) At imminent risk of removal from the home and is a 23669
sibling of a child in the temporary or permanent custody of the 23670
court. 23671

The agreement shall govern the responsibilities and duties 23672
the court shall perform in providing services to the child. 23673

Sec. 2151.23. (A) The juvenile court has exclusive original 23674
jurisdiction under the Revised Code as follows: 23675

(1) Concerning any child who on or about the date specified 23676
in the complaint, indictment, or information is alleged to have 23677
violated section 2151.87 of the Revised Code or an order issued 23678
under that section or to be a juvenile traffic offender or a 23679
delinquent, unruly, abused, neglected, or dependent child and, 23680
based on and in relation to the allegation pertaining to the 23681
child, concerning the parent, guardian, or other person having 23682
care of a child who is alleged to be an unruly child for being an 23683
habitual truant or who is alleged to be a delinquent child for 23684
violating a court order regarding the child's prior adjudication 23685
as an unruly child for being an habitual truant; 23686

(2) Subject to divisions (G), (I), (K), and (V) of section 23687
2301.03 of the Revised Code, to determine the custody of any child 23688
not a ward of another court of this state; 23689

(3) To hear and determine any application for a writ of 23690
habeas corpus involving the custody of a child; 23691

(4) To exercise the powers and jurisdiction given the probate 23692
division of the court of common pleas in Chapter 5122. of the 23693
Revised Code, if the court has probable cause to believe that a 23694
child otherwise within the jurisdiction of the court is a mentally 23695
ill person subject to court order, as defined in section 5122.01 23696
of the Revised Code; 23697

(5) To hear and determine all criminal cases charging adults 23698

with the violation of any section of this chapter;	23699
(6) To hear and determine all criminal cases in which an adult is charged with a violation of division (C) of section 2919.21, division (B)(1) of section 2919.22, section 2919.222, division (B) of section 2919.23, or section 2919.24 of the Revised Code, provided the charge is not included in an indictment that also charges the alleged adult offender with the commission of a felony arising out of the same actions that are the basis of the alleged violation of division (C) of section 2919.21, division (B)(1) of section 2919.22, section 2919.222, division (B) of section 2919.23, or section 2919.24 of the Revised Code;	23700 23701 23702 23703 23704 23705 23706 23707 23708 23709
(7) Under the interstate compact on juveniles in section 2151.56 of the Revised Code;	23710 23711
(8) Concerning any child who is to be taken into custody pursuant to section 2151.31 of the Revised Code, upon being notified of the intent to take the child into custody and the reasons for taking the child into custody;	23712 23713 23714 23715
(9) To hear and determine requests for the extension of temporary custody agreements, and requests for court approval of permanent custody agreements, that are filed pursuant to section 5103.15 of the Revised Code;	23716 23717 23718 23719
(10) To hear and determine applications for consent to marry pursuant to section 3101.04 of the Revised Code;	23720 23721
(11) Subject to divisions (G), (I), (K), and (V) of section 2301.03 of the Revised Code, to hear and determine a request for an order for the support of any child if the request is not ancillary to an action for divorce, dissolution of marriage, annulment, or legal separation, a criminal or civil action involving an allegation of domestic violence, or an action for support brought under Chapter 3115. of the Revised Code;	23722 23723 23724 23725 23726 23727 23728
(12) Concerning an action commenced under section 121.38 of	23729

the Revised Code;	23730
(13) To hear and determine violations of section 3321.38 of the Revised Code;	23731 23732
(14) To exercise jurisdiction and authority over the parent, guardian, or other person having care of a child alleged to be a delinquent child, unruly child, or juvenile traffic offender, based on and in relation to the allegation pertaining to the child;	23733 23734 23735 23736 23737
(15) To conduct the hearings, and to make the determinations, adjudications, and orders authorized or required under sections 2152.82 to 2152.86 and Chapter 2950. of the Revised Code regarding a child who has been adjudicated a delinquent child and to refer the duties conferred upon the juvenile court judge under sections 2152.82 to 2152.86 and Chapter 2950. of the Revised Code to magistrates appointed by the juvenile court judge in accordance with Juvenile Rule 40;	23738 23739 23740 23741 23742 23743 23744 23745
(16) To hear and determine a petition for a protection order against a child under section 2151.34 or 3113.31 of the Revised Code and to enforce a protection order issued or a consent agreement approved under either section against a child until a date certain but not later than the date the child attains nineteen years of age;	23746 23747 23748 23749 23750 23751
(17) Concerning emancipated young adults under sections 2151.45 to 2151.455 of the Revised Code;	23752 23753
<u>(18) To hear and determine a request for a court order to examine and interview a child who may be an abused, neglected, or dependent child under section 2151.25 of the Revised Code.</u>	23754 23755 23756
(B) Except as provided in divisions (G) and (I) of section 2301.03 of the Revised Code, the juvenile court has original jurisdiction under the Revised Code:	23757 23758 23759

(1) To hear and determine all cases of misdemeanors charging adults with any act or omission with respect to any child, which act or omission is a violation of any state law or any municipal ordinance;	23760 23761 23762 23763
(2) To determine the paternity of any child alleged to have been born out of wedlock pursuant to sections 3111.01 to 3111.18 of the Revised Code;	23764 23765 23766
(3) Under the uniform interstate family support act in Chapter 3115. of the Revised Code;	23767 23768
(4) To hear and determine an application for an order for the support of any child, if the child is not a ward of another court of this state;	23769 23770 23771
(5) To hear and determine an action commenced under section 3111.28 of the Revised Code;	23772 23773
(6) To hear and determine a motion filed under section 3119.961 of the Revised Code;	23774 23775
(7) To receive filings under section 3109.74 of the Revised Code, and to hear and determine actions arising under sections 3109.51 to 3109.80 of the Revised Code.	23776 23777 23778
(8) To enforce an order for the return of a child made under the Hague Convention on the Civil Aspects of International Child Abduction pursuant to section 3127.32 of the Revised Code;	23779 23780 23781
(9) To grant any relief normally available under the laws of this state to enforce a child custody determination made by a court of another state and registered in accordance with section 3127.35 of the Revised Code.	23782 23783 23784 23785
(C) The juvenile court, except as to juvenile courts that are a separate division of the court of common pleas or a separate and independent juvenile court, has jurisdiction to hear, determine, and make a record of any action for divorce or legal separation	23786 23787 23788 23789

that involves the custody or care of children and that is filed in 23790
the court of common pleas and certified by the court of common 23791
pleas with all the papers filed in the action to the juvenile 23792
court for trial, provided that no certification of that nature 23793
shall be made to any juvenile court unless the consent of the 23794
juvenile judge first is obtained. After a certification of that 23795
nature is made and consent is obtained, the juvenile court shall 23796
proceed as if the action originally had been begun in that court, 23797
except as to awards for spousal support or support due and unpaid 23798
at the time of certification, over which the juvenile court has no 23799
jurisdiction. 23800

(D) The juvenile court, except as provided in division (I) of 23801
section 2301.03 of the Revised Code, has jurisdiction to hear and 23802
determine all matters as to custody and support of children duly 23803
certified by the court of common pleas to the juvenile court after 23804
a divorce decree has been granted, including jurisdiction to 23805
modify the judgment and decree of the court of common pleas as the 23806
same relate to the custody and support of children. 23807

(E) The juvenile court, except as provided in division (I) of 23808
section 2301.03 of the Revised Code, has jurisdiction to hear and 23809
determine the case of any child certified to the court by any 23810
court of competent jurisdiction if the child comes within the 23811
jurisdiction of the juvenile court as defined by this section. 23812

(F)(1) The juvenile court shall exercise its jurisdiction in 23813
child custody matters in accordance with sections 3109.04 and 23814
3127.01 to 3127.53 of the Revised Code and, as applicable, 23815
sections 5103.20 to 5103.22 or 5103.23 to 5103.237 of the Revised 23816
Code. 23817

(2) The juvenile court shall exercise its jurisdiction in 23818
child support matters in accordance with section 3109.05 of the 23819
Revised Code. 23820

(G) Any juvenile court that makes or modifies an order for child support shall comply with Chapters 3119., 3121., 3123., and 3125. of the Revised Code. If any person required to pay child support under an order made by a juvenile court on or after April 15, 1985, or modified on or after December 1, 1986, is found in contempt of court for failure to make support payments under the order, the court that makes the finding, in addition to any other penalty or remedy imposed, shall assess all court costs arising out of the contempt proceeding against the person and require the person to pay any reasonable attorney's fees of any adverse party, as determined by the court, that arose in relation to the act of contempt.

(H) If a child who is charged with an act that would be an offense if committed by an adult was fourteen years of age or older and under eighteen years of age at the time of the alleged act and if the case is transferred for criminal prosecution pursuant to section 2152.12 of the Revised Code, except as provided in section 2152.121 of the Revised Code, the juvenile court does not have jurisdiction to hear or determine the case subsequent to the transfer. The court to which the case is transferred for criminal prosecution pursuant to that section has jurisdiction subsequent to the transfer to hear and determine the case in the same manner as if the case originally had been commenced in that court, subject to section 2152.121 of the Revised Code, including, but not limited to, jurisdiction to accept a plea of guilty or another plea authorized by Criminal Rule 11 or another section of the Revised Code and jurisdiction to accept a verdict and to enter a judgment of conviction pursuant to the Rules of Criminal Procedure against the child for the commission of the offense that was the basis of the transfer of the case for criminal prosecution, whether the conviction is for the same degree or a lesser degree of the offense charged, for the commission of a lesser-included offense, or for the commission of

another offense that is different from the offense charged. 23854

(I) If a person under eighteen years of age allegedly commits 23855
an act that would be a felony if committed by an adult and if the 23856
person is not taken into custody or apprehended for that act until 23857
after the person attains twenty-one years of age, the juvenile 23858
court does not have jurisdiction to hear or determine any portion 23859
of the case charging the person with committing that act. In those 23860
circumstances, divisions (A) and (B) of section 2152.12 of the 23861
Revised Code do not apply regarding the act, and the case charging 23862
the person with committing the act shall be a criminal prosecution 23863
commenced and heard in the appropriate court having jurisdiction 23864
of the offense as if the person had been eighteen years of age or 23865
older when the person committed the act. All proceedings 23866
pertaining to the act shall be within the jurisdiction of the 23867
court having jurisdiction of the offense, and that court has all 23868
the authority and duties in the case that it has in other criminal 23869
cases in that court. 23870

(J) In exercising its exclusive original jurisdiction under 23871
division (A)(16) of this section with respect to any proceedings 23872
brought under section 2151.34 or 3113.31 of the Revised Code in 23873
which the respondent is a child, the juvenile court retains all 23874
dispositionary powers consistent with existing rules of juvenile 23875
procedure and may also exercise its discretion to adjudicate 23876
proceedings as provided in sections 2151.34 and 3113.31 of the 23877
Revised Code, including the issuance of protection orders or the 23878
approval of consent agreements under those sections. 23879

Sec. 2151.25. (A) If a public children services agency 23880
receives a report of child abuse or neglect under section 2151.421 23881
of the Revised Code, or a report that a child may be a dependent 23882
child, and is denied reasonable access to the child by a parent, 23883
guardian, custodian, or caregiver of the child, or to any other 23884

information necessary to determine if the child is, or at risk of becoming, an abused, neglected, or dependent child, the agency may request a juvenile court to issue an order granting the agency access to examine and interview the child, or to conduct other activities necessary to determine the risk to the child. The agency shall make the request by submitting a sworn affidavit explaining the need for the order in the juvenile court of the county in which the child has a residence or legal settlement or in which the reported abuse or neglect of the child occurred or the reported conditions exist regarding the child's dependency. 23885
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(B) The affidavit shall include the following: 23895

(1) The particular facts of the allegation or allegations in the report that may indicate the child is an abused, neglected, or dependent child; 23896
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(2) The agency's efforts to gather additional information to determine whether or not the child may be, or at risk of becoming, an abused, neglected, or dependent child; 23899
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(3) The agency efforts to obtain consent from a parent, guardian, custodian, or caregiver to examine and interview the child, or to conduct other activities necessary to determine the risk to the child; 23902
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(4) The activities the agency deems necessary to determine the current risk to the child. 23906
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(C) The affidavit shall not identify the source of the allegation or allegations in the report that may indicate the child is an abused, neglected, or dependent child. 23908
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(D)(1) Upon receipt of request and a sworn affidavit submitted according to division (A) of this section, if the court determines that probable cause exists, the court may, without a hearing, issue an order requiring the parent, guardian, custodian, or caregiver of the child comply with the agency's investigation, 23911
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including, an interview and examination of the child, and other activity the court deems necessary to determine the current risk posed to the child. 23916
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(2) The court may include within the order specific instructions on the manner and location of the interview and examination of the child, as well as detail any other necessary activities. 23919
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(E) An order issued pursuant to this section is not a final, appealable order for purposes of appeal under division (B) of section 2505.02 of the Revised Code. 23923
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Sec. 2151.316. (A) The department of job and family services shall adopt rules in accordance with Chapter 119. of the Revised Code to establish and enforce a foster youth bill of rights for individuals who are in the temporary or permanent custody of a public children services agency or a planned permanent living arrangement or in the Title IV-E eligible care and placement responsibility of a juvenile court or other governmental agency that provides Title IV-E reimbursable placement services and who are subject to out-of-home care or placed with a kinship caregiver as defined in section 5101.85 of the Revised Code. 23926
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(B) If the rights of an individual, as established under division (A) of this section, conflict with the rights of a resource family or resource caregiver, as established in section 5103.163 of the Revised Code, the rights of the individual shall preempt the rights of the resource family or resource caregiver. 23936
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(C) The rights established by rules under this section shall not create grounds for a civil action against the department, the recommending agency, or the custodial agency. 23941
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Sec. 2151.362. (A)(1) In the manner prescribed by division (C)(1) or (2) of section 3313.64 of the Revised Code, as 23944
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applicable, the court, at the time of making any order that 23946
removes a child from the child's own home or that vests legal or 23947
permanent custody of the child in a person other than the child's 23948
parent or a government agency, shall determine the school district 23949
that is to bear the cost of educating the child. The court shall 23950
make the determination a part of the order that provides for the 23951
child's placement or commitment. That school district shall bear 23952
the cost of educating the child unless and until the department of 23953
education determines that a different district shall be 23954
responsible for bearing that cost pursuant to division (A)(2) of 23955
this section. The court's order shall state that the determination 23956
of which school district is responsible to bear the cost of 23957
educating the child is subject to re-determination by the 23958
department pursuant to that division. 23959

(2) If, while the child is in the custody of a person other 23960
than the child's parent or a government agency, the department of 23961
education determines that the place of residence of the child's 23962
parent has changed since the court issued its initial order, the 23963
department may name a different school district to bear the cost 23964
of educating the child. The department shall make this new 23965
determination, and any future determinations, based on evidence 23966
received from the school district currently responsible to bear 23967
the cost of educating the child. If the department finds that the 23968
evidence demonstrates to its satisfaction that the residence of 23969
the child's parent has changed since the court issued its initial 23970
order under division (A)(1) of this section, or since the 23971
department last made a determination under division (A)(2) of this 23972
section, the department shall name the district in which the 23973
child's parent currently resides or, if the parent's residence is 23974
not known, the district in which the parent's last known residence 23975
is located. If the department cannot determine any Ohio district 23976
in which the parent currently resides or has resided, the school 23977
district designated in the initial court order under division 23978

(A)(1) of this section, or in the most recent determination made 23979
by the department under division (A)(2) of this section, shall 23980
continue to bear the cost of educating the child. 23981

(B) Whenever a child is placed in a detention facility 23982
established under section 2152.41 of the Revised Code or a 23983
juvenile facility established under section 2151.65 of the Revised 23984
Code, the facility shall be responsible for coordinating the 23985
education of the child. The facility may take any of the following 23986
measures in coordinating the education of the child: 23987

(1) If applicable, use the chartered nonpublic school that 23988
the facility operates; 23989

(2) Arrange with the school district responsible for bearing 23990
the cost of educating the child determined under division (A) of 23991
this section, for the facility to educate the child on its own; 23992

(3) Contract with an educational service center for the 23993
service center to educate the child; 23994

(4) Contract with the school district in which the facility 23995
is located for that school district to educate the child; 23996

(5) If the child is enrolled in an internet- or 23997
computer-based community school established under Chapter 3314. of 23998
the Revised Code, and provided that the facility possesses the 23999
necessary hardware, software, and internet connectivity, permit 24000
continued instruction of the child by the internet- or 24001
computer-based community school. 24002

If the facility coordinates the education of the child 24003
pursuant to division (B)(1), (2), (3), or (4) of this section, 24004
child's school district as determined by the court or the 24005
department, in the same manner as prescribed in division (A) of 24006
this section, shall pay the cost of educating the child based on 24007
the per capita cost of the educational facility within the 24008
detention home or juvenile facility. 24009

If the facility coordinates the education of the child 24010
pursuant to division (B)(5) of this section, payment for the cost 24011
of educating the child shall be made only as provided in ~~division~~ 24012
~~(C) of section 3314.08~~ 3317.022 of the Revised Code. 24013

(C) Whenever a child is placed by the court in a private 24014
institution, school, or residential treatment center or any other 24015
private facility, the state shall pay to the court a subsidy to 24016
help defray the expense of educating the child in an amount equal 24017
to the product of the daily per capita educational cost of the 24018
private facility, as determined pursuant to this section, and the 24019
number of days the child resides at the private facility, provided 24020
that the subsidy shall not exceed twenty-five hundred dollars per 24021
year per child. The daily per capita educational cost of a private 24022
facility shall be determined by dividing the actual program cost 24023
of the private facility or twenty-five hundred dollars, whichever 24024
is less, by three hundred sixty-five days or by three hundred 24025
sixty-six days for years that include February twenty-ninth. The 24026
state shall pay seventy-five per cent of the total subsidy for 24027
each year quarterly to the court. The state may adjust the 24028
remaining twenty-five per cent of the total subsidy to be paid to 24029
the court for each year to an amount that is less than twenty-five 24030
per cent of the total subsidy for that year based upon the 24031
availability of funds appropriated to the department of education 24032
for the purpose of subsidizing courts that place a child in a 24033
private institution, school, or residential treatment center or 24034
any other private facility and shall pay that adjusted amount to 24035
the court at the end of the year. 24036

Sec. 2151.412. (A) Each public children services agency and 24037
private child placing agency shall prepare and maintain a case 24038
plan for any child to whom the agency is providing services and to 24039
whom any of the following applies: 24040

(1) The agency filed a complaint pursuant to section 2151.27 24041
of the Revised Code alleging that the child is an abused, 24042
neglected, or dependent child; 24043

(2) The agency has temporary or permanent custody of the 24044
child; 24045

(3) The child is living at home subject to an order for 24046
protective supervision; 24047

(4) The child is in a planned permanent living arrangement. 24048

Except as provided by division (A)(2) of section 5103.153 of 24049
the Revised Code, a private child placing agency providing 24050
services to a child who is the subject of a voluntary permanent 24051
custody surrender agreement entered into under division (B)(2) of 24052
section 5103.15 of the Revised Code is not required to prepare and 24053
maintain a case plan for that child. 24054

(B) Each public children services agency shall prepare and 24055
maintain a case plan ~~or a family service plan~~ for any child for 24056
whom the agency is providing in-home services pursuant to an 24057
alternative response. 24058

(C)(1) The director of job and family services shall adopt 24059
rules pursuant to Chapter 119. of the Revised Code setting forth 24060
the content and format of case plans required by division (A) of 24061
this section and establishing procedures for developing, 24062
implementing, and changing the case plans. The rules shall at a 24063
minimum comply with the requirements of Title IV-E of the "Social 24064
Security Act," ~~94 Stat. 501,~~ 42 U.S.C. ~~671~~ 670, et seq. (1980), ~~as~~ 24065
~~amended.~~ 24066

(2) The director of job and family services shall adopt rules 24067
pursuant to Chapter 119. of the Revised Code requiring public 24068
children services agencies and private child placing agencies to 24069
maintain case plans for children and their families who are 24070
receiving services in their homes from the agencies and for whom 24071

case plans are not required by division (A) of this section. The 24072
rules for public children services agencies shall include the 24073
requirements for case plans ~~or family service plans~~ maintained for 24074
children and their families who are receiving services in their 24075
homes from public children services agencies pursuant to an 24076
alternative response. The agencies shall maintain case plans ~~and~~ 24077
~~family service plans~~ as required by those rules; however, the case 24078
plans ~~and family service plans~~ shall not be subject to any other 24079
provision of this section except as specifically required by the 24080
rules. 24081

(D) Each public children services agency and private child 24082
placing agency that is required by division (A) of this section to 24083
maintain a case plan shall file the case plan with the court prior 24084
to the child's adjudicatory hearing but no later than thirty days 24085
after the earlier of the date on which the complaint in the case 24086
was filed or the child was first placed into shelter care. If the 24087
agency does not have sufficient information prior to the 24088
adjudicatory hearing to complete any part of the case plan, the 24089
agency shall specify in the case plan the additional information 24090
necessary to complete each part of the case plan and the steps 24091
that will be taken to obtain that information. All parts of the 24092
case plan shall be completed by the earlier of thirty days after 24093
the adjudicatory hearing or the date of the dispositional hearing 24094
for the child. 24095

(E) Any agency that is required by division (A) of this 24096
section to prepare a case plan shall attempt to obtain an 24097
agreement among all parties, including, but not limited to, the 24098
parents, guardian, or custodian of the child and the guardian ad 24099
litem of the child regarding the content of the case plan. If all 24100
parties agree to the content of the case plan and the court 24101
approves it, the court shall journalize it as part of its 24102
dispositional order. If the agency cannot obtain an agreement upon 24103

the contents of the case plan or the court does not approve it, 24104
the parties shall present evidence on the contents of the case 24105
plan at the dispositional hearing. The court, based upon the 24106
evidence presented at the dispositional hearing and the best 24107
interest of the child, shall determine the contents of the case 24108
plan and journalize it as part of the dispositional order for the 24109
child. 24110

(F)(1) All parties, including the parents, guardian, or 24111
custodian of the child, are bound by the terms of the journalized 24112
case plan. A party that fails to comply with the terms of the 24113
journalized case plan may be held in contempt of court. 24114

(2) Any party may propose a change to a substantive part of 24115
the case plan, including, but not limited to, the child's 24116
placement and the visitation rights of any party. A party 24117
proposing a change to the case plan shall file the proposed change 24118
with the court and give notice of the proposed change in writing 24119
before the end of the day after the day of filing it to all 24120
parties and the child's guardian ad litem. All parties and the 24121
guardian ad litem shall have seven days from the date the notice 24122
is sent to object to and request a hearing on the proposed change. 24123

(a) If it receives a timely request for a hearing, the court 24124
shall schedule a hearing pursuant to section 2151.417 of the 24125
Revised Code to be held no later than thirty days after the 24126
request is received by the court. The court shall give notice of 24127
the date, time, and location of the hearing to all parties and the 24128
guardian ad litem. The agency may implement the proposed change 24129
after the hearing, if the court approves it. The agency shall not 24130
implement the proposed change unless it is approved by the court. 24131

(b) If it does not receive a timely request for a hearing, 24132
the court may approve the proposed change without a hearing. If 24133
the court approves the proposed change without a hearing, it shall 24134
journalize the case plan with the change not later than fourteen 24135

days after the change is filed with the court. If the court does 24136
not approve the proposed change to the case plan, it shall 24137
schedule a hearing to be held pursuant to section 2151.417 of the 24138
Revised Code no later than thirty days after the expiration of the 24139
fourteen-day time period and give notice of the date, time, and 24140
location of the hearing to all parties and the guardian ad litem 24141
of the child. If, despite the requirements of division (F)(2) of 24142
this section, the court neither approves and journalizes the 24143
proposed change nor conducts a hearing, the agency may implement 24144
the proposed change not earlier than fifteen days after it is 24145
submitted to the court. 24146

(3) If an agency has reasonable cause to believe that a child 24147
is suffering from illness or injury and is not receiving proper 24148
care and that an appropriate change in the child's case plan is 24149
necessary to prevent immediate or threatened physical or emotional 24150
harm, to believe that a child is in immediate danger from the 24151
child's surroundings and that an immediate change in the child's 24152
case plan is necessary to prevent immediate or threatened physical 24153
or emotional harm to the child, or to believe that a parent, 24154
guardian, custodian, or other member of the child's household has 24155
abused or neglected the child and that the child is in danger of 24156
immediate or threatened physical or emotional harm from that 24157
person unless the agency makes an appropriate change in the 24158
child's case plan, it may implement the change without prior 24159
agreement or a court hearing and, before the end of the next day 24160
after the change is made, give all parties, the guardian ad litem 24161
of the child, and the court notice of the change. Before the end 24162
of the third day after implementing the change in the case plan, 24163
the agency shall file a statement of the change with the court and 24164
give notice of the filing accompanied by a copy of the statement 24165
to all parties and the guardian ad litem. All parties and the 24166
guardian ad litem shall have ten days from the date the notice is 24167
sent to object to and request a hearing on the change. 24168

(a) If it receives a timely request for a hearing, the court shall schedule a hearing pursuant to section 2151.417 of the Revised Code to be held no later than thirty days after the request is received by the court. The court shall give notice of the date, time, and location of the hearing to all parties and the guardian ad litem. The agency shall continue to administer the case plan with the change after the hearing, if the court approves the change. If the court does not approve the change, the court shall make appropriate changes to the case plan and shall journalize the case plan.

(b) If it does not receive a timely request for a hearing, the court may approve the change without a hearing. If the court approves the change without a hearing, it shall journalize the case plan with the change within fourteen days after receipt of the change. If the court does not approve the change to the case plan, it shall schedule a hearing under section 2151.417 of the Revised Code to be held no later than thirty days after the expiration of the fourteen-day time period and give notice of the date, time, and location of the hearing to all parties and the guardian ad litem of the child.

(G)(1) All case plans for children in temporary custody shall have the following general goals:

(a) Consistent with the best interest and special needs of the child, to achieve a safe out-of-home placement in the least restrictive, most family-like setting available and in close proximity to the home from which the child was removed or the home in which the child will be permanently placed;

(b) To eliminate with all due speed the need for the out-of-home placement so that the child can safely return home.

(2) The director of job and family services shall adopt rules pursuant to Chapter 119. of the Revised Code setting forth the

general goals of case plans for children subject to dispositional 24200
orders for protective supervision, a planned permanent living 24201
arrangement, or permanent custody. 24202

(H) In the agency's development of a case plan and the 24203
court's review of the case plan, the child's health and safety 24204
shall be the paramount concern. The agency and the court shall be 24205
guided by the following general priorities: 24206

(1) A child who is residing with or can be placed with the 24207
child's parents within a reasonable time should remain in their 24208
legal custody even if an order of protective supervision is 24209
required for a reasonable period of time; 24210

(2) If both parents of the child have abandoned the child, 24211
have relinquished custody of the child, have become incapable of 24212
supporting or caring for the child even with reasonable 24213
assistance, or have a detrimental effect on the health, safety, 24214
and best interest of the child, the child should be placed in the 24215
legal custody of a suitable member of the child's extended family; 24216

(3) If a child described in division (H)(2) of this section 24217
has no suitable member of the child's extended family to accept 24218
legal custody, the child should be placed in the legal custody of 24219
a suitable nonrelative who shall be made a party to the 24220
proceedings after being given legal custody of the child; 24221

(4) If the child has no suitable member of the child's 24222
extended family to accept legal custody of the child and no 24223
suitable nonrelative is available to accept legal custody of the 24224
child and, if the child temporarily cannot or should not be placed 24225
with the child's parents, guardian, or custodian, the child should 24226
be placed in the temporary custody of a public children services 24227
agency or a private child placing agency; 24228

(5) If the child cannot be placed with either of the child's 24229
parents within a reasonable period of time or should not be placed 24230

with either, if no suitable member of the child's extended family 24231
or suitable nonrelative is available to accept legal custody of 24232
the child, and if the agency has a reasonable expectation of 24233
placing the child for adoption, the child should be committed to 24234
the permanent custody of the public children services agency or 24235
private child placing agency; 24236

(6) If the child is to be placed for adoption or foster care, 24237
the placement shall not be delayed or denied on the basis of the 24238
child's or adoptive or foster family's race, color, or national 24239
origin. 24240

(I) The case plan for a child in temporary custody shall 24241
include at a minimum the following requirements if the child is or 24242
has been the victim of abuse or neglect or if the child witnessed 24243
the commission in the child's household of abuse or neglect 24244
against a sibling of the child, a parent of the child, or any 24245
other person in the child's household: 24246

(1) A requirement that the child's parents, guardian, or 24247
custodian participate in mandatory counseling; 24248

(2) A requirement that the child's parents, guardian, or 24249
custodian participate in any supportive services that are required 24250
by or provided pursuant to the child's case plan. 24251

(J) A (1) Prior to January 1, 2023, a case plan for a child 24252
in temporary custody may include, as a supplement, a plan for 24253
locating a permanent family placement. The supplement shall not be 24254
considered part of the case plan for purposes of division (E) of 24255
this section. 24256

(2) On and after January 1, 2023, a case plan for a child in 24257
temporary custody shall include a permanency plan for the child 24258
unless it is documented that such a plan would not be in the best 24259
interest of the child. The permanency plan shall describe the 24260
services the agency shall provide to achieve permanency for the 24261

child if reasonable efforts to return the child to the child's 24262
home, or eliminate the continued removal from that home, are 24263
unsuccessful. Those services shall be provided concurrently with 24264
reasonable efforts to return the child home or eliminate the 24265
child's continued removal from home. 24266

(3) The director of job and family services, pursuant to 24267
Chapter 119. of the Revised Code, shall adopt rules necessary to 24268
carry out the purposes of division (J) of this section. 24269

(K)(1) A public children services agency may request that the 24270
superintendent of the bureau of criminal identification and 24271
investigation conduct a criminal records check with respect to a 24272
parent, guardian, custodian, prospective custodian, or prospective 24273
placement whose actions result in a finding after the filing of a 24274
complaint as described in division (A)(1) of this section that a 24275
child is an abused, neglected, or dependent child. The public 24276
children services agency shall request that the superintendent 24277
obtain information from the federal bureau of investigation as 24278
part of the criminal records check. 24279

(2) At any time on or after the date that is ninety days 24280
~~after the effective date of this amendment~~ September 10, 2012, a 24281
prosecuting attorney, or an assistant prosecuting attorney 24282
appointed under section 309.06 of the Revised Code, may request 24283
that the superintendent of the bureau of criminal identification 24284
and investigation conduct a criminal records check with respect to 24285
each parent, guardian, custodian, prospective custodian, or 24286
prospective placement whose actions resulted in a finding after 24287
the filing of a complaint described in division (A)(1) of this 24288
section that a child is an abused, neglected, or dependent child. 24289
Each prosecuting attorney or assistant prosecuting attorney who 24290
makes such a request shall request that the superintendent obtain 24291
information from the federal bureau of investigation as part of 24292
the criminal records check for each parent, guardian, custodian, 24293

prospective custodian, or prospective placement who is a subject 24294
of the request. 24295

(3) A public children services agency, prosecuting attorney, 24296
or assistant prosecuting attorney that requests a criminal records 24297
check under division (K)(1) or (2) of this section shall do both 24298
of the following: 24299

(a) Provide to each parent, guardian, custodian, prospective 24300
custodian, or prospective placement for whom a criminal records 24301
check is requested a copy of the form prescribed pursuant to 24302
division (C)(1) of section 109.572 of the Revised Code and a 24303
standard fingerprint impression sheet prescribed pursuant to 24304
division (C)(2) of that section and obtain the completed form and 24305
impression sheet from the parent, guardian, custodian, prospective 24306
custodian, or prospective placement; 24307

(b) Forward the completed form and impression sheet to the 24308
superintendent of the bureau of criminal identification and 24309
investigation. 24310

(4) A parent, guardian, custodian, prospective custodian, or 24311
prospective placement who is given a form and fingerprint 24312
impression sheet under division (K)(3)(a) of this section and who 24313
fails to complete the form or provide fingerprint impressions may 24314
be held in contempt of court. 24315

Sec. 2151.416. (A) Each agency that is required by section 24316
2151.412 of the Revised Code to prepare a case plan for a child 24317
shall complete a semiannual administrative review of the case plan 24318
no later than six months after the earlier of the date on which 24319
the complaint in the case was filed or the child was first placed 24320
in shelter care. After the first administrative review, the agency 24321
shall complete semiannual administrative reviews no later than 24322
every six months. If the court issues an order pursuant to section 24323
2151.414 or 2151.415 of the Revised Code, the agency shall 24324

complete an administrative review no later than six months after 24325
the court's order and continue to complete administrative reviews 24326
no later than every six months after the first review, except that 24327
the court hearing held pursuant to section 2151.417 of the Revised 24328
Code may take the place of any administrative review that would 24329
otherwise be held at the time of the court hearing. When 24330
conducting a review, the child's health and safety shall be the 24331
paramount concern. 24332

(B) Each administrative review required by division (A) of 24333
this section shall be conducted by a review panel of at least 24334
three persons, including, but not limited to, both of the 24335
following: 24336

(1) A caseworker with day-to-day responsibility for, or 24337
familiarity with, the management of the child's case plan; 24338

(2) A person who is not responsible for the management of the 24339
child's case plan or for the delivery of services to the child or 24340
the parents, guardian, or custodian of the child. 24341

(C) Each semiannual administrative review shall include, but 24342
not be limited to, a joint meeting by the review panel with the 24343
parents, guardian, or custodian of the child, the guardian ad 24344
litem of the child, and the child's foster care provider and shall 24345
include an opportunity for those persons to submit any written 24346
materials to be included in the case record of the child. If a 24347
parent, guardian, custodian, guardian ad litem, or foster care 24348
provider of the child cannot be located after reasonable efforts 24349
to do so or declines to participate in the administrative review 24350
after being contacted, the agency does not have to include them in 24351
the joint meeting. 24352

(D) The agency shall prepare a written summary of the 24353
semiannual administrative review that shall include, but not be 24354
limited to, all of the following: 24355

(1) A conclusion regarding the safety and appropriateness of the child's foster care placement;	24356 24357
(2) The extent of the compliance with the case plan of all parties;	24358 24359
(3) The extent of progress that has been made toward alleviating the circumstances that required the agency to assume temporary custody of the child;	24360 24361 24362
(4) An estimated date by which the child may be returned to and safely maintained in the child's home or placed for adoption or legal custody;	24363 24364 24365
(5) An updated case plan that includes any changes that the agency is proposing in the case plan;	24366 24367
(6) The recommendation of the agency as to which agency or person should be given custodial rights over the child for the six-month period after the administrative review;	24368 24369 24370
(7) The names of all persons who participated in the administrative review;	24371 24372
<u>(8) A summary of the agency's intensive efforts to secure a placement with an appropriate and willing kinship caregiver as defined in section 5101.85 of the Revised Code, including any use of search technology to find biological family members of the child and all other efforts undertaken since the last review, unless a court has determined that intensive efforts are unnecessary pursuant to section 2151.4118 of the Revised Code.</u>	24373 24374 24375 24376 24377 24378 24379
(E) The agency shall file the summary with the court no later than seven days after the completion of the administrative review. If the agency proposes a change to the case plan as a result of the administrative review, the agency shall file the proposed change with the court at the time it files the summary. The agency shall give notice of the summary and proposed change in writing	24380 24381 24382 24383 24384 24385

before the end of the next day after filing them to all parties 24386
and the child's guardian ad litem. All parties and the guardian ad 24387
litem shall have seven days after the date the notice is sent to 24388
object to and request a hearing on the proposed change. 24389

(1) If the court receives a timely request for a hearing, the 24390
court shall schedule a hearing pursuant to section 2151.417 of the 24391
Revised Code to be held not later than thirty days after the court 24392
receives the request. The court shall give notice of the date, 24393
time, and location of the hearing to all parties and the guardian 24394
ad litem. The agency may implement the proposed change after the 24395
hearing, if the court approves it. The agency shall not implement 24396
the proposed change unless it is approved by the court. 24397

(2) If the court does not receive a timely request for a 24398
hearing, the court may approve the proposed change without a 24399
hearing. If the court approves the proposed change without a 24400
hearing, it shall journalize the case plan with the change not 24401
later than fourteen days after the change is filed with the court. 24402
If the court does not approve the proposed change to the case 24403
plan, it shall schedule a review hearing to be held pursuant to 24404
section 2151.417 of the Revised Code no later than thirty days 24405
after the expiration of the fourteen-day time period and give 24406
notice of the date, time, and location of the hearing to all 24407
parties and the guardian ad litem of the child. If, despite the 24408
requirements of this division and division (D) of section 2151.417 24409
of the Revised Code, the court neither approves and journalizes 24410
the proposed change nor conducts a hearing, the agency may 24411
implement the proposed change not earlier than fifteen days after 24412
it is submitted to the court. 24413

(F) The director of job and family services may adopt rules 24414
pursuant to Chapter 119. of the Revised Code for procedures and 24415
standard forms for conducting administrative reviews pursuant to 24416
this section. 24417

(G) The juvenile court that receives the written summary of 24418
the administrative review, upon determining, either from the 24419
written summary, case plan, or otherwise, that the custody or care 24420
arrangement is not in the best interest of the child, may 24421
terminate the custody of an agency and place the child in the 24422
custody of another institution or association certified by the 24423
department of job and family services under section 5103.03 of the 24424
Revised Code. 24425

Sec. 2151.4115. (A) As used in sections 2151.4116 to 24426
2151.4122 of the Revised Code: 24427

(1) "Kinship caregiver" has the same meaning as used in 24428
section 5101.85 of the Revised Code. 24429

(2) "Search technology" means any locate-and-research tool, 24430
search engine, electronic database, or social media search tool 24431
available to a public children services agency or a private child 24432
placing agency. 24433

Sec. 2151.4116. A public children services agency or private 24434
child placing agency shall make intensive efforts to identify and 24435
engage an appropriate and willing kinship caregiver for the care 24436
of a child who is in one of following: 24437

(A) Temporary custody of the agency; 24438

(B) A planned permanent living arrangement with the agency. 24439

Sec. 2151.4117. (A) At every court hearing regarding a child 24440
described in section 2151.4116 of the Revised Code, the court 24441
shall determine whether the public children services agency or 24442
private child placing agency has continued intensive efforts to 24443
identify and engage appropriate and willing kinship caregivers for 24444
the child. 24445

(B) At each hearing the court shall: 24446

<u>(1) Review the placement of the child to determine if the child is receiving care in the home of a kinship caregiver;</u>	24447
	24448
<u>(2) Review the efforts of the agency since the previous hearing to place the child with a kinship caregiver in accordance with section 2151.33 of the Revised Code, including efforts to utilize search technology to find biological family members for the child;</u>	24449
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<u>(3) Review any previous court order issued under section 2151.4118 of the Revised Code to determine if the order should continue based on the child's current placement situation.</u>	24454
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	24456
<u>Sec. 2151.4118. A court may issue an order that determines, with respect to a child described in section 2151.4116 of the Revised Code who is not receiving care in the home of a kinship caregiver, that the continuation of the child's current placement is in the child's best interest and that intensive efforts to identify and engage an appropriate and willing kinship caregiver for the child are unnecessary if the court makes the findings in section 2151.4119 of the Revised Code.</u>	24457
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<u>Sec. 2151.4119. A court may issue an order under section 2151.4118 of the Revised Code if it finds all of the following:</u>	24465
	24466
<u>(A) The child has been living in a stable home environment with the child's current caregivers for the past twelve consecutive months.</u>	24467
	24468
	24469
<u>(B) The current caregivers have expressed interest in providing permanency for the child.</u>	24470
	24471
<u>(C) The removal of the child from the current caregivers would be detrimental to the child's emotional well-being.</u>	24472
	24473
<u>Sec. 2151.4120. If a court makes the findings under section 2151.4119 of the Revised Code, the court and public children</u>	24474
	24475

services agency or private child placing agency may consider the 24476
child's current caregiver as having a kin relationship with the 24477
child and at an equal standing to other kin in regards to 24478
permanency. 24479

Sec. 2151.4121. If a relative who received the required 24480
notice pursuant to section 2151.33 of the Revised Code fails 24481
within six months from the date of receipt to demonstrate interest 24482
in and willingness to provide a permanent home for a child, a 24483
court may excuse the public children services agency or private 24484
child placing agency from considering such relative for placement 24485
if the court has issued an order under section 2151.4119 of the 24486
Revised Code. 24487

Sec. 2151.4122. Nothing in sections 2151.4115 to 2151.4121 of 24488
the Revised Code shall be construed to prevent a public children 24489
services agency or private child placing agency from continuing to 24490
search or consider kinship caregivers. 24491

Sec. 2151.421. (A)(1)(a) No person described in division 24492
(A)(1)(b) of this section who is acting in an official or 24493
professional capacity and knows, or has reasonable cause to 24494
suspect based on facts that would cause a reasonable person in a 24495
similar position to suspect, that a child under eighteen years of 24496
age, or a person under twenty-one years of age with a 24497
developmental disability or physical impairment, has suffered or 24498
faces a threat of suffering any physical or mental wound, injury, 24499
disability, or condition of a nature that reasonably indicates 24500
abuse or neglect of the child shall fail to immediately report 24501
that knowledge or reasonable cause to suspect to the entity or 24502
persons specified in this division. Except as otherwise provided 24503
in this division or section 5120.173 of the Revised Code, the 24504
person making the report shall make it to the public children 24505

services agency or a peace officer in the county in which the 24506
child resides or in which the abuse or neglect is occurring or has 24507
occurred. If the person making the report is a peace officer, the 24508
officer shall make it to the public children services agency in 24509
the county in which the child resides or in which the abuse or 24510
neglect is occurring or has occurred. In the circumstances 24511
described in section 5120.173 of the Revised Code, the person 24512
making the report shall make it to the entity specified in that 24513
section. 24514

(b) Division (A)(1)(a) of this section applies to any person 24515
who is an attorney; health care professional; practitioner of a 24516
limited branch of medicine as specified in section 4731.15 of the 24517
Revised Code; licensed school psychologist; independent marriage 24518
and family therapist or marriage and family therapist; coroner; 24519
administrator or employee of a child day-care center; 24520
administrator or employee of a residential camp, child day camp, 24521
or private, nonprofit therapeutic wilderness camp; administrator 24522
or employee of a certified child care agency or other public or 24523
private children services agency; school teacher; school employee; 24524
school authority; peace officer; humane society agent; dog warden, 24525
deputy dog warden, or other person appointed to act as an animal 24526
control officer for a municipal corporation or township in 24527
accordance with state law, an ordinance, or a resolution; person, 24528
other than a cleric, rendering spiritual treatment through prayer 24529
in accordance with the tenets of a well-recognized religion; 24530
employee of a county department of job and family services who is 24531
a professional and who works with children and families; 24532
superintendent or regional administrator employed by the 24533
department of youth services; superintendent, board member, or 24534
employee of a county board of developmental disabilities; 24535
investigative agent contracted with by a county board of 24536
developmental disabilities; employee of the department of 24537

developmental disabilities; employee of a facility or home that 24538
provides respite care in accordance with section 5123.171 of the 24539
Revised Code; employee of an entity that provides homemaker 24540
services; employee of a qualified organization as defined in 24541
section 2151.90 of the Revised Code; a host family as defined in 24542
section 2151.90 of the Revised Code; foster caregiver; a person 24543
performing the duties of an assessor pursuant to Chapter 3107. or 24544
5103. of the Revised Code; third party employed by a public 24545
children services agency to assist in providing child or family 24546
related services; court appointed special advocate; or guardian ad 24547
litem. 24548

(c) If two or more health care professionals, after providing 24549
health care services to a child, determine or suspect that the 24550
child has been or is being abused or neglected, the health care 24551
professionals may designate one of the health care professionals 24552
to report the abuse or neglect. A single report made under this 24553
division shall meet the reporting requirements of division (A)(1) 24554
of this section. 24555

(2) Except as provided in division (A)(3) of this section, an 24556
attorney or a physician is not required to make a report pursuant 24557
to division (A)(1) of this section concerning any communication 24558
the attorney or physician receives from a client or patient in an 24559
attorney-client or physician-patient relationship, if, in 24560
accordance with division (A) or (B) of section 2317.02 of the 24561
Revised Code, the attorney or physician could not testify with 24562
respect to that communication in a civil or criminal proceeding. 24563

(3) The client or patient in an attorney-client or 24564
physician-patient relationship described in division (A)(2) of 24565
this section is deemed to have waived any testimonial privilege 24566
under division (A) or (B) of section 2317.02 of the Revised Code 24567
with respect to any communication the attorney or physician 24568
receives from the client or patient in that attorney-client or 24569

physician-patient relationship, and the attorney or physician 24570
shall make a report pursuant to division (A)(1) of this section 24571
with respect to that communication, if all of the following apply: 24572

(a) The client or patient, at the time of the communication, 24573
is a child under eighteen years of age or is a person under 24574
twenty-one years of age with a developmental disability or 24575
physical impairment. 24576

(b) The attorney or physician knows, or has reasonable cause 24577
to suspect based on facts that would cause a reasonable person in 24578
similar position to suspect that the client or patient has 24579
suffered or faces a threat of suffering any physical or mental 24580
wound, injury, disability, or condition of a nature that 24581
reasonably indicates abuse or neglect of the client or patient. 24582

(c) The abuse or neglect does not arise out of the client's 24583
or patient's attempt to have an abortion without the notification 24584
of her parents, guardian, or custodian in accordance with section 24585
2151.85 of the Revised Code. 24586

(4)(a) No cleric and no person, other than a volunteer, 24587
designated by any church, religious society, or faith acting as a 24588
leader, official, or delegate on behalf of the church, religious 24589
society, or faith who is acting in an official or professional 24590
capacity, who knows, or has reasonable cause to believe based on 24591
facts that would cause a reasonable person in a similar position 24592
to believe, that a child under eighteen years of age, or a person 24593
under twenty-one years of age with a developmental disability or 24594
physical impairment, has suffered or faces a threat of suffering 24595
any physical or mental wound, injury, disability, or condition of 24596
a nature that reasonably indicates abuse or neglect of the child, 24597
and who knows, or has reasonable cause to believe based on facts 24598
that would cause a reasonable person in a similar position to 24599
believe, that another cleric or another person, other than a 24600
volunteer, designated by a church, religious society, or faith 24601

acting as a leader, official, or delegate on behalf of the church, 24602
religious society, or faith caused, or poses the threat of 24603
causing, the wound, injury, disability, or condition that 24604
reasonably indicates abuse or neglect shall fail to immediately 24605
report that knowledge or reasonable cause to believe to the entity 24606
or persons specified in this division. Except as provided in 24607
section 5120.173 of the Revised Code, the person making the report 24608
shall make it to the public children services agency or a peace 24609
officer in the county in which the child resides or in which the 24610
abuse or neglect is occurring or has occurred. In the 24611
circumstances described in section 5120.173 of the Revised Code, 24612
the person making the report shall make it to the entity specified 24613
in that section. 24614

(b) Except as provided in division (A)(4)(c) of this section, 24615
a cleric is not required to make a report pursuant to division 24616
(A)(4)(a) of this section concerning any communication the cleric 24617
receives from a penitent in a cleric-penitent relationship, if, in 24618
accordance with division (C) of section 2317.02 of the Revised 24619
Code, the cleric could not testify with respect to that 24620
communication in a civil or criminal proceeding. 24621

(c) The penitent in a cleric-penitent relationship described 24622
in division (A)(4)(b) of this section is deemed to have waived any 24623
testimonial privilege under division (C) of section 2317.02 of the 24624
Revised Code with respect to any communication the cleric receives 24625
from the penitent in that cleric-penitent relationship, and the 24626
cleric shall make a report pursuant to division (A)(4)(a) of this 24627
section with respect to that communication, if all of the 24628
following apply: 24629

(i) The penitent, at the time of the communication, is a 24630
child under eighteen years of age or is a person under twenty-one 24631
years of age with a developmental disability or physical 24632
impairment. 24633

(ii) The cleric knows, or has reasonable cause to believe 24634
based on facts that would cause a reasonable person in a similar 24635
position to believe, as a result of the communication or any 24636
observations made during that communication, the penitent has 24637
suffered or faces a threat of suffering any physical or mental 24638
wound, injury, disability, or condition of a nature that 24639
reasonably indicates abuse or neglect of the penitent. 24640

(iii) The abuse or neglect does not arise out of the 24641
penitent's attempt to have an abortion performed upon a child 24642
under eighteen years of age or upon a person under twenty-one 24643
years of age with a developmental disability or physical 24644
impairment without the notification of her parents, guardian, or 24645
custodian in accordance with section 2151.85 of the Revised Code. 24646

(d) Divisions (A)(4)(a) and (c) of this section do not apply 24647
in a cleric-penitent relationship when the disclosure of any 24648
communication the cleric receives from the penitent is in 24649
violation of the sacred trust. 24650

(e) As used in divisions (A)(1) and (4) of this section, 24651
"cleric" and "sacred trust" have the same meanings as in section 24652
2317.02 of the Revised Code. 24653

(B) Anyone who knows, or has reasonable cause to suspect 24654
based on facts that would cause a reasonable person in similar 24655
circumstances to suspect, that a child under eighteen years of 24656
age, or a person under twenty-one years of age with a 24657
developmental disability or physical impairment, has suffered or 24658
faces a threat of suffering any physical or mental wound, injury, 24659
disability, or other condition of a nature that reasonably 24660
indicates abuse or neglect of the child may report or cause 24661
reports to be made of that knowledge or reasonable cause to 24662
suspect to the entity or persons specified in this division. 24663
Except as provided in section 5120.173 of the Revised Code, a 24664
person making a report or causing a report to be made under this 24665

division shall make it or cause it to be made to the public 24666
children services agency or to a peace officer. In the 24667
circumstances described in section 5120.173 of the Revised Code, a 24668
person making a report or causing a report to be made under this 24669
division shall make it or cause it to be made to the entity 24670
specified in that section. 24671

(C) Any report made pursuant to division (A) or (B) of this 24672
section shall be made forthwith either by telephone or in person 24673
and shall be followed by a written report, if requested by the 24674
receiving agency or officer. The written report shall contain: 24675

(1) The names and addresses of the child and the child's 24676
parents or the person or persons having custody of the child, if 24677
known; 24678

(2) The child's age and the nature and extent of the child's 24679
injuries, abuse, or neglect that is known or reasonably suspected 24680
or believed, as applicable, to have occurred or of the threat of 24681
injury, abuse, or neglect that is known or reasonably suspected or 24682
believed, as applicable, to exist, including any evidence of 24683
previous injuries, abuse, or neglect; 24684

(3) Any other information, including, but not limited to, 24685
results and reports of any medical examinations, tests, or 24686
procedures performed under division (D) of this section, that 24687
might be helpful in establishing the cause of the injury, abuse, 24688
or neglect that is known or reasonably suspected or believed, as 24689
applicable, to have occurred or of the threat of injury, abuse, or 24690
neglect that is known or reasonably suspected or believed, as 24691
applicable, to exist. 24692

(D)(1) Any person, who is required by division (A) of this 24693
section to report child abuse or child neglect that is known or 24694
reasonably suspected or believed to have occurred, may take or 24695
cause to be taken color photographs of areas of trauma visible on 24696

a child and, if medically necessary for the purpose of diagnosing 24697
or treating injuries that are suspected to have occurred as a 24698
result of child abuse or child neglect, perform or cause to be 24699
performed radiological examinations and any other medical 24700
examinations of, and tests or procedures on, the child. 24701

(2) The results and any available reports of examinations, 24702
tests, or procedures made under division (D)(1) of this section 24703
shall be included in a report made pursuant to division (A) of 24704
this section. Any additional reports of examinations, tests, or 24705
procedures that become available shall be provided to the public 24706
children services agency, upon request. 24707

(3) If a health care professional provides health care 24708
services in a hospital, children's advocacy center, or emergency 24709
medical facility to a child about whom a report has been made 24710
under division (A) of this section, the health care professional 24711
may take any steps that are reasonably necessary for the release 24712
or discharge of the child to an appropriate environment. Before 24713
the child's release or discharge, the health care professional may 24714
obtain information, or consider information obtained, from other 24715
entities or individuals that have knowledge about the child. 24716
Nothing in division (D)(3) of this section shall be construed to 24717
alter the responsibilities of any person under sections 2151.27 24718
and 2151.31 of the Revised Code. 24719

(4) A health care professional may conduct medical 24720
examinations, tests, or procedures on the siblings of a child 24721
about whom a report has been made under division (A) of this 24722
section and on other children who reside in the same home as the 24723
child, if the professional determines that the examinations, 24724
tests, or procedures are medically necessary to diagnose or treat 24725
the siblings or other children in order to determine whether 24726
reports under division (A) of this section are warranted with 24727
respect to such siblings or other children. The results of the 24728

examinations, tests, or procedures on the siblings and other 24729
children may be included in a report made pursuant to division (A) 24730
of this section. 24731

(5) Medical examinations, tests, or procedures conducted 24732
under divisions (D)(1) and (4) of this section and decisions 24733
regarding the release or discharge of a child under division 24734
(D)(3) of this section do not constitute a law enforcement 24735
investigation or activity. 24736

(E)(1) When a peace officer receives a report made pursuant 24737
to division (A) or (B) of this section, upon receipt of the 24738
report, the peace officer who receives the report shall refer the 24739
report to the appropriate public children services agency, unless 24740
an arrest is made at the time of the report that results in the 24741
appropriate public children services agency being contacted 24742
concerning the possible abuse or neglect of a child or the 24743
possible threat of abuse or neglect of a child. 24744

(2) When a public children services agency receives a report 24745
pursuant to this division or division (A) or (B) of this section, 24746
upon receipt of the report, the public children services agency 24747
shall do both of the following: 24748

(a) Comply with section 2151.422 of the Revised Code; 24749

(b) If the county served by the agency is also served by a 24750
children's advocacy center and the report alleges sexual abuse of 24751
a child or another type of abuse of a child that is specified in 24752
the memorandum of understanding that creates the center as being 24753
within the center's jurisdiction, comply regarding the report with 24754
the protocol and procedures for referrals and investigations, with 24755
the coordinating activities, and with the authority or 24756
responsibility for performing or providing functions, activities, 24757
and services stipulated in the interagency agreement entered into 24758
under section 2151.428 of the Revised Code relative to that 24759

center. 24760

(F) No peace officer shall remove a child about whom a report 24761
is made pursuant to this section from the child's parents, 24762
stepparents, or guardian or any other persons having custody of 24763
the child without consultation with the public children services 24764
agency, unless, in the judgment of the officer, and, if the report 24765
was made by physician, the physician, immediate removal is 24766
considered essential to protect the child from further abuse or 24767
neglect. The agency that must be consulted shall be the agency 24768
conducting the investigation of the report as determined pursuant 24769
to section 2151.422 of the Revised Code. 24770

(G)(1) Except as provided in section 2151.422 of the Revised 24771
Code or in an interagency agreement entered into under section 24772
2151.428 of the Revised Code that applies to the particular 24773
report, the public children services agency shall investigate, 24774
within twenty-four hours, each report of child abuse or child 24775
neglect that is known or reasonably suspected or believed to have 24776
occurred and of a threat of child abuse or child neglect that is 24777
known or reasonably suspected or believed to exist that is 24778
referred to it under this section to determine the circumstances 24779
surrounding the injuries, abuse, or neglect or the threat of 24780
injury, abuse, or neglect, the cause of the injuries, abuse, 24781
neglect, or threat, and the person or persons responsible. The 24782
investigation shall be made in cooperation with the law 24783
enforcement agency and in accordance with the memorandum of 24784
understanding prepared under division (K) of this section. A 24785
representative of the public children services agency shall, at 24786
the time of initial contact with the person subject to the 24787
investigation, inform the person of the specific complaints or 24788
allegations made against the person. The information shall be 24789
given in a manner that is consistent with division (I)(1) of this 24790
section and protects the rights of the person making the report 24791

under this section. 24792

A failure to make the investigation in accordance with the 24793
memorandum is not grounds for, and shall not result in, the 24794
dismissal of any charges or complaint arising from the report or 24795
the suppression of any evidence obtained as a result of the report 24796
and does not give, and shall not be construed as giving, any 24797
rights or any grounds for appeal or post-conviction relief to any 24798
person. The public children services agency shall report each case 24799
to the uniform statewide automated child welfare information 24800
system that the department of job and family services shall 24801
maintain in accordance with section 5101.13 of the Revised Code. 24802
The public children services agency shall submit a report of its 24803
investigation, in writing, to the law enforcement agency. 24804

(2) The public children services agency shall make any 24805
recommendations to the county prosecuting attorney or city 24806
director of law that it considers necessary to protect any 24807
children that are brought to its attention. 24808

(H)(1)(a) Except as provided in divisions (H)(1)(b) and 24809
(I)(3) of this section, any person, health care professional, 24810
hospital, institution, school, health department, or agency shall 24811
be immune from any civil or criminal liability for injury, death, 24812
or loss to person or property that otherwise might be incurred or 24813
imposed as a result of any of the following: 24814

(i) Participating in the making of reports pursuant to 24815
division (A) of this section or in the making of reports in good 24816
faith, pursuant to division (B) of this section; 24817

(ii) Participating in medical examinations, tests, or 24818
procedures under division (D) of this section; 24819

(iii) Providing information used in a report made pursuant to 24820
division (A) of this section or providing information in good 24821
faith used in a report made pursuant to division (B) of this 24822

section; 24823

(iv) Participating in a judicial proceeding resulting from a 24824
report made pursuant to division (A) of this section or 24825
participating in good faith in a proceeding resulting from a 24826
report made pursuant to division (B) of this section. 24827

(b) Immunity under division (H)(1)(a)(ii) of this section 24828
shall not apply when a health care provider has deviated from the 24829
standard of care applicable to the provider's profession. 24830

(c) Notwithstanding section 4731.22 of the Revised Code, the 24831
physician-patient privilege shall not be a ground for excluding 24832
evidence regarding a child's injuries, abuse, or neglect, or the 24833
cause of the injuries, abuse, or neglect in any judicial 24834
proceeding resulting from a report submitted pursuant to this 24835
section. 24836

(2) In any civil or criminal action or proceeding in which it 24837
is alleged and proved that participation in the making of a report 24838
under this section was not in good faith or participation in a 24839
judicial proceeding resulting from a report made under this 24840
section was not in good faith, the court shall award the 24841
prevailing party reasonable attorney's fees and costs and, if a 24842
civil action or proceeding is voluntarily dismissed, may award 24843
reasonable attorney's fees and costs to the party against whom the 24844
civil action or proceeding is brought. 24845

(I)(1) Except as provided in divisions (I)(4) and (O) of this 24846
section, a report made under this section is confidential. The 24847
information provided in a report made pursuant to this section and 24848
the name of the person who made the report shall not be released 24849
for use, and shall not be used, as evidence in any civil action or 24850
proceeding brought against the person who made the report. Nothing 24851
in this division shall preclude the use of reports of other 24852
incidents of known or suspected abuse or neglect in a civil action 24853

or proceeding brought pursuant to division (N) of this section 24854
against a person who is alleged to have violated division (A)(1) 24855
of this section, provided that any information in a report that 24856
would identify the child who is the subject of the report or the 24857
maker of the report, if the maker of the report is not the 24858
defendant or an agent or employee of the defendant, has been 24859
redacted. In a criminal proceeding, the report is admissible in 24860
evidence in accordance with the Rules of Evidence and is subject 24861
to discovery in accordance with the Rules of Criminal Procedure. 24862

(2)(a) Except as provided in division (I)(2)(b) of this 24863
section, no person shall permit or encourage the unauthorized 24864
dissemination of the contents of any report made under this 24865
section. 24866

(b) A health care professional that obtains the same 24867
information contained in a report made under this section from a 24868
source other than the report may disseminate the information, if 24869
its dissemination is otherwise permitted by law. 24870

(3) A person who knowingly makes or causes another person to 24871
make a false report under division (B) of this section that 24872
alleges that any person has committed an act or omission that 24873
resulted in a child being an abused child or a neglected child is 24874
guilty of a violation of section 2921.14 of the Revised Code. 24875

(4) If a report is made pursuant to division (A) or (B) of 24876
this section and the child who is the subject of the report dies 24877
for any reason at any time after the report is made, but before 24878
the child attains eighteen years of age, the public children 24879
services agency or peace officer to which the report was made or 24880
referred, on the request of the child fatality review board, the 24881
suicide fatality review committee, or the director of health 24882
pursuant to guidelines established under section 3701.70 of the 24883
Revised Code, shall submit a summary sheet of information 24884
providing a summary of the report to the review board or review 24885

committee of the county in which the deceased child resided at the 24886
time of death or to the director. On the request of the review 24887
board, review committee, or director, the agency or peace officer 24888
may, at its discretion, make the report available to the review 24889
board, review committee, or director. If the county served by the 24890
public children services agency is also served by a children's 24891
advocacy center and the report of alleged sexual abuse of a child 24892
or another type of abuse of a child is specified in the memorandum 24893
of understanding that creates the center as being within the 24894
center's jurisdiction, the agency or center shall perform the 24895
duties and functions specified in this division in accordance with 24896
the interagency agreement entered into under section 2151.428 of 24897
the Revised Code relative to that advocacy center. 24898

(5) A public children services agency shall advise a person 24899
alleged to have inflicted abuse or neglect on a child who is the 24900
subject of a report made pursuant to this section, including a 24901
report alleging sexual abuse of a child or another type of abuse 24902
of a child referred to a children's advocacy center pursuant to an 24903
interagency agreement entered into under section 2151.428 of the 24904
Revised Code, in writing of the disposition of the investigation. 24905
The agency shall not provide to the person any information that 24906
identifies the person who made the report, statements of 24907
witnesses, or police or other investigative reports. 24908

(J) Any report that is required by this section, other than a 24909
report that is made to the state highway patrol as described in 24910
section 5120.173 of the Revised Code, shall result in protective 24911
services and emergency supportive services being made available by 24912
the public children services agency on behalf of the children 24913
about whom the report is made, in an effort to prevent further 24914
neglect or abuse, to enhance their welfare, and, whenever 24915
possible, to preserve the family unit intact. The agency required 24916
to provide the services shall be the agency conducting the 24917

investigation of the report pursuant to section 2151.422 of the Revised Code. 24918
24919

(K)(1) Each public children services agency shall prepare a memorandum of understanding that is signed by all of the following: 24920
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24922

(a) If there is only one juvenile judge in the county, the juvenile judge of the county or the juvenile judge's representative; 24923
24924
24925

(b) If there is more than one juvenile judge in the county, a juvenile judge or the juvenile judges' representative selected by the juvenile judges or, if they are unable to do so for any reason, the juvenile judge who is senior in point of service or the senior juvenile judge's representative; 24926
24927
24928
24929
24930

(c) The county peace officer; 24931

(d) All chief municipal peace officers within the county; 24932

(e) Other law enforcement officers handling child abuse and neglect cases in the county; 24933
24934

(f) The prosecuting attorney of the county; 24935

(g) If the public children services agency is not the county department of job and family services, the county department of job and family services; 24936
24937
24938

(h) The county humane society; 24939

(i) If the public children services agency participated in the execution of a memorandum of understanding under section 2151.426 of the Revised Code establishing a children's advocacy center, each participating member of the children's advocacy center established by the memorandum. 24940
24941
24942
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(2) A memorandum of understanding shall set forth the normal operating procedure to be employed by all concerned officials in the execution of their respective responsibilities under this 24945
24946
24947

section and division (C) of section 2919.21, division (B)(1) of 24948
section 2919.22, division (B) of section 2919.23, and section 24949
2919.24 of the Revised Code and shall have as two of its primary 24950
goals the elimination of all unnecessary interviews of children 24951
who are the subject of reports made pursuant to division (A) or 24952
(B) of this section and, when feasible, providing for only one 24953
interview of a child who is the subject of any report made 24954
pursuant to division (A) or (B) of this section. A failure to 24955
follow the procedure set forth in the memorandum by the concerned 24956
officials is not grounds for, and shall not result in, the 24957
dismissal of any charges or complaint arising from any reported 24958
case of abuse or neglect or the suppression of any evidence 24959
obtained as a result of any reported child abuse or child neglect 24960
and does not give, and shall not be construed as giving, any 24961
rights or any grounds for appeal or post-conviction relief to any 24962
person. 24963

(3) A memorandum of understanding shall include all of the 24964
following: 24965

(a) The roles and responsibilities for handling emergency and 24966
nonemergency cases of abuse and neglect; 24967

(b) Standards and procedures to be used in handling and 24968
coordinating investigations of reported cases of child abuse and 24969
reported cases of child neglect, methods to be used in 24970
interviewing the child who is the subject of the report and who 24971
allegedly was abused or neglected, and standards and procedures 24972
addressing the categories of persons who may interview the child 24973
who is the subject of the report and who allegedly was abused or 24974
neglected. 24975

(4) If a public children services agency participated in the 24976
execution of a memorandum of understanding under section 2151.426 24977
of the Revised Code establishing a children's advocacy center, the 24978
agency shall incorporate the contents of that memorandum in the 24979

memorandum prepared pursuant to this section. 24980

(5) The clerk of the court of common pleas in the county may 24981
sign the memorandum of understanding prepared under division 24982
(K)(1) of this section. If the clerk signs the memorandum of 24983
understanding, the clerk shall execute all relevant 24984
responsibilities as required of officials specified in the 24985
memorandum. 24986

(L)(1) Except as provided in division (L)(4) or (5) of this 24987
section, a person who is required to make a report pursuant to 24988
division (A) of this section may make a reasonable number of 24989
requests of the public children services agency that receives or 24990
is referred the report, or of the children's advocacy center that 24991
is referred the report if the report is referred to a children's 24992
advocacy center pursuant to an interagency agreement entered into 24993
under section 2151.428 of the Revised Code, to be provided with 24994
the following information: 24995

(a) Whether the agency or center has initiated an 24996
investigation of the report; 24997

(b) Whether the agency or center is continuing to investigate 24998
the report; 24999

(c) Whether the agency or center is otherwise involved with 25000
the child who is the subject of the report; 25001

(d) The general status of the health and safety of the child 25002
who is the subject of the report; 25003

(e) Whether the report has resulted in the filing of a 25004
complaint in juvenile court or of criminal charges in another 25005
court. 25006

(2) A person may request the information specified in 25007
division (L)(1) of this section only if, at the time the report is 25008
made, the person's name, address, and telephone number are 25009

provided to the person who receives the report. 25010

When a peace officer or employee of a public children 25011
services agency receives a report pursuant to division (A) or (B) 25012
of this section the recipient of the report shall inform the 25013
person of the right to request the information described in 25014
division (L)(1) of this section. The recipient of the report shall 25015
include in the initial child abuse or child neglect report that 25016
the person making the report was so informed and, if provided at 25017
the time of the making of the report, shall include the person's 25018
name, address, and telephone number in the report. 25019

Each request is subject to verification of the identity of 25020
the person making the report. If that person's identity is 25021
verified, the agency shall provide the person with the information 25022
described in division (L)(1) of this section a reasonable number 25023
of times, except that the agency shall not disclose any 25024
confidential information regarding the child who is the subject of 25025
the report other than the information described in those 25026
divisions. 25027

(3) A request made pursuant to division (L)(1) of this 25028
section is not a substitute for any report required to be made 25029
pursuant to division (A) of this section. 25030

(4) If an agency other than the agency that received or was 25031
referred the report is conducting the investigation of the report 25032
pursuant to section 2151.422 of the Revised Code, the agency 25033
conducting the investigation shall comply with the requirements of 25034
division (L) of this section. 25035

(5) A health care professional who made a report under 25036
division (A) of this section, or on whose behalf such a report was 25037
made as provided in division (A)(1)(c) of this section, may 25038
authorize a person to obtain the information described in division 25039
(L)(1) of this section if the person requesting the information is 25040

associated with or acting on behalf of the health care 25041
professional who provided health care services to the child about 25042
whom the report was made. 25043

(M) The director of job and family services shall adopt rules 25044
in accordance with Chapter 119. of the Revised Code to implement 25045
this section. The department of job and family services may enter 25046
into a plan of cooperation with any other governmental entity to 25047
aid in ensuring that children are protected from abuse and 25048
neglect. The department shall make recommendations to the attorney 25049
general that the department determines are necessary to protect 25050
children from child abuse and child neglect. 25051

(N) Whoever violates division (A) of this section is liable 25052
for compensatory and exemplary damages to the child who would have 25053
been the subject of the report that was not made. A person who 25054
brings a civil action or proceeding pursuant to this division 25055
against a person who is alleged to have violated division (A)(1) 25056
of this section may use in the action or proceeding reports of 25057
other incidents of known or suspected abuse or neglect, provided 25058
that any information in a report that would identify the child who 25059
is the subject of the report or the maker of the report, if the 25060
maker is not the defendant or an agent or employee of the 25061
defendant, has been redacted. 25062

(O)(1) As used in this division: 25063

(a) "Out-of-home care" includes a nonchartered nonpublic 25064
school if the alleged child abuse or child neglect, or alleged 25065
threat of child abuse or child neglect, described in a report 25066
received by a public children services agency allegedly occurred 25067
in or involved the nonchartered nonpublic school and the alleged 25068
perpetrator named in the report holds a certificate, permit, or 25069
license issued by the state board of education under section 25070
3301.071 or Chapter 3319. of the Revised Code. 25071

(b) "Administrator, director, or other chief administrative officer" means the superintendent of the school district if the out-of-home care entity subject to a report made pursuant to this section is a school operated by the district.

(2) No later than the end of the day following the day on which a public children services agency receives a report of alleged child abuse or child neglect, or a report of an alleged threat of child abuse or child neglect, that allegedly occurred in or involved an out-of-home care entity, the agency shall provide written notice of the allegations contained in and the person named as the alleged perpetrator in the report to the administrator, director, or other chief administrative officer of the out-of-home care entity that is the subject of the report unless the administrator, director, or other chief administrative officer is named as an alleged perpetrator in the report. If the administrator, director, or other chief administrative officer of an out-of-home care entity is named as an alleged perpetrator in a report of alleged child abuse or child neglect, or a report of an alleged threat of child abuse or child neglect, that allegedly occurred in or involved the out-of-home care entity, the agency shall provide the written notice to the owner or governing board of the out-of-home care entity that is the subject of the report. The agency shall not provide witness statements or police or other investigative reports.

(3) No later than three days after the day on which a public children services agency that conducted the investigation as determined pursuant to section 2151.422 of the Revised Code makes a disposition of an investigation involving a report of alleged child abuse or child neglect, or a report of an alleged threat of child abuse or child neglect, that allegedly occurred in or involved an out-of-home care entity, the agency shall send written notice of the disposition of the investigation to the

administrator, director, or other chief administrative officer and 25104
the owner or governing board of the out-of-home care entity. The 25105
agency shall not provide witness statements or police or other 25106
investigative reports. 25107

(P) As used in this section: 25108

(1) "Children's advocacy center" and "sexual abuse of a 25109
child" have the same meanings as in section 2151.425 of the 25110
Revised Code. 25111

(2) "Health care professional" means an individual who 25112
provides health-related services including a physician, hospital 25113
intern or resident, dentist, podiatrist, registered nurse, 25114
licensed practical nurse, visiting nurse, licensed psychologist, 25115
speech pathologist, audiologist, person engaged in social work or 25116
the practice of professional counseling, and employee of a home 25117
health agency. "Health care professional" does not include a 25118
practitioner of a limited branch of medicine as specified in 25119
section 4731.15 of the Revised Code, licensed school psychologist, 25120
independent marriage and family therapist or marriage and family 25121
therapist, or coroner. 25122

(3) "Investigation" means the public children services 25123
agency's response to an accepted report of child abuse or neglect 25124
through either an alternative response or a traditional response. 25125

(4) "Peace officer" means a sheriff, deputy sheriff, 25126
constable, police officer of a township or joint police district, 25127
marshal, deputy marshal, municipal police officer, or a state 25128
highway patrol trooper. 25129

Sec. 2151.451. (A) The juvenile court of the county in, to 25130
which either of the following applies regarding an emancipated 25131
young adult described under division (A)(1) of section 5101.1411 25132
of the Revised Code ~~resides shall have,~~ may exercise jurisdiction 25133

over the emancipated young adult for purposes of sections 2151.45 25134
to 2151.455 of the Revised Code: 25135

(1) The county in which the emancipated young adult resides; 25136

(2) The county in which the emancipated young adult resided 25137
when the custody, arrangement, or care and placement described in 25138
division (A)(3)(a) of section 5101.141 of the Revised Code 25139
terminated. 25140

(B) A juvenile court, on its own motion or the motion of any 25141
party, may transfer a proceeding under these sections 2151.45 to 25142
2151.455 of the Revised Code to a juvenile court with jurisdiction 25143
as provided in this section. 25144

Sec. 2151.452. A juvenile court shall do both of the 25145
following regarding an emancipated young adult described under 25146
division (A)(1) of section 5101.1411 of the Revised Code: 25147

(A) Not later than one hundred eighty days after the 25148
voluntary participation agreement becomes effective, make a 25149
determination as to whether the emancipated young adult's best 25150
interest is served by continuing the care and placement with the 25151
department of job and family services or its representative. ~~An~~ 25152
~~emancipated young adult shall not be eligible for continued care~~ 25153
~~and placement if the court finds it is not in the emancipated~~ 25154
~~young adult's best interest.~~ 25155

(B) Not later than twelve months after the effective date 25156
~~that~~ of the voluntary participation agreement ~~is signed~~, and 25157
~~annually~~ at least once every twelve months thereafter, make a 25158
determination ~~as to whether~~ that the department or its 25159
representative has made reasonable efforts ~~have been made to~~ 25160
finalize a permanency plan to prepare the emancipated young adult 25161
for independence. 25162

Sec. 2151.453. If any determination required under ~~division~~ 25163

~~(B)~~ of section 2151.452 of the Revised Code is not timely made, 25164
the federal payments for foster care under division (A)(1) of 25165
section 5101.1411 of the Revised Code for the emancipated young 25166
adult shall be suspended. The payments shall resume upon a 25167
subsequent determination that reasonable efforts have been made to 25168
prepare the emancipated young adult for independence, but only if 25169
both of the following apply: 25170

(A) The emancipated young adult complies with division (A)(1) 25171
of section 5101.1411 of the Revised Code. 25172

(B) There has been a timely determination of best interest 25173
under division (A) of section 2151.452 of the Revised Code. 25174

Sec. 2303.05. The clerk of the court of common pleas may 25175
appoint one or more deputies. Such appointment or appointments 25176
shall be ~~in writing signed~~ endorsed by the clerk and entered on 25177
the journal of the court. 25178

Sec. 2317.54. No hospital, home health agency, ambulatory 25179
surgical facility, or provider of a hospice care program or 25180
pediatric respite care program shall be held liable for a 25181
physician's failure to obtain an informed consent from the 25182
physician's patient prior to a surgical or medical procedure or 25183
course of procedures, unless the physician is an employee of the 25184
hospital, home health agency, ambulatory surgical facility, or 25185
provider of a hospice care program or pediatric respite care 25186
program. 25187

Written consent to a surgical or medical procedure or course 25188
of procedures shall, to the extent that it fulfills all the 25189
requirements in divisions (A), (B), and (C) of this section, be 25190
presumed to be valid and effective, in the absence of proof by a 25191
preponderance of the evidence that the person who sought such 25192
consent was not acting in good faith, or that the execution of the 25193

consent was induced by fraudulent misrepresentation of material 25194
facts, or that the person executing the consent was not able to 25195
communicate effectively in spoken and written English or any other 25196
language in which the consent is written. Except as herein 25197
provided, no evidence shall be admissible to impeach, modify, or 25198
limit the authorization for performance of the procedure or 25199
procedures set forth in such written consent. 25200

(A) The consent sets forth in general terms the nature and 25201
purpose of the procedure or procedures, and what the procedures 25202
are expected to accomplish, together with the reasonably known 25203
risks, and, except in emergency situations, sets forth the names 25204
of the physicians who shall perform the intended surgical 25205
procedures. 25206

(B) The person making the consent acknowledges that such 25207
disclosure of information has been made and that all questions 25208
asked about the procedure or procedures have been answered in a 25209
satisfactory manner. 25210

(C) The consent is signed by the patient for whom the 25211
procedure is to be performed, or, if the patient for any reason 25212
including, but not limited to, competence, minority, or the fact 25213
that, at the latest time that the consent is needed, the patient 25214
is under the influence of alcohol, hallucinogens, or drugs, lacks 25215
legal capacity to consent, by a person who has legal authority to 25216
consent on behalf of such patient in such circumstances, including 25217
either of the following: 25218

(1) The parent, whether the parent is an adult or a minor, of 25219
the parent's minor child; 25220

(2) An adult whom the parent of the minor child has given 25221
written authorization to consent to a surgical or medical 25222
procedure or course of procedures for the parent's minor child. 25223

Any use of a consent form that fulfills the requirements 25224

stated in divisions (A), (B), and (C) of this section has no 25225
effect on the common law rights and liabilities, including the 25226
right of a physician to obtain the oral or implied consent of a 25227
patient to a medical procedure, that may exist as between 25228
physicians and patients on July 28, 1975. 25229

As used in this section the term "hospital" has the same 25230
meaning as in section 2305.113 of the Revised Code; ~~"home health~~ 25231
~~agency" has the same meaning as in section 3701.881 of the Revised~~ 25232
~~Code;~~ "ambulatory surgical facility" has the same meaning as in 25233
section 3702.30 of the Revised Code; ~~and~~ "hospice care program" 25234
and "pediatric respite care program" have the same meanings as in 25235
section 3712.01 of the Revised Code, and "home health agency" has 25236
the same meaning as in section 3740.01 of the Revised Code. The 25237
provisions of this division apply to hospitals, doctors of 25238
medicine, doctors of osteopathic medicine, and doctors of 25239
podiatric medicine. 25240

Sec. 2323.52. (A) As used in this section: 25241

(1) "Conduct" has the same meaning as in section 2323.51 of 25242
the Revised Code. 25243

(2) "Vexatious conduct" means conduct of a party in a civil 25244
action that satisfies any of the following: 25245

(a) The conduct obviously serves merely to harass or 25246
maliciously injure another party to the civil action. 25247

(b) The conduct is not warranted under existing law and 25248
cannot be supported by a good faith argument for an extension, 25249
modification, or reversal of existing law. 25250

(c) The conduct is imposed solely for delay. 25251

(3) "Vexatious litigator" means any person who has 25252
habitually, persistently, and without reasonable grounds engaged 25253
in vexatious conduct in a civil action or actions, whether in the 25254

court of claims or in a court of appeals, court of common pleas, 25255
municipal court, or county court, whether the person or another 25256
person instituted the civil action or actions, and whether the 25257
vexatious conduct was against the same party or against different 25258
parties in the civil action or actions. "Vexatious litigator" does 25259
not include a person who is authorized to practice law in the 25260
courts of this state under the Ohio Supreme Court Rules for the 25261
Government of the Bar of Ohio unless that person is representing 25262
or has represented self pro se in the civil action or actions. For 25263
the purposes of division (A)(3) of this section, "civil action" 25264
includes a proceeding under section 2743.75 or 2743.76 of the 25265
Revised Code. 25266

(B) A person, the office of the attorney general, or a 25267
prosecuting attorney, city director of law, village solicitor, or 25268
similar chief legal officer of a municipal corporation who has 25269
defended against habitual and persistent vexatious conduct in the 25270
court of claims or in a court of appeals, court of common pleas, 25271
municipal court, or county court may commence a civil action in a 25272
court of common pleas with jurisdiction over the person who 25273
allegedly engaged in the habitual and persistent vexatious conduct 25274
to have that person declared a vexatious litigator. The person, 25275
office of the attorney general, prosecuting attorney, city 25276
director of law, village solicitor, or similar chief legal officer 25277
of a municipal corporation may commence this civil action while 25278
the civil action or actions in which the habitual and persistent 25279
vexatious conduct occurred are still pending or within one year 25280
after the termination of the civil action or actions in which the 25281
habitual and persistent vexatious conduct occurred. 25282

(C) A civil action to have a person declared a vexatious 25283
litigator shall proceed as any other civil action, and the Ohio 25284
Rules of Civil Procedure apply to the action. 25285

(D)(1) If the person alleged to be a vexatious litigator is 25286

found to be a vexatious litigator, subject to division (D)(2) of 25287
this section, the court of common pleas may enter an order 25288
prohibiting the vexatious litigator from doing one or more of the 25289
following without first obtaining the leave of that court to 25290
proceed: 25291

(a) Instituting legal proceedings in the court of claims or 25292
in a court of common pleas, municipal court, or county court; 25293

(b) Continuing any legal proceedings that the vexatious 25294
litigator had instituted in any of the courts specified in 25295
division (D)(1)(a) of this section prior to the entry of the 25296
order; 25297

(c) Making any application, other than an application for 25298
leave to proceed under division (F)(1) of this section, in any 25299
legal proceedings instituted by the vexatious litigator or another 25300
person in any of the courts specified in division (D)(1)(a) of 25301
this section. 25302

(2) If the court of common pleas finds a person who is 25303
authorized to practice law in the courts of this state under the 25304
Ohio Supreme Court Rules for the Government of the Bar of Ohio to 25305
be a vexatious litigator and enters an order described in division 25306
(D)(1) of this section in connection with that finding, the order 25307
shall apply to the person only insofar as the person would seek to 25308
institute proceedings described in division (D)(1)(a) of this 25309
section on a pro se basis, continue proceedings described in 25310
division (D)(1)(b) of this section on a pro se basis, or make an 25311
application described in division (D)(1)(c) of this section on a 25312
pro se basis. The order shall not apply to the person insofar as 25313
the person represents one or more other persons in the person's 25314
capacity as a licensed and registered attorney in a civil or 25315
criminal action or proceeding or other matter in a court of common 25316
pleas, municipal court, or county court or in the court of claims. 25317
Division (D)(2) of this section does not affect any remedy that is 25318

available to a court or an adversely affected party under section 25319
2323.51 or another section of the Revised Code, under Civil Rule 25320
11 or another provision of the Ohio Rules of Civil Procedure, or 25321
under the common law of this state as a result of frivolous 25322
conduct or other inappropriate conduct by an attorney who 25323
represents one or more clients in connection with a civil or 25324
criminal action or proceeding or other matter in a court of common 25325
pleas, municipal court, or county court or in the court of claims. 25326

(3) A person who is subject to an order entered pursuant to 25327
division (D)(1) of this section may not institute legal 25328
proceedings in a court of appeals, continue any legal proceedings 25329
that the vexatious litigator had instituted in a court of appeals 25330
prior to entry of the order, or make any application, other than 25331
the application for leave to proceed allowed by division (F)(2) of 25332
this section, in any legal proceedings instituted by the vexatious 25333
litigator or another person in a court of appeals without first 25334
obtaining leave of the court of appeals to proceed pursuant to 25335
division (F)(2) of this section. 25336

(E) An order that is entered under division (D)(1) of this 25337
section shall remain in force indefinitely unless the order 25338
provides for its expiration after a specified period of time. 25339

(F)(1) A court of common pleas that entered an order under 25340
division (D)(1) of this section shall not grant a person found to 25341
be a vexatious litigator leave for the institution or continuance 25342
of, or the making of an application in, legal proceedings in the 25343
court of claims or in a court of common pleas, municipal court, or 25344
county court unless the court of common pleas that entered that 25345
order is satisfied that the proceedings or application are not an 25346
abuse of process of the court in question and that there are 25347
reasonable grounds for the proceedings or application. If a person 25348
who has been found to be a vexatious litigator under this section 25349
requests the court of common pleas that entered an order under 25350

division (D)(1) of this section to grant the person leave to 25351
proceed as described in division (F)(1) of this section, the 25352
period of time commencing with the filing with that court of an 25353
application for the issuance of an order granting leave to proceed 25354
and ending with the issuance of an order of that nature shall not 25355
be computed as a part of an applicable period of limitations 25356
within which the legal proceedings or application involved 25357
generally must be instituted or made. 25358

(2) A person who is subject to an order entered pursuant to 25359
division (D)(1) of this section and who seeks to institute or 25360
continue any legal proceedings in a court of appeals or to make an 25361
application, other than an application for leave to proceed under 25362
division (F)(2) of this section, in any legal proceedings in a 25363
court of appeals shall file an application for leave to proceed in 25364
the court of appeals in which the legal proceedings would be 25365
instituted or are pending. The court of appeals shall not grant a 25366
person found to be a vexatious litigator leave for the institution 25367
or continuance of, or the making of an application in, legal 25368
proceedings in the court of appeals unless the court of appeals is 25369
satisfied that the proceedings or application are not an abuse of 25370
process of the court and that there are reasonable grounds for the 25371
proceedings or application. If a person who has been found to be a 25372
vexatious litigator under this section requests the court of 25373
appeals to grant the person leave to proceed as described in 25374
division (F)(2) of this section, the period of time commencing 25375
with the filing with the court of an application for the issuance 25376
of an order granting leave to proceed and ending with the issuance 25377
of an order of that nature shall not be computed as a part of an 25378
applicable period of limitations within which the legal 25379
proceedings or application involved generally must be instituted 25380
or made. 25381

(G) During the period of time that the order entered under 25382

division (D)(1) of this section is in force, no appeal by the 25383
person who is the subject of that order shall lie from a decision 25384
of the court of common pleas or court of appeals under division 25385
(F) of this section that denies that person leave for the 25386
institution or continuance of, or the making of an application in, 25387
legal proceedings in the court of claims or in a court of appeals, 25388
court of common pleas, municipal court, or county court. 25389

(H) The clerk of the court of common pleas that enters an 25390
order under division (D)(1) of this section shall send a certified 25391
copy of the order to the supreme court for publication in a manner 25392
that the supreme court determines is appropriate and that will 25393
facilitate the clerk of the court of claims and a clerk of a court 25394
of appeals, court of common pleas, municipal court, or county 25395
court in refusing to accept pleadings or other papers submitted 25396
for filing by persons who have been found to be a vexatious 25397
litigator under this section and who have failed to obtain leave 25398
to proceed under this section. 25399

(I) Whenever it appears by suggestion of the parties or 25400
otherwise that a person found to be a vexatious litigator under 25401
this section has instituted, continued, or made an application in 25402
legal proceedings without obtaining leave to proceed from the 25403
appropriate court of common pleas or court of appeals to do so 25404
under division (F) of this section, the court in which the legal 25405
proceedings are pending shall dismiss the proceedings or 25406
application of the vexatious litigator. 25407

Sec. 2329.312. (A) All levying officers appointed or 25408
authorized by a court under this chapter to conduct the judicial 25409
or execution sale of residential property consisting of one to 25410
four single-family units shall submit quarterly reports to the 25411
attorney general ~~for the purpose of assessing the extent to which~~ 25412
~~deadlines required by this chapter are met.~~ The reports shall 25413

include data on each such sale conducted by the officer, including 25414
data showing whether or not the deadlines required under division 25415
(E) of section 2308.02, division (B) of section 2329.17, and 25416
sections 2329.30 and 2329.31 of the Revised Code are met. 25417

~~(B) Starting one year after the effective date of this~~ 25418
~~section September 28, 2016, the The attorney general shall do all~~ 25419
~~of the following:~~ 25420

~~(1) Establish and maintain a database comprised of the~~ 25421
~~information submitted by levying officers pursuant to division (A)~~ 25422
~~of this section:~~ 25423

~~(2) Make make the information included in the database~~ 25424
~~reports described in division (A) of this section publicly~~ 25425
~~available:~~ 25426

~~(3) Adopt rules for the creation and administration of the~~ 25427
~~database.~~ 25428

Sec. 2743.01. As used in this chapter: 25429

(A) "State" means the state of Ohio, including, but not 25430
limited to, the general assembly, the supreme court, the offices 25431
of all elected state officers, and all departments, boards, 25432
offices, commissions, agencies, institutions, and other 25433
instrumentalities of the state. "State" does not include political 25434
subdivisions. 25435

(B) "Political subdivisions" means municipal corporations, 25436
townships, counties, school districts, and all other bodies 25437
corporate and politic responsible for governmental activities only 25438
in geographic areas smaller than that of the state to which the 25439
sovereign immunity of the state attaches. 25440

(C) "Claim for an award of reparations" or "claim" means a 25441
claim for an award of reparations made under sections 2743.51 to 25442

2743.72 of the Revised Code.	25443
(D) "Award of reparations" or "award" means an award made under sections 2743.51 to 2743.72 of the Revised Code.	25444 25445
(E)(1) "Public duty" includes, but is not limited to, any statutory, regulatory, or assumed duty concerning any action or omission of the state involving any of the following:	25446 25447 25448
(a) Permitting, certifying, licensing, inspecting, investigating, supervising, regulating, auditing, monitoring, law enforcement, or emergency response activity, <u>or compromising claims</u> ;	25449 25450 25451 25452
(b) Supervising, rehabilitating, or liquidating corporations or other business entities.	25453 25454
(2) "Public duty" does not include any action of the state under circumstances in which a special relationship can be established between the state and an injured party as provided in division (A)(3) of section 2743.02 of the Revised Code.	25455 25456 25457 25458
Sec. 2743.02. (A)(1) The state hereby waives its immunity from liability, except as provided for the office of the state fire marshal in division (G)(1) of section 9.60 and division (B) of section 3737.221 of the Revised Code and subject to division (H) of this section, and consents to be sued, and have its liability determined, in the court of claims created in this chapter in accordance with the same rules of law applicable to suits between private parties, except that the determination of liability is subject to the limitations set forth in this chapter and, in the case of state universities or colleges, in section 3345.40 of the Revised Code, and except as provided in division (A)(2) or (3) of this section. To the extent that the state has previously consented to be sued, this chapter has no applicability.	25459 25460 25461 25462 25463 25464 25465 25466 25467 25468 25469 25470 25471 25472

Except in the case of a civil action filed by the state, 25473
filing a civil action in the court of claims results in a complete 25474
waiver of any cause of action, based on the same act or omission, 25475
that the filing party has against any officer or employee, as 25476
defined in section 109.36 of the Revised Code. The waiver shall be 25477
void if the court determines that the act or omission was 25478
manifestly outside the scope of the officer's or employee's office 25479
or employment or that the officer or employee acted with malicious 25480
purpose, in bad faith, or in a wanton or reckless manner. 25481

(2) If a claimant proves in the court of claims that an 25482
officer or employee, as defined in section 109.36 of the Revised 25483
Code, would have personal liability for the officer's or 25484
employee's acts or omissions but for the fact that the officer or 25485
employee has personal immunity under section 9.86 of the Revised 25486
Code, the state shall be held liable in the court of claims in any 25487
action that is timely filed pursuant to section 2743.16 of the 25488
Revised Code and that is based upon the acts or omissions. 25489

(3)(a) Except as provided in division (A)(3)(b) of this 25490
section, the state is immune from liability in any civil action or 25491
proceeding involving the performance or nonperformance of a public 25492
duty, including the performance or nonperformance of a public duty 25493
that is owed by the state in relation to any action of an 25494
individual who is committed to the custody of the state. 25495

(b) The state immunity provided in division (A)(3)(a) of this 25496
section does not apply to any action of the state under 25497
circumstances in which a special relationship can be established 25498
between the state and an injured party. A special relationship 25499
under this division is demonstrated if all of the following 25500
elements exist: 25501

(i) An assumption by the state, by means of promises or 25502
actions, of an affirmative duty to act on behalf of the party who 25503
was allegedly injured; 25504

(ii) Knowledge on the part of the state's agents that	25505
inaction of the state could lead to harm;	25506
(iii) Some form of direct contact between the state's agents	25507
and the injured party;	25508
(iv) The injured party's justifiable reliance on the state's	25509
affirmative undertaking.	25510
(B) The state hereby waives the immunity from liability of	25511
all hospitals owned or operated by one or more political	25512
subdivisions and consents for them to be sued, and to have their	25513
liability determined, in the court of common pleas, in accordance	25514
with the same rules of law applicable to suits between private	25515
parties, subject to the limitations set forth in this chapter.	25516
This division is also applicable to hospitals owned or operated by	25517
political subdivisions that have been determined by the supreme	25518
court to be subject to suit prior to July 28, 1975.	25519
(C) Any hospital, as defined in section 2305.113 of the	25520
Revised Code, may purchase liability insurance covering its	25521
operations and activities and its agents, employees, nurses,	25522
interns, residents, staff, and members of the governing board and	25523
committees, and, whether or not such insurance is purchased, may,	25524
to the extent that its governing board considers appropriate,	25525
indemnify or agree to indemnify and hold harmless any such person	25526
against expense, including attorney's fees, damage, loss, or other	25527
liability arising out of, or claimed to have arisen out of, the	25528
death, disease, or injury of any person as a result of the	25529
negligence, malpractice, or other action or inaction of the	25530
indemnified person while acting within the scope of the	25531
indemnified person's duties or engaged in activities at the	25532
request or direction, or for the benefit, of the hospital. Any	25533
hospital electing to indemnify those persons, or to agree to so	25534
indemnify, shall reserve any funds that are necessary, in the	25535
exercise of sound and prudent actuarial judgment, to cover the	25536

potential expense, fees, damage, loss, or other liability. The 25537
superintendent of insurance may recommend, or, if the hospital 25538
requests the superintendent to do so, the superintendent shall 25539
recommend, a specific amount for any period that, in the 25540
superintendent's opinion, represents such a judgment. This 25541
authority is in addition to any authorization otherwise provided 25542
or permitted by law. 25543

(D) Recoveries against the state shall be reduced by the 25544
aggregate of insurance proceeds, disability award, or other 25545
collateral recovery ~~received by that~~ the claimant receives or is 25546
entitled to. This division does not apply to civil actions in the 25547
court of claims against a state university or college under the 25548
circumstances described in section 3345.40 of the Revised Code. 25549
The collateral benefits provisions of division (B)(2) of that 25550
section apply under those circumstances. 25551

(E) The only defendant in original actions in the court of 25552
claims is the state. The state may file a third-party complaint or 25553
counterclaim in any civil action, except a civil action for ten 25554
thousand dollars or less, that is filed in the court of claims. 25555

(F) A civil action against an officer or employee, as defined 25556
in section 109.36 of the Revised Code, that alleges that the 25557
officer's or employee's conduct was manifestly outside the scope 25558
of the officer's or employee's employment or official 25559
responsibilities, or that the officer or employee acted with 25560
malicious purpose, in bad faith, or in a wanton or reckless manner 25561
shall first be filed against the state in the court of claims that 25562
has exclusive, original jurisdiction to determine, initially, 25563
whether the officer or employee is entitled to personal immunity 25564
under section 9.86 of the Revised Code and whether the courts of 25565
common pleas have jurisdiction over the civil action. The officer 25566
or employee may participate in the immunity determination 25567
proceeding before the court of claims to determine whether the 25568

officer or employee is entitled to personal immunity under section 25569
9.86 of the Revised Code. 25570

The filing of a claim against an officer or employee under 25571
this division tolls the running of the applicable statute of 25572
limitations until the court of claims determines whether the 25573
officer or employee is entitled to personal immunity under section 25574
9.86 of the Revised Code. 25575

(G) If a claim lies against an officer or employee who is a 25576
member of the Ohio national guard, and the officer or employee 25577
was, at the time of the act or omission complained of, subject to 25578
the "Federal Tort Claims Act," 60 Stat. 842 (1946), 28 U.S.C. 25579
2671, et seq., the Federal Tort Claims Act is the exclusive remedy 25580
of the claimant and the state has no liability under this section. 25581

(H) If an inmate of a state correctional institution has a 25582
claim against the state for the loss of or damage to property and 25583
the amount claimed does not exceed three hundred dollars, before 25584
commencing an action against the state in the court of claims, the 25585
inmate shall file a claim for the loss or damage under the rules 25586
adopted by the director of rehabilitation and correction pursuant 25587
to this division. The inmate shall file the claim within the time 25588
allowed for commencement of a civil action under section 2743.16 25589
of the Revised Code. If the state admits or compromises the claim, 25590
the director shall make payment from a fund designated by the 25591
director for that purpose. If the state denies the claim or does 25592
not compromise the claim at least sixty days prior to expiration 25593
of the time allowed for commencement of a civil action based upon 25594
the loss or damage under section 2743.16 of the Revised Code, the 25595
inmate may commence an action in the court of claims under this 25596
chapter to recover damages for the loss or damage. 25597

The director of rehabilitation and correction shall adopt 25598
rules pursuant to Chapter 119. of the Revised Code to implement 25599
this division. 25600

Sec. 2743.03. (A)(1) There is hereby created a court of 25601
claims. Except as provided under section 107.43 of the Revised 25602
Code, the court of claims is a court of record and has exclusive, 25603
original jurisdiction of all civil actions against the state 25604
permitted by the waiver of immunity contained in section 2743.02 25605
of the Revised Code and exclusive jurisdiction of the causes of 25606
action of all parties in civil actions that are removed to the 25607
court of claims. The court shall have full equity powers in all 25608
actions within its jurisdiction and may entertain and determine 25609
all counterclaims, cross-claims, and third-party claims. 25610

(2) If the claimant in a civil action as described in 25611
division (A)(1) of this section also files a claim for a 25612
declaratory judgment, injunctive relief, or other equitable relief 25613
against the state that arises out of the same circumstances that 25614
gave rise to the civil action described in division (A)(1) of this 25615
section, the court of claims has exclusive, original jurisdiction 25616
to hear and determine that claim in that civil action. This 25617
division does not affect, and shall not be construed as affecting, 25618
the original jurisdiction of another court of this state to hear 25619
and determine a civil action in which the sole relief that the 25620
claimant seeks against the state is a declaratory judgment, 25621
injunctive relief, or other equitable relief. 25622

(3) In addition to its exclusive, original jurisdiction as 25623
conferred by divisions (A)(1) and (2) of this section, the court 25624
of claims has exclusive, original jurisdiction as follows: 25625

(a) As described in division (F) of section 2743.02, division 25626
(B) of section 3335.03, and division (C) of section 5903.02 of the 25627
Revised Code; 25628

(b) Under section 2743.75 of the Revised Code to hear 25629
complaints alleging a denial of access to public records in 25630
violation of division (B) of section 149.43 of the Revised Code, 25631

regardless of whether the public office or person responsible for 25632
public records is an office or employee of the state or of a 25633
political subdivision; 25634

(c) Under section 2743.76 of the Revised Code to hear 25635
complaints alleging a violation of section 121.22 of the Revised 25636
Code by a public body, as defined in section 121.22 of the Revised 25637
Code. 25638

(B) The court of claims shall sit in Franklin county, its 25639
hearings shall be public, and it shall consist of incumbent 25640
justices or judges of the supreme court, courts of appeals, or 25641
courts of common pleas, or retired justices or judges eligible for 25642
active duty pursuant to division (C) of Section 6 of Article IV, 25643
Ohio Constitution, sitting by temporary assignment of the chief 25644
justice of the supreme court. The chief justice may direct the 25645
court to sit in any county for cases on removal upon a showing of 25646
substantial hardship and whenever justice dictates. 25647

(C)(1) A civil action against the state shall be heard and 25648
determined by a single judge. Upon application by the claimant or 25649
the state, the chief justice of the supreme court may assign a 25650
panel of three judges to hear and determine a civil action 25651
presenting novel or complex issues of law or fact. Concurrence of 25652
two members of the panel is necessary for any judgment or order. 25653

(2) Whenever the chief justice of the supreme court believes 25654
an equitable resolution of a case will be expedited, the chief 25655
justice may appoint magistrates in accordance with Civil Rule 53 25656
to hear the case. 25657

(3) When any dispute under division (B) of section 153.12 of 25658
the Revised Code is brought to the court of claims, upon request 25659
of either party to the dispute, the chief justice of the supreme 25660
court shall appoint a single referee or a panel of three referees. 25661
The referees need not be attorneys, but shall be persons 25662

knowledgeable about construction contract law, a member of the 25663
construction industry panel of the American arbitration 25664
association, or an individual or individuals deemed qualified by 25665
the chief justice to serve. No person shall serve as a referee if 25666
that person has been employed by an affected state agency or a 25667
contractor or subcontractor involved in the dispute at any time in 25668
the preceding five years. Proceedings governing referees shall be 25669
in accordance with Civil Rule 53, except as modified by this 25670
division. The referee or panel of referees shall submit its 25671
report, which shall include a recommendation and finding of fact, 25672
to the judge assigned to the case by the chief justice, within 25673
thirty days of the conclusion of the hearings. Referees appointed 25674
pursuant to this division shall be compensated on a per diem basis 25675
at the same rate as is paid to judges of the court and also shall 25676
be paid their expenses. If a single referee is appointed or a 25677
panel of three referees is appointed, then, with respect to one 25678
referee of the panel, the compensation and expenses of the referee 25679
shall not be taxed as part of the costs in the case but shall be 25680
included in the budget of the court. If a panel of three referees 25681
is appointed, the compensation and expenses of the two remaining 25682
referees shall be taxed as costs of the case. 25683

All costs of a case shall be apportioned among the parties. 25684
The court may not require that any party deposit with the court 25685
cash, bonds, or other security in excess of two hundred dollars to 25686
guarantee payment of costs without the prior approval in each case 25687
of the chief justice. 25688

(4) An appeal from a decision of the attorney general 25689
pursuant to sections 2743.51 to 2743.72 of the Revised Code shall 25690
be heard and determined by the court of claims. 25691

(D) The Rules of Civil Procedure shall govern practice and 25692
procedure in all actions in the court of claims, except insofar as 25693
inconsistent with this chapter. The supreme court may promulgate 25694

rules governing practice and procedure in actions in the court as 25695
provided in Section 5 of Article IV, Ohio Constitution. 25696

(E)(1) A party who files a counterclaim against the state or 25697
makes the state a third-party defendant in an action commenced in 25698
any court, other than the court of claims, shall file a petition 25699
for removal in the court of claims. The petition shall state the 25700
basis for removal, be accompanied by a copy of all process, 25701
pleadings, and other papers served upon the petitioner, and shall 25702
be signed in accordance with Civil Rule 11. A petition for removal 25703
based on a counterclaim shall be filed within twenty-eight days 25704
after service of the counterclaim of the petitioner. A petition 25705
for removal based on third-party practice shall be filed within 25706
twenty-eight days after the filing of the third-party complaint of 25707
the petitioner. 25708

(2) Within seven days after filing a petition for removal, 25709
the petitioner shall give written notice to the parties, and shall 25710
file a copy of the petition with the clerk of the court in which 25711
the action was brought originally. The filing effects the removal 25712
of the action to the court of claims, and the clerk of the court 25713
where the action was brought shall forward all papers in the case 25714
to the court of claims. The court of claims shall adjudicate all 25715
civil actions removed. The court may remand a civil action to the 25716
court in which it originated upon a finding that the removal 25717
petition does not justify removal, or upon a finding that the 25718
state is no longer a party. 25719

(3) Bonds, undertakings, or security and injunctions, 25720
attachments, sequestrations, or other orders issued prior to 25721
removal remain in effect until dissolved or modified by the court 25722
of claims. 25723

Sec. 2743.15. (A) The director or other administrative chief, 25724
or the governing body, of any department, board, office, 25725

commission, agency, institution, or other instrumentality of the 25726
state, ~~with:~~ 25727

(1) With the approval of the attorney general and the court 25728
of claims, may settle or compromise any civil action against the 25729
state insofar as the department, board, office, commission, 25730
agency, institution, or other instrumentality is named as a 25731
defendant; 25732

(2) Shall notify the office of risk management in the 25733
department of administrative services of any settlement or 25734
compromise to allow for the proper reservation of funds. 25735

(B) The acceptance by the claimant of any such compromise or 25736
settlement shall be final and conclusive on the claimant and is a 25737
complete release of the civil action against the state insofar as 25738
the particular department, board, office, commission, agency, 25739
institution, or other instrumentality is named, or could be named, 25740
as a defendant. A compromise or settlement that requires the 25741
payment of money by the state may be implemented and enforced, 25742
insofar as the payment of money is concerned, only through the 25743
procedure specified in section 2743.19 of the Revised Code, which 25744
shall be commenced by the attorney general forwarding a clerk's 25745
certified copy of the settlement instrument to the director of 25746
budget and management. A copy of the settlement instrument of 25747
actions involving the office of risk management in the department 25748
of administrative services shall be forwarded to the office of 25749
risk management for payment via the risk management reserve fund 25750
created in section 9.823 of the Revised Code. 25751

No interest of any kind, including any kind set forth in 25752
sections 2743.18 and 2743.19 of the Revised Code, is allowed on 25753
any compromise or settlement of any civil action against the state 25754
under this section. 25755

The authority of the department of administrative services to 25756

compromise claims does not extend to other statutory and agency 25757
programs with direct settlement authority, including activities by 25758
the department of transportation, inmate property actions 25759
described in division (H) of section 2743.02 of the Revised Code, 25760
and wrongful imprisonment actions provided for in section 2743.48 25761
of the Revised Code. 25762

Sec. 2743.16. (A) Subject to division (B) of this section, 25763
civil actions against the state permitted by sections 2743.01 to 25764
2743.20 of the Revised Code shall be commenced no later than two 25765
years after the date of accrual of the cause of action or within 25766
any shorter period that is applicable to similar suits between 25767
private parties. 25768

(B) If a person suffers injury, death, or loss to person or 25769
property ~~from the operation of an automobile, truck, motor vehicle~~ 25770
~~with auxiliary equipment, self-propelling equipment or trailer,~~ 25771
~~aircraft, or watercraft by an officer or employee of the state~~ 25772
~~while engaged in the course of his employment or official~~ 25773
~~responsibilities for the state, as contemplated in sections 9.821~~ 25774
to 9.83 of the Revised Code, the person or the representative of 25775
that person or of the estate of that person shall attempt, prior 25776
to the commencement of an action based upon that injury, death, or 25777
loss, to have the claim based upon that injury, death, or loss 25778
compromised by the ~~state~~ office of risk management in the 25779
department of administrative services or satisfied by the state's 25780
liability insurance. No action for any such claim shall be filed 25781
in the court of claims until the person, the representative of 25782
that person, or the estate of the person asserting the claim has 25783
complied with this division. Any compromise by the office of risk 25784
management shall be paid from the risk management reserve fund 25785
created in section 9.823 of the Revised Code. The acceptance by 25786
the claimant of any such compromise or settlement shall be final 25787
and conclusive on the person or representative of the person or 25788

the person's estate and is a complete release against the state 25789
insofar as the particular department, board, office, commission, 25790
agency, institution, or other instrumentality is named, or could 25791
be named, as a defendant and results in a complete waiver of any 25792
cause of action, based on the same act or omission, that the 25793
person or representative of the person or the person's estate has 25794
against any officer or employee, as defined in section 109.36 of 25795
the Revised Code. 25796

If the state, upon a request of the person or of ~~his or his~~ 25797
~~estate's~~ the representative of the person or the person's estate 25798
to compromise such a claim, does not compromise the claim within a 25799
reasonable time after the request is made and at least sixty days 25800
prior to the expiration of the applicable period of limitations 25801
for commencement of an action based upon the injury, death, or 25802
loss, or if the amount of the claim is in excess of the state's 25803
liability insurance coverage, the person or ~~his or his estate's~~ 25804
the representative of the person or the person's estate may 25805
commence an action in the court of claims under this chapter to 25806
recover the claim or the unpaid amount of the claim from the 25807
state. Neither the person nor ~~his or his estate's~~ the 25808
representative of the person or the person's estate shall commence 25809
an action against the officer or employee to recover damages for 25810
the injury, death, or loss until after ~~he~~ the person or 25811
representative commences the action in the court of claims against 25812
the state and the action in that court is terminated. If the court 25813
of claims determines that the state is not liable for the injury, 25814
death, or loss ~~caused by the officer's or employee's operation of~~ 25815
~~the automobile, truck, motor vehicle with auxiliary equipment,~~ 25816
~~self-propelling equipment or trailer, aircraft, or watercraft,~~ the 25817
person or ~~his or his estate's~~ the representative of the person or 25818
the person's estate is not prohibited by this division from 25819
commencing an action against the officer or employee to recover 25820
the claim or the unpaid amount of the claim based upon the injury, 25821

death, or loss. Nothing in this division shall affect the immunity 25822
of any state officer or employee pursuant to section 9.86 of the 25823
Revised Code. 25824

If a person or his or his estate's representative attempts, 25825
pursuant to this division, to have a claim compromised by the 25826
state or satisfied by the state's liability insurance, and if the 25827
state determines not to compromise the claim, the state's 25828
liability insurance will not cover the claim, or the claim is in 25829
excess of the state's liability insurance coverage, then the state 25830
shall so notify the person or his or his estate's representative 25831
in writing. The notice shall be provided as soon as possible after 25832
the state determines not to compromise the claim or it is 25833
determined that the state's liability insurance will not cover 25834
either the claim or the entire claim. 25835

(C) All summaries, reports, and records received and 25836
maintained by the office of risk management in the department of 25837
administrative services in connection with claims against the 25838
state are not public records, shall be held in confidence, shall 25839
not be released, and shall not be subject to discovery or 25840
introduction in evidence in any federal or state civil action. 25841

(D)(1) The period of limitations prescribed by division (A) 25842
of this section shall be tolled pursuant to section 2305.16 of the 25843
Revised Code. 25844

(2) If a person suffers injury, death, or loss to person or 25845
property ~~from the operation of an automobile, truck, motor vehicle~~ 25846
~~with auxiliary equipment, self-propelling equipment or trailer,~~ 25847
~~aircraft, or watercraft by an officer or employee of the state~~ 25848
~~while engaged in the course of his employment or official~~ 25849
~~responsibilities for the state contemplated by sections 9.82 to~~ 25850
9.83 of the Revised Code, if the person or ~~his or his estate's the~~ 25851
representative of the person or the person's estate is required by 25852
division (B) of this section to attempt to have the claim based 25853

upon the injury, death, or loss compromised by the state or 25854
satisfied by the state's liability insurance prior to commencing 25855
an action based upon the injury, death, or loss, and if the person 25856
or ~~his or his estate's~~ the representative of the person or the 25857
person's estate complies with that division prior to the 25858
expiration of the applicable period of limitations prescribed by 25859
division (A) of this section for the commencement of an action in 25860
the court of claims based upon that injury, death, or loss, the 25861
period of time commencing with the submission of the claim to the 25862
state for the purposes of compromise or liability insurance 25863
satisfaction and ending with the state's compromise of the claim, 25864
the satisfaction of the claim by the state's liability insurance, 25865
or the provision of the written notice described in division (B) 25866
of this section shall not be computed as any part of the period 25867
within which an action based upon that injury, death, or loss must 25868
be brought. 25869

(3) If a person or ~~his or his estate's~~ the representative of 25870
a person or a person's estate commences an action to recover a 25871
claim, or the unpaid amount of a claim, against the state in the 25872
court of claims and that claim arises out of ~~the operation of an~~ 25873
~~automobile, truck, motor vehicle with auxiliary equipment,~~ 25874
~~self-propelling equipment or trailer, aircraft, or watercraft by~~ 25875
~~an officer or employee of the state while engaged in the course of~~ 25876
~~his employment or official responsibilities for the state~~ an 25877
injury, death, or loss contemplated by sections 9.82 to 9.83 of 25878
the Revised Code, the statute of limitations on the claim against 25879
the officer or employee shall not run during any time when the 25880
action against the state is pending in the court of claims. 25881

Sec. 2743.19. (A) In rendering a judgment against the state, 25882
the court of claims shall determine and specify in the judgment 25883
the department, office, commission, board, agency, institution, or 25884
other instrumentality of the state against which a determination 25885

of liability has been made. The court of claims shall award 25886
compensation for fees to a prevailing party in an action under 25887
this chapter in accordance with section 2335.39 of the Revised 25888
Code. 25889

(B) No execution shall issue against the state or any 25890
department, board, office, commission, agency, institution, or 25891
other instrumentality of the state upon any judgment for the 25892
payment of money. 25893

(C) Judgments shall be accomplished only through the 25894
following procedure, which may be enforced by writ of mandamus 25895
directed to the appropriate official: 25896

(1) The clerk of the court of claims shall forward a 25897
certified copy of the judgment to the director of budget and 25898
management and the attorney general or the officer who signed the 25899
investigative report for the department, office, commission, 25900
board, agency, institution, or other instrumentality of the state 25901
against which a determination of liability has been made. If the 25902
judgment requires payment from the risk management reserve fund 25903
created in section 9.823 of the Revised Code, a final signed copy 25904
of the judgment shall be forwarded to the office of risk 25905
management in the department of administrative services for 25906
payment. 25907

(2) The expense of a judgment paid, plus interest at the same 25908
rate that is applicable to judgments rendered against private 25909
parties to a suit as specified in section 1343.03 of the Revised 25910
Code and for the number of days determined pursuant to division 25911
(B)(1) or (2) of section 2743.18 of the Revised Code, shall be 25912
charged by the director of budget and management against available 25913
unencumbered moneys in the appropriations to whichever state 25914
departments, boards, offices, commissions, agencies, institutions, 25915
or other instrumentalities are named in the judgment. The director 25916
of budget and management shall have sole discretion to determine 25917

whether or not unencumbered moneys in a particular appropriation 25918
are available for satisfaction of a judgment. 25919

(3) The director of budget and management, upon receipt of 25920
the certified copy of the judgment from the clerk of the court of 25921
claims pursuant to division (C)(1) of this section, shall provide 25922
for payment of the judgment creditor in the amount of the judgment 25923
certified by the clerk of the court of claims, plus interest. 25924

(4) If the director of budget and management determines that 25925
sufficient unencumbered moneys do not exist in the particular 25926
appropriations to pay the judgment and interest, the director may 25927
make application for payment of the judgment and interest out of 25928
the emergency purposes account or another appropriation for 25929
emergencies or contingencies. 25930

(5) If moneys in the emergency purposes account or another 25931
appropriation for emergencies or contingencies are not used to pay 25932
the judgment and interest, the director of budget and management 25933
shall request the general assembly to make an appropriation 25934
sufficient to pay the judgment and interest, and no payment shall 25935
be made until the appropriation has been made. The appropriate 25936
state department, board, office, commission, agency, institution, 25937
or other instrumentality shall make this appropriation request 25938
during the current biennium and during each succeeding biennium 25939
until a sufficient appropriation is made. 25940

(6) If the judgment is against any department, board, office, 25941
commission, agency, institution, or other instrumentality of the 25942
state whose funds are not handled by the director of budget and 25943
management, the instrumentality against which the judgment is 25944
made, within sixty days after the date of the judgment, shall pay 25945
the judgment creditor in the amount of the judgment plus interest 25946
at the same rate that is applicable to judgments rendered against 25947
private parties to a suit as specified in section 1343.03 of the 25948
Revised Code and for the number of days determined pursuant to 25949

division (B)(1) or (2) of section 2743.18 of the Revised Code. 25950

(D) No judgment shall be forwarded by the clerk of the court 25951
of claims to the director of budget and management until all 25952
appeals have been determined and all rights to appeal have been 25953
exhausted, except as otherwise provided in this section. If a 25954
party to a civil action against the state appeals from only a 25955
portion of a judgment and if a remaining portion provides for the 25956
payment of money by the state, a certified copy of the judgment 25957
and a copy of the notice of appeal shall be forwarded to the 25958
director, and that part of the judgment calling for the payment of 25959
money by the state and not a subject of the appeal shall be 25960
processed for payment as described in this section. 25961

Sec. 2743.76. (A) In order to provide for an expeditious and 25962
economical procedure that attempts to resolve disputes alleging a 25963
violation of section 121.22 of the Revised Code, except for a 25964
court that hears an action pursuant to that section, the court of 25965
claims shall be the sole and exclusive authority in this state 25966
that adjudicates or resolves complaints based on alleged 25967
violations of that section. The clerk of the court of claims shall 25968
designate one or more current employees or hire one or more 25969
individuals to serve as special masters to hear complaints brought 25970
under this section. All special masters shall have been engaged in 25971
the practice of law in this state for at least four years and be 25972
in good standing with the supreme court at the time of designation 25973
or hiring. The clerk may assign administrative and clerical work 25974
associated with complaints brought under this section to current 25975
employees or may hire such additional employees as may be 25976
necessary to perform such work. 25977

(B) The clerk of the court of common pleas in each county 25978
shall act as the clerk of the court of claims for purposes of 25979
accepting those complaints filed with the clerk under division 25980

(D)(1) of this section, accepting filing fees for those 25981
complaints, and serving those complaints. 25982

(C)(1) Subject to division (C)(2) of this section, a person 25983
allegedly aggrieved by a violation of section 121.22 of the 25984
Revised Code may seek relief under that section or under this 25985
section, provided, however, that if the allegedly aggrieved person 25986
files a complaint under either section, that person may not seek 25987
relief that pertains to the same allegation in a complaint filed 25988
under the other section. 25989

(2) If the allegedly aggrieved person files a complaint under 25990
this section and the court of claims determines that the complaint 25991
constitutes a case of first impression that involves an issue of 25992
substantial public interest or a unique or complex case that 25993
manifestly requires discovery, hearings, or oral testimony, the 25994
court shall dismiss the complaint without prejudice and direct the 25995
allegedly aggrieved person to commence an action in the court of 25996
common pleas with appropriate jurisdiction as provided in division 25997
(I)(1)(a)(ii) of section 121.22 of the Revised Code. 25998

(D)(1) An allegedly aggrieved person who proceeds under this 25999
section shall file a complaint, on a form prescribed by the clerk 26000
of the court of claims, with the clerk of the court of claims or 26001
with the clerk of the court of common pleas of the county in which 26002
the public body that allegedly violated section 121.22 of the 26003
Revised Code is located. The person shall attach to the complaint 26004
copies of any documents, written responses, or other 26005
communications relating to the alleged violation from the public 26006
body or its authorized representative and shall pay a filing fee 26007
of twenty-five dollars made payable to the clerk of the court with 26008
whom the complaint is filed. The clerk shall serve a copy of the 26009
complaint on the public body and its authorized representative in 26010
accordance with Civil Rule 4.1 and, if the complaint is filed with 26011
the clerk of the court of common pleas, shall forward the 26012

complaint to the clerk of the court of claims, and to no other 26013
court, within five business days after service on the public body 26014
and its authorized representative is complete. 26015

(2) Upon receipt of a complaint filed under division (D)(1) 26016
of this section, the clerk of the court of claims shall assign a 26017
case number for the action and a special master to examine the 26018
complaint. Notwithstanding any provision to the contrary in this 26019
section, upon the recommendation of the special master, the court 26020
of claims on its own motion may dismiss the complaint at any time. 26021
The allegedly aggrieved person may voluntarily dismiss the 26022
complaint filed by that person under division (D)(1) of this 26023
section. 26024

(E)(1) Upon service of a complaint under division (D)(1) of 26025
this section, except as otherwise provided in this division, the 26026
special master assigned by the clerk under division (D)(2) of this 26027
section immediately shall refer the case to mediation services 26028
that the court of claims makes available to persons. If, in the 26029
interest of justice considering the circumstances of the case or 26030
the parties, the special master determines that the case should 26031
not be referred to mediation, the special master shall notify the 26032
court that the case was not referred to mediation, and the case 26033
shall proceed in accordance with division (F) of this section. If 26034
the case is referred to mediation, any further proceedings under 26035
division (F) of this section shall be stayed until the conclusion 26036
of the mediation. Any mediation proceedings under this division 26037
may be conducted by teleconference, telephone, or other electronic 26038
means. If an agreement is reached during mediation, the court 26039
shall dismiss the complaint. If an agreement is not reached, the 26040
special master shall notify the court that the case was not 26041
resolved and that the mediation has been terminated. 26042

(2) Within ten business days after the termination of the 26043
mediation or the notification to the court that the case was not 26044

referred to mediation under division (E)(1) of this section, the 26045
public body or its authorized representative shall file a 26046
response, and if applicable, a motion to dismiss the complaint, 26047
with the clerk of the court of claims and transmit copies of the 26048
pleadings to the allegedly aggrieved party. No further motions or 26049
pleadings shall be accepted by the clerk of the court of claims or 26050
by the special master assigned by the clerk under division (D)(2) 26051
of this section unless the special master directs in writing that 26052
a further motion or pleading be filed. 26053

(3) All of the following apply prior to the submission of the 26054
special master's report and recommendation to the court of claims 26055
under division (F)(1) of this section: 26056

(a) The special master shall not permit any discovery. 26057

(b) The parties may attach supporting affidavits to their 26058
respective pleadings. 26059

(c) The special master may require either or both of the 26060
parties to submit additional information or documentation 26061
supported by affidavits. 26062

(F)(1) Not later than thirty business days after receiving 26063
the response, or motion to dismiss the complaint, if applicable, 26064
of the public body or its authorized representative, the special 26065
master shall submit to the court of claims a report and 26066
recommendation based on the ordinary application of statutory law 26067
and case law as they existed at the time of the filing of the 26068
complaint. For good cause shown, the special master may extend the 26069
thirty-day period for the submission of the report and 26070
recommendation to the court of claims under this division. 26071

(2) Upon submission of the special master's report and 26072
recommendation to the court of claims under division (F)(1) of 26073
this section, the clerk shall send copies of the report and 26074
recommendation to each party by certified mail, return receipt 26075

requested, not later than three business days after the report and 26076
recommendation is filed. Either party may object to the report and 26077
recommendation within seven business days after receiving the 26078
report and recommendation by filing a written objection with the 26079
clerk and sending a copy to the other party by certified mail, 26080
return receipt requested. Any objection to the report and 26081
recommendation shall be specific and state with particularity all 26082
grounds for the objection. If neither party timely objects, the 26083
court of claims shall promptly issue a final order adopting the 26084
report and recommendation, unless it determines that there is an 26085
error of law or other defect evident on the face of the report and 26086
recommendation. If either party timely objects, the other party 26087
may file with the clerk a response within seven business days 26088
after receiving the objection and send a copy of the response to 26089
the objecting party by certified mail, return receipt requested. 26090
The court, within seven business days after the response to the 26091
objection is filed, shall issue a final order that adopts, 26092
modifies, or rejects the report and recommendation. 26093

(3) If the court of claims determines that the public body 26094
violated section 121.22 of the Revised Code as alleged by the 26095
aggrieved person and if no appeal from the court's final order is 26096
taken under division (G) of this section, all of the following 26097
apply: 26098

(a) The public body shall comply with the remedy that the 26099
court requires in its order. 26100

(b) The aggrieved person shall be entitled to recover from 26101
the public body the amount of the filing fee of twenty-five 26102
dollars and any other costs associated with the action that are 26103
incurred by the aggrieved person, but shall not be entitled to 26104
recover attorney's fees, except that division (G)(2) of this 26105
section applies if an appeal is taken under division (G)(1) of 26106
this section. 26107

(c) The court of claims shall issue an injunction to compel the members of the public body to comply with section 121.22 of the Revised Code. 26108
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(4) A determination under this section that the public body violated section 121.22 of the Revised Code does not void or invalidate any actions taken by the public body. 26111
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(G)(1) Any appeal from a final order of the court of claims under this section or from an order of the court of claims dismissing the complaint as provided in division (D)(2) of this section shall be taken to the court of appeals of the appellate district where the principal place of business of the public body that is alleged to have violated section 121.22 of the Revised Code is located. However, no appeal may be taken from a final order of the court of claims that adopts the special master's report and recommendation unless a timely objection to that report and recommendation was filed under division (F)(2) of this section. If the court of claims materially modifies the special master's report and recommendation, either party may take an appeal to the court of appeals of the appellate district of the principal place of business where that public body is located but the appeal shall be limited to the issue in the report and recommendation that is materially modified by the court of claims. In order to facilitate the expeditious resolution of disputes over alleged violations of section 121.22 of the Revised Code, the appeal shall be given such precedence over other pending matters as will ensure that the court will reach a decision promptly. 26114
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(2) If a court of appeals in any appeal taken under division (G)(1) of this section by the public body or its authorized representative determines that the public body violated section 121.22 of the Revised Code as alleged by the aggrieved person and obviously filed the appeal with the intent to either delay compliance with the court of claims' order from which the appeal 26134
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is taken for no reasonable cause or unduly harass the aggrieved person, the court of appeals may award reasonable attorney's fees to the aggrieved person in accordance with division (I)(2)(a) of section 121.22 of the Revised Code. No discovery may be conducted on the issue of the public body or its authorized representative filing the appeal with the alleged intent to either delay compliance with the court of claims' order for no reasonable cause or unduly harass the aggrieved person. This division shall not be construed as creating a presumption that the public body or its authorized representative filed the appeal with the intent to either delay compliance with the court of claims' order for no reasonable cause or unduly harass the aggrieved person.

(H) The powers of the court of claims prescribed in section 2743.05 of the Revised Code apply to the proceedings in that court under this section.

(I)(1) All filing fees collected by a clerk of the court of common pleas under division (D)(1) of this section shall be paid to the county treasurer for deposit into the county general revenue fund. All such money collected during a month shall be transmitted on or before the twentieth day of the following month by the clerk of the court of common pleas to the county treasurer.

(2) All filing fees collected by the clerk of the court of claims under division (D)(1) of this section shall be kept by the court of claims to assist in paying for its costs to implement this section. Not later than the first day of February of each year, the clerk of the court of claims shall prepare a report accessible to the public that details the fees collected during the preceding calendar year by the clerk of the court of claims and the clerks of the courts of common pleas under this section.

(J) Nothing in this section shall be construed to limit the authority of the auditor of state under division (G) of section 109.43 of the Revised Code.

Sec. 2746.04. In addition to any applicable fees or costs set forth in sections 2746.01 and 2746.02 of the Revised Code or any other applicable provision of law, a court of common pleas shall tax as costs or otherwise require the payment of fees for the following services rendered or as compensation for the following persons or any other of the following fees that are applicable in a particular case:

(A) The fees provided for in section 2303.20 of the Revised Code;

(B) Additional fees to computerize the court, make available computerized legal research services, computerize the office of the clerk of the court, provide financial assistance to legal aid societies, support the office of the state public defender, fund shelters for victims of domestic violence, and special projects of the court, as provided in section 2303.201 and, for a court that has a domestic relations division, section 2301.031 of the Revised Code;

(C) Filing for a divorce decree under section 3105.10 or a decree of dissolution under section 3105.65 of the Revised Code, as provided in section 3109.14 of the Revised Code;

(D) Filing of a foreign judgment pursuant to section 2329.022 of the Revised Code, as provided in section 2329.025 of the Revised Code;

(E) Interpreters, as provided in section 2301.14 of the Revised Code;

(F) Jurors in civil actions, as provided in section 2335.28 of the Revised Code;

(G) Reporters, as provided in sections 2301.21 and 2301.24 of the Revised Code;

(H) In a case involving the operation by a nonresident of a

vessel upon the waters in this state, or the operation on the 26202
waters in this state of a vessel owned by a nonresident if 26203
operated with the nonresident's consent, actual traveling expenses 26204
of the defendant, as provided in section 1547.36 of the Revised 26205
Code; 26206

(I) In a civil case, the expenses of taking a deposition of a 26207
person who is imprisoned in a workhouse, juvenile detention 26208
facility, jail, or state correctional institution within this 26209
state, or who is in the custody of the department of youth 26210
services, as provided in section 2317.06 of the Revised Code; 26211

(J) In proceedings relating to the examination of a judgment 26212
debtor under sections 2333.09 to 2333.27 of the Revised Code, 26213
compensation for clerks, sheriffs, referees, receivers, and 26214
witnesses, as provided in section 2333.27 of the Revised Code; 26215

(K) In an appeal from an order of an agency issued pursuant 26216
to an adjudication under section 119.12 of the Revised Code, the 26217
expense of preparing and transcribing the record; 26218

(L) In a case in which the court issues a protection order 26219
upon a petition alleging that the respondent engaged in domestic 26220
violence against a family or household member, the cost of 26221
supervision of the respondent's exercise of parenting time, 26222
visitation, or companionship rights, as provided in section 26223
3113.31 of the Revised Code; 26224

(M) Upon a petition to have a person involuntarily 26225
institutionalized, the costs of appointed counsel for the 26226
respondent at a full hearing, as provided in section 5123.76 of 26227
the Revised Code; 26228

(N) In a case before the domestic relations division of the 26229
Hamilton county court of common pleas, the expense of serving a 26230
summons, warrant, citation, subpoena, or other writ issued to an 26231
officer other than a bailiff, constable, or staff investigator of 26232

the division, as provided in section 2301.03 of the Revised Code;	26233
(O) The filing fee specified in section 2743.75 of the Revised Code in a case filed with the court of claims that alleges a denial of access to public records in violation of division (B) of section 149.43 of the Revised Code;	26234 26235 26236 26237
<u>(P) The filing fee specified in section 2743.76 of the Revised Code in a case filed with the court of claims alleging a violation of section 121.22 of the Revised Code.</u>	26238 26239 26240
Sec. 2915.01. As used in this chapter:	26241
(A) "Bookmaking" means the business of receiving or paying off bets.	26242 26243
(B) "Bet" means the hazarding of anything of value upon the result of an event, undertaking, or contingency, but does not include a bona fide business risk.	26244 26245 26246
(C) "Scheme of chance" means a slot machine unless authorized under Chapter 3772. of the Revised Code, lottery unless authorized under Chapter 3770. of the Revised Code, numbers game, pool conducted for profit, or other scheme in which a participant gives a valuable consideration for a chance to win a prize, but does not include bingo, a skill-based amusement machine, or a pool not conducted for profit. "Scheme of chance" includes the use of an electronic device to reveal the results of a game entry if valuable consideration is paid, directly or indirectly, for a chance to win a prize. Valuable consideration is deemed to be paid for a chance to win a prize in the following instances:	26247 26248 26249 26250 26251 26252 26253 26254 26255 26256 26257
(1) Less than fifty per cent of the goods or services sold by a scheme of chance operator in exchange for game entries are used or redeemed by participants at any one location;	26258 26259 26260
(2) Less than fifty per cent of participants who purchase goods or services at any one location do not accept, use, or	26261 26262

redeem the goods or services sold or purportedly sold;	26263
(3) More than fifty per cent of prizes at any one location	26264
are revealed to participants through an electronic device	26265
simulating a game of chance or a "casino game" as defined in	26266
section 3772.01 of the Revised Code;	26267
(4) The good or service sold by a scheme of chance operator	26268
in exchange for a game entry cannot be used or redeemed in the	26269
manner advertised;	26270
(5) A participant pays more than fair market value for goods	26271
or services offered by a scheme of chance operator in order to	26272
receive one or more game entries;	26273
(6) A participant may use the electronic device to purchase	26274
additional game entries;	26275
(7) A participant may purchase additional game entries by	26276
using points or credits won as prizes while using the electronic	26277
device;	26278
(8) A scheme of chance operator pays out in prize money more	26279
than twenty per cent of the gross revenue received at one	26280
location; or	26281
(9) A participant makes a purchase or exchange in order to	26282
obtain any good or service that may be used to facilitate play on	26283
the electronic device.	26284
As used in this division, "electronic device" means a	26285
mechanical, video, digital, or electronic machine or device that	26286
is capable of displaying information on a screen or other	26287
mechanism and that is owned, leased, or otherwise possessed by any	26288
person conducting a scheme of chance, or by that person's	26289
partners, affiliates, subsidiaries, or contractors. <u>"Electronic</u>	26290
<u>device" does not include an electronic instant bingo system.</u>	26291
(D) "Game of chance" means poker, craps, roulette, or other	26292

game in which a player gives anything of value in the hope of 26293
gain, the outcome of which is determined largely by chance, but 26294
does not include bingo. 26295

(E) "Game of chance conducted for profit" means any game of 26296
chance designed to produce income for the person who conducts or 26297
operates the game of chance, but does not include bingo. 26298

(F) "Gambling device" means any of the following: 26299

(1) A book, totalizer, or other equipment for recording bets; 26300

(2) A ticket, token, or other device representing a chance, 26301
share, or interest in a scheme of chance or evidencing a bet; 26302

(3) A deck of cards, dice, gaming table, roulette wheel, slot 26303
machine, or other apparatus designed for use in connection with a 26304
game of chance; 26305

(4) Any equipment, device, apparatus, or paraphernalia 26306
specially designed for gambling purposes; 26307

(5) Bingo supplies sold or otherwise provided, or used, in 26308
violation of this chapter. 26309

(G) "Gambling offense" means any of the following: 26310

(1) A violation of ~~section 2915.02, 2915.03, 2915.04,~~ 26311
~~2915.05, 2915.06, 2915.07, 2915.08, 2915.081, 2915.082, 2915.09,~~ 26312
~~2915.091, 2915.092, 2915.10, or 2915.11 of the Revised Code this~~ 26313
chapter; 26314

(2) A violation of an existing or former municipal ordinance 26315
or law of this or any other state or the United States 26316
substantially equivalent to any ~~section listed in division (G)(1)~~ 26317
provision of this ~~section~~ chapter or a violation of section 26318
2915.06 of the Revised Code as it existed prior to July 1, 1996; 26319

(3) An offense under an existing or former municipal 26320
ordinance or law of this or any other state or the United States, 26321
of which gambling is an element; 26322

(4) A conspiracy or attempt to commit, or complicity in committing, any offense under division (G)(1), (2), or (3) of this section. 26323
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(H) Except as otherwise provided in this chapter, "charitable organization" means either of the following: 26326
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(1) An organization that is, ~~and has received from the internal revenue service a determination letter that currently is in effect stating that the organization is,~~ exempt from federal income taxation under subsection 501(a) and described in subsection 501(c)(3) of the Internal Revenue Code; 26328
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(2) A volunteer rescue service organization, volunteer firefighter's organization, veteran's organization, fraternal organization, or sporting organization that is exempt from federal income taxation under subsection 501(c)(4), (c)(7), (c)(8), (c)(10), or (c)(19) of the Internal Revenue Code. 26333
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To qualify as a "charitable organization," an organization shall have been in continuous existence as such in this state for a period of two years immediately preceding either the making of an application for a bingo license under section 2915.08 of the Revised Code or the conducting of any game of chance as provided in division (D) of section 2915.02 of the Revised Code. 26338
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(I) "Religious organization" means any church, body of communicants, or group that is not organized or operated for profit and that gathers in common membership for regular worship and religious observances. 26344
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(J) "Veteran's organization" means any individual post or state headquarters of a national veteran's association or an auxiliary unit of any individual post of a national veteran's association, which post, state headquarters, or auxiliary unit is incorporated as a nonprofit corporation and either has received a letter from the state headquarters of the national veteran's 26348
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association indicating that the individual post or auxiliary unit 26354
is in good standing with the national veteran's association or has 26355
received a letter from the national veteran's association 26356
indicating that the state headquarters is in good standing with 26357
the national veteran's association. As used in this division, 26358
"national veteran's association" means any veteran's association 26359
that has been in continuous existence as such for a period of at 26360
least five years and either is incorporated by an act of the 26361
United States congress or has a national dues-paying membership of 26362
at least five thousand persons. 26363

(K) "Volunteer firefighter's organization" means any 26364
organization of volunteer firefighters, as defined in section 26365
146.01 of the Revised Code, that is organized and operated 26366
exclusively to provide financial support for a volunteer fire 26367
department or a volunteer fire company and that is recognized or 26368
ratified by a county, municipal corporation, or township. 26369

(L) "Fraternal organization" means any society, order, state 26370
headquarters, or association within this state, except a college 26371
or high school fraternity, that is not organized for profit, that 26372
is a branch, lodge, or chapter of a national or state 26373
organization, that exists exclusively for the common business or 26374
sodality of its members. 26375

(M) "Volunteer rescue service organization" means any 26376
organization of volunteers organized to function as an emergency 26377
medical service organization, as defined in section 4765.01 of the 26378
Revised Code. 26379

(N) "Charitable bingo game" means any bingo game described in 26380
division (O)(1) or (2) of this section that is conducted by a 26381
charitable organization that has obtained a license pursuant to 26382
section 2915.08 of the Revised Code and the proceeds of which are 26383
used for a charitable purpose. 26384

- (O) "Bingo" means either of the following: 26385
- (1) A game with all of the following characteristics: 26386
- (a) The participants use bingo cards or sheets, including 26387
paper formats and electronic representation or image formats, that 26388
are divided into twenty-five spaces arranged in five horizontal 26389
and five vertical rows of spaces, with each space, except the 26390
central space, being designated by a combination of a letter and a 26391
number and with the central space being designated as a free 26392
space. 26393
- (b) The participants cover the spaces on the bingo cards or 26394
sheets that correspond to combinations of letters and numbers that 26395
are announced by a bingo game operator. 26396
- (c) A bingo game operator announces combinations of letters 26397
and numbers that appear on objects that a bingo game operator 26398
selects by chance, either manually or mechanically, from a 26399
receptacle that contains seventy-five objects at the beginning of 26400
each game, each object marked by a different combination of a 26401
letter and a number that corresponds to one of the seventy-five 26402
possible combinations of a letter and a number that can appear on 26403
the bingo cards or sheets. 26404
- (d) The winner of the bingo game includes any participant who 26405
properly announces during the interval between the announcements 26406
of letters and numbers as described in division (O)(1)(c) of this 26407
section, that a predetermined and preannounced pattern of spaces 26408
has been covered on a bingo card or sheet being used by the 26409
participant. 26410
- (2) Instant bingo, ~~punch boards~~ electronic instant bingo, and 26411
raffles. 26412
- (P) "Conduct" means to back, promote, organize, manage, carry 26413
on, sponsor, or prepare for the operation of bingo or a game of 26414
chance, a scheme of chance, or a sweepstakes. 26415

(Q) "Bingo game operator" means any person, except security personnel, who performs work or labor at the site of bingo, including, but not limited to, collecting money from participants, handing out bingo cards or sheets or objects to cover spaces on bingo cards or sheets, selecting from a receptacle the objects that contain the combination of letters and numbers that appear on bingo cards or sheets, calling out the combinations of letters and numbers, distributing prizes, selling or redeeming instant bingo tickets or cards, selling or redeeming electronic instant bingo tickets, credits, or vouchers, accessing an electronic instant bingo system other than as a participant, supervising the operation of a punch board, selling raffle tickets, selecting raffle tickets from a receptacle and announcing the winning numbers in a raffle, and preparing, selling, and serving food or beverages. "Bingo game operator" does not include a person who is installing, maintaining, updating, or repairing an electronic instant bingo system.

(R) "Participant" means any person who plays bingo.

(S) "Bingo session" means a period that includes both of the following:

(1) Not to exceed five continuous hours for the conduct of one or more games described in division (O)(1) of this section, instant bingo, and ~~seal cards~~ electronic instant bingo;

(2) A period for the conduct of instant bingo and ~~seal cards~~ electronic instant bingo for not more than two hours before and not more than two hours after the period described in division (S)(1) of this section.

(T) "Gross receipts" means all money or assets, including admission fees, that a person receives from bingo without the deduction of any amounts for prizes paid out or for the expenses of conducting bingo. "Gross receipts" does not include any money

directly taken in from the sale of food or beverages by a 26447
charitable organization conducting bingo, or by a bona fide 26448
auxiliary unit or society of a charitable organization conducting 26449
bingo, provided all of the following apply: 26450

(1) The auxiliary unit or society has been in existence as a 26451
bona fide auxiliary unit or society of the charitable organization 26452
for at least two years prior to conducting bingo. 26453

(2) The person who purchases the food or beverage receives 26454
nothing of value except the food or beverage and items customarily 26455
received with the purchase of that food or beverage. 26456

(3) The food and beverages are sold at customary and 26457
reasonable prices. 26458

(U) "Security personnel" includes any person who either is a 26459
sheriff, deputy sheriff, marshal, deputy marshal, township 26460
constable, or member of an organized police department of a 26461
municipal corporation or has successfully completed a peace 26462
officer's training course pursuant to sections 109.71 to 109.79 of 26463
the Revised Code and who is hired to provide security for the 26464
premises on which bingo is conducted. 26465

(V) "Charitable purpose" means that the net profit of bingo, 26466
other than instant bingo or electronic instant bingo, is used by, 26467
or is given, donated, or otherwise transferred to, any of the 26468
following: 26469

(1) Any organization that is described in subsection 26470
509(a)(1), 509(a)(2), or 509(a)(3) of the Internal Revenue Code 26471
and is either a governmental unit or an organization that is tax 26472
exempt under subsection 501(a) and described in subsection 26473
501(c)(3) of the Internal Revenue Code; 26474

(2) A veteran's organization that is a post, chapter, or 26475
organization of veterans, or an auxiliary unit or society of, or a 26476
trust or foundation for, any such post, chapter, or organization 26477

organized in the United States or any of its possessions, at least 26478
seventy-five per cent of the members of which are veterans and 26479
substantially all of the other members of which are individuals 26480
who are spouses, widows, or widowers of veterans, or such 26481
individuals, provided that no part of the net earnings of such 26482
post, chapter, or organization inures to the benefit of any 26483
private shareholder or individual, and further provided that the 26484
net profit is used by the post, chapter, or organization for the 26485
charitable purposes set forth in division (B)(12) of section 26486
5739.02 of the Revised Code, is used for awarding scholarships to 26487
or for attendance at an institution mentioned in division (B)(12) 26488
of section 5739.02 of the Revised Code, is donated to a 26489
governmental agency, or is used for nonprofit youth activities, 26490
the purchase of United States or Ohio flags that are donated to 26491
schools, youth groups, or other bona fide nonprofit organizations, 26492
promotion of patriotism, or disaster relief; 26493

(3) A fraternal organization that has been in continuous 26494
existence in this state for fifteen years and that uses the net 26495
profit exclusively for religious, charitable, scientific, 26496
literary, or educational purposes, or for the prevention of 26497
cruelty to children or animals, if contributions for such use 26498
would qualify as a deductible charitable contribution under 26499
subsection 170 of the Internal Revenue Code; 26500

(4) A volunteer firefighter's organization that uses the net 26501
profit for the purposes set forth in division (K) of this section. 26502

(W) "Internal Revenue Code" means the "Internal Revenue Code 26503
of 1986," 100 Stat. 2085, 26 U.S.C. 1, as now or hereafter 26504
amended. 26505

(X) "Youth athletic organization" means any organization, not 26506
organized for profit, that is organized and operated exclusively 26507
to provide financial support to, or to operate, athletic 26508
activities for persons who are twenty-one years of age or younger 26509

by means of sponsoring, organizing, operating, or contributing to 26510
the support of an athletic team, club, league, or association. 26511

(Y) "Youth athletic park organization" means any 26512
organization, not organized for profit, that satisfies both of the 26513
following: 26514

(1) It owns, operates, and maintains playing fields that 26515
satisfy both of the following: 26516

(a) The playing fields are used ~~at least one hundred days per~~ 26517
~~year~~ for athletic activities by one or more organizations, not 26518
organized for profit, each of which is organized and operated 26519
exclusively to provide financial support to, or to operate, 26520
athletic activities for persons who are eighteen years of age or 26521
younger by means of sponsoring, organizing, operating, or 26522
contributing to the support of an athletic team, club, league, or 26523
association. 26524

(b) The playing fields are not used for any profit-making 26525
activity at any time during the year. 26526

(2) It uses the proceeds of bingo it conducts exclusively for 26527
the operation, maintenance, and improvement of its playing fields 26528
of the type described in division (Y)(1) of this section. 26529

(Z) "Bingo supplies" means bingo cards or sheets; instant 26530
bingo tickets or cards; electronic bingo aids; raffle tickets; 26531
punch boards; seal cards; instant bingo ticket dispensers; 26532
electronic instant bingo systems; and devices for selecting or 26533
displaying the combination of bingo letters and numbers or raffle 26534
tickets. Items that are "bingo supplies" are not gambling devices 26535
if sold or otherwise provided, and used, in accordance with this 26536
chapter. For purposes of this chapter, "bingo supplies" are not to 26537
be considered equipment used to conduct a bingo game. 26538

(AA) "Instant bingo" means a form of bingo that shall use 26539
folded or banded tickets or paper cards with perforated break-open 26540

tabs, a face of which is covered or otherwise hidden from view to 26541
conceal a number, letter, or symbol, or set of numbers, letters, 26542
or symbols, some of which have been designated in advance as prize 26543
winners, and may also include games in which some winners are 26544
determined by the random selection of one or more bingo numbers by 26545
the use of a seal card or bingo blower. "Instant bingo" also 26546
includes a punch board game. In all "instant bingo" the prize 26547
amount and structure shall be predetermined. "Instant bingo" does 26548
not include electronic instant bingo or any device that is 26549
activated by the insertion of a coin, currency, token, or an 26550
equivalent, and that contains as one of its components a video 26551
display monitor that is capable of displaying numbers, letters, 26552
symbols, or characters in winning or losing combinations. 26553

(BB) "Seal card" means a form of instant bingo that uses 26554
instant bingo tickets in conjunction with a board or placard that 26555
contains one or more seals that, when removed or opened, reveal 26556
predesignated winning numbers, letters, or symbols. 26557

(CC) "Raffle" means a form of bingo in which the one or more 26558
prizes are won by one or more persons who have purchased a raffle 26559
ticket. The one or more winners of the raffle are determined by 26560
drawing a ticket stub or other detachable section from a 26561
receptacle containing ticket stubs or detachable sections 26562
corresponding to all tickets sold for the raffle. "Raffle" does 26563
not include the drawing of a ticket stub or other detachable 26564
section of a ticket purchased to attend a professional sporting 26565
event if both of the following apply: 26566

(1) The ticket stub or other detachable section is used to 26567
select the winner of a free prize given away at the professional 26568
sporting event; and 26569

(2) The cost of the ticket is the same as the cost of a 26570
ticket to the professional sporting event on days when no free 26571
prize is given away. 26572

(DD) "Punch board" means a form of instant bingo that uses a 26573
board containing a number of holes or receptacles of uniform size 26574
in which are placed, mechanically and randomly, serially numbered 26575
slips of paper that may be punched or drawn from the hole or 26576
receptacle ~~when used in conjunction with instant bingo~~. A player 26577
may punch or draw the numbered slips of paper from the holes or 26578
receptacles and obtain the prize established for the game if the 26579
number drawn corresponds to a winning number or, if the punch 26580
board includes the use of a seal card, a potential winning number. 26581

(EE) "Gross profit" means gross receipts minus the amount 26582
actually expended for the payment of prize awards. 26583

(FF) "Net profit" means gross profit minus expenses. 26584

(GG) "Expenses" means the reasonable amount of gross profit 26585
actually expended for all of the following: 26586

- (1) The purchase or lease of bingo supplies; 26587
- (2) The annual license fee required under section 2915.08 of 26588
the Revised Code; 26589
- (3) Bank fees and service charges for a bingo session or game 26590
account described in section 2915.10 of the Revised Code; 26591
- (4) Audits and accounting services; 26592
- (5) Safes; 26593
- (6) Cash registers; 26594
- (7) Hiring security personnel; 26595
- (8) Advertising bingo; 26596
- (9) Renting premises in which to conduct a bingo session; 26597
- (10) Tables and chairs; 26598
- (11) Expenses for maintaining and operating a charitable 26599
organization's facilities, including, but not limited to, a post 26600
home, club house, lounge, tavern, or canteen and any grounds 26601

attached to the post home, club house, lounge, tavern, or canteen; 26602

(12) Payment of real property taxes and assessments that are 26603
levied on a premises on which bingo is conducted; 26604

(13) Any other product or service directly related to the 26605
conduct of bingo that is authorized in rules adopted by the 26606
attorney general under division ~~(B)(1)~~(F)(1) of section 2915.08 of 26607
the Revised Code. 26608

(HH) "Person" has the same meaning as in section 1.59 of the 26609
Revised Code and includes any firm or any other legal entity, 26610
however organized. 26611

(II) "Revoke" means to void permanently all rights and 26612
privileges of the holder of a license issued under section 26613
2915.08, 2915.081, or 2915.082 of the Revised Code or a charitable 26614
gaming license issued by another jurisdiction. 26615

(JJ) "Suspend" means to interrupt temporarily all rights and 26616
privileges of the holder of a license issued under section 26617
2915.08, 2915.081, or 2915.082 of the Revised Code or a charitable 26618
gaming license issued by another jurisdiction. 26619

(KK) "Distributor" means any person who purchases or obtains 26620
bingo supplies and who does either of the following: 26621

(1) Sells, offers for sale, or otherwise provides or offers 26622
to provide the bingo supplies to another person for use in this 26623
state; 26624

(2) Modifies, converts, adds to, or removes parts from the 26625
bingo supplies to further their promotion or sale for use in this 26626
state. 26627

(LL) "Manufacturer" means any person who assembles completed 26628
bingo supplies from raw materials, other items, or subparts or who 26629
modifies, converts, adds to, or removes parts from bingo supplies 26630
to further their promotion or sale. 26631

(MM) "Gross annual revenues" means the annual gross receipts derived from the conduct of bingo described in division (O)(1) of this section plus the annual net profit derived from the conduct of bingo described in division (O)(2) of this section.

(NN) "Instant bingo ticket dispenser" means a mechanical device that dispenses an instant bingo ticket or card as the sole item of value dispensed and that has the following characteristics:

(1) It is activated upon the insertion of United States currency.

(2) It performs no gaming functions.

(3) It does not contain a video display monitor or generate noise.

(4) It is not capable of displaying any numbers, letters, symbols, or characters in winning or losing combinations.

(5) It does not simulate or display rolling or spinning reels.

(6) It is incapable of determining whether a dispensed bingo ticket or card is a winning or nonwinning ticket or card and requires a winning ticket or card to be paid by a bingo game operator.

(7) It may provide accounting and security features to aid in accounting for the instant bingo tickets or cards it dispenses.

(8) It is not part of an electronic network and is not interactive.

(OO)(1) "Electronic bingo aid" means an electronic device used by a participant to monitor bingo cards or sheets purchased at the time and place of a bingo session and that does all of the following:

(a) It provides a means for a participant to input numbers

and letters announced by a bingo caller. 26662

(b) It compares the numbers and letters entered by the 26663
participant to the bingo faces previously stored in the memory of 26664
the device. 26665

(c) It identifies a winning bingo pattern. 26666

(2) "Electronic bingo aid" does not include any device into 26667
which a coin, currency, token, or an equivalent is inserted to 26668
activate play. 26669

(PP) "~~Deal of instant bingo tickets~~" means a single game of 26670
instant bingo tickets, or a single game of electronic instant 26671
bingo tickets, all with the same serial number. 26672

(QQ)(1) "Slot machine" means either of the following: 26673

(a) Any mechanical, electronic, video, or digital device that 26674
is capable of accepting anything of value, directly or indirectly, 26675
from or on behalf of a player who gives the thing of value in the 26676
hope of gain; 26677

(b) Any mechanical, electronic, video, or digital device that 26678
is capable of accepting anything of value, directly or indirectly, 26679
from or on behalf of a player to conduct bingo or a scheme or game 26680
of chance. 26681

(2) "Slot machine" does not include a skill-based amusement 26682
machine ~~or~~, an instant bingo ticket dispenser, or an electronic 26683
instant bingo system. 26684

(RR) "Net profit from the proceeds of the sale of instant 26685
bingo or electronic instant bingo" means gross profit minus the 26686
ordinary, necessary, and reasonable expense expended for the 26687
purchase of ~~instant~~ bingo supplies for the purpose of conducting 26688
instant bingo or electronic instant bingo, and, in the case of 26689
instant bingo or electronic instant bingo conducted by a 26690
veteran's, fraternal, or sporting organization, minus the payment 26691

by that organization of real property taxes and assessments levied 26692
on a premises on which instant bingo or electronic instant bingo 26693
is conducted. 26694

(SS) "Charitable instant bingo organization" means an 26695
organization that is exempt from federal income taxation under 26696
subsection 501(a) and described in subsection 501(c)(3) of the 26697
Internal Revenue Code and is a charitable organization as defined 26698
in this section. A "charitable instant bingo organization" does 26699
not include a charitable organization that is exempt from federal 26700
income taxation under subsection 501(a) and described in 26701
subsection 501(c)(3) of the Internal Revenue Code and that is 26702
created by a veteran's organization, a fraternal organization, or 26703
a sporting organization in regards to bingo conducted or assisted 26704
by a veteran's organization, a fraternal organization, or a 26705
sporting organization pursuant to section 2915.13 of the Revised 26706
Code. 26707

(TT) "Game flare" means the board or placard, or electronic 26708
representation of a board or placard, that accompanies each deal 26709
of instant bingo or electronic instant bingo tickets and that ~~has~~ 26710
~~printed on or affixed to it~~ includes the following information for 26711
the game: 26712

(1) The name of the game; 26713

(2) The manufacturer's name or distinctive logo; 26714

(3) The form number; 26715

(4) The ticket count; 26716

(5) The prize structure, including the number of winning 26717
~~instant bingo~~ tickets by denomination and the respective winning 26718
symbol or number combinations for the winning ~~instant bingo~~ 26719
tickets; 26720

(6) The cost per play; 26721

(7) The serial number of the game. 26722

(UU)(1) "Skill-based amusement machine" means a mechanical, 26723
video, digital, or electronic device that rewards the player or 26724
players, if at all, only with merchandise prizes or with 26725
redeemable vouchers redeemable only for merchandise prizes, 26726
provided that with respect to rewards for playing the game all of 26727
the following apply: 26728

(a) The wholesale value of a merchandise prize awarded as a 26729
result of the single play of a machine does not exceed ten 26730
dollars; 26731

(b) Redeemable vouchers awarded for any single play of a 26732
machine are not redeemable for a merchandise prize with a 26733
wholesale value of more than ten dollars; 26734

(c) Redeemable vouchers are not redeemable for a merchandise 26735
prize that has a wholesale value of more than ten dollars times 26736
the fewest number of single plays necessary to accrue the 26737
redeemable vouchers required to obtain that prize; and 26738

(d) Any redeemable vouchers or merchandise prizes are 26739
distributed at the site of the skill-based amusement machine at 26740
the time of play. 26741

A card for the purchase of gasoline is a redeemable voucher 26742
for purposes of division (UU)(1) of this section even if the 26743
skill-based amusement machine for the play of which the card is 26744
awarded is located at a place where gasoline may not be legally 26745
distributed to the public or the card is not redeemable at the 26746
location of, or at the time of playing, the skill-based amusement 26747
machine. 26748

(2) A device shall not be considered a skill-based amusement 26749
machine and shall be considered a slot machine if it pays cash or 26750
one or more of the following apply: 26751

(a) The ability of a player to succeed at the game is 26752
impacted by the number or ratio of prior wins to prior losses of 26753
players playing the game. 26754

(b) Any reward of redeemable vouchers is not based solely on 26755
the player achieving the object of the game or the player's score; 26756

(c) The outcome of the game, or the value of the redeemable 26757
voucher or merchandise prize awarded for winning the game, can be 26758
controlled by a source other than any player playing the game. 26759

(d) The success of any player is or may be determined by a 26760
chance event that cannot be altered by player actions. 26761

(e) The ability of any player to succeed at the game is 26762
determined by game features not visible or known to the player. 26763

(f) The ability of the player to succeed at the game is 26764
impacted by the exercise of a skill that no reasonable player 26765
could exercise. 26766

(3) All of the following apply to any machine that is 26767
operated as described in division (UU)(1) of this section: 26768

(a) As used in division (UU) of this section, "game" and 26769
"play" mean one event from the initial activation of the machine 26770
until the results of play are determined without payment of 26771
additional consideration. An individual utilizing a machine that 26772
involves a single game, play, contest, competition, or tournament 26773
may be awarded redeemable vouchers or merchandise prizes based on 26774
the results of play. 26775

(b) Advance play for a single game, play, contest, 26776
competition, or tournament participation may be purchased. The 26777
cost of the contest, competition, or tournament participation may 26778
be greater than a single noncontest, competition, or tournament 26779
play. 26780

(c) To the extent that the machine is used in a contest, 26781

competition, or tournament, that contest, competition, or 26782
tournament has a defined starting and ending date and is open to 26783
participants in competition for scoring and ranking results toward 26784
the awarding of redeemable vouchers or merchandise prizes that are 26785
stated prior to the start of the contest, competition, or 26786
tournament. 26787

(4) For purposes of division (UU)(1) of this section, the 26788
mere presence of a device, such as a pin-setting, ball-releasing, 26789
or scoring mechanism, that does not contribute to or affect the 26790
outcome of the play of the game does not make the device a 26791
skill-based amusement machine. 26792

(VV) "Merchandise prize" means any item of value, but shall 26793
not include any of the following: 26794

(1) Cash, gift cards, or any equivalent thereof; 26795

(2) Plays on games of chance, state lottery tickets, or 26796
bingo, ~~or instant bingo~~; 26797

(3) Firearms, tobacco, or alcoholic beverages; or 26798

(4) A redeemable voucher that is redeemable for any of the 26799
items listed in division (VV)(1), (2), or (3) of this section. 26800

(WW) "Redeemable voucher" means any ticket, token, coupon, 26801
receipt, or other noncash representation of value. 26802

(XX) "Pool not conducted for profit" means a scheme in which 26803
a participant gives a valuable consideration for a chance to win a 26804
prize and the total amount of consideration wagered is distributed 26805
to a participant or participants. 26806

(YY) "Sporting organization" means a hunting, fishing, or 26807
trapping organization, other than a college or high school 26808
fraternity or sorority, that is not organized for profit, that is 26809
affiliated with a state or national sporting organization, 26810
including but not limited to, the league of Ohio sportsmen, and 26811

that has been in continuous existence in this state for a period 26812
of three years. 26813

(ZZ) "Community action agency" has the same meaning as in 26814
section 122.66 of the Revised Code. 26815

(AAA)(1) "Sweepstakes terminal device" means a mechanical, 26816
video, digital, or electronic machine or device that is owned, 26817
leased, or otherwise possessed by any person conducting a 26818
sweepstakes, or by that person's partners, affiliates, 26819
subsidiaries, or contractors, that is intended to be used by a 26820
sweepstakes participant, and that is capable of displaying 26821
information on a screen or other mechanism. A device is a 26822
sweepstakes terminal device if any of the following apply: 26823

(a) The device uses a simulated game terminal as a 26824
representation of the prizes associated with the results of the 26825
sweepstakes entries. 26826

(b) The device utilizes software such that the simulated game 26827
influences or determines the winning of or value of the prize. 26828

(c) The device selects prizes from a predetermined finite 26829
pool of entries. 26830

(d) The device utilizes a mechanism that reveals the content 26831
of a predetermined sweepstakes entry. 26832

(e) The device predetermines the prize results and stores 26833
those results for delivery at the time the sweepstakes entry 26834
results are revealed. 26835

(f) The device utilizes software to create a game result. 26836

(g) The device reveals the prize incrementally, even though 26837
the device does not influence the awarding of the prize or the 26838
value of any prize awarded. 26839

(h) The device determines and associates the prize with an 26840
entry or entries at the time the sweepstakes is entered. 26841

(2) As used in this division and in section 2915.02 of the Revised Code: 26842
26843

(a) "Enter" means the act by which a person becomes eligible to receive any prize offered in a sweepstakes. 26844
26845

(b) "Entry" means one event from the initial activation of the sweepstakes terminal device until all the sweepstakes prize results from that activation are revealed. 26846
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26848

(c) "Prize" means any gift, award, gratuity, good, service, credit, reward, or any other thing of value that may be transferred to a person, whether possession of the prize is actually transferred, or placed on an account or other record as evidence of the intent to transfer the prize. 26849
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(d) "Sweepstakes terminal device facility" means any location in this state where a sweepstakes terminal device is provided to a sweepstakes participant, except as provided in division (G) of section 2915.02 of the Revised Code. 26854
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(BBB) "Sweepstakes" means any game, contest, advertising scheme or plan, or other promotion where consideration is not required for a person to enter to win or become eligible to receive any prize, the determination of which is based upon chance. "Sweepstakes" does not include bingo as authorized under this chapter, pari-mutuel wagering as authorized by Chapter 3769. of the Revised Code, lotteries conducted by the state lottery commission as authorized by Chapter 3770. of the Revised Code, and casino gaming as authorized by Chapter 3772. of the Revised Code. 26858
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(CCC)(1) "Electronic instant bingo" means a form of bingo that consists of an electronic or digital representation of instant bingo in which a participant wins a prize if the participant's electronic instant bingo ticket contains a combination of numbers or symbols that was designated in advance as a winning combination, and to which all of the following apply: 26867
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26869
26870
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(a) Each deal has a predetermined, finite number of winning and losing tickets and a predetermined prize amount and deal structure, provided that there may be multiple winning combinations in each deal and multiple winning tickets. 26873
26874
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(b) Each electronic instant bingo ticket within a deal has a unique serial number that is not regenerated. 26877
26878

(c) Each electronic instant bingo ticket within a deal is sold for the same price. 26879
26880

(d) After a participant purchases an electronic instant bingo ticket, the combination of numbers or symbols on the ticket is revealed to the participant. 26881
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(e) The reveal of numbers or symbols on the ticket may incorporate an entertainment or bonus theme, provided that the reveal does not include spinning reels that resemble a slot machine. 26884
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(f) The reveal theme, if any, does not require additional consideration or award any prize other than any predetermined prize associated with the electronic instant bingo ticket. 26888
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(2) "Electronic instant bingo" shall not include any of the following: 26891
26892

(a) Any game, entertainment, or bonus theme that replicates or simulates any of the following: 26893
26894

(i) The gambling games of keno, blackjack, roulette, poker, craps, other casino-style table games; 26895
26896

(ii) Horse racing; 26897

(iii) Gambling games offered in this state on slot machines or video lottery terminals. As used in this division, "video lottery terminal" has the same meaning as in section 3770.21 of the Revised Code. 26898
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26901

(b) Any device operated by dropping one or more coins or 26902

tokens into a slot and pulling a handle or pushing a button or 26903
touchpoint on a touchscreen to activate one to three or more 26904
rotating reels marked into horizontal segments by varying symbols, 26905
where the predetermined prize amount depends on how and how many 26906
of the symbols line up when the rotating reels come to a rest; 26907

(c) Any device that includes a coin or token slot, tray, or 26908
hopper and the ability to dispense coins, cash, tokens, or 26909
anything of value other than a credit ticket voucher. 26910

(DDD) "Electronic instant bingo system" means both of the 26911
following: 26912

(1) A mechanical, electronic, digital, or video device and 26913
associated software to which all of the following apply: 26914

(a) It is used by not more than one player at a time to play 26915
electronic instant bingo on a single screen that is physically 26916
connected to the device; 26917

(b) It is located on the premises of the principal place of 26918
business of a veteran's or fraternal organization that holds a 26919
type II or type III bingo license to conduct electronic instant 26920
bingo at that location issued under section 2915.08 of the Revised 26921
Code. 26922

(2) Any associated equipment or software used to manage, 26923
monitor, or document any aspect of electronic instant bingo. 26924

Sec. 2915.08. (A)(1) Annually Except as otherwise permitted 26925
under section 2915.092 of the Revised Code, annually before the 26926
first day of January, a charitable organization that desires to 26927
conduct bingo, ~~instant bingo at a bingo session, or instant bingo~~ 26928
other than at a bingo session shall make out, upon a form to be 26929
furnished by the attorney general for that purpose, an application 26930
for a license apply to the attorney general for one or more of the 26931
following types of licenses to conduct bingo, as appropriate: 26932

(a) A type I license to conduct bingo as described in 26933
division (O)(1) of section 2915.01 of the Revised Code; 26934

(b) A type II license to conduct instant bingo, electronic 26935
instant bingo, or both at a bingo session,~~or;~~ 26936

(c) A type III license to conduct instant bingo, electronic 26937
instant bingo, or both other than at a bingo session and deliver 26938
that, in accordance with sections 2915.093 to 2915.095 or sections 26939
2915.13 to 2915.15 of the Revised Code, as applicable. 26940

(2) A veteran's organization or fraternal organization that 26941
is authorized under section 2915.14 of the Revised Code to conduct 26942
electronic instant bingo may be issued only one license to conduct 26943
electronic instant bingo at any one time. The organization may 26944
conduct electronic instant bingo under that license at only one 26945
location specified on the license, which shall be the 26946
organization's principal place of business. 26947

(B) The application to the attorney general together with 26948
shall be accompanied by a license fee as follows: 26949

(a) Except as otherwise provided in this division, for (1) If 26950
the charitable organization was not licensed to conduct bingo 26951
under this chapter before July 1, 2003, a fee established by the 26952
attorney general by rule adopted pursuant to section 111.15 of the 26953
Revised Code. 26954

(2) If the charitable organization was licensed to conduct 26955
bingo under this chapter before July 1, 2003, the following 26956
applicable fee: 26957

(a) For a type I license for the a charitable organization 26958
that wishes to conduct of bingo during twenty-six or more weeks in 26959
any calendar year, a license fee of two hundred dollars; 26960

(b) For a type II or type III license for the a charitable 26961
organization that previously has not been licensed under this 26962

~~chapter to conduct of instant bingo at a bingo session or~~ 26963
~~electronic instant bingo other than at a bingo session for a~~ 26964
~~charitable organization that previously has not been licensed~~ 26965
~~under this chapter to conduct instant bingo at a bingo session or~~ 26966
~~instant bingo other than at a bingo session and that wishes to~~ 26967
~~conduct bingo during twenty-six or more weeks in any calendar~~ 26968
~~year, a license fee of five hundred dollars, and for any other;~~ 26969

(c) For a type II or type III license for a charitable 26970
organization that previously has been licensed under this chapter 26971
to conduct instant bingo or electronic instant bingo and that 26972
desires to conduct bingo during twenty-six or more weeks in any 26973
calendar year, a license fee that is based upon the gross profits 26974
received by the charitable organization from the operation of 26975
instant bingo ~~at a bingo session~~ or electronic instant bingo other 26976
~~than at a bingo session,~~ during the one-year period ending on the 26977
thirty-first day of October of the year immediately preceding the 26978
year for which the license is sought, and that is one of the 26979
following: 26980

(i) Five hundred dollars, if the total is fifty thousand 26981
dollars or less; 26982

(ii) One thousand two hundred fifty dollars plus one-fourth 26983
per cent of the gross profit, if the total is more than fifty 26984
thousand dollars but less than two hundred fifty thousand one 26985
dollars; 26986

(iii) Two thousand two hundred fifty dollars plus one-half 26987
per cent of the gross profit, if the total is more than two 26988
hundred fifty thousand dollars but less than five hundred thousand 26989
one dollars; 26990

(iv) Three thousand five hundred dollars plus one per cent of 26991
the gross profit, if the total is more than five hundred thousand 26992
dollars but less than one million one dollars; 26993

(v) Five thousand dollars plus one per cent of the gross profit, if the total is one million one dollars or more+., 26994
26995

(c) A ~~(d)~~ For a type I, type II, or type III license for a charitable organization that desires to conduct bingo during fewer than twenty-six weeks in any calendar year, a reduced license fee established by the attorney general by rule adopted pursuant to division (C) of this section 111.15 of the Revised Code. 26996
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~~(d) For a license to conduct bingo for a charitable organization that prior to July 1, 2003, has not been licensed under this chapter to conduct bingo, instant bingo at a bingo session, or instant bingo other than at a bingo session, a license fee established by rule by the attorney general in accordance with division (H) of this section.~~ 27001
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~~(2)(C)~~ The application shall be in the form prescribed by the attorney general, shall be signed and sworn to by the applicant, and shall contain all of the following: 27007
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~~(a)(1)~~ The name and post-office address of the applicant; 27010

~~(b)(2)~~ A statement that the applicant is a charitable organization and that it has been in continuous existence as a charitable organization in this state for two years immediately preceding the making of the application; 27011
27012
27013
27014

~~(e)(3)~~ The location at which the organization will conduct bingo, which location shall be within the county in which the principal place of business of the applicant is located, the days of the week and the times on each of those days when bingo will be conducted, whether the organization owns, leases, or subleases the premises, and a copy of the rental agreement if it leases or subleases the premises; 27015
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~~(d)(4)~~ A statement of the applicant's previous history, record, and association that is sufficient to establish that the applicant is a charitable organization, and a copy of a 27022
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27024

determination letter that is issued by the Internal Revenue 27025
Service and states that the organization is tax exempt under 27026
subsection 501(a) and described in subsection 501(c)(3), 27027
501(c)(4), 501(c)(7), 501(c)(8), 501(c)(10), or 501(c)(19) of the 27028
Internal Revenue Code; 27029

~~(e)~~(5) A statement as to whether the applicant has ever had 27030
any previous application refused, whether it previously has had a 27031
license revoked or suspended, and the reason stated by the 27032
attorney general for the refusal, revocation, or suspension; 27033

~~(f)~~(6) A statement of the charitable purposes for which the 27034
net profit derived from bingo, ~~other than instant bingo,~~ described 27035
in division (O)(1) of section 2915.01 of the Revised Code will be 27036
used, ~~and~~ or a statement of how the net profit derived from 27037
instant bingo or electronic instant bingo will be distributed in 27038
accordance with section 2915.101 of the Revised Code, as 27039
applicable; 27040

~~(g)~~(7) Other necessary and reasonable information that the 27041
attorney general may require by rule adopted pursuant to section 27042
111.15 of the Revised Code; 27043

~~(h)~~(8) If the applicant is a charitable trust as defined in 27044
section 109.23 of the Revised Code, a statement as to whether it 27045
has registered with the attorney general pursuant to section 27046
109.26 of the Revised Code or filed annual reports pursuant to 27047
section 109.31 of the Revised Code, and, if it is not required to 27048
do either, the exemption in section 109.26 or 109.31 of the 27049
Revised Code that applies to it; 27050

~~(i)~~(9) If the applicant is a charitable organization as 27051
defined in section 1716.01 of the Revised Code, a statement as to 27052
whether it has filed with the attorney general a registration 27053
statement pursuant to section 1716.02 of the Revised Code and a 27054
financial report pursuant to section 1716.04 of the Revised Code, 27055

and, if it is not required to do both, the exemption in section 27056
1716.03 of the Revised Code that applies to it; 27057

~~(j)(10)~~ In the case of an applicant seeking to qualify as a 27058
youth athletic park organization, a statement issued by a board or 27059
body vested with authority under Chapter 755. of the Revised Code 27060
for the supervision and maintenance of recreation facilities in 27061
the territory in which the organization is located, certifying 27062
that the playing fields owned by the organization ~~were used for at~~ 27063
~~least one hundred days during the year in which the statement is~~ 27064
~~issued, and~~ were open for use to all residents of that territory, 27065
regardless of race, color, creed, religion, sex, or national 27066
origin, for athletic activities by youth athletic organizations 27067
that do not discriminate on the basis of race, color, creed, 27068
religion, sex, or national origin, and that the fields were not 27069
used for any profit-making activity at any time during the year. 27070
That type of board or body is authorized to issue the statement 27071
upon request and shall issue the statement if it finds that the 27072
applicant's playing fields were so used. 27073

~~(3)(D)~~ The attorney general, within thirty days after 27074
receiving a timely filed application from a charitable 27075
organization that has been issued a license under this section 27076
that has not expired and has not been revoked or suspended, shall 27077
send a temporary permit to the applicant specifying the date on 27078
which the application was filed with the attorney general and 27079
stating that, pursuant to section 119.06 of the Revised Code, the 27080
applicant may continue to conduct bingo until a new license is 27081
granted or, if the application is rejected, until fifteen days 27082
after notice of the rejection is mailed to the applicant. The 27083
temporary permit does not affect the validity of the applicant's 27084
application and does not grant any rights to the applicant except 27085
those rights specifically granted in section 119.06 of the Revised 27086
Code. The issuance of a temporary permit by the attorney general 27087

pursuant to this division does not prohibit the attorney general 27088
from rejecting the applicant's application because of acts that 27089
the applicant committed, or actions that the applicant failed to 27090
take, before or after the issuance of the temporary permit. 27091

~~(4)(E)~~ Within thirty days after receiving an initial license 27092
application from a charitable organization to conduct bingo, 27093
~~instant bingo at a bingo session, or instant bingo other than at a~~ 27094
~~bingo session,~~ the attorney general shall conduct a preliminary 27095
review of the application and notify the applicant regarding any 27096
deficiencies. Once an application is deemed complete, or beginning 27097
on the thirtieth day after the application is filed, if the 27098
attorney general failed to notify the applicant of any 27099
deficiencies, the attorney general shall have an additional sixty 27100
days to conduct an investigation and either grant, grant with 27101
limits, restrictions, or probationary conditions, or deny the 27102
application based on findings established and communicated in 27103
accordance with divisions ~~(B)(F)~~ and ~~(E)(I)~~ of this section. As an 27104
option to granting, granting with limits, restrictions, or 27105
probationary conditions, or denying an initial license 27106
application, the attorney general may grant a temporary license 27107
and request additional time to conduct the investigation if the 27108
attorney general has cause to believe that additional time is 27109
necessary to complete the investigation and has notified the 27110
applicant in writing about the specific concerns raised during the 27111
investigation. 27112

~~(B)(1)(F)(1)~~ The attorney general shall adopt rules to 27113
enforce sections 2915.01, 2915.02, and 2915.07 to ~~2915.13~~ 2915.15 27114
of the Revised Code to ensure that bingo ~~or instant bingo~~ is 27115
conducted in accordance with those sections and to maintain proper 27116
control over the conduct of bingo ~~or instant bingo~~. Except as 27117
otherwise provided in this section, the rules, except rules 27118
~~adopted pursuant to divisions (A)(2)(g) and (C) of this section,~~ 27119

shall be adopted pursuant to Chapter 119. of the Revised Code. The 27120
attorney general shall license charitable organizations to conduct 27121
~~bingo, instant bingo at a bingo session, or instant bingo other~~ 27122
~~than at a bingo session~~ in conformance with this chapter and with 27123
the licensing provisions of Chapter 119. of the Revised Code. 27124

(2) ~~The attorney general may refuse to grant a license to any~~ 27125
If any of the following applies to an organization, or revoke or 27126
~~suspend the license of any organization, that does any of the~~ 27127
~~following or to which any of the following applies~~ the attorney 27128
general may refuse to grant a license to the organization, may 27129
revoke or suspend the organization's license, or may place limits, 27130
restrictions, or probationary conditions on the organization's 27131
license for a limited or indefinite period, as determined by the 27132
attorney general: 27133

(a) ~~Fails~~ The organization fails or has failed at any time to 27134
meet any requirement of section 109.26, 109.31, or 1716.02, or 27135
sections 2915.07 to ~~2915.11~~ 2915.15 of the Revised Code, or 27136
violates or has violated any provision of sections 2915.02 or 27137
2915.07 to 2915.13 of the Revised Code or any rule adopted by the 27138
attorney general pursuant to this ~~section~~ chapter. 27139

(b) ~~Makes~~ The organization makes or has made an incorrect or 27140
false statement that is material to the granting of the license in 27141
an application filed ~~pursuant to division (A) of~~ under this 27142
~~section~~ . 27143

(c) ~~Submits~~ The organization submits or has submitted any 27144
incorrect or false information relating to an application if the 27145
information is material to the granting of the license ~~.~~ 27146

(d) ~~Maintains~~ The organization maintains or has maintained 27147
any incorrect or false information that is material to the 27148
granting of the license in the records required to be kept 27149
pursuant to ~~divisions (A) and (C) of~~ section 2915.10 of the 27150

Revised Code, if applicable~~+~~. 27151

(e) The attorney general has good cause to believe that the 27152
organization will not conduct bingo,~~instant bingo at a bingo~~ 27153
~~session, or instant bingo other than at a bingo session~~ in 27154
accordance with sections 2915.07 to ~~2915.13~~ 2915.15 of the Revised 27155
Code or with any rule adopted by the attorney general pursuant to 27156
this ~~section~~ chapter. 27157

(3) If the attorney general has good cause to believe that 27158
any director or officer of the organization has breached the 27159
director's or officer's fiduciary duty to, or committed theft or 27160
any other type of misconduct related to, the organization or any 27161
other charitable organization that has been issued a bingo license 27162
under this chapter, the attorney general may refuse to grant a 27163
license to the organization, may impose limits, restrictions, or 27164
probationary conditions on the license, or may revoke or suspend 27165
the organization's license for a period not to exceed five years. 27166

(4) The attorney general may impose a civil fine on an 27167
organization licensed or permitted under this chapter for failure 27168
to comply with any restrictions, limits, or probationary 27169
conditions on its license, and for failure to comply with this 27170
chapter or any rule adopted under this chapter, according to a 27171
schedule of fines that the attorney general shall adopt in 27172
accordance with Chapter 119. of the Revised Code. 27173

(5) For the purposes of division ~~(B)~~(F) of this section, any 27174
action of an officer, trustee, agent, representative, or bingo 27175
game operator of an organization is an action of the organization. 27176

~~(C)~~(G) The attorney general may grant licenses to charitable 27177
organizations that are branches, lodges, or chapters of national 27178
charitable organizations. 27179

~~(D)~~(H) The attorney general shall send notice of any of the 27180
following actions in writing to the prosecuting attorney and 27181

sheriff of the county in which the charitable organization will 27182
~~conduct bingo, instant bingo at a bingo session, or instant bingo~~ 27183
~~other than at a bingo session, as stated in its application for a~~ 27184
~~license or amended license,~~ is located and to any other law 27185
enforcement agency in that county that so requests, of all of the 27186
following: 27187

(1) The issuance of ~~the~~ a license under this section; 27188

(2) The issuance of ~~the~~ an amended license under this 27189
section; 27190

(3) The rejection of an application for and refusal to grant 27191
a license under this section; 27192

(4) The revocation of any license previously issued under 27193
this section; 27194

(5) The suspension of any license previously issued under 27195
this section; 27196

(6) The placing of any limits, restrictions, or probationary 27197
conditions placed on a license issued under this section. 27198

~~(E)~~(I) A license issued by the attorney general under this 27199
section shall set forth the information contained on the 27200
application of the charitable organization that the attorney 27201
general determines is relevant, including, but not limited to, the 27202
location at which the organization will conduct bingo, ~~instant~~ 27203
~~bingo at a bingo session, or instant bingo other than at a bingo~~ 27204
~~session~~ whether the license is a type I, type II, or type III 27205
license, and the days of the week and the times on each of those 27206
days when bingo will be conducted. If the attorney general refuses 27207
to grant, places limits, restrictions, or probationary conditions 27208
on, or revokes or suspends a license, the attorney general shall 27209
notify the applicant in writing and specifically identify the 27210
reason for the refusal, revocation, limit, restriction, 27211
probationary condition, or suspension in narrative form and, if 27212

applicable, by identifying the section of the Revised Code 27213
violated. The failure of the attorney general to give the written 27214
notice of the reasons for the refusal, revocation, limit, 27215
restriction, probationary condition, or suspension or a mistake in 27216
the written notice does not affect the validity of the attorney 27217
general's refusal to grant, or the revocation or suspension of, or 27218
limit, restriction, probationary condition on, a license. If the 27219
attorney general fails to give the written notice or if there is a 27220
mistake in the written notice, the applicant may bring an action 27221
to compel the attorney general to comply with this division or to 27222
correct the mistake, but the attorney general's order refusing to 27223
grant, or placing a limit, restriction, or probationary condition 27224
on, or revoking or suspending, a license shall not be enjoined 27225
during the pendency of the action. 27226

~~(F)~~ A (J)(1)(a) Except as otherwise provided in division 27227
(J)(2) of this section, a charitable organization that has been 27228
issued a license ~~pursuant to division (B) of~~ under this section 27229
but that cannot conduct bingo ~~or instant bingo~~ at the location, or 27230
on the day of the week or at the time, specified on the license 27231
due to circumstances that make it impractical to do so, or that 27232
desires to conduct instant bingo other than at a bingo session at 27233
additional locations not identified on the license, may apply in 27234
writing, together with an application fee of two hundred fifty 27235
dollars, to the attorney general, at least thirty days prior to a 27236
change in or addition of a location, day of the week, or time, and 27237
request an amended license. ~~As~~ 27238

(b) As applicable, the application shall describe the causes 27239
making it impractical for the organization to conduct bingo ~~or~~ 27240
~~instant bingo~~ in conformity with its license and shall indicate 27241
the location, days of the week, and times on each of those days 27242
when it desires to conduct bingo ~~or instant bingo~~ and, as 27243
applicable, shall indicate the additional locations at which it 27244

desires to conduct instant bingo other than at a bingo session. 27245

~~Except~~ 27246

(c) Except as otherwise provided in this division (J)(3) of 27247
this section, the attorney general shall issue the amended license 27248
in accordance with division ~~(E)~~(I) of this section, and the 27249
organization shall surrender its original license to the attorney 27250
general. ~~The~~ 27251

(2)(a) A charitable organization that has been issued a 27252
license under this section to conduct electronic instant bingo but 27253
that cannot conduct electronic instant bingo at the location, or 27254
on the day of the week or at the time, specified on the license 27255
due to circumstances that make it impractical to do so, may apply 27256
in writing, together with an application fee of two hundred fifty 27257
dollars, to the attorney general, at least thirty days prior to a 27258
change in a location, day of the week, or time, and request an 27259
amended license. A charitable organization may not apply for an 27260
amended license to conduct electronic instant bingo at any 27261
additional location. 27262

(b) The application shall describe the causes making it 27263
impractical for the organization to conduct electronic instant 27264
bingo in conformity with its license and shall indicate the 27265
location, days of the week, and times on each of those days when 27266
it desires to conduct electronic instant bingo. 27267

(c) Except as otherwise provided in division (J)(3) of this 27268
section, the attorney general shall issue the amended license in 27269
accordance with division (I) of this section, and the organization 27270
shall surrender its original license to the attorney general. 27271

(3) The attorney general may refuse to grant an amended 27272
license under division (J)(1) or (2) of this section according to 27273
the terms of division ~~(B)~~(F) of this section. 27274

~~(G) The attorney general, by rule adopted pursuant to section~~ 27275

~~111.15 of the Revised Code, shall establish a schedule of reduced license fees for charitable organizations that desire to conduct bingo or instant bingo during fewer than twenty six weeks in any ealendar year.~~

~~(H) The attorney general, by rule adopted pursuant to section 111.15 of the Revised Code, shall establish license fees for the conduct of bingo, instant bingo at a bingo session, or instant bingo other than at a bingo session for charitable organizations that prior to July 1, 2003, have not been licensed to conduct bingo, instant bingo at a bingo session, or instant bingo other than at a bingo session under this chapter.~~

~~(I)(K) The attorney general may enter into a written contract with any other state agency to delegate to that state agency the powers prescribed to the attorney general under Chapter 2915. of the Revised Code.~~

~~(J)(L) The attorney general, by rule adopted pursuant to section 111.15 of the Revised Code, may adopt rules to determine the requirements for a charitable organization that is exempt from federal income taxation under subsection 501(a) and described in subsection 501(c)(3) of the Internal Revenue Code to be in good standing in the state.~~

Sec. 2915.081. (A) No distributor shall sell, offer to sell, or otherwise provide or offer to provide bingo supplies to another person, or modify, convert, add to, or remove parts from bingo supplies to further their promotion or sale, for use in this state without having obtained a license from the attorney general under this section.

(B)(1) The attorney general may issue a distributor license to any person that meets the requirements of this section. The application for the license shall be on a form prescribed by the attorney general and be accompanied by the annual fee prescribed

by this section. The license is valid for a period of one year, 27307
and the annual fee for the license is five thousand dollars. 27308

(2) Upon applying for or renewing a license under this 27309
section, an applicant shall file with and have approved by the 27310
attorney general a bond in which the applicant shall be the 27311
principal obligor, in the sum of fifty thousand dollars, with one 27312
or more sureties authorized to do business in this state. The 27313
applicant shall maintain the bond in effect as long as the license 27314
is valid; however, the liability of the surety under the bond 27315
shall not exceed an all-time aggregate liability of fifty thousand 27316
dollars. The bond, which may be in the form of a rider to a larger 27317
blanket liability bond, shall run to the state and to any person 27318
who may have a cause of action against the principal obligor of 27319
the bond for any liability arising out of a violation by the 27320
obligor of any provision of this chapter or any rule adopted 27321
pursuant to this chapter. 27322

(C) The attorney general may refuse to issue a distributor 27323
license to any person to which any of the following applies, or to 27324
any person that has an officer, partner, or other person who has 27325
an ownership interest of ten per cent or more and to whom any of 27326
the following applies: 27327

(1) The person, officer, or partner has been convicted of a 27328
disqualifying offense as determined in accordance with section 27329
9.79 of the Revised Code. 27330

(2) The person, officer, or partner has made an incorrect or 27331
false statement that is material to the granting of a license in 27332
an application submitted to the attorney general under this 27333
section or in a similar application submitted to a gambling 27334
licensing authority in another jurisdiction if the statement 27335
resulted in license revocation through administrative action in 27336
the other jurisdiction. 27337

(3) The person, officer, or partner has submitted any 27338
incorrect or false information relating to the application to the 27339
attorney general under this section, if the information is 27340
material to the granting of the license. 27341

(4) The person, officer, or partner has failed to correct any 27342
incorrect or false information that is material to the granting of 27343
the license in the records required to be maintained under 27344
division (F) of section 2915.10 of the Revised Code. 27345

(5) The person, officer, or partner has had a license related 27346
to gambling revoked or suspended under the laws of this state, 27347
another state, or the United States. 27348

(6) The attorney general has good cause to believe that a 27349
person, officer, or partner has committed a breach of fiduciary 27350
duty, theft, or other type of misconduct related to a charitable 27351
organization that has obtained a bingo license issued under this 27352
chapter. 27353

(D) The attorney general shall not issue a distributor 27354
license to any person that is involved in the conduct of bingo on 27355
behalf of a charitable organization or that is a lessor of 27356
premises used for the conduct of bingo. This division does not 27357
prohibit a distributor from advising charitable organizations on 27358
the use and benefit of specific bingo supplies or prohibit a 27359
distributor from advising a customer on operational methods to 27360
improve bingo profitability. 27361

(E)(1) No distributor shall sell, offer to sell, or otherwise 27362
provide or offer to provide bingo supplies to any person, or 27363
modify, convert, add to, or remove parts from bingo supplies to 27364
further their promotion or sale, for use in this state except to 27365
or for the use of a charitable organization that has been issued a 27366
license under section 2915.08 of the Revised Code or to another 27367
distributor that has been issued a license under this section. No 27368

distributor shall accept payment for the sale or other provision 27369
of bingo supplies other than by check or electronic fund transfer. 27370

(2) No distributor may donate, give, loan, lease, or 27371
otherwise provide any bingo supplies or equipment, or modify, 27372
convert, add to, or remove parts from bingo supplies to further 27373
their promotion or sale, to or for the use of a charitable 27374
organization for use in a bingo session conditioned on or in 27375
consideration for an exclusive right to provide bingo supplies to 27376
the charitable organization. A distributor may provide a licensed 27377
charitable organization with free samples of the distributor's 27378
products to be used as prizes or to be used for the purpose of 27379
sampling. 27380

(3) No distributor shall purchase bingo supplies for use in 27381
this state from any person except from a manufacturer issued a 27382
license under section 2915.082 of the Revised Code or from another 27383
distributor issued a license under this section. Subject to 27384
division (D) of section 2915.082 of the Revised Code, no 27385
distributor shall pay for purchased bingo supplies other than by 27386
check or electronic fund transfer. 27387

(4) No distributor shall participate in the conduct of bingo 27388
on behalf of a charitable organization or have any direct or 27389
indirect ownership interest in a premises used for the conduct of 27390
bingo. 27391

(5) No distributor shall knowingly solicit, offer, pay, or 27392
receive any kickback, bribe, or undocumented rebate, directly or 27393
indirectly, overtly or covertly, in cash or in kind, in return for 27394
providing bingo supplies to any person in this state. 27395

(F)(1) No distributor shall knowingly sell, offer to sell, or 27396
otherwise provide or offer to provide an electronic instant bingo 27397
system to any person for use in this state, or install, maintain, 27398
update, or repair an electronic instant bingo system, without 27399

first obtaining an electronic instant bingo distributor 27400
endorsement to the person's distributor license issued under this 27401
section. An applicant for a distributor license under this section 27402
may apply simultaneously for an electronic instant bingo 27403
distributor endorsement to that license. Any individual who 27404
installs, maintains, updates, or repairs an electronic instant 27405
bingo system also shall hold an appropriate and valid occupational 27406
license issued by the Ohio casino control commission under Chapter 27407
3772. of the Revised Code. 27408

(2) An applicant for an electronic instant bingo distributor 27409
endorsement shall submit the application on a form prescribed by 27410
the attorney general and shall submit one complete set of 27411
fingerprints directly to the superintendent of the bureau of 27412
criminal identification and investigation for the purpose of 27413
conducting a criminal records check. The applicant shall provide 27414
the fingerprints using a method the superintendent prescribes 27415
pursuant to division (C)(2) of section 109.572 of the Revised Code 27416
and shall fill out the form the superintendent prescribes pursuant 27417
to division (C)(1) of that section. Upon receiving an application 27418
for an electronic instant bingo distributor endorsement, the 27419
attorney general shall request the superintendent, or a vendor 27420
approved by the bureau, to conduct a criminal records check based 27421
on the applicant's fingerprint impressions in accordance with 27422
division (A)(18) of that section. The applicant shall pay any fee 27423
required under division (C)(3) of that section. 27424

(3) The attorney general shall not issue an electronic 27425
instant bingo distributor endorsement to an applicant unless the 27426
attorney general has received the results of the criminal records 27427
check described in division (F)(2) of this section. The attorney 27428
general shall not issue an electronic instant bingo distributor 27429
endorsement to an applicant if the applicant, any officer or 27430
partner of the applicant, or any person who has an ownership 27431

interest of ten per cent or more in the applicant has violated any 27432
provision of this chapter or any rule adopted by the attorney 27433
general under this chapter or has violated any existing or former 27434
law or rule of this state, any other state, or the United States 27435
that is substantially equivalent to any provision of this chapter 27436
or any rule adopted by the attorney general under this chapter. 27437

(4) An electronic instant bingo distributor endorsement 27438
issued under this section shall be valid for the period of the 27439
underlying distributor license. 27440

(G) The attorney general may suspend, place limits, 27441
restrictions, or probationary conditions on, or revoke a 27442
distributor license or an electronic instant bingo distributor 27443
endorsement, for a limited or indefinite period of time at the 27444
attorney general's discretion, for any of the following reasons: 27445

(1) Any reason for which the attorney general may refuse to 27446
issue a distributor the license specified in divisions (C)(2) to 27447
(5) of this section or endorsement; 27448

(2) The distributor holding the license or endorsement 27449
violates any provision of this chapter or any rule adopted by the 27450
attorney general under this chapter; 27451

(3) The distributor or any officer, partner, or other person 27452
who has an ownership interest of ten per cent or more in the 27453
distributor is convicted of either of the following: 27454

(a) A felony under the laws of this state, another state, or 27455
the United States; 27456

(b) Any gambling offense. 27457

~~(G)~~(H) The attorney general may adopt rules for the 27458
application, acceptance, denial, suspension, revocation, 27459
limitation, restriction, or condition of a distributor license or 27460
endorsement, and to enforce any other provisions of this section, 27461

in accordance with Chapter 119. of the Revised Code. 27462

(I) The attorney general may impose a civil fine on a distributor licensed or permitted under this chapter for failure to comply with any restrictions, limits, or probationary conditions on its license, or for failure to comply with this chapter or any rule adopted under this chapter, according to a schedule of fines that the attorney general shall adopt in accordance with Chapter 119. of the Revised Code. 27463
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(J) Whoever violates division (A) ~~or~~ (E), or (F) of this section is guilty of illegally operating as a distributor. Except as otherwise provided in this division, illegally operating as a distributor is a misdemeanor of the first degree. If the offender previously has been convicted of a violation of division (A) ~~or~~ (E), or (F) of this section, illegally operating as a distributor is a felony of the fifth degree. 27470
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Sec. 2915.082. (A) No manufacturer shall sell, offer to sell, or otherwise provide or offer to provide bingo supplies for use in this state without having obtained a license from the attorney general under this section. 27477
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(B)(1) The attorney general may issue a manufacturer license to any person that meets the requirements of this section. The application for the license shall be on a form prescribed by the attorney general and be accompanied by the annual fee prescribed by this section. The license is valid for a period of one year, and the annual fee for the license is five thousand dollars. 27481
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(2) Upon applying for or renewing a license under this section, an applicant shall file with and have approved by the attorney general a bond in which the applicant shall be the principal obligor, in the sum of fifty thousand dollars, with one or more sureties authorized to do business in this state. The applicant shall maintain the bond in effect as long as the license 27487
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is valid; however, the liability of the surety under the bond 27493
shall not exceed an all-time aggregate liability of fifty thousand 27494
dollars. The bond, which may be in the form of a rider to a larger 27495
blanket liability bond, shall run to the state and to any person 27496
who may have a cause of action against the principal obligor of 27497
the bond for any liability arising out of a violation by the 27498
obligor of any provision of this chapter or any rule adopted 27499
pursuant to this chapter. 27500

(C) The attorney general may refuse to issue a manufacturer 27501
license to any person to which any of the following applies, or to 27502
any person that has an officer, partner, or other person who has 27503
an ownership interest of ten per cent or more and to whom any of 27504
the following applies: 27505

(1) The person, officer, or partner has been convicted of a 27506
disqualifying offense as determined in accordance with section 27507
9.79 of the Revised Code. 27508

(2) The person, officer, or partner has made an incorrect or 27509
false statement that is material to the granting of a license in 27510
an application submitted to the attorney general under this 27511
section or in a similar application submitted to a gambling 27512
licensing authority in another jurisdiction if the statement 27513
resulted in license revocation through administrative action in 27514
the other jurisdiction. 27515

(3) The person, officer, or partner has submitted any 27516
incorrect or false information relating to the application to the 27517
attorney general under this section, if the information is 27518
material to the granting of the license. 27519

(4) The person, officer, or partner has failed to correct any 27520
incorrect or false information that is material to the granting of 27521
the license in the records required to be maintained under 27522
division (G) of section 2915.10 of the Revised Code. 27523

(5) The person, officer, or partner has had a license related to gambling revoked or suspended under the laws of this state, another state, or the United States.

(6) The attorney general has good cause to believe that the person, officer, or partner has committed a breach of fiduciary duty, theft, or other type of misconduct, related to a charitable organization that has obtained a bingo license under this chapter.

(D)(1) No manufacturer shall sell, offer to sell, or otherwise provide or offer to provide bingo supplies to any person for use in this state except to a distributor that has been issued a license under section 2915.081 of the Revised Code. No manufacturer shall accept payment for the sale of bingo supplies other than by check or electronic fund transfer.

(2) No manufacturer shall knowingly solicit, offer, pay, or receive any kickback, bribe, or undocumented rebate, directly or indirectly, overtly or covertly, in cash or in kind, in return for providing bingo supplies to any person in this state.

(E)(1) No manufacturer shall knowingly sell, offer to sell, or otherwise provide or offer to provide an electronic instant bingo system to any person for use in this state, or submit an electronic instant bingo system for testing and approval under section 2915.15 of the Revised Code, without first obtaining an electronic instant bingo manufacturer endorsement to the person's manufacturer license issued under this section. An applicant for a manufacturer license under this section may apply simultaneously for an electronic instant bingo manufacturer endorsement to that license.

(2) A manufacturer licensed under this section may only sell, offer to sell, or otherwise provide or offer to provide electronic instant bingo systems that contain proprietary software owned by or licensed to the manufacturer. If the proprietary software is

licensed to the manufacturer, the manufacturer shall provide a 27555
copy of the license along with the application for an endorsement 27556
under this section. 27557

(3) An applicant for an electronic instant bingo manufacturer 27558
endorsement shall submit the application on a form prescribed by 27559
the attorney general and shall submit one complete set of 27560
fingerprints directly to the superintendent of the bureau of 27561
criminal identification and investigation for the purpose of 27562
conducting a criminal records check. The applicant shall provide 27563
the fingerprints using a method the superintendent prescribes 27564
pursuant to division (C)(2) of section 109.572 of the Revised Code 27565
and shall fill out the form the superintendent prescribes pursuant 27566
to division (C)(1) of that section. Upon receiving an application 27567
for an electronic instant bingo manufacturer endorsement, the 27568
attorney general shall request the superintendent, or a vendor 27569
approved by the bureau, to conduct a criminal records check based 27570
on the applicant's fingerprint impressions in accordance with 27571
division (A)(18) of that section. The applicant shall pay any fee 27572
required under division (C)(3) of that section. 27573

(4) The attorney general shall not issue an electronic 27574
instant bingo manufacturer endorsement to an applicant unless the 27575
attorney general has received the results of the criminal records 27576
check described in division (E)(3) of this section. The attorney 27577
general shall not issue an electronic instant bingo manufacturer 27578
endorsement to an applicant if the applicant, any officer or 27579
partner of the applicant, or any person who has an ownership 27580
interest of ten per cent or more in the applicant has violated any 27581
existing or former law or rule of this state, any other state, or 27582
the United States that is substantially equivalent to any 27583
provision of this chapter or any rule adopted by the attorney 27584
general under this chapter. 27585

(F)(1) The attorney general may suspend, place limits, 27586

restrictions, or probationary conditions on, or revoke a 27587
manufacturer license or an electronic instant bingo manufacturer 27588
endorsement for a limited or indefinite period of time for any of 27589
the following reasons: 27590

(a) Any reason for which the attorney general may refuse to 27591
issue ~~a manufacturer~~ the license ~~specified in divisions (C)(2) to~~ 27592
~~(5) of this section~~ or endorsement; 27593

(b) The manufacturer holding the license or endorsement 27594
violates any provision of this chapter or any rule adopted by the 27595
attorney general under this chapter; 27596

(c) The manufacturer or any officer, partner, or other person 27597
who has an ownership interest of ten per cent or more in the 27598
manufacturer is convicted of either of the following: 27599

(i) A felony under the laws of this state, another state, or 27600
the United States; 27601

(ii) Any gambling offense. 27602

(2) The attorney general may perform an onsite inspection of 27603
a manufacturer of bingo supplies that is selling, offering to 27604
sell, or otherwise providing or offering to provide bingo supplies 27605
or that is applying for a license to sell, offer to sell, or 27606
otherwise provide or offer to provide bingo supplies in this 27607
state. 27608

(3)(a) The attorney general shall establish by rule an 27609
application and renewal fee for an electronic instant bingo 27610
manufacturer endorsement in an amount sufficient to cover the 27611
costs the attorney general incurs in processing applications for 27612
electronic instant bingo manufacturer endorsements and 27613
investigating an applicant's suitability. 27614

(b) If the cost of processing a particular application and 27615
investigating the applicant's suitability exceeds the amount of 27616

the application and renewal fee, the attorney general may charge 27617
the applicant an additional fee as necessary to cover that cost. 27618

(c) The attorney general shall not issue an electronic 27619
instant bingo manufacturer endorsement unless the attorney general 27620
has received payment in full from the applicant for all fees to be 27621
charged under this section. 27622

(F)(G) The attorney general may adopt rules for the 27623
application, acceptance, denial, suspension, revocation, 27624
limitation, restriction, or condition of a manufacturer license or 27625
endorsement described in this section, and to enforce any other 27626
provisions of this section, in accordance with Chapter 119. of the 27627
Revised Code. 27628

(H) The attorney general may impose a civil fine on a 27629
manufacturer licensed or permitted under this chapter for failure 27630
to comply with any restrictions, limits, or probationary 27631
conditions on its license, and for failure to comply with this 27632
chapter or any rule adopted under this chapter, according to a 27633
schedule of fines that the attorney general shall adopt in 27634
accordance with Chapter 119. of the Revised Code. 27635

(I) Whoever violates division (A) ~~or~~, (D), or (E) of this 27636
section is guilty of illegally operating as a manufacturer. Except 27637
as otherwise provided in this division, illegally operating as a 27638
manufacturer is a misdemeanor of the first degree. If the offender 27639
previously has been convicted of a violation of division (A) ~~or~~, 27640
(D), or (E) of this section, illegally operating as a manufacturer 27641
is a felony of the fifth degree. 27642

Sec. 2915.09. (A) No charitable organization that conducts 27643
bingo shall fail to do any of the following: 27644

(1) Own all of the equipment used to conduct bingo or lease 27645
that equipment from a charitable organization that is licensed to 27646

conduct bingo, or from the landlord of a premises where bingo is 27647
conducted, for a rental rate that is not more than is customary 27648
and reasonable for that equipment; 27649

(2) Except as otherwise provided in division (A)(3) of this 27650
section, use all of the gross receipts from bingo for paying 27651
prizes, for reimbursement of expenses for or for renting premises 27652
in which to conduct a bingo session, for reimbursement of expenses 27653
for or for purchasing or leasing bingo supplies used in conducting 27654
bingo, for reimbursement of expenses for or for hiring security 27655
personnel, for reimbursement of expenses for or for advertising 27656
bingo, or for reimbursement of other expenses or for other 27657
expenses listed in division (GG) of section 2915.01 of the Revised 27658
Code, provided that the amount of the receipts so spent is not 27659
more than is customary and reasonable for a similar purchase, 27660
lease, hiring, advertising, or expense. If the building in which 27661
bingo is conducted is owned by the charitable organization 27662
conducting bingo and the bingo conducted includes a form of bingo 27663
described in division (O)(1) of section 2915.01 of the Revised 27664
Code, the charitable organization may deduct from the total amount 27665
of the gross receipts from each session a sum equal to the lesser 27666
of six hundred dollars or forty-five per cent of the gross 27667
receipts from the bingo described in that division as 27668
consideration for the use of the premises. 27669

(3) Use, or give, donate, or otherwise transfer, all of the 27670
net profit derived from bingo, ~~other than instant bingo,~~ described 27671
in division (O)(1) of section 2915.01 of the Revised Code for a 27672
charitable purpose listed in its license application and described 27673
in division (V) of section 2915.01 of the Revised Code, or 27674
distribute all of the net profit from the proceeds of the sale of 27675
instant bingo or electronic instant bingo as stated in its license 27676
application and in accordance with section 2915.101 of the Revised 27677
Code, as applicable. 27678

(B) No charitable organization that conducts a bingo game 27679
described in division (O)(1) of section 2915.01 of the Revised 27680
Code shall fail to do any of the following: 27681

(1) Conduct the bingo game on premises that are owned by the 27682
charitable organization, on premises that are owned by another 27683
charitable organization and leased from that charitable 27684
organization for a rental rate not in excess of the lesser of six 27685
hundred dollars per bingo session or forty-five per cent of the 27686
gross receipts of the bingo session, on premises that are leased 27687
from a person other than a charitable organization for a rental 27688
rate that is not more than is customary and reasonable for 27689
premises that are similar in location, size, and quality but not 27690
in excess of four hundred fifty dollars per bingo session, or on 27691
premises that are owned by a person other than a charitable 27692
organization, that are leased from that person by another 27693
charitable organization, and that are subleased from that other 27694
charitable organization by the charitable organization for a 27695
rental rate not in excess of four hundred fifty dollars per bingo 27696
session. No charitable organization is required to pay property 27697
taxes or assessments on premises that the charitable organization 27698
leases from another person to conduct bingo sessions. If the 27699
charitable organization leases from a person other than a 27700
charitable organization the premises on which it conducts bingo 27701
sessions, the lessor of the premises shall provide the premises to 27702
the organization and shall not provide the organization with bingo 27703
game operators, security personnel, concessions or concession 27704
operators, bingo supplies, or any other type of service. A 27705
charitable organization shall not lease or sublease premises that 27706
it owns or leases to more than three other charitable 27707
organizations per calendar week for conducting bingo sessions on 27708
the premises. A person that is not a charitable organization shall 27709
not lease premises that it owns, leases, or otherwise is empowered 27710
to lease to more than three charitable organizations per calendar 27711

week for conducting bingo sessions on the premises. In no case 27712
shall more than nine bingo sessions be conducted on any premises 27713
in any calendar week. 27714

(2) Display its license conspicuously at the premises where 27715
the bingo session is conducted; 27716

(3) Conduct the bingo session in accordance with the 27717
definition of bingo set forth in division (O)(1) of section 27718
2915.01 of the Revised Code. 27719

(C) No charitable organization that conducts a bingo game 27720
described in division (O)(1) of section 2915.01 of the Revised 27721
Code shall do any of the following: 27722

(1) Pay any compensation to a bingo game operator for 27723
operating a bingo session that is conducted by the charitable 27724
organization or for preparing, selling, or serving food or 27725
beverages at the site of the bingo session, permit any auxiliary 27726
unit or society of the charitable organization to pay compensation 27727
to any bingo game operator who prepares, sells, or serves food or 27728
beverages at a bingo session conducted by the charitable 27729
organization, or permit any auxiliary unit or society of the 27730
charitable organization to prepare, sell, or serve food or 27731
beverages at a bingo session conducted by the charitable 27732
organization, if the auxiliary unit or society pays any 27733
compensation to the bingo game operators who prepare, sell, or 27734
serve the food or beverages; 27735

(2) Pay consulting fees to any person for any services 27736
performed in relation to the bingo session; 27737

(3) Pay concession fees to any person who provides 27738
refreshments to the participants in the bingo session; 27739

(4) Except as otherwise provided in division (C)(4) of this 27740
section, conduct more than three bingo sessions in any seven-day 27741
period. A volunteer firefighter's organization or a volunteer 27742

rescue service organization that conducts not more than five bingo 27743
sessions in a calendar year may conduct more than three bingo 27744
sessions in a seven-day period after notifying the attorney 27745
general when it will conduct the sessions. 27746

(5) Pay out more than six thousand dollars in prizes for 27747
bingo games described in division (O)(1) of section 2915.01 of the 27748
Revised Code during any bingo session that is conducted by the 27749
charitable organization. "Prizes" does not include awards from the 27750
conduct of instant bingo. 27751

(6) Conduct a bingo session at any time during the eight-hour 27752
period between two a.m. and ten a.m., at any time during, or 27753
within ten hours of, a bingo game conducted for amusement only 27754
pursuant to section 2915.12 of the Revised Code, at any premises 27755
not specified on its license, or on any day of the week or during 27756
any time period not specified on its license. Division (A)(6) of 27757
this section does not prohibit the sale of instant bingo tickets 27758
beginning at nine a.m. for a bingo session that begins at ten a.m. 27759
If circumstances make it impractical for the charitable 27760
organization to conduct a bingo session at the premises, or on the 27761
day of the week or at the time, specified on its license, or if a 27762
charitable organization wants to conduct bingo sessions on a day 27763
of the week or at a time other than the day or time specified on 27764
its license, the charitable organization may apply in writing to 27765
the attorney general for an amended license pursuant to division 27766
~~(F)~~(J) of section 2915.08 of the Revised Code. A charitable 27767
organization may apply twice in each calendar year for an amended 27768
license to conduct bingo sessions on a day of the week or at a 27769
time other than the day or time specified on its license. If the 27770
amended license is granted, the organization may conduct bingo 27771
sessions at the premises, on the day of the week, and at the time 27772
specified on its amended license. 27773

(7) Permit any person whom the charitable organization knows, 27774

or should have known, is under the age of eighteen to work as a bingo game operator;

(8) Permit any person whom the charitable organization knows, or should have known, has been convicted of a felony or gambling offense in any jurisdiction to be a bingo game operator;

(9) Permit the lessor of the premises on which the bingo session is conducted, if the lessor is not a charitable organization, to provide the charitable organization with bingo game operators, security personnel, concessions, bingo supplies, or any other type of service;

(10) Purchase or lease bingo supplies from any person except a distributor issued a license under section 2915.081 of the Revised Code;

(11)(a) Use or permit the use of electronic bingo aids except under the following circumstances:

(i) For any single participant, not more than ninety bingo faces can be played using an electronic bingo aid or aids.

(ii) The charitable organization shall provide a participant using an electronic bingo aid with corresponding paper bingo cards or sheets.

(iii) The total price of bingo faces played with an electronic bingo aid shall be equal to the total price of the same number of bingo faces played with a paper bingo card or sheet sold at the same bingo session but without an electronic bingo aid.

(iv) An electronic bingo aid cannot be part of an electronic network other than a network that includes only bingo aids and devices that are located on the premises at which the bingo is being conducted or be interactive with any device not located on the premises at which the bingo is being conducted.

(v) An electronic bingo aid cannot be used to participate in

bingo that is conducted at a location other than the location at 27805
which the bingo session is conducted and at which the electronic 27806
bingo aid is used. 27807

(vi) An electronic bingo aid cannot be used to provide for 27808
the input of numbers and letters announced by a bingo caller other 27809
than the bingo caller who physically calls the numbers and letters 27810
at the location at which the bingo session is conducted and at 27811
which the electronic bingo aid is used. 27812

(b) The attorney general may adopt rules in accordance with 27813
Chapter 119. of the Revised Code that govern the use of electronic 27814
bingo aids. The rules may include a requirement that an electronic 27815
bingo aid be capable of being audited by the attorney general to 27816
verify the number of bingo cards or sheets played during each 27817
bingo session. 27818

(12) Permit any person the charitable organization knows, or 27819
should have known, to be under eighteen years of age to play bingo 27820
described in division (O)(1) of section 2915.01 of the Revised 27821
Code. 27822

(D)(1) Except as otherwise provided in division (D)(3) of 27823
this section, no charitable organization shall provide to a bingo 27824
game operator, and no bingo game operator shall receive or accept, 27825
any commission, wage, salary, reward, tip, donation, gratuity, or 27826
other form of compensation, directly or indirectly, regardless of 27827
the source, for conducting bingo or providing other work or labor 27828
at the site of bingo during a bingo session. 27829

(2) Except as otherwise provided in division (D)(3) of this 27830
section, no charitable organization shall provide to a bingo game 27831
operator any commission, wage, salary, reward, tip, donation, 27832
gratuity, or other form of compensation, directly or indirectly, 27833
regardless of the source, for conducting instant bingo, electronic 27834
instant bingo, or both other than at a bingo session at the site 27835

of instant bingo, electronic instant bingo, or both other than at 27836
a bingo session. 27837

(3) Nothing in division (D) of this section prohibits an 27838
employee of a fraternal organization, veteran's organization, or 27839
sporting organization from selling instant bingo tickets or cards 27840
to the organization's members or invited guests, as long as no 27841
portion of the employee's compensation is paid from any receipts 27842
of bingo. 27843

(E) Notwithstanding division (B)(1) of this section, a 27844
charitable organization that, prior to December 6, 1977, has 27845
entered into written agreements for the lease of premises it owns 27846
to another charitable organization or other charitable 27847
organizations for the conducting of bingo sessions so that more 27848
than two bingo sessions are conducted per calendar week on the 27849
premises, and a person that is not a charitable organization and 27850
that, prior to December 6, 1977, has entered into written 27851
agreements for the lease of premises it owns to charitable 27852
organizations for the conducting of more than two bingo sessions 27853
per calendar week on the premises, may continue to lease the 27854
premises to those charitable organizations, provided that no more 27855
than four sessions are conducted per calendar week, that the 27856
lessor organization or person has notified the attorney general in 27857
writing of the organizations that will conduct the sessions and 27858
the days of the week and the times of the day on which the 27859
sessions will be conducted, that the initial lease entered into 27860
with each organization that will conduct the sessions was filed 27861
with the attorney general prior to December 6, 1977, and that each 27862
organization that will conduct the sessions was issued a license 27863
to conduct bingo games by the attorney general prior to December 27864
6, 1977. 27865

(F) This section does not prohibit a bingo licensed 27866
charitable organization or a game operator from giving any person 27867

an instant bingo ticket as a prize. 27868

(G) Whoever violates division (A)(2) of this section is 27869
guilty of illegally conducting a bingo game, a felony of the 27870
fourth degree. Except as otherwise provided in this division, 27871
whoever violates division (A)(1) or (3), (B)(1), (2), or (3), 27872
(C)(1) to ~~(12)~~(11), or (D) of this section is guilty of a minor 27873
misdemeanor. If the offender previously has been convicted of a 27874
violation of division (A)(1) or (3), (B)(1), (2), or (3), (C)(1) 27875
to (11), or (D) of this section, a violation of division (A)(1) or 27876
(3), (B)(1), (2), or (3), (C), or (D) of this section is a 27877
misdemeanor of the first degree. Whoever violates division (C)(12) 27878
of this section is guilty of a misdemeanor of the first degree, or 27879
if the offender previously has been convicted of a violation of 27880
division (C)(12) of this section, a felony of the fourth degree. 27881

Sec. 2915.091. (A) No charitable organization that conducts 27882
instant bingo shall do any of the following: 27883

(1) Fail to comply with the requirements of divisions (A)(1), 27884
(2), and (3) of section 2915.09 of the Revised Code; 27885

(2) Conduct instant bingo unless either of the following 27886
applies: 27887

(a) That organization is, and has received from the internal 27888
revenue service a determination letter that is currently in effect 27889
stating that the organization is, exempt from federal income 27890
taxation under subsection 501(a), is described in subsection 27891
501(c)(3) of the Internal Revenue Code, is a charitable 27892
organization as defined in section 2915.01 of the Revised Code, is 27893
in good standing in the state pursuant to section 2915.08 of the 27894
Revised Code, and is in compliance with Chapter 1716. of the 27895
Revised Code; 27896

(b) That organization is, and has received from the internal 27897

revenue service a determination letter that is currently in effect 27898
stating that the organization is, exempt from federal income 27899
taxation under subsection 501(a), is described in subsection 27900
501(c)(7), 501(c)(8), 501(c)(10), or 501(c)(19) or is a veteran's 27901
organization described in subsection 501(c)(4) of the Internal 27902
Revenue Code, and conducts instant bingo under section 2915.13 of 27903
the Revised Code. 27904

(3) Conduct instant bingo on any day, at any time, or at any 27905
premises not specified on the organization's license issued 27906
pursuant to section 2915.08 of the Revised Code; 27907

(4) Permit any person whom the organization knows or should 27908
have known has been convicted of a felony or gambling offense in 27909
any jurisdiction to be a bingo game operator in the conduct of 27910
instant bingo; 27911

(5) Purchase or lease supplies used to conduct instant bingo 27912
or punch board games from any person except a distributor licensed 27913
under section 2915.081 of the Revised Code; 27914

(6) Sell or provide any instant bingo ticket or card for a 27915
price different from the price printed on it by the manufacturer 27916
on either the instant bingo ticket or card or on the game flare; 27917

(7) Sell an instant bingo ticket or card to a person under 27918
eighteen years of age; 27919

(8) Fail to keep unsold instant bingo tickets or cards for 27920
less than three years; 27921

(9) Pay any compensation to a bingo game operator for 27922
conducting instant bingo that is conducted by the organization or 27923
for preparing, selling, or serving food or beverages at the site 27924
of the instant bingo game, permit any auxiliary unit or society of 27925
the organization to pay compensation to any bingo game operator 27926
who prepares, sells, or serves food or beverages at an instant 27927
bingo game conducted by the organization, or permit any auxiliary 27928

unit or society of the organization to prepare, sell, or serve 27929
food or beverages at an instant bingo game conducted by the 27930
organization, if the auxiliary unit or society pays any 27931
compensation to the bingo game operators who prepare, sell, or 27932
serve the food or beverages; 27933

(10) Pay fees to any person for any services performed in 27934
relation to an instant bingo game, except as provided in division 27935
(D) of section 2915.093 of the Revised Code; 27936

(11) Pay fees to any person who provides refreshments to the 27937
participants in an instant bingo game; 27938

(12)(a) Allow instant bingo tickets or cards to be sold to 27939
bingo game operators at a premises at which the organization sells 27940
instant bingo tickets or cards or to be sold to employees of a D 27941
permit holder who are working at a premises at which instant bingo 27942
tickets or cards are sold; 27943

(b) Division (A)(12)(a) of this section does not prohibit a 27944
licensed charitable organization or a bingo game operator from 27945
giving any person an instant bingo ticket as a prize in place of a 27946
cash prize won by a participant in an instant bingo game. In no 27947
case shall an instant bingo ticket or card be sold or provided for 27948
a price different from the price printed on it by the manufacturer 27949
on either the instant bingo ticket or card or on the game flare. 27950

(13) Fail to display its bingo license, and the serial 27951
numbers of the deal of instant bingo tickets or cards to be sold, 27952
conspicuously at each premises at which it sells instant bingo 27953
tickets or cards; 27954

(14) Possess a deal of instant bingo tickets or cards that 27955
was not purchased from a distributor licensed under section 27956
2915.081 of the Revised Code as reflected on an invoice issued by 27957
the distributor that contains all of the information required by 27958
division (E) of section 2915.10 of the Revised Code; 27959

(15) Fail, once it opens a deal of instant bingo tickets or cards, to continue to sell the tickets or cards in that deal until the tickets or cards with the top two highest tiers of prizes in that deal are sold;

(16) Possess bingo supplies that were not obtained in accordance with ~~sections 2915.01 to 2915.13 of the Revised Code~~ this chapter.

(B) A charitable organization may purchase, lease, or use instant bingo ticket dispensers to sell instant bingo tickets or cards.

(C) The attorney general may adopt rules in accordance with Chapter 119. of the Revised Code that govern the conduct of instant bingo by charitable organizations. Before those rules are adopted, the attorney general shall reference the recommended standards for opacity, randomization, minimum information, winner protection, color, and cutting for instant bingo tickets or cards, seal cards, and punch boards established by the North American gaming regulators association.

(D) Whoever violates division (A) of this section or a rule adopted under division (C) of this section is guilty of illegal instant bingo conduct. Except as otherwise provided in this division, illegal instant bingo conduct is a misdemeanor of the first degree. If the offender previously has been convicted of a violation of division (A) of this section or of such a rule, illegal instant bingo conduct is a felony of the fifth degree.

Sec. 2915.092. (A)(1) Subject to division (A)(2) of this section, ~~a charitable organization, a public school, a chartered nonpublic school, a community school, or a veteran's organization, fraternal organization, or sporting organization~~ a person or entity that is exempt from federal income taxation under subsection 501(a) and is described in subsection 501(c)(3), 501(c)(4),

501(c)(6), 501(c)(7), 501(c)(8), 501(c)(10), or 501(c)(19) of the 27991
Internal Revenue Code may conduct a raffle to raise money for the 27992
~~organization or school~~person or entity and does not need a license 27993
to conduct bingo in order to conduct a raffle drawing that is not 27994
for profit. 27995

(2) If a ~~charitable organization~~person or entity that is 27996
described in division (A)(1) of this section, but that is not also 27997
described in subsection 501(c)(3) of the Internal Revenue Code, 27998
conducts a raffle, the ~~charitable organization~~person or entity 27999
shall distribute at least fifty per cent of the net profit from 28000
the raffle to a charitable purpose described in division (V) of 28001
section 2915.01 of the Revised Code or to a department or agency 28002
of the federal government, the state, or any political 28003
subdivision. 28004

(B) Except as provided in division (A) or (B) of this 28005
section, no person shall conduct a raffle drawing that is for 28006
profit or a raffle drawing that is not for profit. 28007

(C) Whoever violates division (B) of this section is guilty 28008
of illegal conduct of a raffle. Except as otherwise provided in 28009
this division, illegal conduct of a raffle is a misdemeanor of the 28010
first degree. If the offender previously has been convicted of a 28011
violation of division (B) of this section, illegal conduct of a 28012
raffle is a felony of the fifth degree. 28013

Sec. 2915.093. (A) As used in this section, "retail income 28014
from all commercial activity" means the income that a person 28015
receives from the provision of goods, services, or activities that 28016
are provided at the location where instant bingo other than at a 28017
bingo session is conducted, including the sale of instant bingo 28018
tickets. A religious organization that is exempt from federal 28019
income taxation under subsection 501(a) and described in 28020

subsection 501(c)(3) of the Internal Revenue Code, at not more 28021
than one location at which it conducts its charitable programs, 28022
may include donations from its members and guests as retail 28023
income. 28024

(B)(1) If a charitable instant bingo organization conducts 28025
instant bingo other than at a bingo session under a type III 28026
license issued under section 2915.08 of the Revised Code, the 28027
charitable instant bingo organization shall enter into a written 28028
contract with the owner or lessor of the location at which the 28029
instant bingo is conducted to allow the owner or lessor to assist 28030
in the conduct of instant bingo other than at a bingo session, 28031
identify each location where the instant bingo other than at a 28032
bingo session is being conducted, and identify the owner or lessor 28033
of each location. 28034

(2) A charitable instant bingo organization that conducts 28035
instant bingo other than at a bingo session under a type III 28036
license issued under section 2915.08 of the Revised Code is not 28037
required to enter into a written contract with the owner or lessor 28038
of the location at which the instant bingo is conducted, provided 28039
that the owner or lessor is not assisting in the conduct of the 28040
instant bingo other than at a bingo session and provided that the 28041
conduct of the instant bingo other than at a bingo session at that 28042
location is not more than five days per calendar year and not more 28043
than ten hours per day. 28044

(C) Except as provided in division (F) of this section, no 28045
charitable instant bingo organization shall conduct instant bingo 28046
other than at a bingo session at a location where the primary 28047
source of retail income from all commercial activity at that 28048
location is the sale of instant bingo tickets. 28049

(D) The owner or lessor of a location that enters into a 28050
contract pursuant to division (B) of this section shall pay the 28051

full gross profit to the charitable instant bingo organization, in 28052
return for the deal of instant bingo tickets. The owner or lessor 28053
may retain the money that the owner or lessor receives for selling 28054
the instant bingo tickets, provided, however, that after the deal 28055
has been sold, the owner or lessor shall pay to the charitable 28056
instant bingo organization the value of any unredeemed instant 28057
bingo prizes remaining in the deal of instant bingo tickets. 28058

The charitable instant bingo organization shall pay six per 28059
cent of the total gross receipts of any deal of instant bingo 28060
tickets for the purpose of reimbursing the owner or lessor for 28061
expenses described in this division. 28062

As used in this division, "expenses" means those items 28063
provided for in divisions (GG)(4), (5), (6), (7), (8), (12), and 28064
(13) of section 2915.01 of the Revised Code and that percentage of 28065
the owner's or lessor's rent for the location where instant bingo 28066
is conducted. "Expenses," in the aggregate, shall not exceed six 28067
per cent of the total gross receipts of any deal of instant bingo 28068
tickets. 28069

As used in this division, "full gross profit" means the 28070
amount by which the total receipts of all instant bingo tickets, 28071
if the deal had been sold in full, exceeds the amount that would 28072
be paid out if all prizes were redeemed. 28073

(E) A charitable instant bingo organization shall provide the 28074
attorney general with all of the following information: 28075

(1) That the charitable instant bingo organization has 28076
terminated a contract entered into pursuant to division (B) of 28077
this section with an owner or lessor of a location; 28078

(2) That the charitable instant bingo organization has 28079
entered into a written contract pursuant to division (B) of this 28080
section with a new owner or lessor of a location; 28081

(3) That the charitable instant bingo organization is aware 28082

of conduct by the owner or lessor of a location at which instant 28083
bingo is conducted that is in violation of this chapter. 28084

(F) Division (C) of this section does not apply to a 28085
volunteer firefighter's organization that is exempt from federal 28086
income taxation under subsection 501(a) and described in 28087
subsection 501(c)(3) of the Internal Revenue Code, that conducts 28088
instant bingo other than at a bingo session on the premises where 28089
the organization conducts firefighter training, that has conducted 28090
instant bingo continuously for at least five years prior to July 28091
1, 2003, and that, during each of those five years, had gross 28092
receipts of at least one million five hundred thousand dollars. 28093

Sec. 2915.095. The attorney general, by rule adopted pursuant 28094
to section 111.15 of the Revised Code, shall establish a standard 28095
contract to be used by a charitable instant bingo organization, a 28096
veteran's organization, a fraternal organization, or a sporting 28097
organization for the conduct of instant bingo, electronic instant 28098
bingo, or both other than at a bingo session under a type III 28099
license issued under section 2915.08 of the Revised Code. The 28100
terms of the contract shall be limited to the provisions in 28101
Chapter 2915. of the Revised Code. 28102

Sec. 2915.10. (A) No charitable organization that conducts 28103
bingo or a game of chance pursuant to division (D) of section 28104
2915.02 of the Revised Code shall fail to maintain the following 28105
records for at least three years from the date on which the bingo 28106
or game of chance is conducted: 28107

(1) An itemized list of the gross receipts of each bingo 28108
session, each game of instant bingo by serial number, each 28109
electronic instant bingo game by serial number, each raffle, each 28110
punch board game, and each game of chance, and an itemized list of 28111
the gross profits of each game of instant bingo by serial number 28112

and each electronic instant bingo game by serial number; 28113

(2) An itemized list of all expenses, other than prizes, that 28114
are incurred in conducting bingo ~~or instant bingo~~, the name of 28115
each person to whom the expenses are paid, and a receipt for all 28116
of the expenses; 28117

(3) A list of all prizes awarded during each bingo session, 28118
each raffle, each punch board game, and each game of chance 28119
conducted by the charitable organization, the total prizes awarded 28120
from each game of instant bingo by serial number and each 28121
electronic instant bingo game by serial number, and the name, 28122
address, and social security number of all persons who are winners 28123
of prizes of six hundred dollars or more in value; 28124

(4) An itemized list of the recipients of the net profit of 28125
the bingo or game of chance, including the name and address of 28126
each recipient to whom the money is distributed, and if the 28127
organization uses the net profit of bingo, or the money or assets 28128
received from a game of chance, for any charitable or other 28129
purpose set forth in division (V) of section 2915.01, division (D) 28130
of section 2915.02, or section 2915.101 of the Revised Code, a 28131
list of each purpose and an itemized list of each expenditure for 28132
each purpose; 28133

(5) The number of persons who participate in any bingo 28134
session or game of chance that is conducted by the charitable 28135
organization; 28136

(6) A list of receipts from the sale of food and beverages by 28137
the charitable organization or one of its auxiliary units or 28138
societies, if the receipts were excluded from gross receipts under 28139
division (T) of section 2915.01 of the Revised Code; 28140

(7) An itemized list of all expenses incurred at each bingo 28141
session, each raffle, each punch board game, or each game of 28142
instant bingo or electronic instant bingo conducted by the 28143

charitable organization in the sale of food and beverages by the 28144
charitable organization or by an auxiliary unit or society of the 28145
charitable organization, the name of each person to whom the 28146
expenses are paid, and a receipt for all of the expenses. 28147

(B) A charitable organization shall keep the records that it 28148
is required to maintain pursuant to division (A) of this section 28149
at its principal place of business in this state or at its 28150
headquarters in this state and shall notify the attorney general 28151
of the location at which those records are kept. 28152

(C) The gross profit from each bingo session or game 28153
described in division (O)(1) or (2) of section 2915.01 of the 28154
Revised Code shall be deposited into a checking account devoted 28155
exclusively to the bingo session or game. Payments for allowable 28156
expenses incurred in conducting the bingo session or game and 28157
payments to recipients of some or all of the net profit of the 28158
bingo session or game shall be made only by checks or electronic 28159
fund transfers drawn on the bingo session or game account. 28160

(D) Each charitable organization shall conduct and record an 28161
inventory of all of its bingo supplies as of the first day of 28162
November of each year. 28163

(E) The attorney general may adopt rules in accordance with 28164
Chapter 119. of the Revised Code that establish standards of 28165
accounting, record keeping, and reporting to ensure that gross 28166
receipts from bingo or games of chance are properly accounted for. 28167

(F) A distributor shall maintain, for a period of three years 28168
after the date of its sale or other provision, a record of each 28169
instance of its selling or otherwise providing to another person 28170
bingo supplies for use in this state. The record shall include all 28171
of the following for each instance: 28172

(1) The name of the manufacturer from which the distributor 28173
purchased the bingo supplies and the date of the purchase; 28174

(2) The name and address of the charitable organization or other distributor to which the bingo supplies were sold or otherwise provided;	28175 28176 28177
(3) A description that clearly identifies the bingo supplies;	28178
(4) Invoices that include the nonrepeating serial numbers of all paper bingo cards and sheets and all instant bingo deals sold or otherwise provided to each charitable organization.	28179 28180 28181
(G) A manufacturer shall maintain, for a period of three years after the date of its sale or other provision, a record of each instance of its selling or otherwise providing bingo supplies for use in this state. The record shall include all of the following for each instance:	28182 28183 28184 28185 28186
(1) The name and address of the distributor to whom the bingo supplies were sold or otherwise provided;	28187 28188
(2) A description that clearly identifies the bingo supplies, including serial numbers;	28189 28190
(3) Invoices that include the nonrepeating serial numbers of all paper bingo cards and sheets and all instant bingo deals sold or otherwise provided to each distributor.	28191 28192 28193
(H) The attorney general or any law enforcement agency may do all of the following:	28194 28195
(1) Investigate any charitable organization, <u>distributor, or manufacturer</u> or any officer, agent, trustee, member, or employee of the organization, <u>distributor, or manufacturer</u> ;	28196 28197 28198
(2) Examine the accounts and records of the <u>charitable organization, distributor, or manufacturer</u> or of any officer, agent, trustee, member, or employee of the organization, <u>distributor, or manufacturer</u> ;	28199 28200 28201 28202
(3) Conduct inspections, audits, and observations of bingo or games of chance;	28203 28204

(4) Conduct inspections of the premises where bingo or games 28205
of chance are conducted or where bingo supplies are manufactured 28206
or distributed; 28207

(5) Take any other necessary and reasonable action to 28208
determine if a violation of any provision of ~~sections 2915.01 to~~ 28209
~~2915.13 of the Revised Code~~ this chapter has occurred and to 28210
determine whether section 2915.11 of the Revised Code has been 28211
complied with. 28212

If any law enforcement agency has reasonable grounds to 28213
believe that a charitable organization, distributor, or 28214
manufacturer or an officer, agent, trustee, member, or employee of 28215
the organization, distributor, or manufacturer has violated any 28216
provision of this chapter, the law enforcement agency may proceed 28217
by action in the proper court to enforce this chapter, provided 28218
that the law enforcement agency shall give written notice to the 28219
attorney general when commencing an action as described in this 28220
division. 28221

(I) No person shall destroy, alter, conceal, withhold, or 28222
deny access to any accounts or records of a charitable 28223
organization, distributor, or manufacturer that have been 28224
requested for examination, or obstruct, impede, or interfere with 28225
any inspection, audit, or observation of bingo or a game of chance 28226
~~or, of~~ premises where bingo or a game of chance is conducted, or 28227
of premises where bingo supplies are manufactured or distributed, 28228
or refuse to comply with any reasonable request of, or obstruct, 28229
impede, or interfere with any other reasonable action undertaken 28230
by, the attorney general or a law enforcement agency pursuant to 28231
division (H) of this section. 28232

(J) Whoever violates division (A) or (I) of this section is 28233
guilty of a misdemeanor of the first degree. 28234

Sec. 2915.101. Except as otherwise provided by law, a 28235

charitable organization that conducts instant bingo or electronic 28236
instant bingo shall distribute the net profit from the proceeds of 28237
the sale of instant bingo or electronic instant bingo as follows: 28238

(A)(1) If a veteran's organization, a fraternal organization, 28239
or a sporting organization conducted the instant bingo or 28240
electronic instant bingo, the organization shall distribute the 28241
net profit from the proceeds of the sale of instant bingo or 28242
electronic instant bingo, as follows: 28243

(a) For the first two hundred fifty thousand dollars, or a 28244
greater amount prescribed by the attorney general to adjust for 28245
changes in prices as measured by the consumer price index as 28246
defined in section 325.18 of the Revised Code and other factors 28247
affecting the organization's expenses, as defined in division (GG) 28248
of section 2915.01 of the Revised Code, or less of net profit from 28249
the proceeds of the sale of instant bingo or electronic instant 28250
bingo generated in a calendar year: 28251

(i) At least twenty-five per cent shall be distributed to an 28252
organization described in division (V)(1) of section 2915.01 of 28253
the Revised Code or to a department or agency of the federal 28254
government, the state, or any political subdivision. 28255

(ii) Not more than seventy-five per cent may be deducted and 28256
retained by the organization for reimbursement of or for the 28257
organization's expenses, as defined in division (GG) of section 28258
2915.01 of the Revised Code, in conducting the instant bingo or 28259
electronic instant bingo game. 28260

(b) For any net profit from the proceeds of the sale of 28261
instant bingo or electronic instant bingo of more than two hundred 28262
fifty thousand dollars or an adjusted amount generated in a 28263
calendar year: 28264

(i) A minimum of fifty per cent shall be distributed to an 28265
organization described in division (V)(1) of section 2915.01 of 28266

the Revised Code or to a department or agency of the federal government, the state, or any political subdivision.

(ii) Five per cent may be distributed for the organization's own charitable purposes or to a community action agency.

(iii) Forty-five per cent may be deducted and retained by the organization for reimbursement of or for the organization's expenses, as defined in division (GG) of section 2915.01 of the Revised Code, in conducting the instant bingo or electronic instant bingo game.

(2) If a veteran's organization, a fraternal organization, or a sporting organization does not distribute the full percentages specified in divisions (A)(1)(a) and (b) of this section for the purposes specified in those divisions, the organization shall distribute the balance of the net profit from the proceeds of the sale of instant bingo or electronic instant bingo not distributed or retained for those purposes to an organization described in division (V)(1) of section 2915.01 of the Revised Code.

(B) If a charitable organization other than a veteran's organization, a fraternal organization, or a sporting organization conducted the instant bingo or electronic instant bingo, the organization shall distribute one hundred per cent of the net profit from the proceeds of the sale of instant bingo or electronic instant bingo to an organization described in division (V)(1) of section 2915.01 of the Revised Code or to a department or agency of the federal government, the state, or any political subdivision.

(C) Nothing in this section prohibits a veteran's organization, a fraternal organization, or a sporting organization from distributing any net profit from the proceeds of the sale of instant bingo or electronic instant bingo to an organization that is described in subsection 501(c)(3) of the Internal Revenue Code

when the organization that is described in subsection 501(c)(3) of 28298
the Internal Revenue Code is one that makes donations to other 28299
organizations and permits donors to advise or direct such 28300
donations so long as the donations comply with requirements 28301
established in or pursuant to subsection 501(c)(3) of the Internal 28302
Revenue Code. 28303

Sec. 2915.12. (A) Sections 2915.07 to ~~2915.11~~ 2915.15 of the 28304
Revised Code do not apply to bingo games that are conducted for 28305
the purpose of amusement only. A bingo game is conducted for the 28306
purpose of amusement only if it complies with all of the 28307
requirements specified in either division (A)(1) or (2) of this 28308
section: 28309

(1)(a) The participants do not pay any money or any other 28310
thing of value including an admission fee, or any fee for bingo 28311
cards or sheets, objects to cover the spaces, or other devices 28312
used in playing bingo, for the privilege of participating in the 28313
bingo game, or to defray any costs of the game, or pay tips or 28314
make donations during or immediately before or after the bingo 28315
game. 28316

(b) All prizes awarded during the course of the game are 28317
nonmonetary, and in the form of merchandise, goods, or 28318
entitlements to goods or services only, and the total value of all 28319
prizes awarded during the game is less than one hundred dollars. 28320

(c) No commission, wages, salary, reward, tip, donation, 28321
gratuity, or other form of compensation, either directly or 28322
indirectly, and regardless of the source, is paid to any bingo 28323
game operator for work or labor performed at the site of the bingo 28324
game. 28325

(d) The bingo game is not conducted either during or within 28326
ten hours of any of the following: 28327

(i) A bingo session during which a charitable bingo game is conducted pursuant to sections 2915.07 to 2915.11 of the Revised Code;	28328 28329 28330
(ii) A scheme or game of chance, or bingo described in division (O)(2) of section 2915.01 of the Revised Code.	28331 28332
(e) The number of players participating in the bingo game does not exceed fifty.	28333 28334
(2)(a) The participants do not pay money or any other thing of value as an admission fee, and no participant is charged more than twenty-five cents to purchase a bingo card or sheet, objects to cover the spaces, or other devices used in playing bingo.	28335 28336 28337 28338
(b) The total amount of money paid by all of the participants for bingo cards or sheets, objects to cover the spaces, or other devices used in playing bingo does not exceed one hundred dollars.	28339 28340 28341
(c) All of the money paid for bingo cards or sheets, objects to cover spaces, or other devices used in playing bingo is used only to pay winners monetary and nonmonetary prizes and to provide refreshments.	28342 28343 28344 28345
(d) The total value of all prizes awarded during the game does not exceed one hundred dollars.	28346 28347
(e) No commission, wages, salary, reward, tip, donation, gratuity, or other form of compensation, either directly or indirectly, and regardless of the source, is paid to any bingo game operator for work or labor performed at the site of the bingo game.	28348 28349 28350 28351 28352
(f) The bingo game is not conducted during or within ten hours of either of the following:	28353 28354
(i) A bingo session during which a charitable bingo game is conducted pursuant to sections 2915.07 to 2915.11 <u>2915.15</u> of the Revised Code;	28355 28356 28357

(ii) A scheme of chance or game of chance, or bingo described 28358
in division (O)(2) of section 2915.01 of the Revised Code. 28359

(g) All of the participants reside at the premises where the 28360
bingo game is conducted. 28361

(h) The bingo games are conducted on different days of the 28362
week and not more than twice in a calendar week. 28363

(B) The attorney general or any local law enforcement agency 28364
may investigate the conduct of a bingo game that purportedly is 28365
conducted for purposes of amusement only if there is reason to 28366
believe that the purported amusement bingo game does not comply 28367
with the requirements of either division (A)(1) or (2) of this 28368
section. A local law enforcement agency may proceed by action in 28369
the proper court to enforce this section if the local law 28370
enforcement agency gives written notice to the attorney general 28371
when commencing the action. 28372

Sec. 2915.13. (A) A Subject to the requirements of sections 28373
2915.14 and 2915.15 of the Revised Code concerning electronic 28374
instant bingo, a veteran's organization, a fraternal organization, 28375
or a sporting organization authorized to conduct a bingo session 28376
pursuant to ~~sections 2915.01 to 2915.12 of the Revised Code~~ this 28377
chapter may conduct instant bingo, electronic instant bingo, or 28378
both other than at a bingo session under a type III license issued 28379
under section 2915.08 of the Revised Code if all of the following 28380
apply: 28381

(1) The veteran's organization, fraternal organization, or 28382
sporting organization limits the sale of instant bingo or 28383
electronic instant bingo to twelve hours during any day, provided 28384
that the sale does not begin earlier than ten a.m. and ends not 28385
later than two a.m. 28386

(2) The veteran's organization, fraternal organization, or 28387

sporting organization limits the sale of instant bingo or 28388
electronic instant bingo to its own premises and to its own 28389
members and invited guests. 28390

(3) The veteran's organization, fraternal organization, or 28391
sporting organization is raising money for an organization that is 28392
described in subsection 509(a)(1), 509(a)(2), or 509(a)(3) of the 28393
Internal Revenue Code and is either a governmental unit or an 28394
organization that maintains its principal place of business in 28395
this state, that is exempt from federal income taxation under 28396
subsection 501(a) and described in subsection 501(c)(3) of the 28397
Internal Revenue Code, and that is in good standing in this state 28398
and executes a written contract with that organization as required 28399
in division (B) of this section. 28400

(B) If a veteran's organization, fraternal organization, or 28401
sporting organization authorized to conduct instant bingo or 28402
electronic instant bingo pursuant to division (A) of this section 28403
is raising money for another organization that is described in 28404
subsection 509(a)(1), 509(a)(2), or 509(a)(3) of the Internal 28405
Revenue Code and is either a governmental unit or an organization 28406
that maintains its principal place of business in this state, that 28407
is exempt from federal income taxation under subsection 501(a) and 28408
described in subsection 501(c)(3) of the Internal Revenue Code, 28409
and that is in good standing in this state, the veteran's 28410
organization, fraternal organization, or sporting organization 28411
shall execute a written contract with the organization that is 28412
described in subsection 509(a)(1), 509(a)(2), or 509(a)(3) of the 28413
Internal Revenue Code and is either a governmental unit or an 28414
organization that maintains its principal place of business in 28415
this state, that is exempt from federal income taxation under 28416
subsection 501(a) and described in subsection 501(c)(3) of the 28417
Internal Revenue Code, and that is in good standing in this state 28418
in order to conduct instant bingo or electronic instant bingo. 28419

That contract shall include a statement of the percentage of the net proceeds that the veteran's, fraternal, or sporting organization will be distributing to the organization that is described in subsection 509(a)(1), 509(a)(2), or 509(a)(3) of the Internal Revenue Code and is either a governmental unit or an organization that maintains its principal place of business in this state, that is exempt from federal income taxation under subsection 501(a) and described in subsection 501(c)(3) of the Internal Revenue Code, and that is in good standing in this state.

(C)(1) If a veteran's organization, fraternal organization, or sporting organization authorized to conduct instant bingo or electronic instant bingo pursuant to division (A) of this section has been issued a liquor permit under Chapter 4303. of the Revised Code, that permit may be subject to suspension, revocation, or cancellation if the veteran's organization, fraternal organization, or sporting organization violates a provision of this chapter.

(2) No veteran's organization, fraternal organization, or sporting organization that enters into a written contract pursuant to division (B) of this section shall violate any provision of this chapter or permit, aid, or abet any other person in violating any provision of this chapter.

(D) A veteran's organization, fraternal organization, or sporting organization shall give all required proceeds earned from the conduct of instant bingo or electronic instant bingo to the organization with which the veteran's organization, fraternal organization, or sporting organization has entered into a written contract.

(E) Whoever violates this section is guilty of illegal instant bingo or electronic instant bingo conduct. Except as otherwise provided in this division, illegal instant bingo or electronic instant bingo conduct is a misdemeanor of the first

degree. If the offender previously has been convicted of a 28452
violation of this section, illegal instant bingo or electronic 28453
instant bingo conduct is a felony of the fifth degree. 28454

Sec. 2915.14. (A) No charitable organization shall conduct 28455
electronic instant bingo unless all of the following are true: 28456

(1) The organization is a veteran's organization described in 28457
division (J) of section 2915.01 of the Revised Code, or is a 28458
fraternal organization described in division (L) of section 28459
2915.01 of the Revised Code, and the organization qualified as a 28460
veteran's organization or fraternal organization, as applicable, 28461
on or before June 30, 2021. 28462

(2) The organization is a veteran's organization described in 28463
subsection 501(c)(4) of the Internal Revenue Code or is, and has 28464
received from the internal revenue service a determination letter 28465
that is currently in effect stating that the organization is, 28466
exempt from federal income taxation under subsection 501(a), and 28467
is described in subsection 501(c)(7), 501(c)(8), 501(c)(10), or 28468
501(c)(19) of the Internal Revenue Code. 28469

(3) The organization has not conducted a raffle in violation 28470
of division (B) of section 2915.092 of the Revised Code using an 28471
electronic raffle machine, as described in Ohio Veterans and 28472
Fraternal Charitable Coalition v. DeWine, Case No. 13-CV-13610 28473
(C.P. Franklin Co. February 23, 2018), at any time on or after 28474
January 1, 2022. 28475

(B) No charitable organization that conducts electronic 28476
instant bingo shall do any of the following: 28477

(1) Possess an electronic instant bingo system that was not 28478
obtained in accordance with this chapter or with any rule adopted 28479
under this chapter; 28480

(2) Conduct electronic instant bingo on any day, at any time, 28481

<u>or on any premises not specified on the organization's type II or</u>	28482
<u>type III license issued under section 2915.08 of the Revised Code;</u>	28483
<u>(3) Hold more than one valid license to conduct electronic</u>	28484
<u>instant bingo at any one time;</u>	28485
<u>(4) Conduct electronic instant bingo on more than one</u>	28486
<u>premises or on any premises other than the charitable</u>	28487
<u>organization's principal place of business;</u>	28488
<u>(5) Operate more than ten electronic bingo systems at the</u>	28489
<u>premises on which the charitable organization conducts electronic</u>	28490
<u>instant bingo under its license;</u>	28491
<u>(6) Fail to display both of the following conspicuously at</u>	28492
<u>the premises on which the charitable organization conducts</u>	28493
<u>electronic instant bingo:</u>	28494
<u>(a) The charitable organization's bingo license;</u>	28495
<u>(b) The serial number of each deal of electronic instant</u>	28496
<u>bingo tickets being sold.</u>	28497
<u>(7) Permit any person the charitable organization knows, or</u>	28498
<u>should have known, to be under eighteen years of age to play</u>	28499
<u>electronic instant bingo;</u>	28500
<u>(8) Sell or provide to any person an electronic instant bingo</u>	28501
<u>ticket for a price different from the price displayed on the game</u>	28502
<u>flare for that deal, except that the charitable organization may</u>	28503
<u>give a participant who wins an electronic instant bingo game an</u>	28504
<u>electronic instant bingo ticket as a prize in place of a cash</u>	28505
<u>prize;</u>	28506
<u>(9) Fail, once an electronic instant bingo deal is begun, to</u>	28507
<u>continue to sell tickets in that deal until all prizes have been</u>	28508
<u>awarded;</u>	28509
<u>(10) Permit any person whom the organization knows, or should</u>	28510
<u>have known, has been convicted of a felony or gambling offense in</u>	28511

<u>any jurisdiction to be a bingo game operator in the conduct of</u>	28512
<u>electronic instant bingo;</u>	28513
<u>(11) Permit a bingo game operator to play electronic instant</u>	28514
<u>bingo;</u>	28515
<u>(12)(a) Except as otherwise provided in division (B)(12)(b)</u>	28516
<u>of this section, pay compensation to a bingo game operator for</u>	28517
<u>conducting electronic instant bingo.</u>	28518
<u>(b) Division (B)(12)(a) of this section does not prohibit an</u>	28519
<u>employee of a veteran's organization or fraternal organization</u>	28520
<u>from redeeming electronic instant bingo tickets or vouchers for</u>	28521
<u>the organization's members or invited guests, so long as no</u>	28522
<u>portion of the employee's compensation is paid from any bingo</u>	28523
<u>receipts.</u>	28524
<u>(13) Pay consulting fees to any person in relation to</u>	28525
<u>electronic instant bingo.</u>	28526
<u>(C) No person shall sell, offer to sell, or otherwise provide</u>	28527
<u>or offer to provide an electronic instant bingo system to any</u>	28528
<u>person for use in this state unless the electronic instant bingo</u>	28529
<u>system has been approved under section 2915.15 of the Revised</u>	28530
<u>Code.</u>	28531
<u>(D) The attorney general shall adopt rules under Chapter 119.</u>	28532
<u>of the Revised Code to ensure the integrity of electronic instant</u>	28533
<u>bingo, including, but not limited to, rules governing all of the</u>	28534
<u>following:</u>	28535
<u>(1) The requirements to receive a license or endorsement to</u>	28536
<u>conduct electronic instant bingo;</u>	28537
<u>(2) The location and number of electronic instant bingo</u>	28538
<u>systems in use, which shall not exceed ten at the single licensed</u>	28539
<u>location per organization;</u>	28540
<u>(3) The times when electronic instant bingo may be offered;</u>	28541

<u>(4) Signage requirements in facilities where electronic instant bingo is offered;</u>	28542
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<u>(5) Electronic instant bingo device and system specifications, including reveal features and game themes;</u>	28544
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<u>(6) Procedures and standards for the review, approval, inspection, and monitoring of electronic instant bingo systems, as described in section 2915.15 of the Revised Code;</u>	28546
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<u>(7) Procedures and standards for the review and approval of any changes to technology, systems, or games licensed or permitted under this chapter;</u>	28549
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<u>(8) The fees to be charged under section 2915.15 of the Revised Code for review, approval, inspection, and monitoring of electronic instant bingo systems;</u>	28552
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	28554
<u>(9) Procedures allowing the attorney general to seek a summary suspension of a license to conduct electronic instant bingo or a license to manufacture or distribute electronic instant bingo systems if the attorney general has good cause to believe that the person or organization licensed to conduct electronic instant bingo, or the person or organization licensed to manufacture or distribute electronic instant bingo systems, or any of the organization's employees, officers, directors, agents, representatives, or partners, has violated this chapter or a rule adopted under this chapter.</u>	28555
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<u>(E) Whoever knowingly violates division (A), (B), or (C) of this section or a rule adopted under division (D) of this section is guilty of illegal electronic instant bingo conduct. Illegal electronic instant bingo conduct is a misdemeanor of the first degree, except that if the offender previously has been convicted of a violation of division (A) or (B) of this section or of a rule adopted under division (D) of this section, illegal instant bingo conduct is a felony of the fifth degree.</u>	28565
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Sec. 2915.15. (A)(1) Before selling, offering to sell, or otherwise providing or offering to provide an electronic instant bingo system to any person for use in this state, a manufacturer shall submit the electronic instant bingo system to an independent testing laboratory that is licensed by the state lottery commission under section 3770.02 of the Revised Code, or that is certified under section 3772.31 of the Revised Code, for testing and evaluation to determine whether the electronic instant bingo system meets the requirements of this chapter and of rules adopted under this chapter. The manufacturer shall pay all costs of that testing and evaluation.

(2) If the independent testing laboratory certifies that the electronic instant bingo system meets the requirements of this chapter and of rules adopted under this chapter, the manufacturer may submit the electronic instant bingo system, along with a copy of the laboratory's certification and a fee established by the attorney general by rule under Chapter 119. of the Revised Code, to the attorney general for review and approval. The manufacturer also shall submit a fee established by the attorney general by rule under Chapter 119. of the Revised Code, which the attorney general shall use to pay the cost of reviewing and approving electronic instant bingo systems under division (A) of this section.

(3) The attorney general shall approve the system for use in this state if the attorney general determines that the electronic instant bingo system meets the requirements of this chapter and of the rules adopted under this chapter. The attorney general shall consult the Ohio casino control commission for assistance in determining whether an electronic instant bingo system is prohibited for use under this chapter on the ground that it is a slot machine.

(4) An electronic instant bingo system shall be verified and sealed by the attorney general before the electronic instant bingo system is placed into service. 28604
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(5) Before an electronic instant bingo system is removed from service, the attorney general's seal shall be removed by the attorney general's designee. If the seal is removed after an electronic instant bingo system is sealed by the attorney general but before the electronic instant bingo system is placed into service, or if the seal is removed before an electronic instant bingo system is removed from service, or if the seal is removed by someone other than the attorney general's designee, the electronic instant bingo system shall be returned to an independent testing laboratory described in division (A)(1) of this section. 28607
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(B) Any electronic instant bingo system approved for use in this state shall have a central server located in Ohio which is accessible to the attorney general and shall include an internal report management system that records information concerning the operation of the system and that meets the requirements adopted by the attorney general by rule under Chapter 119. of the Revised Code. The internal report management system shall permit the attorney general or another person designated by the attorney general to access the internal report management system, monitor the electronic instant bingo system, and remotely deactivate the electronic instant bingo system or any aspect of the system. 28617
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(C) The attorney general may inspect any electronic instant bingo system in use in this state at any time to ensure that the system is in compliance with this chapter and with the rules adopted under this chapter. If the attorney general determines that any person or any electronic instant bingo system is in violation of any provision of this chapter or of any rule adopted under this chapter, the attorney general may order that the violation immediately cease and may deactivate the electronic 28628
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instant bingo system or any aspect of it. 28636

(D) The attorney general may establish by rule adopted under 28637
Chapter 119. of the Revised Code an annual fee to be paid by 28638
distributors licensed under section 2915.081 of the Revised Code 28639
who have electronic instant bingo distributor endorsements to 28640
their licenses in order to pay the cost of monitoring the systems 28641
under division (B) of this section and the cost of inspecting 28642
systems under division (C) of this section. 28643

Sec. 2921.36. (A) No person shall knowingly convey, or 28644
attempt to convey, onto the grounds of a detention facility or of 28645
an institution, office building, or other place that is under the 28646
control of the department of mental health and addiction services, 28647
the department of developmental disabilities, the department of 28648
youth services, or the department of rehabilitation and correction 28649
any of the following items: 28650

(1) Any deadly weapon or dangerous ordnance, as defined in 28651
section 2923.11 of the Revised Code, or any part of or ammunition 28652
for use in such a deadly weapon or dangerous ordnance; 28653

(2) Any drug of abuse, as defined in section 3719.011 of the 28654
Revised Code; 28655

(3) Any intoxicating liquor, as defined in section 4301.01 of 28656
the Revised Code, except for small amounts of wine for sacramental 28657
purposes when the person engaging in the specified conduct is a 28658
cleric, as defined in section 2317.02 of the Revised Code. 28659

(B) Division (A) of this section does not apply to any person 28660
who conveys or attempts to convey an item onto the grounds of a 28661
detention facility or of an institution, office building, or other 28662
place under the control of the department of mental health and 28663
addiction services, the department of developmental disabilities, 28664
the department of youth services, or the department of 28665

rehabilitation and correction pursuant to the written 28666
authorization of the person in charge of the detention facility or 28667
the institution, office building, or other place and in accordance 28668
with the written rules of the detention facility or the 28669
institution, office building, or other place. 28670

(C) No person shall knowingly deliver, or attempt to deliver, 28671
to any person who is confined in a detention facility, to a child 28672
confined in a youth services facility, to a prisoner who is 28673
temporarily released from confinement for a work assignment, or to 28674
any patient in an institution under the control of the department 28675
of mental health and addiction services or the department of 28676
developmental disabilities any item listed in division (A)(1), 28677
(2), or (3) of this section. 28678

(D) No person shall knowingly deliver, or attempt to deliver, 28679
cash to any person who is confined in a detention facility, to a 28680
child confined in a youth services facility, or to a prisoner who 28681
is temporarily released from confinement for a work assignment. 28682

(E) No person shall knowingly deliver, or attempt to deliver, 28683
to any person who is confined in a detention facility, to a child 28684
confined in a youth services facility, or to a prisoner who is 28685
temporarily released from confinement for a work assignment a 28686
cellular telephone, two-way radio, or other electronic 28687
communications device. 28688

(F)(1) It is an affirmative defense to a charge under 28689
division (A)(1) of this section that the weapon or dangerous 28690
ordnance in question was being transported in a motor vehicle for 28691
any lawful purpose, that it was not on the actor's person, and, if 28692
the weapon or dangerous ordnance in question was a firearm, that 28693
it was unloaded and was being carried in a closed package, box, or 28694
case or in a compartment that can be reached only by leaving the 28695
vehicle. 28696

(2) It is an affirmative defense to a charge under division 28697
(C) of this section that the actor was not otherwise prohibited by 28698
law from delivering the item to the confined person, the child, 28699
the prisoner, or the patient and that either of the following 28700
applies: 28701

(a) The actor was permitted by the written rules of the 28702
detention facility or the institution, office building, or other 28703
place to deliver the item to the confined person or the patient. 28704

(b) The actor was given written authorization by the person 28705
in charge of the detention facility or the institution, office 28706
building, or other place to deliver the item to the confined 28707
person or the patient. 28708

(G)(1) Whoever violates division (A)(1) of this section or 28709
commits a violation of division (C) of this section involving an 28710
item listed in division (A)(1) of this section is guilty of 28711
illegal conveyance of weapons onto the grounds of a specified 28712
governmental facility, a felony of the third degree. If the 28713
offender is an officer or employee of the department of 28714
rehabilitation and correction, the court shall impose a mandatory 28715
prison term from the range of definite prison terms prescribed in 28716
division (A)(3)(b) of section 2929.14 of the Revised Code for a 28717
felony of the third degree. 28718

(2) Whoever violates division (A)(2) of this section or 28719
commits a violation of division (C) of this section involving any 28720
drug of abuse is guilty of illegal conveyance of drugs of abuse 28721
onto the grounds of a specified governmental facility, a felony of 28722
the third degree. If the offender is an officer or employee of the 28723
department of rehabilitation and correction or of the department 28724
of youth services, the court shall impose a mandatory prison term 28725
from the range of definite prison terms prescribed in division 28726
(A)(3)(b) of section 2929.14 of the Revised Code for a felony of 28727
the third degree. 28728

(3) Whoever violates division (A)(3) of this section or 28729
commits a violation of division (C) of this section involving any 28730
intoxicating liquor is guilty of illegal conveyance of 28731
intoxicating liquor onto the grounds of a specified governmental 28732
facility, a misdemeanor of the second degree. 28733

(4) Whoever violates division (D) of this section is guilty 28734
of illegal conveyance of cash onto the grounds of a detention 28735
facility, a misdemeanor of the first degree. If the offender 28736
previously has been convicted of or pleaded guilty to a violation 28737
of division (D) of this section, illegal conveyance of cash onto 28738
the grounds of a detention facility is a felony of the fifth 28739
degree. 28740

(5) Whoever violates division (E) of this section is guilty 28741
of illegal conveyance of a communications device onto the grounds 28742
of a specified governmental facility, a misdemeanor of the first 28743
degree, or if the offender previously has been convicted of or 28744
pleaded guilty to a violation of division (E) of this section, a 28745
felony of the fifth degree. 28746

Sec. 2929.15. (A)(1) If in sentencing an offender for a 28747
felony the court is not required to impose a prison term, a 28748
mandatory prison term, or a term of life imprisonment upon the 28749
offender, the court may directly impose a sentence that consists 28750
of one or more community control sanctions authorized pursuant to 28751
section 2929.16, 2929.17, or 2929.18 of the Revised Code. If the 28752
court is sentencing an offender for a fourth degree felony OVI 28753
offense under division (G)(1) of section 2929.13 of the Revised 28754
Code, in addition to the mandatory term of local incarceration 28755
imposed under that division and the mandatory fine required by 28756
division (B)(3) of section 2929.18 of the Revised Code, the court 28757
may impose upon the offender a community control sanction or 28758
combination of community control sanctions in accordance with 28759

sections 2929.16 and 2929.17 of the Revised Code. If the court is sentencing an offender for a third or fourth degree felony OVI offense under division (G)(2) of section 2929.13 of the Revised Code, in addition to the mandatory prison term or mandatory prison term and additional prison term imposed under that division, the court also may impose upon the offender a community control sanction or combination of community control sanctions under section 2929.16 or 2929.17 of the Revised Code, but the offender shall serve all of the prison terms so imposed prior to serving the community control sanction.

The duration of all community control sanctions imposed on an offender under this division shall not exceed five years. If the offender absconds or otherwise leaves the jurisdiction of the court in which the offender resides without obtaining permission from the court or the offender's probation officer to leave the jurisdiction of the court, or if the offender is confined in any institution for the commission of any offense while under a community control sanction, the period of the community control sanction ceases to run until the offender is brought before the court for its further action. If the court sentences the offender to one or more nonresidential sanctions under section 2929.17 of the Revised Code, the court shall impose as a condition of the nonresidential sanctions that, during the period of the sanctions, the offender must abide by the law and must not leave the state without the permission of the court or the offender's probation officer. The court may impose any other conditions of release under a community control sanction that the court considers appropriate, including, but not limited to, requiring that the offender not ingest or be injected with a drug of abuse and submit to random drug testing as provided in division (D) of this section to determine whether the offender ingested or was injected with a drug of abuse and requiring that the results of the drug test

indicate that the offender did not ingest or was not injected with a drug of abuse. 28792
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(2)(a) If a court sentences an offender to any community control sanction or combination of community control sanctions authorized pursuant to section 2929.16, 2929.17, or 2929.18 of the Revised Code, the court shall place the offender under the general control and supervision of a department of probation in the county that serves the court for purposes of reporting to the court a violation of any condition of the sanctions, any condition of release under a community control sanction imposed by the court, a violation of law, or the departure of the offender from this state without the permission of the court or the offender's probation officer. Alternatively, if the offender resides in another county and a county department of probation has been established in that county or that county is served by a multicounty probation department established under section 2301.27 of the Revised Code, the court may request the court of common pleas of that county to receive the offender into the general control and supervision of that county or multicounty department of probation for purposes of reporting to the court a violation of any condition of the sanctions, any condition of release under a community control sanction imposed by the court, a violation of law, or the departure of the offender from this state without the permission of the court or the offender's probation officer, subject to the jurisdiction of the trial judge over and with respect to the person of the offender, and to the rules governing that department of probation. 28794
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If there is no department of probation in the county that serves the court, the court shall place the offender, regardless of the offender's county of residence, under the general control and supervision of the adult parole authority or an entity authorized under division (B) of section 2301.27 of the Revised 28819
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Code to provide probation and supervisory services to counties for 28824
purposes of reporting to the court a violation of any of the 28825
sanctions, any condition of release under a community control 28826
sanction imposed by the court, a violation of law, or the 28827
departure of the offender from this state without the permission 28828
of the court or the offender's probation officer. 28829

(b) If the court imposing sentence on an offender sentences 28830
the offender to any community control sanction or combination of 28831
community control sanctions authorized pursuant to section 28832
2929.16, 2929.17, or 2929.18 of the Revised Code, and if the 28833
offender violates any condition of the sanctions, violates any 28834
condition of release under a community control sanction imposed by 28835
the court, violates any law, or departs the state without the 28836
permission of the court or the offender's probation officer, the 28837
public or private person or entity that operates or administers 28838
the sanction or the program or activity that comprises the 28839
sanction shall report the violation or departure directly to the 28840
sentencing court, or shall report the violation or departure to 28841
the county or multicounty department of probation with general 28842
control and supervision over the offender under division (A)(2)(a) 28843
of this section or the officer of that department who supervises 28844
the offender, or, if there is no such department with general 28845
control and supervision over the offender under that division, to 28846
the adult parole authority or an entity authorized under division 28847
(B) of section 2301.27 of the Revised Code to provide probation 28848
and supervisory services to the county. If the public or private 28849
person or entity that operates or administers the sanction or the 28850
program or activity that comprises the sanction reports the 28851
violation or departure to the county or multicounty department of 28852
probation, the adult parole authority, or any other entity 28853
providing probation and supervisory services to the county, the 28854
department's, authority's, or other entity's officers may treat 28855
the offender as if the offender were on probation and in violation 28856

of the probation, and shall report the violation of the condition 28857
of the sanction, any condition of release under a community 28858
control sanction imposed by the court, the violation of law, or 28859
the departure from the state without the required permission to 28860
the sentencing court. 28861

(3) If an offender who is eligible for community control 28862
sanctions under this section admits to being drug addicted or the 28863
court has reason to believe that the offender is drug addicted, 28864
and if the offense for which the offender is being sentenced was 28865
related to the addiction, the court may require that the offender 28866
be assessed by a properly credentialed professional within a 28867
specified period of time and shall require the professional to 28868
file a written assessment of the offender with the court. If a 28869
court imposes treatment and recovery support services as a 28870
community control sanction, the court shall direct the level and 28871
type of treatment and recovery support services after 28872
consideration of the written assessment, if available at the time 28873
of sentencing, and recommendations of the professional and other 28874
treatment and recovery support services providers. 28875

(4) If an assessment completed pursuant to division (A)(3) of 28876
this section indicates that the offender is addicted to drugs or 28877
alcohol, the court may include in any community control sanction 28878
imposed for a violation of section 2925.02, 2925.03, 2925.04, 28879
2925.05, 2925.06, 2925.11, 2925.13, 2925.22, 2925.23, 2925.36, or 28880
2925.37 of the Revised Code a requirement that the offender 28881
participate in alcohol and drug addiction services and recovery 28882
supports certified under section 5119.36 of the Revised Code or 28883
offered by a properly credentialed community addiction services 28884
provider. 28885

(B)(1) If the conditions of a community control sanction 28886
imposed for a felony are violated or if the offender violates a 28887
law or leaves the state without the permission of the court or the 28888

offender's probation officer, the sentencing court may impose on 28889
the violator one or more of the following penalties: 28890

(a) A longer time under the same sanction if the total time 28891
under the sanctions does not exceed the five-year limit specified 28892
in division (A) of this section; 28893

(b) A more restrictive sanction under section 2929.16, 28894
2929.17, or 2929.18 of the Revised Code, including but not limited 28895
to, a new term in a community-based correctional facility, halfway 28896
house, or jail pursuant to division (A)(6) of section 2929.16 of 28897
the Revised Code; 28898

(c) A prison term on the offender pursuant to section 2929.14 28899
of the Revised Code and division (B)(3) of this section, provided 28900
that a prison term imposed under this division is subject to the 28901
following limitations and rules, as applicable: 28902

(i) If the prison term is imposed for any technical violation 28903
of the conditions of a community control sanction imposed for a 28904
felony of the fifth degree, the prison term shall not exceed 28905
ninety days, provided that if the remaining period of community 28906
control at the time of the violation or the remaining period of 28907
the ~~suspended~~ reserved prison sentence at that time is less than 28908
ninety days, the prison term shall not exceed the length of the 28909
remaining period of community control or the remaining period of 28910
the ~~suspended~~ reserved prison sentence. If the court imposes a 28911
prison term as described in this division, division (B)(2)(b) of 28912
this section applies. 28913

(ii) If the prison term is imposed for any technical 28914
violation of the conditions of a community control sanction 28915
imposed for a felony of the fourth degree that is not an offense 28916
of violence and is not a sexually oriented offense , the prison 28917
term shall not exceed one hundred eighty days, provided that if 28918
the remaining period of the community control at the time of the 28919

violation or the remaining period of the ~~suspended~~ reserved prison 28920
sentence at that time is less than one hundred eighty days, the 28921
prison term shall not exceed the length of the remaining period of 28922
community control or the remaining period of the ~~suspended~~ 28923
reserved prison sentence. If the court imposes a prison term as 28924
described in this division, division (B)(2)(b) of this section 28925
applies. 28926

(iii) A court is not limited in the number of times it may 28927
sentence an offender to a prison term under division (B)(1)(c) of 28928
this section for a violation of the conditions of a community 28929
control sanction or for a violation of a law or leaving the state 28930
without the permission of the court or the offender's probation 28931
officer. If an offender who is under a community control sanction 28932
violates the conditions of the sanction or violates a law or 28933
leaves the state without the permission of the court or the 28934
offender's probation officer, is sentenced to a prison term for 28935
the violation or conduct, is released from the term after serving 28936
it, and subsequently violates the conditions of the sanction or 28937
violates a law or leaves the state without the permission of the 28938
court or the offender's probation officer, the court may impose a 28939
new prison term sanction on the offender under division (B)(1)(c) 28940
of this section for the subsequent violation or conduct. 28941

(2)(a) If an offender was acting pursuant to division 28942
(B)(2)(b) of section 2925.11 of the Revised Code and in so doing 28943
violated the conditions of a community control sanction based on a 28944
minor drug possession offense, as defined in section 2925.11 of 28945
the Revised Code, the sentencing court may consider the offender's 28946
conduct in seeking or obtaining medical assistance for another in 28947
good faith or for self or may consider the offender being the 28948
subject of another person seeking or obtaining medical assistance 28949
in accordance with that division as a mitigating factor before 28950
imposing any of the penalties described in division (B)(1) of this 28951

section. 28952

(b) If a court imposes a prison term on an offender under 28953
division (B)(1)(c)(i) or (ii) of this section for a technical 28954
violation of the conditions of a community control sanction, one 28955
of the following is applicable with respect to the time that the 28956
offender spends in prison under the term: 28957

(i) Subject to division (B)(2)(b)(ii) of this section, it 28958
shall be credited against the offender's community control 28959
sanction that was being served at the time of the violation, and 28960
the remaining time under that community control sanction shall be 28961
reduced by the time that the offender spends in prison under the 28962
prison term. The By determination of the court, the offender upon 28963
release from the prison term either shall continue serving the 28964
remaining time under the community control sanction, as reduced 28965
under this division, or shall have the community control sanction 28966
terminated. 28967

(ii) If the offender, at the time of the a prison term is 28968
imposed for a technical violation, the offender was serving a 28969
residential community control sanction as part of a suspended 28970
prison sentence, it imposed under section 2929.16 of the Revised 28971
Code, the time spent serving the residential community control 28972
sanction shall be credited against the offender's community 28973
control sanction that was being served at the time of the 28974
violation and against the suspended reserved prison sentence, and 28975
the remaining time under that residential community control 28976
sanction and under the suspended reserved prison sentence shall be 28977
reduced by the time that the offender spends in prison under the 28978
prison term. The By determination of the court, the offender upon 28979
release from the prison term either shall continue serving the 28980
remaining time under the residential community control sanction, 28981
as reduced under this division, or shall have the residential 28982
community control sanction terminated. 28983

~~(c) A court is not limited in the number of times it may sentence an offender to a prison term under division (B)(1)(c) of this section for a violation of the conditions of a community control sanction or for a violation of a law or leaving the state without the permission of the court or the offender's probation officer. If an offender who is under a community control sanction violates the conditions of the sanction or violates a law or leaves the state without the permission of the court or the offender's probation officer, is sentenced to a prison term for the violation or conduct, is released from the term after serving it, and subsequently violates the conditions of the sanction or violates a law or leaves the state without the permission of the court or the offender's probation officer, the court may impose a new prison term sanction on the offender under division (B)(1)(c) of this section for the subsequent violation or conduct.~~

(3) The prison term, if any, imposed on a violator pursuant to this division and division (B)(1) of this section shall be within the range of prison terms described in this division and shall not exceed the a prison term from the range of terms specified in the notice provided to the offender at the sentencing hearing pursuant to division ~~(B)(2)~~(B)(4) of section 2929.19 of the Revised Code. The court may reduce the longer period of time that the offender is required to spend under the longer sanction, the more restrictive sanction, or a prison term imposed pursuant to division (B)(1) of this section by the time the offender successfully spent under the sanction that was initially imposed. Except as otherwise specified in this division, the prison term imposed under this division and division (B)(1) of this section shall be within the range of prison terms available as a definite term for the offense for which the sanction that was violated was imposed. If the offense for which the sanction that was violated was imposed is a felony of the first or second degree committed on or after March 22, 2019, the prison term so imposed under this

division shall be within the range of prison terms available as a 29017
minimum term for the offense under division (A)(1)(a) or (2)(a) of 29018
section 2929.14 of the Revised Code. 29019

(C) If an offender, for a significant period of time, 29020
fulfills the conditions of a sanction imposed pursuant to section 29021
2929.16, 2929.17, or 2929.18 of the Revised Code in an exemplary 29022
manner, the court may reduce the period of time under the sanction 29023
or impose a less restrictive sanction, but the court shall not 29024
permit the offender to violate any law or permit the offender to 29025
leave the state without the permission of the court or the 29026
offender's probation officer. 29027

(D)(1) If a court under division (A)(1) of this section 29028
imposes a condition of release under a community control sanction 29029
that requires the offender to submit to random drug testing, the 29030
department of probation, the adult parole authority, or any other 29031
entity that has general control and supervision of the offender 29032
under division (A)(2)(a) of this section may cause the offender to 29033
submit to random drug testing performed by a laboratory or entity 29034
that has entered into a contract with any of the governmental 29035
entities or officers authorized to enter into a contract with that 29036
laboratory or entity under section 341.26, 753.33, or 5120.63 of 29037
the Revised Code. 29038

(2) If no laboratory or entity described in division (D)(1) 29039
of this section has entered into a contract as specified in that 29040
division, the department of probation, the adult parole authority, 29041
or any other entity that has general control and supervision of 29042
the offender under division (A)(2)(a) of this section shall cause 29043
the offender to submit to random drug testing performed by a 29044
reputable public laboratory to determine whether the individual 29045
who is the subject of the drug test ingested or was injected with 29046
a drug of abuse. 29047

(3) A laboratory or entity that has entered into a contract 29048

pursuant to section 341.26, 753.33, or 5120.63 of the Revised Code 29049
shall perform the random drug tests under division (D)(1) of this 29050
section in accordance with the applicable standards that are 29051
included in the terms of that contract. A public laboratory shall 29052
perform the random drug tests under division (D)(2) of this 29053
section in accordance with the standards set forth in the policies 29054
and procedures established by the department of rehabilitation and 29055
correction pursuant to section 5120.63 of the Revised Code. An 29056
offender who is required under division (A)(1) of this section to 29057
submit to random drug testing as a condition of release under a 29058
community control sanction and whose test results indicate that 29059
the offender ingested or was injected with a drug of abuse shall 29060
pay the fee for the drug test if the department of probation, the 29061
adult parole authority, or any other entity that has general 29062
control and supervision of the offender requires payment of a fee. 29063
A laboratory or entity that performs the random drug testing on an 29064
offender under division (D)(1) or (2) of this section shall 29065
transmit the results of the drug test to the appropriate 29066
department of probation, the adult parole authority, or any other 29067
entity that has general control and supervision of the offender 29068
under division (A)(2)(a) of this section. 29069

(E) As used in this section, "technical violation" means a 29070
violation of the conditions of a community control sanction 29071
imposed for a felony of the fifth degree, or for a felony of the 29072
fourth degree that is not an offense of violence and is not a 29073
sexually oriented offense, and to which neither of the following 29074
applies: 29075

(1) The violation consists of a new criminal offense that is 29076
a felony or that is a misdemeanor other than a minor misdemeanor, 29077
and the violation is committed while under the community control 29078
sanction. 29079

(2) The violation consists of or includes the offender's 29080

articulated or demonstrated refusal to participate in the 29081
community control sanction imposed on the offender or any of its 29082
conditions, and the refusal demonstrates to the court that the 29083
offender has abandoned the objects of the community control 29084
sanction or condition. 29085

Sec. 2929.19. (A) The court shall hold a sentencing hearing 29086
before imposing a sentence under this chapter upon an offender who 29087
was convicted of or pleaded guilty to a felony and before 29088
resentencing an offender who was convicted of or pleaded guilty to 29089
a felony and whose case was remanded pursuant to section 2953.07 29090
or 2953.08 of the Revised Code. At the hearing, the offender, the 29091
prosecuting attorney, the victim or the victim's representative in 29092
accordance with section 2930.14 of the Revised Code, and, with the 29093
approval of the court, any other person may present information 29094
relevant to the imposition of sentence in the case. The court 29095
shall inform the offender of the verdict of the jury or finding of 29096
the court and ask the offender whether the offender has anything 29097
to say as to why sentence should not be imposed upon the offender. 29098

(B)(1) At the sentencing hearing, the court, before imposing 29099
sentence, shall do all of the following: 29100

(a) Consider the record, any information presented at the 29101
hearing by any person pursuant to division (A) of this section, 29102
and, if one was prepared, the presentence investigation report 29103
made pursuant to section 2951.03 of the Revised Code or Criminal 29104
Rule 32.2, and any victim impact statement made pursuant to 29105
section 2947.051 of the Revised Code; 29106

(b) If the offense was committed when the offender was under 29107
eighteen years of age, in addition to other factors considered, 29108
consider youth and its characteristics as mitigating factors, 29109
including: 29110

(i) The chronological age of the offender at the time of the 29111

offense and that age's hallmark features, including intellectual 29112
capacity, immaturity, impetuosity, and a failure to appreciate 29113
risks and consequences; 29114

(ii) The family and home environment of the offender at the 29115
time of the offense, the offender's inability to control the 29116
offender's surroundings, a history of trauma regarding the 29117
offender, and the offender's school and special education history; 29118

(iii) The circumstances of the offense, including the extent 29119
of the offender's participation in the conduct and the way 29120
familial and peer pressures may have impacted the offender's 29121
conduct; 29122

(iv) Whether the offender might have been charged and 29123
convicted of a lesser offense if not for the incompetencies 29124
associated with youth, such as the offender's inability to deal 29125
with police officers and prosecutors during the offender's 29126
interrogation or possible plea agreement or the offender's 29127
inability to assist the offender's own attorney; 29128

(v) Examples of the offender's rehabilitation, including any 29129
subsequent growth or increase in maturity during confinement. 29130

(2) Subject to division (B)(3) of this section, if the 29131
sentencing court determines at the sentencing hearing that a 29132
prison term is necessary or required, the court shall do all of 29133
the following: 29134

(a) Impose a stated prison term and, if the court imposes a 29135
mandatory prison term, notify the offender that the prison term is 29136
a mandatory prison term; 29137

(b) In addition to any other information, include in the 29138
sentencing entry the name and section reference to the offense or 29139
offenses, the sentence or sentences imposed and whether the 29140
sentence or sentences contain mandatory prison terms, if sentences 29141
are imposed for multiple counts whether the sentences are to be 29142

served concurrently or consecutively, and the name and section 29143
reference of any specification or specifications for which 29144
sentence is imposed and the sentence or sentences imposed for the 29145
specification or specifications; 29146

(c) If the prison term is a non-life felony indefinite prison 29147
term, notify the offender of all of the following: 29148

(i) That it is rebuttably presumed that the offender will be 29149
released from service of the sentence on the expiration of the 29150
minimum prison term imposed as part of the sentence or on the 29151
offender's presumptive earned early release date, as defined in 29152
section 2967.271 of the Revised Code, whichever is earlier; 29153

(ii) That the department of rehabilitation and correction may 29154
rebut the presumption described in division (B)(2)(c)(i) of this 29155
section if, at a hearing held under section 2967.271 of the 29156
Revised Code, the department makes specified determinations 29157
regarding the offender's conduct while confined, the offender's 29158
rehabilitation, the offender's threat to society, the offender's 29159
restrictive housing, if any, while confined, and the offender's 29160
security classification; 29161

(iii) That if, as described in division (B)(2)(c)(ii) of this 29162
section, the department at the hearing makes the specified 29163
determinations and rebuts the presumption, the department may 29164
maintain the offender's incarceration after the expiration of that 29165
minimum term or after that presumptive earned early release date 29166
for the length of time the department determines to be reasonable, 29167
subject to the limitation specified in section 2967.271 of the 29168
Revised Code; 29169

(iv) That the department may make the specified 29170
determinations and maintain the offender's incarceration under the 29171
provisions described in divisions (B)(2)(c)(i) and (ii) of this 29172
section more than one time, subject to the limitation specified in 29173

section 2967.271 of the Revised Code; 29174

(v) That if the offender has not been released prior to the 29175
expiration of the offender's maximum prison term imposed as part 29176
of the sentence, the offender must be released upon the expiration 29177
of that term. 29178

(d) Notify the offender that the offender will be supervised 29179
under section 2967.28 of the Revised Code after the offender 29180
leaves prison if the offender is being sentenced, other than to a 29181
sentence of life imprisonment, for a felony of the first degree or 29182
second degree, for a felony sex offense, or for a felony of the 29183
third degree that is an offense of violence and is not a felony 29184
sex offense. This division applies with respect to all prison 29185
terms imposed for an offense of a type described in this division, 29186
including a non-life felony indefinite prison term and including a 29187
term imposed for any offense of a type described in this division 29188
that is a risk reduction sentence, as defined in section 2967.28 29189
of the Revised Code. If a court imposes a sentence including a 29190
prison term of a type described in division (B)(2)(d) of this 29191
section on or after July 11, 2006, the failure of a court to 29192
notify the offender pursuant to division (B)(2)(d) of this section 29193
that the offender will be supervised under section 2967.28 of the 29194
Revised Code after the offender leaves prison or to include in the 29195
judgment of conviction entered on the journal a statement to that 29196
effect does not negate, limit, or otherwise affect the mandatory 29197
period of supervision that is required for the offender under 29198
division (B) of section 2967.28 of the Revised Code. Section 29199
2929.191 of the Revised Code applies if, prior to July 11, 2006, a 29200
court imposed a sentence including a prison term of a type 29201
described in division (B)(2)(d) of this section and failed to 29202
notify the offender pursuant to division (B)(2)(d) of this section 29203
regarding post-release control or to include in the judgment of 29204
conviction entered on the journal or in the sentence a statement 29205

regarding post-release control. 29206

(e) Notify the offender that the offender may be supervised 29207
under section 2967.28 of the Revised Code after the offender 29208
leaves prison if the offender is being sentenced for a felony of 29209
the third, fourth, or fifth degree that is not subject to division 29210
(B)(2)(d) of this section. This division applies with respect to 29211
all prison terms imposed for an offense of a type described in 29212
this division, including a term imposed for any such offense that 29213
is a risk reduction sentence, as defined in section 2967.28 of the 29214
Revised Code. Section 2929.191 of the Revised Code applies if, 29215
prior to July 11, 2006, a court imposed a sentence including a 29216
prison term of a type described in division (B)(2)(e) of this 29217
section and failed to notify the offender pursuant to division 29218
(B)(2)(e) of this section regarding post-release control or to 29219
include in the judgment of conviction entered on the journal or in 29220
the sentence a statement regarding post-release control. 29221

(f) Notify the offender that, if a period of supervision is 29222
imposed following the offender's release from prison, as described 29223
in division (B)(2)(d) or (e) of this section, and if the offender 29224
violates that supervision or a condition of post-release control 29225
imposed under division (B) of section 2967.131 of the Revised 29226
Code, the parole board may impose a prison term, as part of the 29227
sentence, of up to one-half of the definite prison term originally 29228
imposed upon the offender as the offender's stated prison term or 29229
up to one-half of the minimum prison term originally imposed upon 29230
the offender as part of the offender's stated non-life felony 29231
indefinite prison term. If a court imposes a sentence including a 29232
prison term on or after July 11, 2006, the failure of a court to 29233
notify the offender pursuant to division (B)(2)(f) of this section 29234
that the parole board may impose a prison term as described in 29235
division (B)(2)(f) of this section for a violation of that 29236
supervision or a condition of post-release control imposed under 29237

division (B) of section 2967.131 of the Revised Code or to include 29238
in the judgment of conviction entered on the journal a statement 29239
to that effect does not negate, limit, or otherwise affect the 29240
authority of the parole board to so impose a prison term for a 29241
violation of that nature if, pursuant to division (D)(1) of 29242
section 2967.28 of the Revised Code, the parole board notifies the 29243
offender prior to the offender's release of the board's authority 29244
to so impose a prison term. Section 2929.191 of the Revised Code 29245
applies if, prior to July 11, 2006, a court imposed a sentence 29246
including a prison term and failed to notify the offender pursuant 29247
to division (B)(2)(f) of this section regarding the possibility of 29248
the parole board imposing a prison term for a violation of 29249
supervision or a condition of post-release control. 29250

(g)(i) Determine, notify the offender of, and include in the 29251
sentencing entry the total number of days, including the 29252
sentencing date but excluding conveyance time, that the offender 29253
has been confined for any reason arising out of the offense for 29254
which the offender is being sentenced and by which the department 29255
of rehabilitation and correction must reduce the definite prison 29256
term imposed on the offender as the offender's stated prison term 29257
or, if the offense is an offense for which a non-life felony 29258
indefinite prison term is imposed under division (A)(1)(a) or 29259
(2)(a) of section 2929.14 of the Revised Code, the minimum and 29260
maximum prison terms imposed on the offender as part of that 29261
non-life felony indefinite prison term, under section 2967.191 of 29262
the Revised Code. The court's calculation shall not include the 29263
number of days, if any, that the offender served in the custody of 29264
the department of rehabilitation and correction arising out of any 29265
prior offense for which the prisoner was convicted and sentenced. 29266

(ii) In making a determination under division (B)(2)(g)(i) of 29267
this section, the court shall consider the arguments of the 29268
parties and conduct a hearing if one is requested. 29269

(iii) The sentencing court retains continuing jurisdiction to correct any error not previously raised at sentencing in making a determination under division (B)(2)(g)(i) of this section. The offender may, at any time after sentencing, file a motion in the sentencing court to correct any error made in making a determination under division (B)(2)(g)(i) of this section, and the court may in its discretion grant or deny that motion. If the court changes the number of days in its determination or redetermination, the court shall cause the entry granting that change to be delivered to the department of rehabilitation and correction without delay. Sections 2931.15 and 2953.21 of the Revised Code do not apply to a motion made under this section.

(iv) An inaccurate determination under division (B)(2)(g)(i) of this section is not grounds for setting aside the offender's conviction or sentence and does not otherwise render the sentence void or voidable.

(v) The department of rehabilitation and correction shall rely upon the latest journal entry of the court in determining the total days of local confinement for purposes of division ~~(B)(2)(f)(i)~~ (B)(2)(g)(i) to (iii) of this section and section 2967.191 of the Revised Code.

(3)(a) The court shall include in the offender's sentence a statement that the offender is a tier III sex offender/child-victim offender, and the court shall comply with the requirements of section 2950.03 of the Revised Code if any of the following apply:

(i) The offender is being sentenced for a violent sex offense or designated homicide, assault, or kidnapping offense that the offender committed on or after January 1, 1997, and the offender is adjudicated a sexually violent predator in relation to that offense.

(ii) The offender is being sentenced for a sexually oriented offense that the offender committed on or after January 1, 1997, and the offender is a tier III sex offender/child-victim offender relative to that offense.

(iii) The offender is being sentenced on or after July 31, 2003, for a child-victim oriented offense, and the offender is a tier III sex offender/child-victim offender relative to that offense.

(iv) The offender is being sentenced under section 2971.03 of the Revised Code for a violation of division (A)(1)(b) of section 2907.02 of the Revised Code committed on or after January 2, 2007.

(v) The offender is sentenced to a term of life without parole under division (B) of section 2907.02 of the Revised Code.

(vi) The offender is being sentenced for attempted rape committed on or after January 2, 2007, and a specification of the type described in section 2941.1418, 2941.1419, or 2941.1420 of the Revised Code.

(vii) The offender is being sentenced under division (B)(3)(a), (b), (c), or (d) of section 2971.03 of the Revised Code for an offense described in those divisions committed on or after January 1, 2008.

(b) Additionally, if any criterion set forth in divisions (B)(3)(a)(i) to (vii) of this section is satisfied, in the circumstances described in division (E) of section 2929.14 of the Revised Code, the court shall impose sentence on the offender as described in that division.

(4) If the sentencing court determines at the sentencing hearing that a community control sanction should be imposed and the court is not prohibited from imposing a community control sanction, the court shall impose a community control sanction. The court shall notify the offender that, if the conditions of the

sanction are violated, if the offender commits a violation of any 29332
law, or if the offender leaves this state without the permission 29333
of the court or the offender's probation officer, the court may 29334
impose a longer time under the same sanction, may impose a more 29335
restrictive sanction, or may impose a prison term on the offender 29336
and shall indicate the ~~specific~~ range from which the prison term 29337
~~that~~ may be imposed as a sanction for the violation, ~~as selected~~ 29338
~~by the court from which shall be~~ the range of prison terms for the 29339
offense that is specified pursuant to section 2929.14 of the 29340
Revised Code and as described in section 2929.15 of the Revised 29341
Code." 29342

(5) Before imposing a financial sanction under section 29343
2929.18 of the Revised Code or a fine under section 2929.32 of the 29344
Revised Code, the court shall consider the offender's present and 29345
future ability to pay the amount of the sanction or fine. 29346

(6) If the sentencing court sentences the offender to a 29347
sanction of confinement pursuant to section 2929.14 or 2929.16 of 29348
the Revised Code that is to be served in a local detention 29349
facility, as defined in section 2929.36 of the Revised Code, and 29350
if the local detention facility is covered by a policy adopted 29351
pursuant to section 307.93, 341.14, 341.19, 341.21, 341.23, 29352
753.02, 753.04, 753.16, 2301.56, or 2947.19 of the Revised Code 29353
and section 2929.37 of the Revised Code, both of the following 29354
apply: 29355

(a) The court shall specify both of the following as part of 29356
the sentence: 29357

(i) If the offender is presented with an itemized bill 29358
pursuant to section 2929.37 of the Revised Code for payment of the 29359
costs of confinement, the offender is required to pay the bill in 29360
accordance with that section. 29361

(ii) If the offender does not dispute the bill described in 29362

division (B)(6)(a)(i) of this section and does not pay the bill by 29363
the times specified in section 2929.37 of the Revised Code, the 29364
clerk of the court may issue a certificate of judgment against the 29365
offender as described in that section. 29366

(b) The sentence automatically includes any certificate of 29367
judgment issued as described in division (B)(6)(a)(ii) of this 29368
section. 29369

(7) The failure of the court to notify the offender that a 29370
prison term is a mandatory prison term pursuant to division 29371
(B)(2)(a) of this section or to include in the sentencing entry 29372
any information required by division (B)(2)(b) of this section 29373
does not affect the validity of the imposed sentence or sentences. 29374
If the sentencing court notifies the offender at the sentencing 29375
hearing that a prison term is mandatory but the sentencing entry 29376
does not specify that the prison term is mandatory, the court may 29377
complete a corrected journal entry and send copies of the 29378
corrected entry to the offender and the department of 29379
rehabilitation and correction, or, at the request of the state, 29380
the court shall complete a corrected journal entry and send copies 29381
of the corrected entry to the offender and department of 29382
rehabilitation and correction. 29383

(C)(1) If the offender is being sentenced for a fourth degree 29384
felony OVI offense under division (G)(1) of section 2929.13 of the 29385
Revised Code, the court shall impose the mandatory term of local 29386
incarceration in accordance with that division, shall impose a 29387
mandatory fine in accordance with division (B)(3) of section 29388
2929.18 of the Revised Code, and, in addition, may impose 29389
additional sanctions as specified in sections 2929.15, 2929.16, 29390
2929.17, and 2929.18 of the Revised Code. The court shall not 29391
impose a prison term on the offender except that the court may 29392
impose a prison term upon the offender as provided in division 29393
(A)(1) of section 2929.13 of the Revised Code. 29394

(2) If the offender is being sentenced for a third or fourth degree felony OVI offense under division (G)(2) of section 2929.13 of the Revised Code, the court shall impose the mandatory prison term in accordance with that division, shall impose a mandatory fine in accordance with division (B)(3) of section 2929.18 of the Revised Code, and, in addition, may impose an additional prison term as specified in section 2929.14 of the Revised Code. In addition to the mandatory prison term or mandatory prison term and additional prison term the court imposes, the court also may impose a community control sanction on the offender, but the offender shall serve all of the prison terms so imposed prior to serving the community control sanction.

(D) The sentencing court, pursuant to division (I)(1) of section 2929.14 of the Revised Code, may recommend placement of the offender in a program of shock incarceration under section 5120.031 of the Revised Code or an intensive program prison under section 5120.032 of the Revised Code, disapprove placement of the offender in a program or prison of that nature, or make no recommendation. If the court recommends or disapproves placement, it shall make a finding that gives its reasons for its recommendation or disapproval.

Sec. 2929.34. (A) A person who is convicted of or pleads guilty to aggravated murder, murder, or an offense punishable by life imprisonment and who is sentenced to a term of life imprisonment or a prison term pursuant to that conviction shall serve that term in an institution under the control of the department of rehabilitation and correction.

(B)(1) A person who is convicted of or pleads guilty to a felony other than aggravated murder, murder, or an offense punishable by life imprisonment and who is sentenced to a term of imprisonment or a prison term pursuant to that conviction shall

serve that term as follows: 29426

(a) Subject to divisions (B)(1)(b), (B)(2), and (B)(3) of 29427
this section, in an institution under the control of the 29428
department of rehabilitation and correction if the term is a 29429
prison term or as otherwise determined by the sentencing court 29430
pursuant to section 2929.16 of the Revised Code if the term is not 29431
a prison term; 29432

(b) In a facility of a type described in division (G)(1) of 29433
section 2929.13 of the Revised Code, if the offender is sentenced 29434
pursuant to that division. 29435

(2) If the term is a prison term, the person may be 29436
imprisoned in a jail that is not a minimum security jail pursuant 29437
to agreement under section 5120.161 of the Revised Code between 29438
the department of rehabilitation and correction and the local 29439
authority that operates the jail. 29440

(3)(a) As used in divisions (B)(3)(a) to (d) of this section, 29441
"voluntary county" means any county in which the board of county 29442
commissioners of the county and the administrative judge of the 29443
general division of the court of common pleas of the county enter 29444
into an agreement of the type described in division (B)(3)(b) of 29445
this section and in which the agreement has not been terminated as 29446
described in that division. 29447

(b) In any voluntary county, the board of county 29448
commissioners of the county and the administrative judge of the 29449
general division of the court of common pleas of the county may 29450
agree to having the county participate in the procedures regarding 29451
local and state confinement established under division (B)(3)(c) 29452
of this section. A board of county commissioners and an 29453
administrative judge of a court of common pleas that enter into an 29454
agreement of the type described in this division may terminate the 29455
agreement, but a termination under this division shall take effect 29456

only at the end of the state fiscal biennium in which the 29457
termination decision is made. 29458

(c) Except as provided in division (B)(3)(d) of this section, 29459
~~en~~ in any voluntary county, either division (B)(3)(c)(i) or 29460
divisions (B)(3)(c)(i) and (ii) of this section shall apply: 29461

(i) On and after July 1, 2018, no person sentenced by the 29462
court of common pleas of a voluntary county to a prison term for a 29463
felony of the fifth degree shall serve the term in an institution 29464
under the control of the department of rehabilitation and 29465
correction. The person shall instead serve the sentence as a term 29466
of confinement in a facility of a type described in division (C) 29467
or (D) of this section. 29468

(ii) On and after September 1, 2022, no person sentenced by 29469
the court of common pleas of a voluntary county to a prison term 29470
for a felony of the fourth degree shall serve the term in an 29471
institution under the control of the department of rehabilitation 29472
and correction. The person shall instead serve the sentence as a 29473
term of confinement in a facility of a type described in division 29474
(C) or (D) of this section. ~~Nothing~~ 29475

~~Nothing~~ in this division relieves the state of its obligation 29476
to pay for the cost of confinement of the person in a 29477
community-based correctional facility under division (D) of this 29478
section. 29479

(d) Division (B)(3)(c) of this section does not apply to any 29480
person to whom any of the following apply: 29481

(i) The felony of the fourth or fifth degree was an offense 29482
of violence, as defined in section 2901.01 of the Revised Code, a 29483
sex offense under Chapter 2907. of the Revised Code, a violation 29484
of section 2925.03 of the Revised Code, or any offense for which a 29485
mandatory prison term is required. 29486

(ii) The person previously has been convicted of or pleaded 29487

guilty to any felony offense of violence, as defined in section 29488
2901.01 of the Revised Code, unless the felony of the fifth degree 29489
for which the person is being sentenced is a violation of division 29490
(I)(1) of section 2903.43 of the Revised Code. 29491

(iii) The person previously has been convicted of or pleaded 29492
guilty to any felony sex offense under Chapter 2907. of the 29493
Revised Code. 29494

(iv) The person's sentence is required to be served 29495
concurrently to any other sentence imposed upon the person for a 29496
felony that is required to be served in an institution under the 29497
control of the department of rehabilitation and correction. 29498

(C) A person who is convicted of or pleads guilty to one or 29499
more misdemeanors and who is sentenced to a jail term or term of 29500
imprisonment pursuant to the conviction or convictions shall serve 29501
that term in a county, multicounty, municipal, municipal-county, 29502
or multicounty-municipal jail or workhouse; in a community 29503
alternative sentencing center or district community alternative 29504
sentencing center when authorized by section 307.932 of the 29505
Revised Code; or, if the misdemeanor or misdemeanors are not 29506
offenses of violence, in a minimum security jail. 29507

(D) Nothing in this section prohibits the commitment, 29508
referral, or sentencing of a person who is convicted of or pleads 29509
guilty to a felony to a community-based correctional facility. 29510

Sec. 2953.25. (A) As used in this section: 29511

(1) "Collateral sanction" means a penalty, disability, or 29512
disadvantage that is related to employment or occupational 29513
licensing, however denominated, as a result of the individual's 29514
conviction of or plea of guilty to an offense and that applies by 29515
operation of law in this state whether or not the penalty, 29516
disability, or disadvantage is included in the sentence or 29517

judgment imposed. 29518

"Collateral sanction" does not include imprisonment, 29519
probation, parole, supervised release, forfeiture, restitution, 29520
fine, assessment, or costs of prosecution. 29521

(2) "Decision-maker" includes, but is not limited to, the 29522
state acting through a department, agency, board, commission, or 29523
instrumentality established by the law of this state for the 29524
exercise of any function of government, a political subdivision, 29525
an educational institution, or a government contractor or 29526
subcontractor made subject to this section by contract, law, or 29527
ordinance. 29528

(3) "Department-funded program" means a residential or 29529
nonresidential program that is not a term in a state correctional 29530
institution, that is funded in whole or part by the department of 29531
rehabilitation and correction, and that is imposed as a sanction 29532
for an offense, as part of a sanction that is imposed for an 29533
offense, or as a term or condition of any sanction that is imposed 29534
for an offense. 29535

(4) "Designee" means the person designated by the deputy 29536
director of the division of parole and community services to 29537
perform the duties designated in division (B) of this section. 29538

(5) "Division of parole and community services" means the 29539
division of parole and community services of the department of 29540
rehabilitation and correction. 29541

(6) "Offense" means any felony or misdemeanor under the laws 29542
of this state. 29543

(7) "Political subdivision" has the same meaning as in 29544
section 2969.21 of the Revised Code. 29545

(8) "Discretionary civil impact," "licensing agency," and 29546
"mandatory civil impact" have the same meanings as in section 29547

2961.21 of the Revised Code. 29548

(B)(1) An individual who is subject to one or more collateral 29549
sanctions as a result of being convicted of or pleading guilty to 29550
an offense and who either has served a term in a state 29551
correctional institution for any offense or has spent time in a 29552
department-funded program for any offense may file a petition with 29553
the designee of the deputy director of the division of parole and 29554
community services for a certificate of qualification for 29555
employment. 29556

(2) An individual who is subject to one or more collateral 29557
sanctions as a result of being convicted of or pleading guilty to 29558
an offense and who is not in a category described in division 29559
(B)(1) of this section may file for a certificate of qualification 29560
for employment by doing either of the following: 29561

(a) In the case of an individual who resides in this state, 29562
filing a petition with the court of common pleas of the county in 29563
which the person resides or with the designee of the deputy 29564
director of the division of parole and community services; 29565

(b) In the case of an individual who resides outside of this 29566
state, filing a petition with the court of common pleas of any 29567
county in which any conviction or plea of guilty from which the 29568
individual seeks relief was entered or with the designee of the 29569
deputy director of the division of parole and community services. 29570

(3) A petition under division (B)(1) or (2) of this section 29571
shall be made on a copy of the form prescribed by the division of 29572
parole and community services under division (J) of this section, 29573
shall contain all of the information described in division (F) of 29574
this section, and, except as provided in division (B)(6) of this 29575
section, shall be accompanied by an application fee of fifty 29576
dollars. 29577

(4)(a) Except as provided in division (B)(4)(b) of this 29578

section, an individual may file a petition under division (B)(1) 29579
or (2) of this section at any time after the expiration of 29580
whichever of the following is applicable: 29581

(i) If the offense that resulted in the collateral sanction 29582
from which the individual seeks relief is a felony, at any time 29583
after the expiration of one year from the date of release of the 29584
individual from any period of incarceration in a state or local 29585
correctional facility that was imposed for that offense and all 29586
periods of supervision imposed after release from the period of 29587
incarceration or, if the individual was not incarcerated for that 29588
offense, at any time after the expiration of one year from the 29589
date of the individual's final release from all other sanctions 29590
imposed for that offense. 29591

(ii) If the offense that resulted in the collateral sanction 29592
from which the individual seeks relief is a misdemeanor, at any 29593
time after the expiration of six months from the date of release 29594
of the individual from any period of incarceration in a local 29595
correctional facility that was imposed for that offense and all 29596
periods of supervision imposed after release from the period of 29597
incarceration or, if the individual was not incarcerated for that 29598
offense, at any time after the expiration of six months from the 29599
date of the final release of the individual from all sanctions 29600
imposed for that offense including any period of supervision. 29601

(b) The department of rehabilitation and correction may 29602
establish criteria by rule adopted under Chapter 119. of the 29603
Revised Code that, if satisfied by an individual, would allow the 29604
individual to file a petition before the expiration of six months 29605
or one year from the date of final release, whichever is 29606
applicable under division (B)(4)(a) of this section. 29607

(5)(a) A designee that receives a petition for a certificate 29608
of qualification for employment from an individual under division 29609
(B)(1) or (2) of this section shall review the petition to 29610

determine whether it is complete. If the petition is complete, the
designee shall forward the petition, the application fee, and any
other information the designee possesses that relates to the
petition, to the court of common pleas of the county in which the
individual resides if the individual submitting the petition
resides in this state or, if the individual resides outside of
this state, to the court of common pleas of the county in which
the conviction or plea of guilty from which the individual seeks
relief was entered.

(b) A court of common pleas that receives a petition for a
certificate of qualification for employment from an individual
under division (B)(2) of this section, or that is forwarded a
petition for such a certificate under division (B)(5)(a) of this
section, shall attempt to determine all other courts in this state
in which the individual was convicted of or pleaded guilty to an
offense other than the offense from which the individual is
seeking relief. The court that receives or is forwarded the
petition shall notify all other courts in this state that it
determines under this division were courts in which the individual
was convicted of or pleaded guilty to an offense other than the
offense from which the individual is seeking relief that the
individual has filed the petition and that the court may send
comments regarding the possible issuance of the certificate.

A court of common pleas that receives a petition for a
certificate of qualification for employment under division (B)(2)
of this section shall notify the county's prosecuting attorney
that the individual has filed the petition.

A court of common pleas that receives a petition for a
certificate of qualification for employment under division (B)(2)
of this section, or that is forwarded a petition for qualification
under division (B)(5)(a) of this section may direct the clerk of
court to process and record all notices required in or under this

section. Except as provided in division (B)(6) of this section, 29643
the court shall pay thirty dollars of the application fee into the 29644
state treasury and twenty dollars of the application fee into the 29645
county general revenue fund. 29646

(6) Upon receiving a petition for a certificate of 29647
qualification for employment filed by an individual under division 29648
(B)(1) or (2) of this section, a court of common pleas or the 29649
designee of the deputy director of the division of parole and 29650
community services who receives the petition may waive all or part 29651
of the fifty-dollar filing fee for an applicant who is indigent. 29652
If an application fee is partially waived, the first twenty 29653
dollars of the fee that is collected shall be paid into the county 29654
general revenue fund. Any partial fee collected in excess of 29655
twenty dollars shall be paid into the state treasury. 29656

(C)(1) Upon receiving a petition for a certificate of 29657
qualification for employment filed by an individual under division 29658
(B)(2) of this section or being forwarded a petition for such a 29659
certificate under division (B)(5)(a) of this section, the court 29660
shall review the individual's petition, the individual's criminal 29661
history, except for information contained in any record that has 29662
been sealed under section 2953.32 of the Revised Code, all filings 29663
submitted by the prosecutor or by the victim in accordance with 29664
rules adopted by the division of parole and community services, 29665
the applicant's military service record, if applicable, and 29666
whether the applicant has an emotional, mental, or physical 29667
condition that is traceable to the applicant's military service in 29668
the armed forces of the United States and that was a contributing 29669
factor in the commission of the offense or offenses, and all other 29670
relevant evidence. The court may order any report, investigation, 29671
or disclosure by the individual that the court believes is 29672
necessary for the court to reach a decision on whether to approve 29673
the individual's petition for a certificate of qualification for 29674

employment, except that the court shall not require an individual 29675
to disclose information about any record sealed under section 29676
2953.32 of the Revised Code. 29677

(2) Upon receiving a petition for a certificate of 29678
qualification for employment filed by an individual under division 29679
(B)(2) of this section or being forwarded a petition for such a 29680
certificate under division (B)(5)(a) of this section, except as 29681
otherwise provided in this division, the court shall decide 29682
whether to issue the certificate within sixty days after the court 29683
receives or is forwarded the completed petition and all 29684
information requested for the court to make that decision. Upon 29685
request of the individual who filed the petition, the court may 29686
extend the sixty-day period specified in this division. 29687

(3) Except as provided in division (C)(5) of this section and 29688
subject to division (C)(7) of this section, a court that receives 29689
an individual's petition for a certificate of qualification for 29690
employment under division (B)(2) of this section or that is 29691
forwarded a petition for such a certificate under division 29692
(B)(5)(a) of this section may issue a certificate of qualification 29693
for employment, at the court's discretion, if the court finds that 29694
the individual has established all of the following by a 29695
preponderance of the evidence: 29696

(a) Granting the petition will materially assist the 29697
individual in obtaining employment or occupational licensing. 29698

(b) The individual has a substantial need for the relief 29699
requested in order to live a law-abiding life. 29700

(c) Granting the petition would not pose an unreasonable risk 29701
to the safety of the public or any individual. 29702

(4) The submission of an incomplete petition by an individual 29703
shall not be grounds for the designee or court to deny the 29704
petition. 29705

(5) Subject to division (C)(6) of this section, an individual is rebuttably presumed to be eligible for a certificate of qualification for employment if the court that receives the individual's petition under division (B)(2) of this section or that is forwarded a petition under division (B)(5)(a) of this section finds all of the following:

(a) The application was filed after the expiration of the applicable waiting period prescribed in division (B)(4) of this section;

(b) If the offense that resulted in the collateral sanction from which the individual seeks relief is a felony, at least three years have elapsed since the date of release of the individual from any period of incarceration in a state or local correctional facility that was imposed for that offense and all periods of supervision imposed after release from the period of incarceration or, if the individual was not incarcerated for that offense, at least three years have elapsed since the date of the individual's final release from all other sanctions imposed for that offense;

(c) If the offense that resulted in the collateral sanction from which the individual seeks relief is a misdemeanor, at least one year has elapsed since the date of release of the individual from any period of incarceration in a local correctional facility that was imposed for that offense and all periods of supervision imposed after release from the period of incarceration or, if the individual was not incarcerated for that offense, at least one year has elapsed since the date of the final release of the individual from all sanctions imposed for that offense including any period of supervision.

(6) An application that meets all of the requirements for the presumption under division (C)(5) of this section shall be denied only if the court that receives the petition finds that the evidence reviewed under division (C)(1) of this section rebuts the

presumption of eligibility for issuance by establishing, by clear 29738
and convincing evidence, that the applicant has not been 29739
rehabilitated. 29740

(7) A certificate of qualification for employment shall not 29741
create relief from any of the following collateral sanctions: 29742

(a) Requirements imposed by Chapter 2950. of the Revised Code 29743
and rules adopted under sections 2950.13 and 2950.132 of the 29744
Revised Code; 29745

(b) A driver's license, commercial driver's license, or 29746
probationary license suspension, cancellation, or revocation 29747
pursuant to section 4510.037, 4510.07, 4511.19, or 4511.191 of the 29748
Revised Code if the relief sought is available pursuant to section 29749
4510.021 or division (B) of section 4510.13 of the Revised Code; 29750

(c) Restrictions on employment as a prosecutor or law 29751
enforcement officer; 29752

(d) The denial, ineligibility, or automatic suspension of a 29753
license that is imposed upon an individual applying for or holding 29754
a license as a health care professional under Title XLVII of the 29755
Revised Code if the individual is convicted of, pleads guilty to, 29756
is subject to a judicial finding of eligibility for intervention 29757
in lieu of conviction in this state under section 2951.041 of the 29758
Revised Code, or is subject to treatment or intervention in lieu 29759
of conviction for a violation of section 2903.01, 2903.02, 29760
2903.03, 2903.11, 2905.01, 2907.02, 2907.03, 2907.05, 2909.02, 29761
2911.01, 2911.11, 2919.123, or 2919.124 of the Revised Code; 29762

(e) The immediate suspension of a license, certificate, or 29763
evidence of registration that is imposed upon an individual 29764
holding a license as a health care professional under Title XLVII 29765
of the Revised Code pursuant to division (C) of section 3719.121 29766
of the Revised Code; 29767

(f) The denial or ineligibility for employment in a pain 29768

clinic under division (B)(4) of section 4729.552 of the Revised Code; 29769
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(g) The mandatory suspension of a license that is imposed on an individual applying for or holding a license as a health care professional under Title XLVII of the Revised Code pursuant to section 3123.43 of the Revised Code. 29771
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(8) If a court that receives an individual's petition for a certificate of qualification for employment under division (B)(2) of this section or that is forwarded a petition for such a certificate under division (B)(5)(a) of this section denies the petition, the court shall provide written notice to the individual of the court's denial. The court may place conditions on the individual regarding the individual's filing of any subsequent petition for a certificate of qualification for employment. The written notice must notify the individual of any conditions placed on the individual's filing of a subsequent petition for a certificate of qualification for employment. 29775
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If a court of common pleas that receives an individual's petition for a certificate of qualification for employment under division (B)(2) of this section or that is forwarded a petition for such a certificate under division (B)(5)(a) of this section denies the petition, the individual may appeal the decision to the court of appeals only if the individual alleges that the denial was an abuse of discretion on the part of the court of common pleas. 29786
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(D)(1) A certificate of qualification for employment issued to an individual lifts the automatic bar of a collateral sanction, and a decision-maker shall consider on a case-by-case basis whether to grant or deny the issuance or restoration of an occupational license or an employment opportunity, notwithstanding the individual's possession of the certificate, without, however, reconsidering or rejecting any finding made by a designee or court 29794
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under division (C)(3) of this section. 29801

(2) The certificate constitutes a rebuttable presumption that 29802
the person's criminal convictions are insufficient evidence that 29803
the person is unfit for the license, employment opportunity, or 29804
certification in question. Notwithstanding the presumption 29805
established under this division, the agency may deny the license 29806
or certification for the person if it determines that the person 29807
is unfit for issuance of the license. 29808

(3) If an employer that has hired a person who has been 29809
issued a certificate of qualification for employment applies to a 29810
licensing agency for a license or certification and the person has 29811
a conviction or guilty plea that otherwise would bar the person's 29812
employment with the employer or licensure for the employer because 29813
of a mandatory civil impact, the agency shall give the person 29814
individualized consideration, notwithstanding the mandatory civil 29815
impact, the mandatory civil impact shall be considered for all 29816
purposes to be a discretionary civil impact, and the certificate 29817
constitutes a rebuttable presumption that the person's criminal 29818
convictions are insufficient evidence that the person is unfit for 29819
the employment, or that the employer is unfit for the license or 29820
certification, in question. 29821

(E) A certificate of qualification for employment does not 29822
grant the individual to whom the certificate was issued relief 29823
from the mandatory civil impacts identified in division (A)(1) of 29824
section 2961.01 or division (B) of section 2961.02 of the Revised 29825
Code. 29826

(F) A petition for a certificate of qualification for 29827
employment filed by an individual under division (B)(1) or (2) of 29828
this section shall include all of the following: 29829

(1) The individual's name, date of birth, and social security 29830
number; 29831

(2) All aliases of the individual and all social security numbers associated with those aliases;	29832 29833
(3) The individual's residence address, including the city, county, and state of residence and zip code;	29834 29835
(4) The length of time that the individual has resided in the individual's current state of residence, expressed in years and months of residence;	29836 29837 29838
(5) A general statement as to why the individual has filed the petition and how the certificate of qualification for employment would assist the individual;	29839 29840 29841
(6) A summary of the individual's criminal history, <u>except for information contained in any record that has been sealed under section 2953.32 of the Revised Code</u> , with respect to each offense that is a disqualification from employment or licensing in an occupation or profession, including the years of each conviction or plea of guilty for each of those offenses;	29842 29843 29844 29845 29846 29847
(7) A summary of the individual's employment history, specifying the name of, and dates of employment with, each employer;	29848 29849 29850
(8) Verifiable references and endorsements;	29851
(9) The name of one or more immediate family members of the individual, or other persons with whom the individual has a close relationship, who support the individual's reentry plan;	29852 29853 29854
(10) A summary of the reason the individual believes the certificate of qualification for employment should be granted;	29855 29856
(11) Any other information required by rule by the department of rehabilitation and correction.	29857 29858
(G)(1) In a judicial or administrative proceeding alleging negligence or other fault, a certificate of qualification for employment issued to an individual under this section may be	29859 29860 29861

introduced as evidence of a person's due care in hiring, 29862
retaining, licensing, leasing to, admitting to a school or 29863
program, or otherwise transacting business or engaging in activity 29864
with the individual to whom the certificate of qualification for 29865
employment was issued if the person knew of the certificate at the 29866
time of the alleged negligence or other fault. 29867

(2) In any proceeding on a claim against an employer for 29868
negligent hiring, a certificate of qualification for employment 29869
issued to an individual under this section shall provide immunity 29870
for the employer as to the claim if the employer knew of the 29871
certificate at the time of the alleged negligence. 29872

(3) If an employer hires an individual who has been issued a 29873
certificate of qualification for employment under this section, if 29874
the individual, after being hired, subsequently demonstrates 29875
dangerousness or is convicted of or pleads guilty to a felony, and 29876
if the employer retains the individual as an employee after the 29877
demonstration of dangerousness or the conviction or guilty plea, 29878
the employer may be held liable in a civil action that is based on 29879
or relates to the retention of the individual as an employee only 29880
if it is proved by a preponderance of the evidence that the person 29881
having hiring and firing responsibility for the employer had 29882
actual knowledge that the employee was dangerous or had been 29883
convicted of or pleaded guilty to the felony and was willful in 29884
retaining the individual as an employee after the demonstration of 29885
dangerousness or the conviction or guilty plea of which the person 29886
has actual knowledge. 29887

(H) A certificate of qualification for employment issued 29888
under this section shall be revoked if the individual to whom the 29889
certificate of qualification for employment was issued is 29890
convicted of or pleads guilty to a felony offense committed 29891
subsequent to the issuance of the certificate of qualification for 29892
employment. The department of rehabilitation and correction shall 29893

periodically review the certificates listed in the database 29894
described in division (K) of this section to identify those that 29895
are subject to revocation under this division. Upon identifying a 29896
certificate of qualification for employment that is subject to 29897
revocation, the department shall note in the database that the 29898
certificate has been revoked, the reason for revocation, and the 29899
effective date of revocation, which shall be the date of the 29900
conviction or plea of guilty subsequent to the issuance of the 29901
certificate. 29902

(I) A designee's forwarding, or failure to forward, a 29903
petition for a certificate of qualification for employment to a 29904
court or a court's issuance, or failure to issue, a petition for a 29905
certificate of qualification for employment to an individual under 29906
division (B) of this section does not give rise to a claim for 29907
damages against the department of rehabilitation and correction or 29908
court. 29909

(J) The division of parole and community services shall adopt 29910
rules in accordance with Chapter 119. of the Revised Code for the 29911
implementation and administration of this section and shall 29912
prescribe the form for the petition to be used under division 29913
(B)(1) or (2) of this section. The form for the petition shall 29914
include places for all of the information specified in division 29915
(F) of this section. 29916

(K) The department of rehabilitation and correction shall 29917
maintain a database that identifies granted certificates and 29918
revoked certificates and tracks the number of certificates granted 29919
and revoked, the industries, occupations, and professions with 29920
respect to which the certificates have been most applicable, and 29921
the types of employers that have accepted the certificates. The 29922
department shall annually create a report that summarizes the 29923
information maintained in the database and shall make the report 29924
available to the public on its internet web site. 29925

Sec. 2953.31. As used in sections 2953.31 to 2953.36 of the Revised Code:

(A)(1) "Eligible offender" means either of the following:

(a) Anyone who has been convicted of one or more offenses in this state or any other jurisdiction, if all of the offenses in this state are felonies of the fourth or fifth degree or misdemeanors and none of those offenses are an offense of violence or a felony sex offense and all of the offenses in another jurisdiction, if committed in this state, would be felonies of the fourth or fifth degree or misdemeanors and none of those offenses would be an offense of violence or a felony sex offense;

(b) Anyone who has been convicted of an offense in this state or any other jurisdiction, to whom division (A)(1)(a) of this section does not apply, and who has not more than two felony convictions, has not more than four misdemeanor convictions, or, if the person has exactly two felony convictions, has not more than those two felony convictions and two misdemeanor convictions in this state or any other jurisdiction. The conviction that is requested to be sealed shall be a conviction that is eligible for sealing as provided in section 2953.36 of the Revised Code. When two or more convictions result from or are connected with the same act or result from offenses committed at the same time, they shall be counted as one conviction. When two or three convictions result from the same indictment, information, or complaint, from the same plea of guilty, or from the same official proceeding, and result from related criminal acts that were committed within a three-month period but do not result from the same act or from offenses committed at the same time, they shall be counted as one conviction, provided that a court may decide as provided in division (C)(1)(a) of section 2953.32 of the Revised Code that it is not in the public interest for the two or three convictions to

be counted as one conviction. 29957

(2) For purposes of, and except as otherwise provided in, 29958
division (A)(1)(b) of this section, a conviction for a minor 29959
misdemeanor, for a violation of any section in Chapter 4507., 29960
4510., 4511., 4513., or 4549. of the Revised Code, or for a 29961
violation of a municipal ordinance that is substantially similar 29962
to any section in those chapters is not a conviction. However, a 29963
conviction for a violation of section 4511.19, 4511.251, 4549.02, 29964
4549.021, 4549.03, 4549.042, or 4549.62 or sections 4549.41 to 29965
4549.46 of the Revised Code, for a violation of section 4510.11 or 29966
4510.14 of the Revised Code that is based upon the offender's 29967
operation of a vehicle during a suspension imposed under section 29968
4511.191 or 4511.196 of the Revised Code, for a violation of a 29969
substantially equivalent municipal ordinance, for a felony 29970
violation of Title XLV of the Revised Code, or for a violation of 29971
a substantially equivalent former law of this state or former 29972
municipal ordinance shall be considered a conviction. 29973

(B) "Prosecutor" means the county prosecuting attorney, city 29974
director of law, village solicitor, or similar chief legal 29975
officer, who has the authority to prosecute a criminal case in the 29976
court in which the case is filed. 29977

(C) "Bail forfeiture" means the forfeiture of bail by a 29978
defendant who is arrested for the commission of a misdemeanor, 29979
other than a defendant in a traffic case as defined in Traffic 29980
Rule 2, if the forfeiture is pursuant to an agreement with the 29981
court and prosecutor in the case. 29982

(D) "Official records" has the same meaning as in division 29983
(D) of section 2953.51 of the Revised Code, except that it also 29984
includes all records that are possessed by any public office or 29985
agency that relate to an application for, or the issuance or 29986
denial of, a certificate of qualification for employment under 29987
section 2953.25 of the Revised Code. 29988

(E) "Official proceeding" has the same meaning as in section 2921.01 of the Revised Code.	29989 29990
(F) "Community control sanction" has the same meaning as in section 2929.01 of the Revised Code.	29991 29992
(G) "Post-release control" and "post-release control sanction" have the same meanings as in section 2967.01 of the Revised Code.	29993 29994 29995
(H) "DNA database," "DNA record," and "law enforcement agency" have the same meanings as in section 109.573 of the Revised Code.	29996 29997 29998
(I) "Fingerprints filed for record" means any fingerprints obtained by the superintendent of the bureau of criminal identification and investigation pursuant to sections 109.57 and 109.571 of the Revised Code.	29999 30000 30001 30002
Sec. 2953.33. (A) An order issued under section 2953.37 of the Revised Code to expunge the record of a person's conviction or, except as provided in division (G) of section 2953.32 of the Revised Code, an order issued under that section to seal the record of a person's conviction restores the person who is the subject of the order to all rights and privileges not otherwise restored by termination of the sentence or community control sanction or by final release on parole or post-release control.	30003 30004 30005 30006 30007 30008 30009 30010
(B)(1) In any application for employment, license, or other right or privilege, any appearance as a witness, or any other inquiry, except as provided in division (E) of section 2953.32 and in section 3319.292 of the Revised Code and subject to division (B)(2) (B)(3) of this section, a person may be questioned only with respect to convictions not sealed, bail forfeitures not expunged under section 2953.42 of the Revised Code as it existed prior to June 29, 1988, and bail forfeitures not sealed, unless the	30011 30012 30013 30014 30015 30016 30017 30018

question bears a direct and substantial relationship to the 30019
position for which the person is being considered. 30020

(2) In any application for a certificate of qualification for 30021
employment under section 2953.25 of the Revised Code, a person may 30022
be questioned only with respect to convictions not sealed and bail 30023
forfeitures not sealed. 30024

(3) A person may not be questioned in any application, 30025
appearance, or inquiry of a type described in division (B)(1) of 30026
this section with respect to any conviction expunged under section 30027
2953.37 of the Revised Code. 30028

Sec. 2967.04. (A) A pardon or commutation may be granted upon 30029
such conditions precedent or subsequent as the governor may 30030
impose, which conditions shall be stated in the warrant. Such 30031
pardon or commutation shall not take effect until the conditions 30032
so imposed are accepted by the convict or prisoner so pardoned or 30033
having ~~his~~ a sentence commuted, and ~~his~~ the convict's or 30034
prisoner's acceptance is indorsed upon the warrant, signed by ~~him~~ 30035
the prisoner or convict, and attested by one witness. Such witness 30036
shall go before the clerk of the court of common pleas in whose 30037
office the sentence is recorded and prove the signature of the 30038
convict. The clerk shall thereupon record the warrant, 30039
indorsement, and proof in the journal of the court, which record, 30040
or a duly certified transcript thereof, shall be evidence of such 30041
pardon or commutation, the conditions thereof, and the acceptance 30042
of the conditions. 30043

(B) An unconditional pardon relieves the person to whom it is 30044
granted of all disabilities arising out of the conviction or 30045
convictions from which it is granted. For purposes of this 30046
section, "unconditional pardon" includes a conditional pardon with 30047
respect to which all conditions have been performed or have 30048
transpired. 30049

(C) In the case of an unconditional pardon, the governor may include as a condition of the pardon that records related to the conviction be sealed as if the records are related to an offense that is eligible to be sealed. The governor may issue a writ for the records related to the pardoned conviction or convictions to be sealed. However, such a writ shall not seal the records required to be kept under division (E) of section 107.10 of the Revised Code and shall not have any impact on the governor's office or on reports required to be made under law. Other than the records required to be kept under division (E) of section 107.10 of the Revised Code, no records of the governor's office related to a pardon that have been sealed under this division are subject to public inspection unless directed by the governor. Inspection of the records or disclosure of information contained in the records may be made pursuant to division (D) of section 2953.32 of the Revised Code or as the governor may direct. A disclosure of records sealed under a writ issued by the governor is not a criminal offense.

Sec. 2967.17. (A) The adult parole authority, in its discretion, may grant an administrative release to any of the following:

(1) A parole violator ~~or~~, release violator, or releasee serving another felony sentence in a correctional institution within or without this state for the purpose of consolidation of the records or if justice would best be served;

(2) A parole violator at large or release violator at large whose case has been inactive for at least ten years following the date of declaration of the parole violation or the violation of a post-release control sanction;

(3) A parolee or releasee taken into custody by the immigration and naturalization service of the United States

department of justice and deported from the United States. 30081

(B)(1)(a) As used in divisions (B)(2) and (3) of this 30082
section, "position of honor, trust, or profit" has the same 30083
meaning as in section 2929.192 of the Revised Code. 30084

(b) For purposes of divisions (B)(2) and (3) of this section, 30085
a violation of section 2923.32 of the Revised Code or any other 30086
violation or offense that includes as an element a course of 30087
conduct or the occurrence of multiple acts is "committed on or 30088
after ~~the effective date of this amendment~~ May 13, 2008," if the 30089
course of conduct continues, one or more of the multiple acts 30090
occurs, or the subject person's accountability for the course of 30091
conduct or for one or more of the multiple acts continues, on or 30092
after ~~the effective date of this amendment~~ May 13, 2008. 30093

(2) The adult parole authority shall not grant an 30094
administrative release except upon the concurrence of a majority 30095
of the parole board and approval of the chief of the adult parole 30096
authority. An administrative release does not restore for the 30097
person to whom it is granted the rights and privileges forfeited 30098
by conviction as provided in section 2961.01 of the Revised Code. 30099
Any person granted an administrative release under this section 30100
may subsequently apply for a commutation of sentence for the 30101
purpose of regaining the rights and privileges forfeited by 30102
conviction, except that the privilege of circulating or serving as 30103
a witness for the signing of any declaration of candidacy and 30104
petition, voter registration application, or nominating, 30105
initiative, referendum, or recall petition forfeited under section 30106
2961.01 of the Revised Code may not be restored under this section 30107
and except that the privilege of holding a position of honor, 30108
trust, or profit may not be restored under this section to a 30109
person in the circumstances described in division (B)(3) of this 30110
section. 30111

(3) The privilege of holding a position of honor, trust, or 30112

profit may not be restored under this section to a person who was 30113
convicted of or pleaded guilty to committing on or after ~~the~~ 30114
~~effective date of this amendment~~ May 13, 2008, any violation or 30115
offense listed in divisions (C)(2)(c)(i) to (vi) of section 30116
2967.16 of the Revised Code that is a felony. 30117

Sec. 2967.28. (A) As used in this section: 30118

(1) "Monitored time" means the monitored time sanction 30119
specified in section 2929.17 and defined in section 2929.01 of the 30120
Revised Code. 30121

(2) "Deadly weapon" and "dangerous ordnance" have the same 30122
meanings as in section 2923.11 of the Revised Code. 30123

(3) "Felony sex offense" means a violation of a section 30124
contained in Chapter 2907. of the Revised Code that is a felony. 30125

(4) "Risk reduction sentence" means a prison term imposed by 30126
a court, when the court recommends pursuant to section 2929.143 of 30127
the Revised Code that the offender serve the sentence under 30128
section 5120.036 of the Revised Code, and the offender may 30129
potentially be released from imprisonment prior to the expiration 30130
of the prison term if the offender successfully completes all 30131
assessment and treatment or programming required by the department 30132
of rehabilitation and correction under section 5120.036 of the 30133
Revised Code. 30134

(5) "Victim's immediate family" has the same meaning as in 30135
section 2967.12 of the Revised Code. 30136

(6) "Minor drug possession offense" has the same meaning as 30137
in section 2925.11 of the Revised Code. 30138

(7) "Single validated risk assessment tool" means the single 30139
validated risk assessment tool selected by the department of 30140
rehabilitation and correction under section 5120.114 of the 30141
Revised Code. 30142

(B) Each sentence to a prison term, other than a term of life imprisonment, for a felony of the first degree, for a felony of the second degree, for a felony sex offense, or for a felony of the third degree that is an offense of violence and is not a felony sex offense shall include a requirement that the offender be subject to a period of post-release control imposed by the parole board after the offender's release from imprisonment. This division applies with respect to all prison terms of a type described in this division, including a term of any such type that is a risk reduction sentence. If a court imposes a sentence including a prison term of a type described in this division on or after July 11, 2006, the failure of a sentencing court to notify the offender pursuant to division (B)(2)(d) of section 2929.19 of the Revised Code of this requirement or to include in the judgment of conviction entered on the journal a statement that the offender's sentence includes this requirement does not negate, limit, or otherwise affect the mandatory period of supervision that is required for the offender under this division. This division applies with respect to all prison terms of a type described in this division, including a non-life felony indefinite prison term. Section 2929.191 of the Revised Code applies if, prior to July 11, 2006, a court imposed a sentence including a prison term of a type described in this division and failed to notify the offender pursuant to division (B)(2)(d) of section 2929.19 of the Revised Code regarding post-release control or to include in the judgment of conviction entered on the journal or in the sentence pursuant to division (D)(1) of section 2929.14 of the Revised Code a statement regarding post-release control. Unless reduced by the parole board pursuant to division (D) of this section when authorized under that division, a period of post-release control required by this division for an offender shall be of one of the following periods:

(1) For a ~~felony of the first degree or for a~~ felony sex 30175

offense, five years; 30176

(2) For a felony of the first degree that is not a felony sex offense, up to five years, but not less than two years; 30177
30178

(3) For a felony of the second degree that is not a felony sex offense, up to three years, but not less than eighteen months; 30179
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~~(3)~~(4) For a felony of the third degree that is an offense of violence and is not a felony sex offense, up to three years, but not less than one year. 30181
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(C) Any sentence to a prison term for a felony of the third, 30184
fourth, or fifth degree that is not subject to division (B)(1) or 30185
~~(3)~~(4) of this section shall include a requirement that the 30186
offender be subject to a period of post-release control of up to 30187
~~three~~ two years after the offender's release from imprisonment, if 30188
the parole board, in accordance with division (D) of this section, 30189
determines that a period of post-release control is necessary for 30190
that offender. This division applies with respect to all prison 30191
terms of a type described in this division, including a term of 30192
any such type that is a risk reduction sentence. Section 2929.191 30193
of the Revised Code applies if, prior to July 11, 2006, a court 30194
imposed a sentence including a prison term of a type described in 30195
this division and failed to notify the offender pursuant to 30196
division (B)(2)(e) of section 2929.19 of the Revised Code 30197
regarding post-release control or to include in the judgment of 30198
conviction entered on the journal or in the sentence pursuant to 30199
division (D)(2) of section 2929.14 of the Revised Code a statement 30200
regarding post-release control. Pursuant to an agreement entered 30201
into under section 2967.29 of the Revised Code, a court of common 30202
pleas or parole board may impose sanctions or conditions on an 30203
offender who is placed on post-release control under this 30204
division. 30205

(D)(1) Before the prisoner is released from imprisonment, the 30206

parole board or, pursuant to an agreement under section 2967.29 of 30207
the Revised Code, the court shall impose ~~upon~~ on a prisoner 30208
described in division (B) of this section, shall impose ~~upon~~ on a 30209
prisoner described in division (C) of this section who is to be 30210
released before the expiration of the prisoner's stated prison 30211
term under a risk reduction sentence, may impose ~~upon~~ on a 30212
prisoner described in division (C) of this section who is not to 30213
be released before the expiration of the prisoner's stated prison 30214
term under a risk reduction sentence, and shall impose ~~upon~~ on a 30215
prisoner described in division (B)(2)(b) of section 5120.031 or in 30216
division (B)(1) of section 5120.032 of the Revised Code, one or 30217
more post-release control sanctions to apply during the prisoner's 30218
period of post-release control. Whenever the board or court 30219
imposes one or more post-release control sanctions ~~upon~~ on a 30220
prisoner, the board or court, in addition to imposing the 30221
sanctions, also shall include as a condition of the post-release 30222
control that the offender not leave the state without permission 30223
of the court or the offender's parole or probation officer and 30224
that the offender abide by the law. The board or court may impose 30225
any other conditions of release under a post-release control 30226
sanction that the board or court considers appropriate, and the 30227
conditions of release may include any community residential 30228
sanction, community nonresidential sanction, or financial sanction 30229
that the sentencing court was authorized to impose pursuant to 30230
sections 2929.16, 2929.17, and 2929.18 of the Revised Code. Prior 30231
to the release of a prisoner for whom it will impose one or more 30232
post-release control sanctions under this division, the parole 30233
board or court shall review the prisoner's criminal history, 30234
results from the single validated risk assessment tool ~~selected by~~ 30235
~~the department of rehabilitation and correction under section~~ 30236
~~5120.114 of the Revised Code, all juvenile court adjudications~~ 30237
~~finding the prisoner, while a juvenile, to be a delinquent child,~~ 30238
and the record of the prisoner's conduct while imprisoned. The 30239

parole board or court shall consider any recommendation regarding 30240
post-release control sanctions for the prisoner made by the office 30241
of victims' services. After considering those materials, the board 30242
or court shall determine, for a prisoner described in division (B) 30243
of this section, division (B)(2)(b) of section 5120.031, or 30244
division (B)(1) of section 5120.032 of the Revised Code and for a 30245
prisoner described in division (C) of this section who is to be 30246
released before the expiration of the prisoner's stated prison 30247
term under a risk reduction sentence, which post-release control 30248
sanction or combination of post-release control sanctions is 30249
reasonable under the circumstances or, for a prisoner described in 30250
division (C) of this section who is not to be released before the 30251
expiration of the prisoner's stated prison term under a risk 30252
reduction sentence, whether a post-release control sanction is 30253
necessary and, if so, which post-release control sanction or 30254
combination of post-release control sanctions is reasonable under 30255
the circumstances. In the case of a prisoner convicted of a felony 30256
of the fourth or fifth degree other than a felony sex offense, the 30257
board or court shall presume that monitored time is the 30258
appropriate post-release control sanction unless the board or 30259
court determines that a more restrictive sanction is warranted. A 30260
post-release control sanction imposed under this division takes 30261
effect upon the prisoner's release from imprisonment. 30262

Regardless of whether the prisoner was sentenced to the 30263
prison term prior to, on, or after July 11, 2006, prior to the 30264
release of a prisoner for whom it will impose one or more 30265
post-release control sanctions under this division, the parole 30266
board shall notify the prisoner that, if the prisoner violates any 30267
sanction so imposed or any condition of post-release control 30268
described in division (B) of section 2967.131 of the Revised Code 30269
that is imposed on the prisoner, the parole board may impose a 30270
prison term of up to one-half of the stated prison term originally 30271
imposed ~~upon~~ on the prisoner. 30272

At least thirty days before the prisoner is released from 30273
imprisonment under post-release control, except as otherwise 30274
provided in this paragraph, the department of rehabilitation and 30275
correction shall notify the victim and the victim's immediate 30276
family of the date on which the prisoner will be released, the 30277
period for which the prisoner will be under post-release control 30278
supervision, and the terms and conditions of the prisoner's 30279
post-release control regardless of whether the victim or victim's 30280
immediate family has requested the notification. The notice 30281
described in this paragraph shall not be given to a victim or 30282
victim's immediate family if the victim or the victim's immediate 30283
family has requested pursuant to division (B)(2) of section 30284
2930.03 of the Revised Code that the notice not be provided to the 30285
victim or the victim's immediate family. At least thirty days 30286
before the prisoner is released from imprisonment and regardless 30287
of whether the victim or victim's immediate family has requested 30288
that the notice described in this paragraph be provided or not be 30289
provided to the victim or the victim's immediate family, the 30290
department also shall provide notice of that nature to the 30291
prosecuting attorney in the case and the law enforcement agency 30292
that arrested the prisoner if any officer of that agency was a 30293
victim of the offense. 30294

If the notice given under the preceding paragraph to the 30295
victim or the victim's immediate family is based on an offense 30296
committed prior to March 22, 2013, and if the department of 30297
rehabilitation and correction has not previously successfully 30298
provided any notice to the victim or the victim's immediate family 30299
under division (B), (C), or (D) of section 2930.16 of the Revised 30300
Code with respect to that offense and the offender who committed 30301
it, the notice also shall inform the victim or the victim's 30302
immediate family that the victim or the victim's immediate family 30303
may request that the victim or the victim's immediate family not 30304
be provided any further notices with respect to that offense and 30305

the offender who committed it and shall describe the procedure for 30306
making that request. The department may give the notices to which 30307
the preceding paragraph applies by any reasonable means, including 30308
regular mail, telephone, and electronic mail. If the department 30309
attempts to provide notice to any specified person under the 30310
preceding paragraph but the attempt is unsuccessful because the 30311
department is unable to locate the specified person, is unable to 30312
provide the notice by its chosen method because it cannot 30313
determine the mailing address, electronic mail address, or 30314
telephone number at which to provide the notice, or, if the notice 30315
is sent by mail, the notice is returned, the department shall make 30316
another attempt to provide the notice to the specified person. If 30317
the second attempt is unsuccessful, the department shall make at 30318
least one more attempt to provide the notice. If the notice is 30319
based on an offense committed prior to March 22, 2013, in each 30320
attempt to provide the notice to the victim or victim's immediate 30321
family, the notice shall include the opt-out information described 30322
in this paragraph. The department, in the manner described in 30323
division (D)(2) of section 2930.16 of the Revised Code, shall keep 30324
a record of all attempts to provide the notice, and of all notices 30325
provided, under this paragraph and the preceding paragraph. The 30326
record shall be considered as if it was kept under division (D)(2) 30327
of section 2930.16 of the Revised Code. This paragraph, the 30328
preceding paragraph, and the notice-related provisions of 30329
divisions (E)(2) and (K) of section 2929.20, division (D)(1) of 30330
section 2930.16, division (H) of section 2967.12, division 30331
(E)(1)(b) of section 2967.19, division (A)(3)(b) of section 30332
2967.26, and division (A)(2) of section 5149.101 of the Revised 30333
Code enacted in the act in which this paragraph and the preceding 30334
paragraph were enacted, shall be known as "Roberta's Law." 30335

(2) If a prisoner who is placed on post-release control under 30336
this section is released before the expiration of the definite 30337
term that is the prisoner's stated prison term or the expiration 30338

of the minimum term that is part of the prisoner's indefinite 30339
prison term imposed under a non-life felony indefinite prison term 30340
by reason of credit earned under section 2967.193 or a reduction 30341
under division (F) of section 2967.271 of the Revised Code and if 30342
the prisoner earned sixty or more days of credit, the adult parole 30343
authority ~~shall~~ may supervise the offender with an active global 30344
positioning system device for the first fourteen days after the 30345
offender's release from imprisonment. This division does not 30346
prohibit or limit the imposition of any post-release control 30347
sanction otherwise authorized by this section. 30348

(3) ~~At any time after~~ After a prisoner is released from 30349
imprisonment and during the period of post-release control 30350
applicable to the releasee, the adult parole authority or, 30351
pursuant to an agreement under section 2967.29 of the Revised 30352
Code, the court may review the releasee's behavior under the 30353
post-release control sanctions imposed upon the releasee under 30354
this section. The authority or court may determine, based upon the 30355
review and in accordance with the standards established under 30356
division (E) of this section, that ~~a more restrictive or a less~~ 30357
~~restrictive sanction is appropriate and may impose a different~~ 30358
~~sanction. The authority also may recommend that the parole board~~ 30359
~~or court increase or reduce the duration of the period of~~ 30360
~~post release control imposed by the court. If the authority~~ 30361
~~recommends that the board or court increase the duration of~~ 30362
~~post release control, the board or court shall review the~~ 30363
~~releasee's behavior and may increase the duration of the period of~~ 30364
~~post release control imposed by the court up to eight years. If~~ 30365
~~the authority recommends that the board or court reduce the~~ 30366
~~duration of control for an offense described in division (B) or~~ 30367
~~(C) of this section, the board or court shall review the~~ 30368
~~releasee's behavior and, subject to divisions (D)(3)(a) to (c) of~~ 30369
~~this section, may reduce the duration of the period of control~~ 30370
~~imposed by the court or, if the period of control was imposed for~~ 30371

~~a non life felony indefinite prison term, reduce the duration of~~ 30372
~~or terminate the period of control imposed by the court the~~ 30373
~~releasee has satisfactorily complied with the sanctions imposed,~~ 30374
~~and if such a determination is made, the authority may recommend a~~ 30375
~~less restrictive sanction, reduce the period of post-release~~ 30376
~~control, or, no sooner than the minimum period of time required~~ 30377
~~under section 2967.16 of the Revised Code, recommend that the~~ 30378
~~parole board or court terminate the duration of the period of~~ 30379
~~post-release control.~~ In no case shall the board or court ~~do any~~ 30380
~~of the following:~~ 30381

~~(a) Reduce reduce the duration of the period of control~~ 30382
~~imposed for ~~an~~ a felony sex offense described in division (B)(1)~~ 30383
~~of this section ~~to a period less than the length of the definite~~~~ 30384
~~~~prison term included in the stated prison term originally imposed~~~~ 30385  
~~on the offender as part of the sentence or, with respect to a~~ 30386  
~~stated non life felony indefinite prison term, to a period less~~ 30387  
~~than the length of the minimum prison term imposed as part of that~~ 30388  
~~stated prison term;~~ 30389

~~(b) Consider any reduction or termination of the duration of~~ 30390  
~~the period of control imposed on a releasee prior to the~~ 30391  
~~expiration of one year after the commencement of the period of~~ 30392  
~~control, if the period of control was imposed for a non life~~ 30393  
~~felony indefinite prison term and the releasee's minimum prison~~ 30394  
~~term or presumptive earned early release date under that term was~~ 30395  
~~extended for any length of time under division (C) or (D) of~~ 30396  
~~section 2967.271 of the Revised Code.~~ 30397

~~(c) Permit the releasee to leave the state without permission~~ 30398  
~~of the court or the releasee's parole or probation officer.~~ 30399

(4) The department of rehabilitation and correction shall 30400  
develop factors that the parole board or court shall consider in 30401  
determining under division (D)(3) of this section whether to 30402  
terminate the period of control imposed on a releasee ~~for a~~ 30403

~~non life felony indefinite prison term.~~ 30404

(E) The department of rehabilitation and correction, in 30405  
accordance with Chapter 119. of the Revised Code, shall adopt 30406  
rules that do all of the following: 30407

(1) Establish standards for the imposition by the parole 30408  
board of post-release control sanctions under this section that 30409  
are consistent with the overriding purposes and sentencing 30410  
principles set forth in section 2929.11 of the Revised Code and 30411  
that are appropriate to the needs of releasees; 30412

(2) Establish standards that provide for a period of 30413  
post-release control of up to ~~three~~ two years for all prisoners 30414  
described in division (C) of this section who are to be released 30415  
before the expiration of their stated prison term under a risk 30416  
reduction sentence and standards by which the parole board can 30417  
determine which prisoners described in division (C) of this 30418  
section who are not to be released before the expiration of their 30419  
stated prison term under a risk reduction sentence should be 30420  
placed under a period of post-release control; 30421

(3) Establish standards to be used by the parole board in 30422  
reducing or terminating the duration of the period of post-release 30423  
control imposed by the court when authorized under division (D) of 30424  
this section, in imposing a more restrictive post-release control 30425  
sanction than monitored time ~~upon~~ on a prisoner convicted of a 30426  
felony of the fourth or fifth degree other than a felony sex 30427  
offense, or in imposing a less restrictive control sanction ~~upon~~ 30428  
on a releasee based on results from the single validated risk 30429  
assessment tool and on the releasee's activities including, but 30430  
not limited to, remaining free from criminal activity and from the 30431  
abuse of alcohol or other drugs, successfully participating in 30432  
approved rehabilitation programs, maintaining employment, and 30433  
paying restitution to the victim or meeting the terms of other 30434  
financial sanctions; 30435

|                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                      |                                                                                                                   |
|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-------------------------------------------------------------------------------------------------------------------|
| (4) Establish standards to be used by the adult parole authority in modifying a releasee's post-release control sanctions pursuant to division (D)(2) of this section;                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                               | 30436<br>30437<br>30438                                                                                           |
| (5) Establish standards to be used by the adult parole authority or parole board in imposing further sanctions under division (F) of this section on releasees who violate post-release control sanctions, including standards that do the following:                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                | 30439<br>30440<br>30441<br>30442                                                                                  |
| (a) Classify violations according to the degree of seriousness;                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                      | 30443<br>30444                                                                                                    |
| (b) Define the circumstances under which formal action by the parole board is warranted;                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                             | 30445<br>30446                                                                                                    |
| (c) Govern the use of evidence at violation hearings;                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                | 30447                                                                                                             |
| (d) Ensure procedural due process to an alleged violator;                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                            | 30448                                                                                                             |
| (e) Prescribe nonresidential community control sanctions for most misdemeanor and technical violations;                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                              | 30449<br>30450                                                                                                    |
| (f) Provide procedures for the return of a releasee to imprisonment for violations of post-release control.                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                          | 30451<br>30452                                                                                                    |
| (F)(1) Whenever the parole board imposes one or more post-release control sanctions <del>upon</del> <u>on</u> an offender under this section, the offender upon release from imprisonment shall be under the general jurisdiction of the adult parole authority and generally shall be supervised by the field services section through its staff of parole and field officers as described in section 5149.04 of the Revised Code, as if the offender had been placed on parole. If the offender upon release from imprisonment violates the post-release control sanction or any conditions described in division (A) of section 2967.131 of the Revised Code that are imposed on the offender, the public or private person or entity that operates or administers the sanction or the program or activity that comprises the sanction shall report the violation | 30453<br>30454<br>30455<br>30456<br>30457<br>30458<br>30459<br>30460<br>30461<br>30462<br>30463<br>30464<br>30465 |

directly to the adult parole authority or to the officer of the authority who supervises the offender. The authority's officers may treat the offender as if the offender were on parole and in violation of the parole, and otherwise shall comply with this section.

(2) If the adult parole authority or, pursuant to an agreement under section 2967.29 of the Revised Code, the court determines that a releasee has violated a post-release control sanction or any conditions described in division (A) of section 2967.131 of the Revised Code imposed ~~upon~~ on the releasee and that a more restrictive sanction is appropriate, the authority or court may impose a more restrictive sanction ~~upon~~ on the releasee, in accordance with the standards established under division (E) of this section or in accordance with the agreement made under section 2967.29 of the Revised Code, or may report the violation to the parole board for a hearing pursuant to division (F)(3) of this section. The authority or court may not, pursuant to this division, increase the duration of the releasee's post-release control or impose as a post-release control sanction a residential sanction that includes a prison term, but the authority or court may impose on the releasee any other residential sanction, nonresidential sanction, or financial sanction that the sentencing court was authorized to impose pursuant to sections 2929.16, 2929.17, and 2929.18 of the Revised Code.

(3) The parole board or, pursuant to an agreement under section 2967.29 of the Revised Code, the court may hold a hearing on any alleged violation by a releasee of a post-release control sanction or any conditions described in division (A) of section 2967.131 of the Revised Code that are imposed upon the releasee. If after the hearing the board or court finds that the releasee violated the sanction or condition, the board or court may increase the duration of the releasee's post-release control up to

the maximum duration authorized by division (B) or (C) of this 30498  
section or impose a more restrictive post-release control 30499  
sanction. If a releasee was acting pursuant to division (B)(2)(b) 30500  
of section 2925.11 of the Revised Code and in so doing violated 30501  
the conditions of a post-release control sanction based on a minor 30502  
drug possession offense as defined in that section, the board or 30503  
the court may consider the releasee's conduct in seeking or 30504  
obtaining medical assistance for another in good faith or for self 30505  
or may consider the releasee being the subject of another person 30506  
seeking or obtaining medical assistance in accordance with that 30507  
division as a mitigating factor before imposing any of the 30508  
penalties described in this division. When appropriate, the board 30509  
or court may impose as a post-release control sanction a 30510  
residential sanction that includes a prison term. The board or 30511  
court shall consider a prison term as a post-release control 30512  
sanction imposed for a violation of post-release control when the 30513  
violation involves a deadly weapon or dangerous ordnance, physical 30514  
harm or attempted serious physical harm to a person, or sexual 30515  
misconduct. Unless a releasee's stated prison term was reduced 30516  
pursuant to section 5120.032 of the Revised Code, the period of a 30517  
prison term that is imposed as a post-release control sanction 30518  
under this division shall not exceed nine months, and the maximum 30519  
cumulative prison term for all violations under this division 30520  
shall not exceed one-half of the definite prison term that was the 30521  
stated prison term originally imposed ~~upon~~ on the offender as part 30522  
of this sentence or, with respect to a stated non-life felony 30523  
indefinite prison term, one-half of the minimum prison term that 30524  
was imposed as part of that stated prison term originally imposed 30525  
~~upon~~ on the offender. If a releasee's stated prison term was 30526  
reduced pursuant to section 5120.032 of the Revised Code, the 30527  
period of a prison term that is imposed as a post-release control 30528  
sanction under this division and the maximum cumulative prison 30529  
term for all violations under this division shall not exceed the 30530

period of time not served in prison under the sentence imposed by 30531  
the court. The period of a prison term that is imposed as a 30532  
post-release control sanction under this division shall not count 30533  
as, or be credited toward, the remaining period of post-release 30534  
control. If, during the period of the releasee's post-release 30535  
control, the releasee serves as a post-release control sanction 30536  
the maximum prison time available as a sanction, the post-release 30537  
control shall terminate. 30538

If an offender is imprisoned for a felony committed while 30539  
under post-release control supervision and is again released on 30540  
post-release control for a period of time ~~determined by division~~ 30541  
~~(F)(4)(d) of this section~~, the maximum cumulative prison term for 30542  
all violations under this division shall not exceed one-half of 30543  
the total stated prison terms of the earlier felony, reduced by 30544  
any prison term administratively imposed by the parole board or 30545  
court, plus one-half of the total stated prison term of the new 30546  
felony. 30547

~~(4) Any period of post release control shall commence upon an~~ 30548  
~~offender's actual release from prison. If an offender is serving~~ 30549  
~~an indefinite prison term or a life sentence in addition to a~~ 30550  
~~stated prison term, the offender shall serve the period of~~ 30551  
~~post release control in the following manner:~~ 30552

~~(a) If a period of post release control is imposed upon the~~ 30553  
~~offender and if the offender also is subject to a period of parole~~ 30554  
~~under a life sentence or an indefinite sentence, and if the period~~ 30555  
~~of post release control ends prior to the period of parole, the~~ 30556  
~~offender shall be supervised on parole. The offender shall receive~~ 30557  
~~credit for post release control supervision during the period of~~ 30558  
~~parole. The offender is not eligible for final release under~~ 30559  
~~section 2967.16 of the Revised Code until the post release control~~ 30560  
~~period otherwise would have ended.~~ 30561

~~(b) If a period of post release control is imposed upon the~~ 30562

~~offender and if the offender also is subject to a period of parole 30563  
under an indefinite sentence, and if the period of parole ends 30564  
prior to the period of post release control, the offender shall be 30565  
supervised on post release control. The requirements of parole 30566  
supervision shall be satisfied during the post release control 30567  
period. 30568~~

~~(c) If an offender is subject to more than one period of 30569  
post release control, the period of post release control for all 30570  
of the sentences shall be the period of post release control that 30571  
expires last, as determined by the parole board or court. Periods 30572  
of post release control shall be served concurrently and shall not 30573  
be imposed consecutively to each other. 30574~~

~~(d)(G)(1) If an offender is simultaneously subject to a 30575  
period of parole under an indefinite or life sentence and a period 30576  
of post-release control, or is simultaneously subject to two 30577  
periods of post-release control, the period of supervision that 30578  
expires last shall determine the length and form of supervision 30579  
for all the periods and the related sentences. 30580~~

~~(2) An offender shall receive credit for post-release control 30581  
supervision during the period of parole, and shall not be eligible 30582  
for final release under section 2967.16 of the Revised Code until 30583  
the post-release control period otherwise would have ended. 30584~~

~~(3) If the period of parole ends prior to the end of the 30585  
period of post-release control, the requirements of parole 30586  
supervision shall be satisfied during the post-release control 30587  
period. 30588~~

~~(H)(1) A period of post-release control shall not be imposed 30589  
consecutively to any other post-release control period. 30590~~

~~(2) The period of post-release control for a releasee who 30591  
commits a felony while under post-release control for an earlier 30592  
felony shall be the longer of the period of post-release control 30593~~

specified for the new felony under division (B) or (C) of this 30594  
section or the time remaining under the period of post-release 30595  
control imposed for the earlier felony as determined by the parole 30596  
board or court. 30597

**Sec. 2981.13.** (A) Except as otherwise provided in this 30598  
section, property ordered forfeited as contraband, proceeds, or an 30599  
instrumentality pursuant to this chapter shall be disposed of, 30600  
used, or sold pursuant to section 2981.12 of the Revised Code. If 30601  
the property is to be sold under that section, the prosecutor 30602  
shall cause notice of the proposed sale to be given in accordance 30603  
with law. 30604

(B) If the contraband or instrumentality forfeited under this 30605  
chapter is sold, any moneys acquired from a sale and any proceeds 30606  
forfeited under this chapter shall be applied in the following 30607  
order: 30608

(1) First, to pay costs incurred in the seizure, storage, 30609  
maintenance, security, and sale of the property and in the 30610  
forfeiture proceeding; 30611

(2) Second, in a criminal forfeiture case, to satisfy any 30612  
restitution ordered to the victim of the offense or, in a civil 30613  
forfeiture case, to satisfy any recovery ordered for the person 30614  
harmed, unless paid from other assets; 30615

(3) Third, to pay the balance due on any security interest 30616  
preserved under this chapter; 30617

(4) Fourth, apply the remaining amounts as follows: 30618

(a) If the forfeiture was ordered by a juvenile court, ten 30619  
per cent to one or more community addiction services providers as 30620  
specified in division (D) of section 2981.12 of the Revised Code; 30621

(b) If the forfeiture was ordered in a juvenile court, ninety 30622  
per cent, and if the forfeiture was ordered in a court other than 30623

a juvenile court, one hundred per cent to the law enforcement trust fund of the prosecutor and to the following fund supporting the law enforcement agency that substantially conducted the investigation:

(i) The law enforcement trust fund of the county sheriff, municipal corporation, township, or park district created under section 511.18 or 1545.01 of the Revised Code;

(ii) The state highway patrol contraband, forfeiture, and other fund;

(iii) The department of public safety investigative unit contraband, forfeiture, and other fund;

(iv) The department of taxation enforcement fund;

(v) The board of pharmacy drug law enforcement fund created by division (B)(1) of section 4729.65 of the Revised Code;

(vi) The medicaid fraud investigation and prosecution fund;

(vii) The bureau of criminal identification and investigation asset forfeiture and cost reimbursement fund created by section 109.521 of the Revised Code;

(viii) The casino control commission enforcement fund created by section 3772.36 of the Revised Code;

(ix) The auditor of state investigation and forfeiture trust fund established under section 117.54 of the Revised Code;

(x) The treasurer of state for deposit into the ~~peace officer~~ Ohio law enforcement training ~~commission~~ fund if any other state law enforcement agency substantially conducted the investigation.

In the case of property forfeited for medicaid fraud, any remaining amount shall be used by the attorney general to investigate and prosecute medicaid fraud offenses.

If the prosecutor declines to accept any of the remaining

amounts, the amounts shall be applied to the fund of the agency 30653  
that substantially conducted the investigation. 30654

(c) If more than one law enforcement agency is substantially 30655  
involved in the seizure of property forfeited under this chapter, 30656  
the court ordering the forfeiture shall equitably divide the 30657  
amounts, after calculating any distribution to the law enforcement 30658  
trust fund of the prosecutor pursuant to division (B)(4) of this 30659  
section, among the entities that the court determines were 30660  
substantially involved in the seizure. 30661

(C)(1) A law enforcement trust fund shall be established by 30662  
the prosecutor of each county who intends to receive any remaining 30663  
amounts pursuant to this section, by the sheriff of each county, 30664  
by the legislative authority of each municipal corporation, by the 30665  
board of township trustees of each township that has a township 30666  
police department, township or joint police district police force, 30667  
or office of the constable, and by the board of park commissioners 30668  
of each park district created pursuant to section 511.18 or 30669  
1545.01 of the Revised Code that has a park district police force 30670  
or law enforcement department, for the purposes of this section. 30671

There is hereby created in the state treasury the state 30672  
highway patrol contraband, forfeiture, and other fund, the 30673  
department of public safety investigative unit contraband, 30674  
forfeiture, and other fund, the medicaid fraud investigation and 30675  
prosecution fund, and the department of taxation enforcement fund, 30676  
~~and the peace officer training commission fund~~, for the purposes 30677  
of this section. 30678

Amounts distributed to any municipal corporation, township, 30679  
or park district law enforcement trust fund shall be allocated 30680  
from the fund by the legislative authority only to the police 30681  
department of the municipal corporation, by the board of township 30682  
trustees only to the township police department, township police 30683  
district police force, or office of the constable, by the joint 30684

police district board only to the joint police district, and by 30685  
the board of park commissioners only to the park district police 30686  
force or law enforcement department. 30687

(2)(a) No amounts shall be allocated to a fund under this 30688  
section or used by an agency unless the agency has adopted a 30689  
written internal control policy that addresses the use of moneys 30690  
received from the appropriate fund. The appropriate fund shall be 30691  
expended only in accordance with that policy and, subject to the 30692  
requirements specified in this section, only for the following 30693  
purposes: 30694

(i) To pay the costs of protracted or complex investigations 30695  
or prosecutions; 30696

(ii) To provide reasonable technical training or expertise; 30697

(iii) To provide matching funds to obtain federal grants to 30698  
aid law enforcement, in the support of DARE programs or other 30699  
programs designed to educate adults or children with respect to 30700  
the dangers associated with the use of drugs of abuse; 30701

(iv) To pay the costs of emergency action taken under section 30702  
3745.13 of the Revised Code relative to the operation of an 30703  
illegal methamphetamine laboratory if the forfeited property or 30704  
money involved was that of a person responsible for the operation 30705  
of the laboratory; 30706

(v) For other law enforcement purposes that the 30707  
superintendent of the state highway patrol, department of public 30708  
safety, attorney general, auditor of state, prosecutor, county 30709  
sheriff, legislative authority, department of taxation, Ohio 30710  
casino control commission, board of township trustees, or board of 30711  
park commissioners determines to be appropriate. 30712

(b) The board of pharmacy drug law enforcement fund shall be 30713  
expended only in accordance with the written internal control 30714  
policy so adopted by the board and only in accordance with section 30715

4729.65 of the Revised Code, except that it also may be expended 30716  
to pay the costs of emergency action taken under section 3745.13 30717  
of the Revised Code relative to the operation of an illegal 30718  
methamphetamine laboratory if the forfeited property or money 30719  
involved was that of a person responsible for the operation of the 30720  
laboratory. 30721

(c) A fund listed in division (B)(4)(b) of this section, 30722  
other than the Medicaid fraud investigation and prosecution fund, 30723  
shall not be used to meet the operating costs of the agency, 30724  
office, or political subdivision that are unrelated to law 30725  
enforcement. 30726

(d) Forfeited moneys that are paid into the state treasury to 30727  
be deposited into the ~~peace officer~~ Ohio law enforcement training 30728  
~~commission~~ fund pursuant to this section shall be used by the 30729  
commission only to pay the costs of peace officer training. 30730

(3) Any of the following offices or agencies that receive 30731  
amounts under this section during any calendar year shall file a 30732  
report with the specified entity, not later than the thirty-first 30733  
day of January of the next calendar year, verifying that the 30734  
moneys were expended only for the purposes authorized by this 30735  
section or other relevant statute and specifying the amounts 30736  
expended for each authorized purpose: 30737

(a) Any sheriff or prosecutor shall file the report with the 30738  
county auditor. 30739

(b) Any municipal corporation police department shall file 30740  
the report with the legislative authority of the municipal 30741  
corporation. 30742

(c) Any township police department, township or joint police 30743  
district police force, or office of the constable shall file the 30744  
report with the board of township trustees of the township. 30745

(d) Any park district police force or law enforcement 30746

department shall file the report with the board of park commissioners of the park district. 30747  
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(e) The superintendent of the state highway patrol, the auditor of state, and the tax commissioner shall file the report with the attorney general. 30749  
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(f) The executive director of the state board of pharmacy shall file the report with the attorney general, verifying that cash and forfeited proceeds paid into the board of pharmacy drug law enforcement fund were used only in accordance with section 4729.65 of the Revised Code. 30752  
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(g) The peace officer training commission shall file a report with the attorney general, verifying that cash and forfeited proceeds paid into the ~~peace officer~~ Ohio law enforcement training ~~commission~~ fund pursuant to this section during the prior calendar year were used by the commission during the prior calendar year only to pay the costs of peace officer training. 30757  
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(h) The executive director of the Ohio casino control commission shall file the report with the attorney general, verifying that cash and forfeited proceeds paid into the casino control commission enforcement fund were used only in accordance with section 3772.36 of the Revised Code. 30763  
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(D) The written internal control policy of a county sheriff, prosecutor, municipal corporation police department, township police department, township or joint police district police force, office of the constable, or park district police force or law enforcement department shall provide that at least ten per cent of the first one hundred thousand dollars of amounts deposited during each calendar year in the agency's law enforcement trust fund under this section, and at least twenty per cent of the amounts exceeding one hundred thousand dollars that are so deposited, shall be used in connection with community preventive education 30768  
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programs. The manner of use shall be determined by the sheriff, 30778  
prosecutor, department, police force, or office of the constable 30779  
after receiving and considering advice on appropriate community 30780  
preventive education programs from the county's board of alcohol, 30781  
drug addiction, and mental health services, from the county's 30782  
alcohol and drug addiction services board, or through appropriate 30783  
community dialogue. 30784

The financial records kept under the internal control policy 30785  
shall specify the amount deposited during each calendar year in 30786  
the portion of that amount that was used pursuant to this 30787  
division, and the programs in connection with which the portion of 30788  
that amount was so used. 30789

As used in this division, "community preventive education 30790  
programs" include, but are not limited to, DARE programs and other 30791  
programs designed to educate adults or children with respect to 30792  
the dangers associated with using drugs of abuse. 30793

(E) Upon the sale, under this section or section 2981.12 of 30794  
the Revised Code, of any property that is required by law to be 30795  
titled or registered, the state shall issue an appropriate 30796  
certificate of title or registration to the purchaser. If the 30797  
state is vested with title and elects to retain property that is 30798  
required to be titled or registered under law, the state shall 30799  
issue an appropriate certificate of title or registration. 30800

(F) Any failure of a law enforcement officer or agency, 30801  
prosecutor, court, or the attorney general to comply with this 30802  
section in relation to any property seized does not affect the 30803  
validity of the seizure and shall not be considered to be the 30804  
basis for suppressing any evidence resulting from the seizure, 30805  
provided the seizure itself was lawful. 30806

(G) As used in this section, "Ohio law enforcement training 30807  
fund" means the state law enforcement training fund described in 30808

division (C)(3)(f) of Section 6 of Article XV, Ohio Constitution. 30809

**Sec. 3107.11.** (A) After the filing of a petition to adopt an 30810  
adult or a minor, the court shall fix a time and place for hearing 30811  
the petition. The hearing may take place at any time more than 30812  
thirty days after the date on which the minor is placed in the 30813  
home of the petitioner. At least twenty days before the date of 30814  
hearing, notice of the filing of the petition and of the time and 30815  
place of hearing shall be given by the court to all of the 30816  
following: 30817

(1) Any juvenile court, agency, or person whose consent to 30818  
the adoption is required by this chapter but who has not 30819  
consented; 30820

(2) A person whose consent is not required as provided by 30821  
division (A), (G), (H), or (I) of section 3107.07 of the Revised 30822  
Code and has not consented; 30823

(3) Any guardian, custodian, or other party who has temporary 30824  
custody or permanent custody of the child. 30825

Notice shall not be given to a person whose consent is not 30826  
required as provided by division (B), (C), (D), (E), (F), or (J) 30827  
of section 3107.07, or section 3107.071, of the Revised Code. 30828  
Second notice shall not be given to a juvenile court, agency, or 30829  
person whose consent is not required as provided by division (K) 30830  
of section 3107.07 of the Revised Code because the court, agency, 30831  
or person failed to file an objection to the petition within 30832  
fourteen days after proof was filed pursuant to division (B) of 30833  
this section that a first notice was given to the court, agency, 30834  
or person pursuant to division (A)(1) of this section. 30835

(B) Upon the filing of a petition for adoption that alleges 30836  
that a parent has failed without justifiable cause to provide more 30837  
than de minimis contact with the minor or to provide for the 30838

maintenance and support of the minor, the clerk of courts shall 30839  
send a notice to that parent with the following language in 30840  
boldface type and in all capital letters: 30841

"A FINAL DECREE OF ADOPTION, IF GRANTED, WILL RELIEVE YOU OF ALL 30842  
PARENTAL RIGHTS AND RESPONSIBILITIES, INCLUDING THE RIGHT TO 30843  
CONTACT THE MINOR, AND, EXCEPT WITH RESPECT TO A SPOUSE OF THE 30844  
ADOPTION PETITIONER AND RELATIVES OF THAT SPOUSE, TERMINATE ALL 30845  
LEGAL RELATIONSHIPS BETWEEN THE MINOR AND YOU AND THE MINOR'S 30846  
OTHER RELATIVES, SO THAT THE MINOR THEREAFTER IS A STRANGER TO YOU 30847  
AND THE MINOR'S FORMER RELATIVES FOR ALL PURPOSES, WITH THE 30848  
EXCEPTION OF DIVISION (A)(1)(b) OF SECTION 3107.15 OF THE REVISED 30849  
CODE. IF YOU WISH TO CONTEST THE ADOPTION, YOU MUST FILE AN 30850  
OBJECTION TO THE PETITION WITHIN FOURTEEN DAYS AFTER PROOF OF 30851  
SERVICE OF NOTICE OF THE FILING OF THE PETITION AND OF THE TIME 30852  
AND PLACE OF HEARING IS GIVEN TO YOU. IF YOU WISH TO CONTEST THE 30853  
ADOPTION, YOU MUST ALSO APPEAR AT THE HEARING. A FINAL DECREE OF 30854  
ADOPTION MAY BE ENTERED IF YOU FAIL TO FILE AN OBJECTION TO THE 30855  
ADOPTION PETITION OR APPEAR AT THE HEARING." 30856

(C) All notices required under this section shall be given as 30857  
specified in the Rules of Civil Procedure. Proof of the giving of 30858  
notice shall be filed with the court before the petition is heard. 30859

**Sec. 3107.15.** (A) A final decree of adoption and an 30860  
interlocutory order of adoption that has become final as issued by 30861  
a court of this state, or a decree issued by a jurisdiction 30862  
outside this state as recognized pursuant to section 3107.18 of 30863  
the Revised Code, shall have the following effects as to all 30864  
matters within the jurisdiction or before a court of this state, 30865  
whether issued before or after May 30, 1996: 30866

(1)(a) Except with respect to a spouse of the petitioner and 30867  
relatives of the spouse, to relieve the biological or other legal 30868  
parents of the adopted person of all parental rights and 30869

responsibilities, and to terminate all legal relationships between 30870  
the adopted person and the adopted person's relatives, including 30871  
the adopted person's biological or other legal parents, so that, 30872  
except as provided under division (A)(1)(b) of this section, the 30873  
adopted person thereafter is a stranger to the adopted person's 30874  
former relatives for all purposes including inheritance and the 30875  
interpretation or construction of documents, statutes, and 30876  
instruments, whether executed before or after the adoption is 30877  
decreed, which do not expressly include the person by name or by 30878  
some designation not based on a parent and child or blood 30879  
relationship; 30880

(b) The legal parents of an adopted person may be notified 30881  
that a sibling of the adopted person has been placed into 30882  
out-of-home care. For the purposes of this division, "sibling" 30883  
means a former biological sibling, former legal sibling, or any 30884  
person who would have been considered a sibling if not for a 30885  
termination or other disruption of parental rights. 30886

(2) To create the relationship of parent and child between 30887  
petitioner and the adopted person, as if the adopted person were a 30888  
legitimate blood descendant of the petitioner, for all purposes 30889  
including inheritance and applicability of statutes, documents, 30890  
and instruments, whether executed before or after the adoption is 30891  
decreed, and whether executed or created before or after May 30, 30892  
1996, which do not expressly exclude an adopted person from their 30893  
operation or effect; 30894

(3) Notwithstanding division (A)(2) of this section, a person 30895  
who is eighteen years of age or older at the time the person is 30896  
adopted, and the adopted person's lineal descendants, are not 30897  
included as recipients of gifts, devises, bequests, or other 30898  
transfers of property, including transfers in trust made to a 30899  
class of persons including, but not limited to, children, 30900  
grandchildren, heirs, issue, lineal descendants, and next of kin, 30901

for purposes of inheritance and applicability of statutes, 30902  
documents, and instruments, whether executed or created before or 30903  
after May 30, 1996, unless the document or instrument expressly 30904  
includes the adopted person by name or expressly states that it 30905  
includes a person who is eighteen years of age or older at the 30906  
time the person is adopted. 30907

(B) Notwithstanding division (A) of this section, if a parent 30908  
of a child dies without the relationship of parent and child 30909  
having been previously terminated and a spouse of the living 30910  
parent thereafter adopts the child, the child's rights from or 30911  
through the deceased parent for all purposes, including 30912  
inheritance and applicability or construction of documents, 30913  
statutes, and instruments, are not restricted or curtailed by the 30914  
adoption. 30915

(C) Notwithstanding division (A) of this section, if the 30916  
relationship of parent and child has not been terminated between a 30917  
parent and that parent's child and a spouse of the other parent of 30918  
the child adopts the child, a grandparent's or relative's right to 30919  
companionship or visitation pursuant to section 3109.11 of the 30920  
Revised Code is not restricted or curtailed by the adoption. 30921

(D) An interlocutory order of adoption, while it is in force, 30922  
has the same legal effect as a final decree of adoption. If an 30923  
interlocutory order of adoption is vacated, it shall be as though 30924  
void from its issuance, and the rights, liabilities, and status of 30925  
all affected persons that have not become vested are governed 30926  
accordingly. 30927

**Sec. 3119.01.** (A) As used in the Revised Code, "child support 30928  
enforcement agency" means a child support enforcement agency 30929  
designated under former section 2301.35 of the Revised Code prior 30930  
to October 1, 1997, or a private or government entity designated 30931  
as a child support enforcement agency under section 307.981 of the 30932

|                                                                                                                                                                                                                                                                                                                                                                                                                                        |                                                             |
|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-------------------------------------------------------------|
| Revised Code.                                                                                                                                                                                                                                                                                                                                                                                                                          | 30933                                                       |
| (B) As used in this chapter and Chapters 3121., 3123., and 3125. of the Revised Code:                                                                                                                                                                                                                                                                                                                                                  | 30934<br>30935                                              |
| (1) "Administrative child support order" means any order issued by a child support enforcement agency for the support of a child pursuant to section 3109.19 or 3111.81 of the Revised Code or former section 3111.211 of the Revised Code, section 3111.21 of the Revised Code as that section existed prior to January 1, 1998, or section 3111.20 or 3111.22 of the Revised Code as those sections existed prior to March 22, 2001. | 30936<br>30937<br>30938<br>30939<br>30940<br>30941<br>30942 |
| (2) "Child support order" means either a court child support order or an administrative child support order.                                                                                                                                                                                                                                                                                                                           | 30943<br>30944                                              |
| (3) "Obligee" means the person who is entitled to receive the support payments under a support order.                                                                                                                                                                                                                                                                                                                                  | 30945<br>30946                                              |
| (4) "Obligor" means the person who is required to pay support under a support order.                                                                                                                                                                                                                                                                                                                                                   | 30947<br>30948                                              |
| (5) "Support order" means either an administrative child support order or a court support order.                                                                                                                                                                                                                                                                                                                                       | 30949<br>30950                                              |
| (C) As used in this chapter:                                                                                                                                                                                                                                                                                                                                                                                                           | 30951                                                       |
| (1) "Cash medical support" means an amount ordered to be paid in a child support order toward the ordinary medical expenses incurred during a calendar year.                                                                                                                                                                                                                                                                           | 30952<br>30953<br>30954                                     |
| (2) "Child care cost" means annual out-of-pocket costs for the care and supervision of a child or children subject to the order that is related to work or employment training.                                                                                                                                                                                                                                                        | 30955<br>30956<br>30957                                     |
| (3) "Court child support order" means any order issued by a court for the support of a child pursuant to Chapter 3115. of the Revised Code, section 2151.23, 2151.231, 2151.232, 2151.33, 2151.36, 2151.361, 2151.49, 3105.21, 3109.05, 3109.19, 3111.13,                                                                                                                                                                              | 30958<br>30959<br>30960<br>30961                            |

3113.04, 3113.07, 3113.31, 3119.65, or 3119.70 of the Revised Code, or division (B) of former section 3113.21 of the Revised Code. 30962  
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(4) "Court-ordered parenting time" means the amount of parenting time a parent is to have under a parenting time order or the amount of time the children are to be in the physical custody of a parent under a shared parenting order. 30965  
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(5) "Court support order" means either a court child support order or an order for the support of a spouse or former spouse issued pursuant to Chapter 3115. of the Revised Code, section 3105.18, 3105.65, or 3113.31 of the Revised Code, or division (B) of former section 3113.21 of the Revised Code. 30969  
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(6) "CPI-U" means the consumer price index for all urban consumers, published by the United States department of labor, bureau of labor statistics. 30974  
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(7) "Extraordinary medical expenses" means any uninsured medical expenses incurred for a child during a calendar year that exceed the total cash medical support amount owed by the parents during that year. 30977  
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(8) "Federal poverty level" has the same meaning as in section 5121.30 of the Revised Code. 30981  
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(9) "Income" means either of the following: 30983

(a) For a parent who is employed to full capacity, the gross income of the parent; 30984  
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(b) For a parent who is unemployed or underemployed, the sum of the gross income of the parent and any potential income of the parent. 30986  
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(10) "Income share" means the percentage derived from a comparison of each parent's annual income after allowable deductions and credits as indicated on the worksheet to the total 30989  
30990  
30991

annual income of both parents. 30992

(11) "Insurer" means any person authorized under Title XXXIX 30993  
of the Revised Code to engage in the business of insurance in this 30994  
state, any health insuring corporation, and any legal entity that 30995  
is self-insured and provides benefits to its employees or members. 30996

(12) "Gross income" means, except as excluded in division 30997  
(C)(12) of this section, the total of all earned and unearned 30998  
income from all sources during a calendar year, whether or not the 30999  
income is taxable, and includes income from salaries, wages, 31000  
overtime pay, and bonuses to the extent described in division (D) 31001  
of section 3119.05 of the Revised Code; commissions; royalties; 31002  
tips; rents; dividends; severance pay; pensions; interest; trust 31003  
income; annuities; social security benefits, including retirement, 31004  
disability, and survivor benefits that are not means-tested; 31005  
workers' compensation benefits; unemployment insurance benefits; 31006  
disability insurance benefits; benefits that are not means-tested 31007  
and that are received by and in the possession of the veteran who 31008  
is the beneficiary for any service-connected disability under a 31009  
program or law administered by the United States department of 31010  
veterans' affairs or veterans' administration; spousal support 31011  
actually received; and all other sources of income. "Gross income" 31012  
includes income of members of any branch of the United States 31013  
armed services or national guard, including, amounts representing 31014  
base pay, basic allowance for quarters, basic allowance for 31015  
subsistence, supplemental subsistence allowance, cost of living 31016  
adjustment, specialty pay, variable housing allowance, and pay for 31017  
training or other types of required drills; self-generated income; 31018  
and potential cash flow from any source. 31019

"Gross income" does not include any of the following: 31020

(a) Benefits received from means-tested government 31021  
administered programs, including Ohio works first; prevention, 31022  
retention, and contingency; means-tested veterans' benefits; 31023

supplemental security income; supplemental nutrition assistance 31024  
program; disability financial assistance; or other assistance for 31025  
which eligibility is determined on the basis of income or assets; 31026

(b) Benefits for any service-connected disability under a 31027  
program or law administered by the United States department of 31028  
veterans' affairs or veterans' administration that are not 31029  
means-tested, that have not been distributed to the veteran who is 31030  
the beneficiary of the benefits, and that are in the possession of 31031  
the United States department of veterans' affairs or veterans' 31032  
administration; 31033

(c) Child support amounts received for children who are not 31034  
included in the current calculation; 31035

(d) Amounts paid for mandatory deductions from wages such as 31036  
union dues but not taxes, social security, or retirement in lieu 31037  
of social security; 31038

(e) Nonrecurring or unsustainable income or cash flow items; 31039

(f) Adoption assistance, kinship guardianship assistance, and 31040  
foster care maintenance payments made pursuant to Title IV-E of 31041  
the "Social Security Act," 94 Stat. 501, 42 U.S.C.A. 670 (1980), 31042  
as amended; 31043

(g) State kinship guardianship assistance described in 31044  
section 5153.163 of the Revised Code and payment from the kinship 31045  
support program described in section 5101.881 of the Revised Code. 31046

(13) "Nonrecurring or unsustainable income or cash flow item" 31047  
means an income or cash flow item the parent receives in any year 31048  
or for any number of years not to exceed three years that the 31049  
parent does not expect to continue to receive on a regular basis. 31050  
"Nonrecurring or unsustainable income or cash flow item" does not 31051  
include a lottery prize award that is not paid in a lump sum or 31052  
any other item of income or cash flow that the parent receives or 31053  
expects to receive for each year for a period of more than three 31054

years or that the parent receives and invests or otherwise uses to 31055  
produce income or cash flow for a period of more than three years. 31056

(14) "Ordinary medical expenses" includes copayments and 31057  
deductibles, and uninsured medical-related costs for the children 31058  
of the order. 31059

(15)(a) "Ordinary and necessary expenses incurred in 31060  
generating gross receipts" means actual cash items expended by the 31061  
parent or the parent's business and includes depreciation expenses 31062  
of business equipment as shown on the books of a business entity. 31063

(b) Except as specifically included in "ordinary and 31064  
necessary expenses incurred in generating gross receipts" by 31065  
division (C)(15)(a) of this section, "ordinary and necessary 31066  
expenses incurred in generating gross receipts" does not include 31067  
depreciation expenses and other noncash items that are allowed as 31068  
deductions on any federal tax return of the parent or the parent's 31069  
business. 31070

(16) "Personal earnings" means compensation paid or payable 31071  
for personal services, however denominated, and includes wages, 31072  
salary, commissions, bonuses, draws against commissions, profit 31073  
sharing, vacation pay, or any other compensation. 31074

(17) "Potential income" means both of the following for a 31075  
parent who the court pursuant to a court support order, or a child 31076  
support enforcement agency pursuant to an administrative child 31077  
support order, determines is voluntarily unemployed or voluntarily 31078  
underemployed: 31079

(a) Imputed income that the court or agency determines the 31080  
parent would have earned if fully employed as determined from the 31081  
following criteria: 31082

(i) The parent's prior employment experience; 31083

(ii) The parent's education; 31084

|                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                   |                                                                      |
|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|----------------------------------------------------------------------|
| (iii) The parent's physical and mental disabilities, if any;                                                                                                                                                                                                                                                                                                                                                                                                                                                                      | 31085                                                                |
| (iv) The availability of employment in the geographic area in which the parent resides;                                                                                                                                                                                                                                                                                                                                                                                                                                           | 31086<br>31087                                                       |
| (v) The prevailing wage and salary levels in the geographic area in which the parent resides;                                                                                                                                                                                                                                                                                                                                                                                                                                     | 31088<br>31089                                                       |
| (vi) The parent's special skills and training;                                                                                                                                                                                                                                                                                                                                                                                                                                                                                    | 31090                                                                |
| (vii) Whether there is evidence that the parent has the ability to earn the imputed income;                                                                                                                                                                                                                                                                                                                                                                                                                                       | 31091<br>31092                                                       |
| (viii) The age and special needs of the child for whom child support is being calculated under this section;                                                                                                                                                                                                                                                                                                                                                                                                                      | 31093<br>31094                                                       |
| (ix) The parent's increased earning capacity because of experience;                                                                                                                                                                                                                                                                                                                                                                                                                                                               | 31095<br>31096                                                       |
| (x) The parent's decreased earning capacity because of a felony conviction;                                                                                                                                                                                                                                                                                                                                                                                                                                                       | 31097<br>31098                                                       |
| (xi) Any other relevant factor.                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                   | 31099                                                                |
| (b) Imputed income from any nonincome-producing assets of a parent, as determined from the local passbook savings rate or another appropriate rate as determined by the court or agency, not to exceed the rate of interest specified in division (A) of section 1343.03 of the Revised Code, if the income is significant.                                                                                                                                                                                                       | 31100<br>31101<br>31102<br>31103<br>31104                            |
| (18) "Schedule" means the basic child support schedule created pursuant to section 3119.021 of the Revised Code.                                                                                                                                                                                                                                                                                                                                                                                                                  | 31105<br>31106                                                       |
| (19) "Self-generated income" means gross receipts received by a parent from self-employment, proprietorship of a business, joint ownership of a partnership or closely held corporation, and rents minus ordinary and necessary expenses incurred by the parent in generating the gross receipts. "Self-generated income" includes expense reimbursements or in-kind payments received by a parent from self-employment, the operation of a business, or rents, including company cars, free housing, reimbursed meals, and other | 31107<br>31108<br>31109<br>31110<br>31111<br>31112<br>31113<br>31114 |

benefits, if the reimbursements are significant and reduce 31115  
personal living expenses. 31116

(20) "Self-sufficiency reserve" means the minimal amount 31117  
necessary for an obligor to adequately subsist upon, as determined 31118  
under section 3119.021 of the Revised Code. 31119

(21) "Split parental rights and responsibilities" means a 31120  
situation in which there is more than one child who is the subject 31121  
of an allocation of parental rights and responsibilities and each 31122  
parent is the residential parent and legal custodian of at least 31123  
one of those children. 31124

(22) "Worksheet" means the applicable worksheet created in 31125  
rules adopted under section 3119.022 of the Revised Code that is 31126  
used to calculate a parent's child support obligation. 31127

**Sec. 3301.079.** (A)(1) The state board of education 31128  
periodically shall adopt statewide academic standards with 31129  
emphasis on coherence, focus, and essential knowledge and that are 31130  
more challenging and demanding when compared to international 31131  
standards for each of grades kindergarten through twelve in 31132  
English language arts, mathematics, science, and social studies. 31133

(a) The state board shall ensure that the standards do all of 31134  
the following: 31135

(i) Include the essential academic content and skills that 31136  
students are expected to know and be able to do at each grade 31137  
level that will allow each student to be prepared for 31138  
postsecondary instruction and the workplace for success in the 31139  
twenty-first century; 31140

(ii) Include the development of skill sets that promote 31141  
information, media, and technological literacy; 31142

(iii) Include interdisciplinary, project-based, real-world 31143  
learning opportunities; 31144

(iv) Instill life-long learning by providing essential 31145  
knowledge and skills based in the liberal arts tradition, as well 31146  
as science, technology, engineering, mathematics, and 31147  
career-technical education; 31148

(v) Be clearly written, transparent, and understandable by 31149  
parents, educators, and the general public. 31150

(b) Not later than July 1, 2012, the state board shall 31151  
incorporate into the social studies standards for grades four to 31152  
twelve academic content regarding the original texts of the 31153  
Declaration of Independence, the Northwest Ordinance, the 31154  
Constitution of the United States and its amendments, with 31155  
emphasis on the Bill of Rights, and the Ohio Constitution, and 31156  
their original context. The state board shall revise the model 31157  
curricula and achievement assessments adopted under divisions (B) 31158  
and (C) of this section as necessary to reflect the additional 31159  
American history and American government content. The state board 31160  
shall make available a list of suggested grade-appropriate 31161  
supplemental readings that place the documents prescribed by this 31162  
division in their historical context, which teachers may use as a 31163  
resource to assist students in reading the documents within that 31164  
context. 31165

(c) When the state board adopts or revises academic content 31166  
standards in social studies, American history, American 31167  
government, or science under division (A)(1) of this section, the 31168  
state board shall develop such standards independently and not as 31169  
part of a multistate consortium. 31170

(2) After completing the standards required by division 31171  
(A)(1) of this section, the state board shall adopt standards and 31172  
model curricula for instruction in technology, financial literacy 31173  
and entrepreneurship, fine arts, and foreign language for grades 31174  
kindergarten through twelve. The standards shall meet the same 31175  
requirements prescribed in division (A)(1)(a) of this section. 31176

(3) The state board shall adopt the most recent standards 31177  
developed by the national association for sport and physical 31178  
education for physical education in grades kindergarten through 31179  
twelve or shall adopt its own standards for physical education in 31180  
those grades and revise and update them periodically. 31181

The department of education shall employ a full-time physical 31182  
education coordinator to provide guidance and technical assistance 31183  
to districts, community schools, and STEM schools in implementing 31184  
the physical education standards adopted under this division. The 31185  
superintendent of public instruction shall determine that the 31186  
person employed as coordinator is qualified for the position, as 31187  
demonstrated by possessing an adequate combination of education, 31188  
license, and experience. 31189

(4) Not later than ~~December 31, 2018~~ one year after the 31190  
effective date of this amendment, the state board shall ~~adopt~~ 31191  
update the standards and a model curriculum for instruction in 31192  
computer science in grades kindergarten through twelve, which 31193  
shall include standards for introductory and advanced computer 31194  
science courses in grades nine through twelve. When developing the 31195  
standards and curriculum, the state board shall consider 31196  
recommendations from computer science education stakeholder 31197  
groups, including teachers and representatives from higher 31198  
education, industry, computer science organizations in Ohio, and 31199  
national computer science organizations. 31200

Any district or school may utilize the computer science 31201  
standards or model curriculum or any part thereof adopted pursuant 31202  
to division (A)(4) of this section. However, no district or school 31203  
shall be required to utilize all or any part of the standards or 31204  
curriculum. 31205

(5) When academic standards have been completed for any 31206  
subject area required by this section, the state board shall 31207  
inform all school districts, all community schools established 31208

under Chapter 3314. of the Revised Code, all STEM schools 31209  
established under Chapter 3326. of the Revised Code, and all 31210  
nonpublic schools required to administer the assessments 31211  
prescribed by sections 3301.0710 and 3301.0712 of the Revised Code 31212  
of the content of those standards. Additionally, upon completion 31213  
of any academic standards under this section, the department shall 31214  
post those standards on the department's web site. 31215

(B)(1) The state board shall adopt a model curriculum for 31216  
instruction in each subject area for which updated academic 31217  
standards are required by division (A)(1) of this section and for 31218  
each of grades kindergarten through twelve that is sufficient to 31219  
meet the needs of students in every community. The model 31220  
curriculum shall be aligned with the standards, to ensure that the 31221  
academic content and skills specified for each grade level are 31222  
taught to students, and shall demonstrate vertical articulation 31223  
and emphasize coherence, focus, and rigor. When any model 31224  
curriculum has been completed, the state board shall inform all 31225  
school districts, community schools, and STEM schools of the 31226  
content of that model curriculum. 31227

(2) Not later than June 30, 2013, the state board, in 31228  
consultation with any office housed in the governor's office that 31229  
deals with workforce development, shall adopt model curricula for 31230  
grades kindergarten through twelve that embed career connection 31231  
learning strategies into regular classroom instruction. 31232

(3) All school districts, community schools, and STEM schools 31233  
may utilize the state standards and the model curriculum 31234  
established by the state board, together with other relevant 31235  
resources, examples, or models to ensure that students have the 31236  
opportunity to attain the academic standards. Upon request, the 31237  
department shall provide technical assistance to any district, 31238  
community school, or STEM school in implementing the model 31239  
curriculum. 31240

Nothing in this section requires any school district to 31241  
utilize all or any part of a model curriculum developed under this 31242  
section. 31243

(C) The state board shall develop achievement assessments 31244  
aligned with the academic standards and model curriculum for each 31245  
of the subject areas and grade levels required by divisions (A)(1) 31246  
and (B)(1) of section 3301.0710 of the Revised Code. 31247

When any achievement assessment has been completed, the state 31248  
board shall inform all school districts, community schools, STEM 31249  
schools, and nonpublic schools required to administer the 31250  
assessment of its completion, and the department shall make the 31251  
achievement assessment available to the districts and schools. 31252

(D)(1) The state board shall adopt a diagnostic assessment 31253  
aligned with the academic standards and model curriculum for each 31254  
of grades kindergarten through two in reading, writing, and 31255  
mathematics and for grade three in reading and writing. The 31256  
diagnostic assessment shall be designed to measure student 31257  
comprehension of academic content and mastery of related skills 31258  
for the relevant subject area and grade level. Any diagnostic 31259  
assessment shall not include components to identify gifted 31260  
students. Blank copies of diagnostic assessments shall be public 31261  
records. 31262

(2) When each diagnostic assessment has been completed, the 31263  
state board shall inform all school districts of its completion 31264  
and the department shall make the diagnostic assessment available 31265  
to the districts at no cost to the district. 31266

(3) School districts shall administer the diagnostic 31267  
assessment pursuant to section 3301.0715 of the Revised Code 31268  
beginning the first school year following the development of the 31269  
assessment. 31270

However, beginning with the 2017-2018 school year, both of 31271

the following shall apply: 31272

(a) In the case of the diagnostic assessments for grades one 31273  
or two in writing or mathematics or for grade three in writing, a 31274  
school district shall not be required to administer any such 31275  
assessment, but may do so at the discretion of the district board; 31276

(b) In the case of any diagnostic assessment that is not for 31277  
the grade levels and subject areas specified in division (D)(3)(a) 31278  
of this section, each school district shall administer the 31279  
assessment in the manner prescribed by section 3301.0715 of the 31280  
Revised Code. 31281

(E) The state board shall not adopt a diagnostic or 31282  
achievement assessment for any grade level or subject area other 31283  
than those specified in this section. 31284

(F) Whenever the state board or the department consults with 31285  
persons for the purpose of drafting or reviewing any standards, 31286  
diagnostic assessments, achievement assessments, or model 31287  
curriculum required under this section, the state board or the 31288  
department shall first consult with parents of students in 31289  
kindergarten through twelfth grade and with active Ohio classroom 31290  
teachers, other school personnel, and administrators with 31291  
expertise in the appropriate subject area. Whenever practicable, 31292  
the state board and department shall consult with teachers 31293  
recognized as outstanding in their fields. 31294

If the department contracts with more than one outside entity 31295  
for the development of the achievement assessments required by 31296  
this section, the department shall ensure the interchangeability 31297  
of those assessments. 31298

(G) Whenever the state board adopts standards or model 31299  
curricula under this section, the department also shall provide 31300  
information on the use of blended, online, or digital learning in 31301  
the delivery of the standards or curricula to students in 31302

accordance with division (A)(5) of this section. 31303

(H) The fairness sensitivity review committee, established by 31304  
rule of the state board of education, shall not allow any question 31305  
on any achievement or diagnostic assessment developed under this 31306  
section or any proficiency test prescribed by former section 31307  
3301.0710 of the Revised Code, as it existed prior to September 31308  
11, 2001, to include, be written to promote, or inquire as to 31309  
individual moral or social values or beliefs. The decision of the 31310  
committee shall be final. This section does not create a private 31311  
cause of action. 31312

(I) Not later than sixty days prior to the adoption by the 31313  
state board of updated academic standards under division (A)(1) of 31314  
this section or updated model curricula under division (B)(1) of 31315  
this section, the superintendent of public instruction shall 31316  
present the academic standards or model curricula, as applicable, 31317  
in person at a public hearing of the respective committees of the 31318  
house of representatives and senate that consider education 31319  
legislation. 31320

(J) As used in this section: 31321

(1) "Blended learning" means the delivery of instruction in a 31322  
combination of time primarily in a supervised physical location 31323  
away from home and online delivery whereby the student has some 31324  
element of control over time, place, path, or pace of learning. 31325

(2) ~~"Coherence"~~ "Online learning" means students work 31326  
primarily from their residences on assignments delivered via an 31327  
internet- or other computer-based instructional method. 31328

(3) "Coherence" means a reflection of the structure of the 31329  
discipline being taught. 31330

~~(3)~~(4) "Digital learning" means learning facilitated by 31331  
technology that gives students some element of control over time, 31332  
place, path, or pace of learning. 31333

~~(4)~~(5) "Focus" means limiting the number of items included in a curriculum to allow for deeper exploration of the subject matter. 31334  
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~~(5)~~(6) "Vertical articulation" means key academic concepts and skills associated with mastery in particular content areas should be articulated and reinforced in a developmentally appropriate manner at each grade level so that over time students acquire a depth of knowledge and understanding in the core academic disciplines. 31337  
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**Sec. 3301.0712.** (A) The state board of education, the superintendent of public instruction, and the chancellor of higher education shall develop a system of college and work ready assessments as described in division (B) of this section to assess whether each student upon graduating from high school is ready to enter college or the workforce. Beginning with students who enter the ninth grade for the first time on or after July 1, 2014, the system shall replace the Ohio graduation tests prescribed in division (B)(1) of section 3301.0710 of the Revised Code as a measure of student academic performance and one determinant of eligibility for a high school diploma in the manner prescribed by rule of the state board adopted under division (D) of this section. 31343  
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(B) The college and work ready assessment system shall consist of the following: 31356  
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(1) ~~Nationally~~(a) Except as provided in division (B)(1)(b) of this section, nationally standardized assessments that measure college and career readiness and are used for college admission. The assessments shall be selected jointly by the state superintendent and the chancellor, and one of which shall be selected by each school district or school to administer to its students. The assessments prescribed under division (B)(1) of this 31358  
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section shall be administered to all eleventh-grade students in 31365  
the spring of the school year. 31366

(b) Beginning with students who enter the ninth grade for the 31367  
first time on or after the first day of July immediately following 31368  
the effective date of this amendment, the parent or guardian of a 31369  
student may elect not to have a nationally standardized assessment 31370  
administered to that student. In that event, the student's school 31371  
district or school shall not administer the nationally 31372  
standardized assessment to that student. 31373

(2)(a) Except as provided in division (B)(2)(b) of this 31374  
section, seven end-of-course examinations, one in each of the 31375  
areas of English language arts I, English language arts II, 31376  
science, Algebra I, geometry, American history, and American 31377  
government. The end-of-course examinations shall be selected 31378  
jointly by the state superintendent and the chancellor in 31379  
consultation with faculty in the appropriate subject areas at 31380  
institutions of higher education of the university system of Ohio. 31381  
Advanced placement examinations and international baccalaureate 31382  
examinations, as prescribed under section 3313.6013 of the Revised 31383  
Code, in the areas of science, American history, and American 31384  
government may be used as end-of-course examinations in accordance 31385  
with division (B)(4)(a)(i) of this section. Final course grades 31386  
for courses taken under any other advanced standing program, as 31387  
prescribed under section 3313.6013 of the Revised Code, in the 31388  
areas of science, American history, and American government may be 31389  
used in lieu of end-of-course examinations in accordance with 31390  
division (B)(4)(a)(ii) of this section. 31391

(b) Beginning with students who enter ninth grade for the 31392  
first time on or after July 1, 2019, five end-of-course 31393  
examinations, one in each areas of English language arts II, 31394  
science, Algebra I, American history, and American government. 31395  
However, only the end-of-course examinations in English language 31396

arts II and Algebra I shall be required for graduation. 31397

The department of education shall, as necessary to implement 31398  
division (B)(2)(b) of this section, seek a waiver from the United 31399  
States secretary of education for testing requirements prescribed 31400  
under federal law to allow for the use and implementation of 31401  
Algebra I as the primary assessment of high school mathematics. If 31402  
the department does not receive a waiver under this division, the 31403  
end-of-course examinations for students described in division 31404  
(B)(2)(b) of this section also shall include an end-of-course 31405  
examination in the area of geometry. However, the geometry 31406  
end-of-course examination shall not be required for graduation. 31407

(3)(a) Not later than July 1, 2013, each school district 31408  
board of education shall adopt interim end-of-course examinations 31409  
that comply with the requirements of divisions (B)(3)(b)(i) and 31410  
(ii) of this section to assess mastery of American history and 31411  
American government standards adopted under division (A)(1)(b) of 31412  
section 3301.079 of the Revised Code and the topics required under 31413  
division (M) of section 3313.603 of the Revised Code. Each high 31414  
school of the district shall use the interim examinations until 31415  
the state superintendent and chancellor select end-of-course 31416  
examinations in American history and American government under 31417  
division (B)(2) of this section. 31418

(b) Not later than July 1, 2014, the state superintendent and 31419  
the chancellor shall select the end-of-course examinations in 31420  
American history and American government. 31421

(i) The end-of-course examinations in American history and 31422  
American government shall require demonstration of mastery of the 31423  
American history and American government content for social 31424  
studies standards adopted under division (A)(1)(b) of section 31425  
3301.079 of the Revised Code and the topics required under 31426  
division (M) of section 3313.603 of the Revised Code. 31427

(ii) At least twenty per cent of the end-of-course examination in American government shall address the topics on American history and American government described in division (M) of section 3313.603 of the Revised Code.

(4)(a) Notwithstanding anything to the contrary in this section, beginning with the 2014-2015 school year, both of the following shall apply:

(i) If a student is enrolled in an appropriate advanced placement or international baccalaureate course, that student shall take the advanced placement or international baccalaureate examination in lieu of the science, American history, or American government end-of-course examinations prescribed under division (B)(2) of this section. The state board shall specify the score levels for each advanced placement examination and international baccalaureate examination for purposes of calculating the minimum cumulative performance score that demonstrates the level of academic achievement necessary to earn a high school diploma.

(ii) If a student is enrolled in an appropriate course under any other advanced standing program, as described in section 3313.6013 of the Revised Code, that student shall not be required to take the science, American history, or American government end-of-course examination, whichever is applicable, prescribed under division (B)(2) of this section. Instead, that student's final course grade shall be used in lieu of the applicable end-of-course examination prescribed under that section. The state superintendent, in consultation with the chancellor, shall adopt guidelines for purposes of calculating the corresponding final course grades that demonstrate the level of academic achievement necessary to earn a high school diploma.

Division (B)(4)(a)(ii) of this section shall apply only to courses for which students receive transcribed credit, as defined in section 3365.01 of the Revised Code. It shall not apply to

remedial or developmental courses. 31460

(b) No student shall take a substitute examination or 31461  
examination prescribed under division (B)(4)(a) of this section in 31462  
place of the end-of-course examinations in English language arts 31463  
I, English language arts II, Algebra I, or geometry prescribed 31464  
under division (B)(2) of this section. 31465

(c) The state board shall consider additional assessments 31466  
that may be used, beginning with the 2016-2017 school year, as 31467  
substitute examinations in lieu of the end-of-course examinations 31468  
prescribed under division (B)(2) of this section. 31469

(5) The state board shall do all of the following: 31470

(a) Determine and designate at least five ranges of scores on 31471  
each of the end-of-course examinations prescribed under division 31472  
(B)(2) of this section, and substitute examinations prescribed 31473  
under division (B)(4) of this section. Not later than sixty days 31474  
after the designation of ranges of scores, the state 31475  
superintendent, or the state superintendent's designee, shall 31476  
conduct a public presentation before the standing committees of 31477  
the house of representatives and the senate that consider primary 31478  
and secondary education legislation regarding the designated range 31479  
of scores. Each range of scores shall be considered to demonstrate 31480  
a level of achievement so that any student attaining a score 31481  
within such range has achieved one of the following: 31482

(i) An advanced level of skill; 31483

(ii) An accelerated level of skill; 31484

(iii) A proficient level of skill; 31485

(iv) A basic level of skill; 31486

(v) A limited level of skill. 31487

(b) Determine a method by which to calculate a cumulative 31488  
performance score based on the results of a student's 31489

end-of-course examinations or substitute examinations; 31490

(c) Determine the minimum cumulative performance score that 31491  
demonstrates the level of academic achievement necessary to earn a 31492  
high school diploma under division (A)(2) of section 3313.618 of 31493  
the Revised Code. However, the state board shall not determine a 31494  
new minimum cumulative performance score after ~~the effective date~~ 31495  
~~of this amendment~~ October 17, 2019. 31496

(d) Develop a table of corresponding score equivalents for 31497  
the end-of-course examinations and substitute examinations in 31498  
order to calculate student performance consistently across the 31499  
different examinations. 31500

A score of two on an advanced placement examination or a 31501  
score of two or three on an international baccalaureate 31502  
examination shall be considered equivalent to a proficient level 31503  
of skill as specified under division (B)(5)(a)(iii) of this 31504  
section. 31505

(6)(a) A student who meets both of the following conditions 31506  
shall not be required to take an end-of-course examination: 31507

(i) The student received high school credit prior to July 1, 31508  
2015, for a course for which the end-of-course examination is 31509  
prescribed. 31510

(ii) The examination was not available for administration 31511  
prior to July 1, 2015. 31512

Receipt of credit for the course described in division 31513  
(B)(6)(a)(i) of this section shall satisfy the requirement to take 31514  
the end-of-course examination. A student exempted under division 31515  
(B)(6)(a) of this section may take the applicable end-of-course 31516  
examination at a later date. 31517

(b) For purposes of determining whether a student who is 31518  
exempt from taking an end-of-course examination under division 31519

(B)(6)(a) of this section has attained the cumulative score 31520  
prescribed by division (B)(5)(c) of this section, such student 31521  
shall select either of the following: 31522

(i) The student is considered to have attained a proficient 31523  
score on the end-of-course examination from which the student is 31524  
exempt; 31525

(ii) The student's final course grade shall be used in lieu 31526  
of a score on the end-of-course examination from which the student 31527  
is exempt. 31528

The state superintendent, in consultation with the 31529  
chancellor, shall adopt guidelines for purposes of calculating the 31530  
corresponding final course grades and the minimum cumulative 31531  
performance score that demonstrates the level of academic 31532  
achievement necessary to earn a high school diploma. 31533

(7)(a) Notwithstanding anything to the contrary in this 31534  
section, the state board may replace the algebra I end-of-course 31535  
examination prescribed under division (B)(2) of this section with 31536  
an algebra II end-of-course examination, beginning with the 31537  
2016-2017 school year for students who enter ninth grade on or 31538  
after July 1, 2016. 31539

(b) If the state board replaces the algebra I end-of-course 31540  
examination with an algebra II end-of-course examination as 31541  
authorized under division (B)(7)(a) of this section, both of the 31542  
following shall apply: 31543

(i) A student who is enrolled in an advanced placement or 31544  
international baccalaureate course in algebra II shall take the 31545  
advanced placement or international baccalaureate examination in 31546  
lieu of the algebra II end-of-course examination. 31547

(ii) A student who is enrolled in an algebra II course under 31548  
any other advanced standing program, as described in section 31549  
3313.6013 of the Revised Code, shall not be required to take the 31550

algebra II end-of-course examination. Instead, that student's 31551  
final course grade shall be used in lieu of the examination. 31552

(c) If a school district or school utilizes an integrated 31553  
approach to mathematics instruction, the district or school may do 31554  
either or both of the following: 31555

(i) Administer an integrated mathematics I end-of-course 31556  
examination in lieu of the prescribed algebra I end-of-course 31557  
examination; 31558

(ii) Administer an integrated mathematics II end-of-course 31559  
examination in lieu of the prescribed geometry end-of-course 31560  
examination. 31561

(8)(a) For students entering the ninth grade for the first 31562  
time on or after July 1, 2014, but prior to July 1, 2015, the 31563  
assessment in the area of science shall be physical science or 31564  
biology. For students entering the ninth grade for the first time 31565  
on or after July 1, 2015, the assessment in the area of science 31566  
shall be biology. 31567

(b) Until July 1, 2019, the department shall make available 31568  
the end-of-course examination in physical science for students who 31569  
entered the ninth grade for the first time on or after July 1, 31570  
2014, but prior to July 1, 2015, and who wish to retake the 31571  
examination. 31572

(c) Not later than July 1, 2016, the state board shall adopt 31573  
rules prescribing the requirements for the end-of-course 31574  
examination in science for students who entered the ninth grade 31575  
for the first time on or after July 1, 2014, but prior to July 1, 31576  
2015, and who have not met the requirement prescribed by section 31577  
3313.618 of the Revised Code by July 1, 2019, due to a student's 31578  
failure to satisfy division (A)(2) of section 3313.618 of the 31579  
Revised Code. 31580

(9) Neither the state board nor the department of education 31581

shall develop or administer an end-of-course examination in the 31582  
area of world history. 31583

(10) Not later than March 1, 2020, the department, in 31584  
consultation with the chancellor and the governor's office of 31585  
workforce transformation, shall determine a competency score for 31586  
both of the Algebra I and English language arts II end-of-course 31587  
examinations for the purpose of graduation eligibility. 31588

(C) The state board shall convene a group of national 31589  
experts, state experts, and local practitioners to provide advice, 31590  
guidance, and recommendations for the alignment of standards and 31591  
model curricula to the assessments and in the design of the 31592  
end-of-course examinations prescribed by this section. 31593

(D) Upon completion of the development of the assessment 31594  
system, the state board shall adopt rules prescribing all of the 31595  
following: 31596

(1) A timeline and plan for implementation of the assessment 31597  
system, including a phased implementation if the state board 31598  
determines such a phase-in is warranted; 31599

(2) The date after which a person shall meet the requirements 31600  
of the entire assessment system as a prerequisite for a diploma of 31601  
adult education under section 3313.611 of the Revised Code; 31602

(3) Whether and the extent to which a person may be excused 31603  
from an American history end-of-course examination and an American 31604  
government end-of-course examination under division (H) of section 31605  
3313.61 and division (B)(3) of section 3313.612 of the Revised 31606  
Code; 31607

(4) The date after which a person who has fulfilled the 31608  
curriculum requirement for a diploma but has not passed one or 31609  
more of the required assessments at the time the person fulfilled 31610  
the curriculum requirement shall meet the requirements of the 31611  
entire assessment system as a prerequisite for a high school 31612

diploma under division (B) of section 3313.614 of the Revised Code; 31613  
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(5) The extent to which the assessment system applies to students enrolled in a dropout recovery and prevention program for purposes of division (F) of section 3313.603 and section 3314.36 of the Revised Code. 31615  
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(E) Not later than forty-five days prior to the state board's adoption of a resolution directing the department to file the rules prescribed by division (D) of this section in final form under section 119.04 of the Revised Code, the superintendent of public instruction shall present the assessment system developed under this section to the respective committees of the house of representatives and senate that consider education legislation. 31619  
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(F)(1) Any person enrolled in a nonchartered nonpublic school or any person who has been excused from attendance at school for the purpose of home instruction under section 3321.04 of the Revised Code may choose to participate in the system of assessments administered under divisions (B)(1) and (2) of this section. However, no such person shall be required to participate in the system of assessments. 31626  
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(2) The department shall adopt rules for the administration and scoring of any assessments under division (F)(1) of this section. 31633  
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(G) Not later than December 31, 2014, the state board shall select at least one nationally recognized job skills assessment. Each school district shall administer that assessment to those students who opt to take it. The state shall reimburse a school district for the costs of administering that assessment. The state board shall establish the minimum score a student must attain on the job skills assessment in order to demonstrate a student's workforce readiness and employability. The administration of the 31636  
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job skills assessment to a student under this division shall not 31644  
exempt a school district from administering the assessments 31645  
prescribed in division (B) of this section to that student. 31646

**Sec. 3301.0714.** (A) The state board of education shall adopt 31647  
rules for a statewide education management information system. The 31648  
rules shall require the state board to establish guidelines for 31649  
the establishment and maintenance of the system in accordance with 31650  
this section and the rules adopted under this section. The 31651  
guidelines shall include: 31652

(1) Standards identifying and defining the types of data in 31653  
the system in accordance with divisions (B) and (C) of this 31654  
section; 31655

(2) Procedures for annually collecting and reporting the data 31656  
to the state board in accordance with division (D) of this 31657  
section; 31658

(3) Procedures for annually compiling the data in accordance 31659  
with division (G) of this section; 31660

(4) Procedures for annually reporting the data to the public 31661  
in accordance with division (H) of this section; 31662

(5) Standards to provide strict safeguards to protect the 31663  
confidentiality of personally identifiable student data. 31664

(B) The guidelines adopted under this section shall require 31665  
the data maintained in the education management information system 31666  
to include at least the following: 31667

(1) Student participation and performance data, for each 31668  
grade in each school district as a whole and for each grade in 31669  
each school building in each school district, that includes: 31670

(a) The numbers of students receiving each category of 31671  
instructional service offered by the school district, such as 31672  
regular education instruction, vocational education instruction, 31673

specialized instruction programs or enrichment instruction that is 31674  
part of the educational curriculum, instruction for gifted 31675  
students, instruction for students with disabilities, and remedial 31676  
instruction. The guidelines shall require instructional services 31677  
under this division to be divided into discrete categories if an 31678  
instructional service is limited to a specific subject, a specific 31679  
type of student, or both, such as regular instructional services 31680  
in mathematics, remedial reading instructional services, 31681  
instructional services specifically for students gifted in 31682  
mathematics or some other subject area, or instructional services 31683  
for students with a specific type of disability. The categories of 31684  
instructional services required by the guidelines under this 31685  
division shall be the same as the categories of instructional 31686  
services used in determining cost units pursuant to division 31687  
(C)(3) of this section. 31688

(b) The numbers of students receiving support or 31689  
extracurricular services for each of the support services or 31690  
extracurricular programs offered by the school district, such as 31691  
counseling services, health services, and extracurricular sports 31692  
and fine arts programs. The categories of services required by the 31693  
guidelines under this division shall be the same as the categories 31694  
of services used in determining cost units pursuant to division 31695  
(C)(4)(a) of this section. 31696

(c) Average student grades in each subject in grades nine 31697  
through twelve; 31698

(d) Academic achievement levels as assessed under sections 31699  
3301.0710, 3301.0711, and 3301.0712 of the Revised Code; 31700

(e) The number of students designated as having a disabling 31701  
condition pursuant to division (C)(1) of section 3301.0711 of the 31702  
Revised Code; 31703

(f) The numbers of students reported to the state board 31704

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|---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-------------------------------------------------------------------------------|
| pursuant to division (C)(2) of section 3301.0711 of the Revised Code;                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                     | 31705<br>31706                                                                |
| (g) Attendance rates and the average daily attendance for the year. For purposes of this division, a student shall be counted as present for any field trip that is approved by the school administration.                                                                                                                                                                                                                                                                                                                                                                | 31707<br>31708<br>31709<br>31710                                              |
| (h) Expulsion rates;                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                      | 31711                                                                         |
| (i) Suspension rates;                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                     | 31712                                                                         |
| (j) Dropout rates;                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                        | 31713                                                                         |
| (k) Rates of retention in grade;                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                          | 31714                                                                         |
| (l) For pupils in grades nine through twelve, the average number of carnegie units, as calculated in accordance with state board of education rules;                                                                                                                                                                                                                                                                                                                                                                                                                      | 31715<br>31716<br>31717                                                       |
| (m) Graduation rates, to be calculated in a manner specified by the department of education that reflects the rate at which students who were in the ninth grade three years prior to the current year complete school and that is consistent with nationally accepted reporting requirements;                                                                                                                                                                                                                                                                            | 31718<br>31719<br>31720<br>31721<br>31722                                     |
| (n) Results of diagnostic assessments administered to kindergarten students as required under section 3301.0715 of the Revised Code to permit a comparison of the academic readiness of kindergarten students. However, no district shall be required to report to the department the results of any diagnostic assessment administered to a kindergarten student, except for the language and reading assessment described in division (A)(2) of section 3301.0715 of the Revised Code, if the parent of that student requests the district not to report those results. | 31723<br>31724<br>31725<br>31726<br>31727<br>31728<br>31729<br>31730<br>31731 |
| (o) Beginning on July 1, 2018, for each disciplinary action which is required to be reported under division <del>(B)(4)</del> <u>(B)(8)</u> of this section, districts and schools also shall include an                                                                                                                                                                                                                                                                                                                                                                  | 31732<br>31733<br>31734                                                       |

identification of the person or persons, if any, at whom the 31735  
student's violent behavior that resulted in discipline was 31736  
directed. The person or persons shall be identified by the 31737  
respective classification at the district or school, such as 31738  
student, teacher, or nonteaching employee, but shall not be 31739  
identified by name. 31740

Division (B)(1)(o) of this section does not apply after the 31741  
date that is two years following the submission of the report 31742  
required by Section 733.13 of H.B. 49 of the 132nd general 31743  
assembly. 31744

(p) The number of students earning each state diploma seal 31745  
included in the system prescribed under division (A) of section 31746  
3313.6114 of the Revised Code; 31747

(q) The number of students demonstrating competency for 31748  
graduation using each option described in divisions (B)(1)(a) to 31749  
~~(e)~~(d) of section 3313.618 of the Revised Code; 31750

(r) The number of students completing each foundational and 31751  
supporting option as part of the demonstration of competency for 31752  
graduation pursuant to division (B)(1)(b) of section 3313.618 of 31753  
the Revised Code. 31754

(2) Personnel and classroom enrollment data for each school 31755  
district, including: 31756

(a) The total numbers of licensed employees and nonlicensed 31757  
employees and the numbers of full-time equivalent licensed 31758  
employees and nonlicensed employees providing each category of 31759  
instructional service, instructional support service, and 31760  
administrative support service used pursuant to division (C)(3) of 31761  
this section. The guidelines adopted under this section shall 31762  
require these categories of data to be maintained for the school 31763  
district as a whole and, wherever applicable, for each grade in 31764  
the school district as a whole, for each school building as a 31765

whole, and for each grade in each school building. 31766

(b) The total number of employees and the number of full-time 31767  
equivalent employees providing each category of service used 31768  
pursuant to divisions (C)(4)(a) and (b) of this section, and the 31769  
total numbers of licensed employees and nonlicensed employees and 31770  
the numbers of full-time equivalent licensed employees and 31771  
nonlicensed employees providing each category used pursuant to 31772  
division (C)(4)(c) of this section. The guidelines adopted under 31773  
this section shall require these categories of data to be 31774  
maintained for the school district as a whole and, wherever 31775  
applicable, for each grade in the school district as a whole, for 31776  
each school building as a whole, and for each grade in each school 31777  
building. 31778

(c) The total number of regular classroom teachers teaching 31779  
classes of regular education and the average number of pupils 31780  
enrolled in each such class, in each of grades kindergarten 31781  
through five in the district as a whole and in each school 31782  
building in the school district. 31783

(d) The number of lead teachers employed by each school 31784  
district and each school building. 31785

(3)(a) Student demographic data for each school district, 31786  
including information regarding the gender ratio of the school 31787  
district's pupils, the racial make-up of the school district's 31788  
pupils, the number of English learners in the district, and an 31789  
appropriate measure of the number of the school district's pupils 31790  
who reside in economically disadvantaged households. The 31791  
demographic data shall be collected in a manner to allow 31792  
correlation with data collected under division (B)(1) of this 31793  
section. Categories for data collected pursuant to division (B)(3) 31794  
of this section shall conform, where appropriate, to standard 31795  
practices of agencies of the federal government. 31796

(b) With respect to each student entering kindergarten, 31797  
whether the student previously participated in a public preschool 31798  
program, a private preschool program, or a head start program, and 31799  
the number of years the student participated in each of these 31800  
programs. 31801

(4) For fiscal years 2022 and 2023, the annual reports 31802  
submitted by each school district under section 3317.25 of the 31803  
Revised Code describing the initiative or initiatives on which the 31804  
district's disadvantaged pupil impact aid were spent; 31805

(5) For fiscal years 2022 and 2023, the average number of 31806  
students riding on school buses routed to community schools 31807  
established under Chapter 3314. of the Revised Code in accordance 31808  
with section 3327.01 of the Revised Code; 31809

(6) For fiscal years 2022 and 2023, the average number of 31810  
students riding on school buses routed to STEM schools established 31811  
under Chapter 3326. of the Revised Code in accordance with section 31812  
3327.01 of the Revised Code; 31813

(7) For fiscal years 2022 and 2023, the average number of 31814  
students riding on school buses routed to nonpublic schools in 31815  
accordance with section 3327.01 of the Revised Code; 31816

(8) Any data required to be collected pursuant to federal 31817  
law. 31818

(C) The education management information system shall include 31819  
cost accounting data for each district as a whole and for each 31820  
school building in each school district. The guidelines adopted 31821  
under this section shall require the cost data for each school 31822  
district to be maintained in a system of mutually exclusive cost 31823  
units and shall require all of the costs of each school district 31824  
to be divided among the cost units. The guidelines shall require 31825  
the system of mutually exclusive cost units to include at least 31826  
the following: 31827

(1) Administrative costs for the school district as a whole. 31828  
The guidelines shall require the cost units under this division 31829  
(C)(1) to be designed so that each of them may be compiled and 31830  
reported in terms of average expenditure per pupil in ~~formula~~ 31831  
enrolled ADM in the school district, as determined pursuant to 31832  
section 3317.03 of the Revised Code. 31833

(2) Administrative costs for each school building in the 31834  
school district. The guidelines shall require the cost units under 31835  
this division (C)(2) to be designed so that each of them may be 31836  
compiled and reported in terms of average expenditure per 31837  
full-time equivalent pupil receiving instructional or support 31838  
services in each building. 31839

(3) Instructional services costs for each category of 31840  
instructional service provided directly to students and required 31841  
by guidelines adopted pursuant to division (B)(1)(a) of this 31842  
section. The guidelines shall require the cost units under 31843  
division (C)(3) of this section to be designed so that each of 31844  
them may be compiled and reported in terms of average expenditure 31845  
per pupil receiving the service in the school district as a whole 31846  
and average expenditure per pupil receiving the service in each 31847  
building in the school district and in terms of a total cost for 31848  
each category of service and, as a breakdown of the total cost, a 31849  
cost for each of the following components: 31850

(a) The cost of each instructional services category required 31851  
by guidelines adopted under division (B)(1)(a) of this section 31852  
that is provided directly to students by a classroom teacher; 31853

(b) The cost of the instructional support services, such as 31854  
services provided by a speech-language pathologist, classroom 31855  
aide, multimedia aide, or librarian, provided directly to students 31856  
in conjunction with each instructional services category; 31857

(c) The cost of the administrative support services related 31858

to each instructional services category, such as the cost of 31859  
personnel that develop the curriculum for the instructional 31860  
services category and the cost of personnel supervising or 31861  
coordinating the delivery of the instructional services category. 31862

(4) Support or extracurricular services costs for each 31863  
category of service directly provided to students and required by 31864  
guidelines adopted pursuant to division (B)(1)(b) of this section. 31865  
The guidelines shall require the cost units under division (C)(4) 31866  
of this section to be designed so that each of them may be 31867  
compiled and reported in terms of average expenditure per pupil 31868  
receiving the service in the school district as a whole and 31869  
average expenditure per pupil receiving the service in each 31870  
building in the school district and in terms of a total cost for 31871  
each category of service and, as a breakdown of the total cost, a 31872  
cost for each of the following components: 31873

(a) The cost of each support or extracurricular services 31874  
category required by guidelines adopted under division (B)(1)(b) 31875  
of this section that is provided directly to students by a 31876  
licensed employee, such as services provided by a guidance 31877  
counselor or any services provided by a licensed employee under a 31878  
supplemental contract; 31879

(b) The cost of each such services category provided directly 31880  
to students by a nonlicensed employee, such as janitorial 31881  
services, cafeteria services, or services of a sports trainer; 31882

(c) The cost of the administrative services related to each 31883  
services category in division (C)(4)(a) or (b) of this section, 31884  
such as the cost of any licensed or nonlicensed employees that 31885  
develop, supervise, coordinate, or otherwise are involved in 31886  
administering or aiding the delivery of each services category. 31887

(D)(1) The guidelines adopted under this section shall 31888  
require school districts to collect information about individual 31889

students, staff members, or both in connection with any data 31890  
required by division (B) or (C) of this section or other reporting 31891  
requirements established in the Revised Code. The guidelines may 31892  
also require school districts to report information about 31893  
individual staff members in connection with any data required by 31894  
division (B) or (C) of this section or other reporting 31895  
requirements established in the Revised Code. The guidelines shall 31896  
not authorize school districts to request social security numbers 31897  
of individual students. The guidelines shall prohibit the 31898  
reporting under this section of a student's name, address, and 31899  
social security number to the state board of education or the 31900  
department of education. The guidelines shall also prohibit the 31901  
reporting under this section of any personally identifiable 31902  
information about any student, except for the purpose of assigning 31903  
the data verification code required by division (D)(2) of this 31904  
section, to any other person unless such person is employed by the 31905  
school district or the information technology center operated 31906  
under section 3301.075 of the Revised Code and is authorized by 31907  
the district or technology center to have access to such 31908  
information or is employed by an entity with which the department 31909  
contracts for the scoring or the development of state assessments. 31910  
The guidelines may require school districts to provide the social 31911  
security numbers of individual staff members and the county of 31912  
residence for a student. Nothing in this section prohibits the 31913  
state board of education or department of education from providing 31914  
a student's county of residence to the department of taxation to 31915  
facilitate the distribution of tax revenue. 31916

(2)(a) The guidelines shall provide for each school district 31917  
or community school to assign a data verification code that is 31918  
unique on a statewide basis over time to each student whose 31919  
initial Ohio enrollment is in that district or school and to 31920  
report all required individual student data for that student 31921  
utilizing such code. The guidelines shall also provide for 31922

assigning data verification codes to all students enrolled in 31923  
districts or community schools on the effective date of the 31924  
guidelines established under this section. The assignment of data 31925  
verification codes for other entities, as described in division 31926  
(D)(2)(d) of this section, the use of those codes, and the 31927  
reporting and use of associated individual student data shall be 31928  
coordinated by the department in accordance with state and federal 31929  
law. 31930

School districts shall report individual student data to the 31931  
department through the information technology centers utilizing 31932  
the code. The entities described in division (D)(2)(d) of this 31933  
section shall report individual student data to the department in 31934  
the manner prescribed by the department. 31935

(b)(i) Except as provided in sections 3301.941, 3310.11, 31936  
3310.42, 3310.63, 3313.978, and 3317.20 of the Revised Code, and 31937  
in division (D)(2)(b)(ii) of this section, at no time shall the 31938  
state board or the department have access to information that 31939  
would enable any data verification code to be matched to 31940  
personally identifiable student data. 31941

(ii) For the purpose of making per-pupil payments to 31942  
community schools under ~~division (C) of section 3314.08~~ 3317.022 31943  
of the Revised Code, the department shall have access to 31944  
information that would enable any data verification code to be 31945  
matched to personally identifiable student data. 31946

(c) Each school district and community school shall ensure 31947  
that the data verification code is included in the student's 31948  
records reported to any subsequent school district, community 31949  
school, or state institution of higher education, as defined in 31950  
section 3345.011 of the Revised Code, in which the student 31951  
enrolls. Any such subsequent district or school shall utilize the 31952  
same identifier in its reporting of data under this section. 31953

(d) The director of any state agency that administers a publicly funded program providing services to children who are younger than compulsory school age, as defined in section 3321.01 of the Revised Code, including the directors of health, job and family services, mental health and addiction services, and developmental disabilities, shall request and receive, pursuant to sections 3301.0723 and 5123.0423 of the Revised Code, a data verification code for a child who is receiving those services.

(E) The guidelines adopted under this section may require school districts to collect and report data, information, or reports other than that described in divisions (A), (B), and (C) of this section for the purpose of complying with other reporting requirements established in the Revised Code. The other data, information, or reports may be maintained in the education management information system but are not required to be compiled as part of the profile formats required under division (G) of this section or the annual statewide report required under division (H) of this section.

(F) Beginning with the school year that begins July 1, 1991, the board of education of each school district shall annually collect and report to the state board, in accordance with the guidelines established by the board, the data required pursuant to this section. A school district may collect and report these data notwithstanding section 2151.357 or 3319.321 of the Revised Code.

(G) The state board shall, in accordance with the procedures it adopts, annually compile the data reported by each school district pursuant to division (D) of this section. The state board shall design formats for profiling each school district as a whole and each school building within each district and shall compile the data in accordance with these formats. These profile formats shall:

(1) Include all of the data gathered under this section in a

manner that facilitates comparison among school districts and 31986  
among school buildings within each school district; 31987

(2) Present the data on academic achievement levels as 31988  
assessed by the testing of student achievement maintained pursuant 31989  
to division (B)(1)(d) of this section. 31990

(H)(1) The state board shall, in accordance with the 31991  
procedures it adopts, annually prepare a statewide report for all 31992  
school districts and the general public that includes the profile 31993  
of each of the school districts developed pursuant to division (G) 31994  
of this section. Copies of the report shall be sent to each school 31995  
district. 31996

(2) The state board shall, in accordance with the procedures 31997  
it adopts, annually prepare an individual report for each school 31998  
district and the general public that includes the profiles of each 31999  
of the school buildings in that school district developed pursuant 32000  
to division (G) of this section. Copies of the report shall be 32001  
sent to the superintendent of the district and to each member of 32002  
the district board of education. 32003

(3) Copies of the reports received from the state board under 32004  
divisions (H)(1) and (2) of this section shall be made available 32005  
to the general public at each school district's offices. Each 32006  
district board of education shall make copies of each report 32007  
available to any person upon request and payment of a reasonable 32008  
fee for the cost of reproducing the report. The board shall 32009  
annually publish in a newspaper of general circulation in the 32010  
school district, at least twice during the two weeks prior to the 32011  
week in which the reports will first be available, a notice 32012  
containing the address where the reports are available and the 32013  
date on which the reports will be available. 32014

(I) Any data that is collected or maintained pursuant to this 32015  
section and that identifies an individual pupil is not a public 32016

record for the purposes of section 149.43 of the Revised Code. 32017

(J) As used in this section: 32018

(1) "School district" means any city, local, exempted 32019  
village, or joint vocational school district and, in accordance 32020  
with section 3314.17 of the Revised Code, any community school. As 32021  
used in division (L) of this section, "school district" also 32022  
includes any educational service center or other educational 32023  
entity required to submit data using the system established under 32024  
this section. 32025

(2) "Cost" means any expenditure for operating expenses made 32026  
by a school district excluding any expenditures for debt 32027  
retirement except for payments made to any commercial lending 32028  
institution for any loan approved pursuant to section 3313.483 of 32029  
the Revised Code. 32030

(K) Any person who removes data from the information system 32031  
established under this section for the purpose of releasing it to 32032  
any person not entitled under law to have access to such 32033  
information is subject to section 2913.42 of the Revised Code 32034  
prohibiting tampering with data. 32035

(L)(1) In accordance with division (L)(2) of this section and 32036  
the rules adopted under division (L)(10) of this section, the 32037  
department of education may sanction any school district that 32038  
reports incomplete or inaccurate data, reports data that does not 32039  
conform to data requirements and descriptions published by the 32040  
department, fails to report data in a timely manner, or otherwise 32041  
does not make a good faith effort to report data as required by 32042  
this section. 32043

(2) If the department decides to sanction a school district 32044  
under this division, the department shall take the following 32045  
sequential actions: 32046

(a) Notify the district in writing that the department has 32047

determined that data has not been reported as required under this 32048  
section and require the district to review its data submission and 32049  
submit corrected data by a deadline established by the department. 32050  
The department also may require the district to develop a 32051  
corrective action plan, which shall include provisions for the 32052  
district to provide mandatory staff training on data reporting 32053  
procedures. 32054

(b) Withhold up to ten per cent of the total amount of state 32055  
funds due to the district for the current fiscal year and, if not 32056  
previously required under division (L)(2)(a) of this section, 32057  
require the district to develop a corrective action plan in 32058  
accordance with that division; 32059

(c) Withhold an additional amount of up to twenty per cent of 32060  
the total amount of state funds due to the district for the 32061  
current fiscal year; 32062

(d) Direct department staff or an outside entity to 32063  
investigate the district's data reporting practices and make 32064  
recommendations for subsequent actions. The recommendations may 32065  
include one or more of the following actions: 32066

(i) Arrange for an audit of the district's data reporting 32067  
practices by department staff or an outside entity; 32068

(ii) Conduct a site visit and evaluation of the district; 32069

(iii) Withhold an additional amount of up to thirty per cent 32070  
of the total amount of state funds due to the district for the 32071  
current fiscal year; 32072

(iv) Continue monitoring the district's data reporting; 32073

(v) Assign department staff to supervise the district's data 32074  
management system; 32075

(vi) Conduct an investigation to determine whether to suspend 32076  
or revoke the license of any district employee in accordance with 32077

division (N) of this section; 32078

(vii) If the district is issued a report card under section 32079  
3302.03 of the Revised Code, indicate on the report card that the 32080  
district has been sanctioned for failing to report data as 32081  
required by this section; 32082

(viii) If the district is issued a report card under section 32083  
3302.03 of the Revised Code and incomplete or inaccurate data 32084  
submitted by the district likely caused the district to receive a 32085  
higher performance rating than it deserved under that section, 32086  
issue a revised report card for the district; 32087

(ix) Any other action designed to correct the district's data 32088  
reporting problems. 32089

(3) Any time the department takes an action against a school 32090  
district under division (L)(2) of this section, the department 32091  
shall make a report of the circumstances that prompted the action. 32092  
The department shall send a copy of the report to the district 32093  
superintendent or chief administrator and maintain a copy of the 32094  
report in its files. 32095

(4) If any action taken under division (L)(2) of this section 32096  
resolves a school district's data reporting problems to the 32097  
department's satisfaction, the department shall not take any 32098  
further actions described by that division. If the department 32099  
withheld funds from the district under that division, the 32100  
department may release those funds to the district, except that if 32101  
the department withheld funding under division (L)(2)(c) of this 32102  
section, the department shall not release the funds withheld under 32103  
division (L)(2)(b) of this section and, if the department withheld 32104  
funding under division (L)(2)(d) of this section, the department 32105  
shall not release the funds withheld under division (L)(2)(b) or 32106  
(c) of this section. 32107

(5) Notwithstanding anything in this section to the contrary, 32108

the department may use its own staff or an outside entity to 32109  
conduct an audit of a school district's data reporting practices 32110  
any time the department has reason to believe the district has not 32111  
made a good faith effort to report data as required by this 32112  
section. If any audit conducted by an outside entity under 32113  
division (L)(2)(d)(i) or (5) of this section confirms that a 32114  
district has not made a good faith effort to report data as 32115  
required by this section, the district shall reimburse the 32116  
department for the full cost of the audit. The department may 32117  
withhold state funds due to the district for this purpose. 32118

(6) Prior to issuing a revised report card for a school 32119  
district under division (L)(2)(d)(viii) of this section, the 32120  
department may hold a hearing to provide the district with an 32121  
opportunity to demonstrate that it made a good faith effort to 32122  
report data as required by this section. The hearing shall be 32123  
conducted by a referee appointed by the department. Based on the 32124  
information provided in the hearing, the referee shall recommend 32125  
whether the department should issue a revised report card for the 32126  
district. If the referee affirms the department's contention that 32127  
the district did not make a good faith effort to report data as 32128  
required by this section, the district shall bear the full cost of 32129  
conducting the hearing and of issuing any revised report card. 32130

(7) If the department determines that any inaccurate data 32131  
reported under this section caused a school district to receive 32132  
excess state funds in any fiscal year, the district shall 32133  
reimburse the department an amount equal to the excess funds, in 32134  
accordance with a payment schedule determined by the department. 32135  
The department may withhold state funds due to the district for 32136  
this purpose. 32137

(8) Any school district that has funds withheld under 32138  
division (L)(2) of this section may appeal the withholding in 32139  
accordance with Chapter 119. of the Revised Code. 32140

(9) In all cases of a disagreement between the department and a school district regarding the appropriateness of an action taken under division (L)(2) of this section, the burden of proof shall be on the district to demonstrate that it made a good faith effort to report data as required by this section.

(10) The state board of education shall adopt rules under Chapter 119. of the Revised Code to implement division (L) of this section.

(M) No information technology center or school district shall acquire, change, or update its student administration software package to manage and report data required to be reported to the department unless it converts to a student software package that is certified by the department.

(N) The state board of education, in accordance with sections 3319.31 and 3319.311 of the Revised Code, may suspend or revoke a license as defined under division (A) of section 3319.31 of the Revised Code that has been issued to any school district employee found to have willfully reported erroneous, inaccurate, or incomplete data to the education management information system.

(O) No person shall release or maintain any information about any student in violation of this section. Whoever violates this division is guilty of a misdemeanor of the fourth degree.

(P) The department shall disaggregate the data collected under division (B)(1)(n) of this section according to the race and socioeconomic status of the students assessed.

(Q) If the department cannot compile any of the information required by division (H) of section 3302.03 of the Revised Code based upon the data collected under this section, the department shall develop a plan and a reasonable timeline for the collection of any data necessary to comply with that division.

Sec. 3301.0715. (A) Except as required under division (B)(1) 32171  
of section 3313.608 or as specified in division (D)(3) of section 32172  
3301.079 of the Revised Code, the board of education of each city, 32173  
local, and exempted village school district shall administer each 32174  
applicable diagnostic assessment developed and provided to the 32175  
district in accordance with section 3301.079 of the Revised Code 32176  
to the following: 32177

(1) Any student who transfers into the district or to a 32178  
different school within the district if each applicable diagnostic 32179  
assessment was not administered by the district or school the 32180  
student previously attended in the current school year, within 32181  
thirty days after the date of transfer. If the district or school 32182  
into which the student transfers cannot determine whether the 32183  
student has taken any applicable diagnostic assessment in the 32184  
current school year, the district or school may administer the 32185  
diagnostic assessment to the student. However, if a student 32186  
transfers into the district prior to the administration of the 32187  
diagnostic assessments to all students under division (B) of this 32188  
section, the district may administer the diagnostic assessments to 32189  
that student on the date or dates determined under that division. 32190

(2) Each kindergarten student, not earlier than the first day 32191  
of July of the school year and not later than the ~~first day of~~ 32192  
~~November twentieth day of instruction of that school year.~~ 32193  
~~However, a board of education may administer the selected response~~ 32194  
~~and performance task items portion of the diagnostic assessment up~~ 32195  
~~to two weeks prior to the first day of the school year.~~ 32196

For the purpose of division (A)(2) of this section, the 32197  
district shall administer the kindergarten readiness assessment 32198  
provided by the department of education. In no case shall the 32199  
results of the readiness assessment be used to prohibit a student 32200  
from enrolling in kindergarten. 32201

(3) Each student enrolled in first, second, or third grade. 32202

Division (A) of this section does not apply to students with 32203  
significant cognitive disabilities, as defined by the department 32204  
of education. 32205

(B) Each district board shall administer each diagnostic 32206  
assessment when the board deems appropriate, provided the 32207  
administration complies with section 3313.608 of the Revised Code. 32208  
However, the board shall administer any diagnostic assessment at 32209  
least once annually to all students in the appropriate grade 32210  
level. A district board may administer any diagnostic assessment 32211  
in the fall and spring of a school year to measure the amount of 32212  
academic growth attributable to the instruction received by 32213  
students during that school year. 32214

(C) Any district that received a grade of "A" or "B" for the 32215  
performance index score under division (A)(1)(b), (B)(1)(b), or 32216  
(C)(1)(b) of section 3302.03 of the Revised Code or for the 32217  
value-added progress dimension under division (A)(1)(e), 32218  
(B)(1)(e), or (C)(1)(e) of section 3302.03 of the Revised Code for 32219  
the immediately preceding school year may use different diagnostic 32220  
assessments from those adopted under division (D) of section 32221  
3301.079 of the Revised Code in order to satisfy the requirements 32222  
of division (A)(3) of this section. 32223

(D) Each district board shall utilize and score any 32224  
diagnostic assessment administered under division (A) of this 32225  
section in accordance with rules established by the department. 32226  
After the administration of any diagnostic assessment, each 32227  
district shall provide a student's completed diagnostic 32228  
assessment, the results of such assessment, and any other 32229  
accompanying documents used during the administration of the 32230  
assessment to the parent of that student, and shall include all 32231  
such documents and information in any plan developed for the 32232  
student under division (C) of section 3313.608 of the Revised 32233

Code. Each district shall submit to the department, in the manner 32234  
the department prescribes, the results of the diagnostic 32235  
assessments administered under this section, regardless of the 32236  
type of assessment used under section 3313.608 of the Revised 32237  
Code. The department may issue reports with respect to the data 32238  
collected. The department may report school and district level 32239  
kindergarten diagnostic assessment data and use diagnostic 32240  
assessment data to calculate the measure prescribed by divisions 32241  
(B)(1)(g) and (C)(1)(g) of section 3302.03 of the Revised Code. 32242

(E) Each district board shall provide intervention services 32243  
to students whose diagnostic assessments show that they are 32244  
failing to make satisfactory progress toward attaining the 32245  
academic standards for their grade level. 32246

(F) Beginning in the 2018-2019 school year, any chartered 32247  
nonpublic school may elect to administer the kindergarten 32248  
readiness assessment to all kindergarten students enrolled in the 32249  
school. If the school so elects, the chief administrator of the 32250  
school shall notify the superintendent of public instruction not 32251  
later than the thirty-first day of March prior to any school year 32252  
in which the school will administer the assessment. The department 32253  
shall furnish the assessment to the school at no cost to the 32254  
school. In administering the assessment, the school shall do all 32255  
of the following: 32256

(1) Enter into a written agreement with the department 32257  
specifying that the school will share each participating student's 32258  
assessment data with the department and, that for the purpose of 32259  
reporting the data to the department, each participating student 32260  
will be assigned a data verification code as described in division 32261  
(D)(2) of section 3301.0714 of the Revised Code; 32262

(2) Require the assessment to be administered by a teacher 32263  
certified under section 3301.071 of the Revised Code who either 32264  
has completed training on administering the kindergarten readiness 32265

assessment provided by the department or has been trained by 32266  
another person who has completed such training; 32267

(3) Administer the assessment in the same manner as school 32268  
districts are required to do under this section and the rules 32269  
established under division (D) of this section. 32270

(G) Beginning in the 2019-2020 school year, a school district 32271  
in which less than eighty per cent of its students score at the 32272  
proficient level or higher on the third-grade English language 32273  
arts assessment prescribed under section 3301.0710 of the Revised 32274  
Code shall establish a reading improvement plan supported by 32275  
reading specialists. Prior to implementation, the plan shall be 32276  
approved by the school district board of education. 32277

Sec. 3301.23. (A) Not later than thirty days after the 32278  
effective date of this section, the department of education, in 32279  
consultation with the chancellor of higher education, shall 32280  
establish a committee to develop a state plan for computer science 32281  
education for the purposes of primary and secondary education. 32282

(B) When developing the plan, the committee established under 32283  
this section shall consider the following: 32284

(1) Best practices and challenges associated with the 32285  
implementation of primary and secondary computer science 32286  
curriculum in this state; 32287

(2) Demographic data for students who receive instruction in 32288  
computer science; 32289

(3) Benchmarks to create a sustainable supply of teachers 32290  
certified to provide instruction in computer science; 32291

(4) Best practices to form public and private partnerships 32292  
for funding, mentoring, and internships for teachers providing 32293  
instruction in computer science; 32294

(5) Requiring all students to complete a computer science 32295

|                                                                           |       |
|---------------------------------------------------------------------------|-------|
| <u>course prior to high school graduation;</u>                            | 32296 |
| <u>(6) Establishing a work-based learning pilot program that</u>          | 32297 |
| <u>includes high schools, universities, and local industry and</u>        | 32298 |
| <u>permits the department and the chancellor to develop pathways to</u>   | 32299 |
| <u>align computer science education in the state with the state's</u>     | 32300 |
| <u>workforce needs;</u>                                                   | 32301 |
| <u>(7) Any other topic determined appropriate by the committee.</u>       | 32302 |
| <u>(C) The committee established under this section shall</u>             | 32303 |
| <u>consist of all of the following:</u>                                   | 32304 |
| <u>(1) The superintendent of public instruction, or designee;</u>         | 32305 |
| <u>(2) The chancellor, or designee;</u>                                   | 32306 |
| <u>(3) Representatives of computer science education</u>                  | 32307 |
| <u>stakeholders appointed by the state superintendent, in</u>             | 32308 |
| <u>consultation with the chancellor. Computer science education</u>       | 32309 |
| <u>stakeholders represented on the committee shall include all of the</u> | 32310 |
| <u>following:</u>                                                         | 32311 |
| <u>(a) Career-technical education;</u>                                    | 32312 |
| <u>(b) Teachers;</u>                                                      | 32313 |
| <u>(c) Institutions of higher education;</u>                              | 32314 |
| <u>(d) Businesses;</u>                                                    | 32315 |
| <u>(e) State and national computer science organizations.</u>             | 32316 |
| <u>(D) Within the plan, the committee established under this</u>          | 32317 |
| <u>section shall include all of the following:</u>                        | 32318 |
| <u>(1) An examination of the challenges that prevent school</u>           | 32319 |
| <u>districts from offering computer science courses;</u>                  | 32320 |
| <u>(2) A requirement that the department of education collect</u>         | 32321 |
| <u>any data regarding computer science courses offered by school</u>      | 32322 |
| <u>districts and school buildings operated by school districts,</u>       | 32323 |
| <u>including the names of the courses and whether the courses were</u>    | 32324 |

developed using the standards and model curriculum adopted under 32325  
division (A)(4) of section 3301.079 of the Revised Code, and post 32326  
the collected data on its web site. 32327

(3) A requirement that the committee determine the best ways 32328  
to compile data on computer science courses, teachers, and 32329  
undergraduate students studying computer science in universities. 32330

(4) Any findings the committee determines appropriate based 32331  
on its consideration of the topics described in division (B) of 32332  
this section. 32333

(E) The committee shall complete the plan not later than one 32334  
year after the effective date of this section and the department 32335  
shall post the completed plan in a prominent location on its web 32336  
site. 32337

Sec. 3301.85. (A) Beginning on the effective date of this 32338  
section, the department of education shall submit to the joint 32339  
committee on agency rule review, created in section 101.35 of the 32340  
Revised Code, any proposed changes to either the education 32341  
management information system established under section 3301.0714 32342  
of the Revised Code or the department's business rules and 32343  
policies that may affect community schools established under 32344  
Chapter 3314. of the Revised Code. 32345

(B) When the department submits the proposed changes to the 32346  
education management information system or the department's 32347  
business rules and policies that affect community schools, the 32348  
joint committee on agency rule review shall hold one or more 32349  
public hearings at which community schools may present testimony 32350  
on their ability and capacity to comply with the proposed changes. 32351

(C) The joint committee on agency rule review shall consider 32352  
any testimonies provided at the public hearings required under 32353  
division (B) of this section and vote to determine whether 32354

community schools can reasonably comply with the proposed changes. 32355

(D) The department shall not implement any changes to the 32356  
education management information system or the department's 32357  
business rules and policies that may affect community schools 32358  
without the joint committee on agency rule review's determination 32359  
that community schools can reasonably comply with those changes. 32360

**Sec. 3302.036.** (A) Notwithstanding anything in the Revised 32361  
Code to the contrary, the department of education shall not assign 32362  
an overall letter grade under division (C)(3) of section 3302.03 32363  
of the Revised Code for any school district or building for the 32364  
2014-2015, 2015-2016, or 2016-2017 school years, may, at the 32365  
discretion of the state board of education, not assign an 32366  
individual grade to any component prescribed under division (C)(3) 32367  
of section 3302.03 of the Revised Code, and shall not rank school 32368  
districts, community schools established under Chapter 3314. of 32369  
the Revised Code, or STEM schools established under Chapter 3326. 32370  
of the Revised Code under section 3302.21 of the Revised Code for 32371  
those school years. The report card ratings issued for the 32372  
2014-2015, 2015-2016, or 2016-2017 school years shall not be 32373  
considered in determining whether a school district or a school is 32374  
subject to sanctions or penalties. However, the report card 32375  
ratings of any previous or subsequent years shall be considered in 32376  
determining whether a school district or building is subject to 32377  
sanctions or penalties. Accordingly, the report card ratings for 32378  
the 2014-2015, 2015-2016, or 2016-2017 school years shall have no 32379  
effect in determining sanctions or penalties, but shall not create 32380  
a new starting point for determinations that are based on ratings 32381  
over multiple years. 32382

(B) The provisions from which a district or school is exempt 32383  
under division (A) of this section shall be the following: 32384

(1) Any restructuring provisions established under this 32385

chapter, except as required under the "No Child Left Behind Act of 2001";

(2) Provisions for the Columbus city school pilot project under section 3302.042 of the Revised Code;

(3) Provisions for academic distress commissions under former section 3302.10 of the Revised Code as it existed prior to ~~the effective date of this amendment~~ October 15, 2015. The provisions of this section do not apply to academic distress commissions under the version of that section as it exists on or after ~~the effective date of this amendment~~ October 15, 2015.

(4) Provisions prescribing new buildings where students are eligible for the educational choice scholarships under section 3310.03 of the Revised Code;

(5) Provisions defining "challenged school districts" in which new start-up community schools ~~may~~ were required to be located, as prescribed in section 3314.02 of the Revised Code as it existed prior to the effective date of this amendment;

(6) Provisions prescribing community school closure requirements under section 3314.35 or 3314.351 of the Revised Code.

(C) Notwithstanding anything in the Revised Code to the contrary and except as provided in Section 3 of H.B. 7 of the 131st general assembly, no school district, community school, or STEM school shall utilize at any time during a student's academic career a student's score on any assessment administered under division (A) of section 3301.0710 or division (B)(2) of section 3301.0712 of the Revised Code in the 2014-2015, 2015-2016, or 2016-2017 school ~~year~~ years as a factor in any decision to promote or to deny the student promotion to a higher grade level or in any decision to grant course credit. No individual student score reports on such assessments administered in the 2014-2015,

2015-2016, or 2016-2017 school years shall be released, except to 32417  
a student's school district or school or to the student or the 32418  
student's parent or guardian. 32419

**Sec. 3302.04.** As used in divisions (A), (C), and (D) of this 32420  
section, for the 2014-2015 school year, and for each school year 32421  
thereafter, when a provision refers to a school district or school 32422  
building in a state of academic emergency, it shall mean a 32423  
district or building rated "F"; when a provision refers to a 32424  
school district or school building under an academic watch, it 32425  
shall mean a district or building rated "D"; and when a provision 32426  
refers to a school district or school building in need of 32427  
continuous improvement, it shall mean a district or building rated 32428  
"C" as those letter grade ratings for overall performance are 32429  
assigned under division (C)(3) of section 3302.03 of the Revised 32430  
Code, as it exists on or after March 22, 2013. 32431

(A) The department of education shall establish a system of 32432  
intensive, ongoing support for the improvement of school districts 32433  
and school buildings. In accordance with the model of 32434  
differentiated accountability described in section 3302.041 of the 32435  
Revised Code, the system shall give priority to the following: 32436

(1) For any school year prior to the 2012-2013 school year, 32437  
districts and buildings that have been declared to be under an 32438  
academic watch or in a state of academic emergency under section 32439  
3302.03 of the Revised Code; 32440

(2) For the 2012-2013 school year, and for each school year 32441  
thereafter, districts and buildings in the manner prescribed by 32442  
any agreement currently in force between the department and the 32443  
United States department of education. The department shall 32444  
endeavor to include schools and buildings that receive grades 32445  
under section 3302.03 of the Revised Code that the department 32446  
considers to be low performing. 32447

The system shall include services provided to districts and buildings through regional service providers, such as educational service centers. The system may include the appointment of an improvement coordinator for any of the lowest performing districts, as determined by the department, to coordinate the district's academic improvement efforts and to build support among the community for those efforts.

(B) This division does not apply to any school district after June 30, 2008.

When a school district has been notified by the department pursuant to section 3302.03 of the Revised Code that the district or a building within the district has failed to make adequate yearly progress for two consecutive school years, the district shall develop a three-year continuous improvement plan for the district or building containing each of the following:

(1) An analysis of the reasons for the failure of the district or building to meet any of the applicable performance indicators established under section 3302.02 of the Revised Code that it did not meet and an analysis of the reasons for its failure to make adequate yearly progress;

(2) Specific strategies that the district or building will use to address the problems in academic achievement identified in division (B)(1) of this section;

(3) Identification of the resources that the district will allocate toward improving the academic achievement of the district or building;

(4) A description of any progress that the district or building made in the preceding year toward improving its academic achievement;

(5) An analysis of how the district is utilizing the professional development standards adopted by the state board

pursuant to section 3319.61 of the Revised Code; 32479

(6) Strategies that the district or building will use to 32480  
improve the cultural competency, as defined pursuant to section 32481  
3319.61 of the Revised Code, of teachers and other educators. 32482

No three-year continuous improvement plan shall be developed 32483  
or adopted pursuant to this division unless at least one public 32484  
hearing is held within the affected school district or building 32485  
concerning the final draft of the plan. Notice of the hearing 32486  
shall be given two weeks prior to the hearing by publication in 32487  
one newspaper of general circulation within the territory of the 32488  
affected school district or building. Copies of the plan shall be 32489  
made available to the public. 32490

(C)(1) For any school year prior to the school year that 32491  
begins on July 1, 2012, when a school district or building has 32492  
been notified by the department pursuant to section 3302.03 of the 32493  
Revised Code that the district or building is under an academic 32494  
watch or in a state of academic emergency, the district or 32495  
building shall be subject to any rules establishing intervention 32496  
in academic watch or emergency school districts or buildings. 32497

(2) For the 2012-2013 school year, and for each school year 32498  
thereafter, a district or building that meets the conditions for 32499  
intervention prescribed by the agreement described in division 32500  
(A)(2) of this section shall be subject to any rules establishing 32501  
such intervention. 32502

(D)(1) For any school year prior to the 2012-2013 school 32503  
year, within one hundred twenty days after any school district or 32504  
building is declared to be in a state of academic emergency under 32505  
section 3302.03 of the Revised Code, the department may initiate a 32506  
site evaluation of the building or school district. 32507

(2) For the 2012-2013 school year, and for each school year 32508  
thereafter, the department may initiate a site evaluation of a 32509

building or school district that meets the conditions for a site 32510  
evaluation prescribed by the agreement described in division 32511  
(A)(2) of this section. 32512

(3) Division (D)(3) of this section does not apply to any 32513  
school district after June 30, 2008. 32514

If any school district that is declared to be in a state of 32515  
academic emergency or in a state of academic watch under section 32516  
3302.03 of the Revised Code or encompasses a building that is 32517  
declared to be in a state of academic emergency or in a state of 32518  
academic watch fails to demonstrate to the department satisfactory 32519  
improvement of the district or applicable buildings or fails to 32520  
submit to the department any information required under rules 32521  
established by the state board of education, prior to approving a 32522  
three-year continuous improvement plan under rules established by 32523  
the state board of education, the department shall conduct a site 32524  
evaluation of the school district or applicable buildings to 32525  
determine whether the school district is in compliance with 32526  
minimum standards established by law or rule. 32527

(4) Division (D)(4) of this section does not apply to any 32528  
school district after June 30, 2008. Site evaluations conducted 32529  
under divisions (D)(1), (2), and (3) of this section shall 32530  
include, but not be limited to, the following: 32531

(a) Determining whether teachers are assigned to subject 32532  
areas for which they are licensed or certified; 32533

(b) Determining pupil-teacher ratios; 32534

(c) Examination of compliance with minimum instruction time 32535  
requirements for each school day and for each school year; 32536

(d) Determining whether materials and equipment necessary to 32537  
implement the curriculum approved by the school district board are 32538  
available; 32539

(e) Examination of whether the teacher and principal 32540  
evaluation systems comply with sections 3311.80, 3311.84, 3319.02, 32541  
and 3319.111 of the Revised Code; 32542

(f) Examination of the adequacy of efforts to improve the 32543  
cultural competency, as defined pursuant to section 3319.61 of the 32544  
Revised Code, of teachers and other educators. 32545

(E) This division applies only to school districts that 32546  
operate a school building that fails to make adequate yearly 32547  
progress for two or more consecutive school years. It does not 32548  
apply to any such district after June 30, 2008, except as provided 32549  
in division (D)(2) of section 3313.97 of the Revised Code. 32550

(1) For any school building that fails to make adequate 32551  
yearly progress for two consecutive school years, the district 32552  
shall do all of the following: 32553

(a) Provide written notification of the academic issues that 32554  
resulted in the building's failure to make adequate yearly 32555  
progress to the parent or guardian of each student enrolled in the 32556  
building. The notification shall also describe the actions being 32557  
taken by the district or building to improve the academic 32558  
performance of the building and any progress achieved toward that 32559  
goal in the immediately preceding school year. 32560

(b) If the building receives funds under Title I, Part A of 32561  
the "Elementary and Secondary Education Act of 1965," 20 U.S.C. 32562  
6311 to 6339, from the district, in accordance with section 32563  
3313.97 of the Revised Code, offer all students enrolled in the 32564  
building the opportunity to enroll in an alternative building 32565  
within the district that is not in school improvement status as 32566  
defined by the "No Child Left Behind Act of 2001." Notwithstanding 32567  
Chapter 3327. of the Revised Code, the district shall spend an 32568  
amount equal to twenty per cent of the funds it receives under 32569  
Title I, Part A of the "Elementary and Secondary Education Act of 32570

1965," 20 U.S.C. 6311 to 6339, to provide transportation for 32571  
students who enroll in alternative buildings under this division, 32572  
unless the district can satisfy all demand for transportation with 32573  
a lesser amount. If an amount equal to twenty per cent of the 32574  
funds the district receives under Title I, Part A of the 32575  
"Elementary and Secondary Education Act of 1965," 20 U.S.C. 6311 32576  
to 6339, is insufficient to satisfy all demand for transportation, 32577  
the district shall grant priority over all other students to the 32578  
lowest achieving students among the subgroup described in division 32579  
(B)(3) of section 3302.01 of the Revised Code in providing 32580  
transportation. Any district that does not receive funds under 32581  
Title I, Part A of the "Elementary and Secondary Education Act of 32582  
1965," 20 U.S.C. 6311 to 6339, shall not be required to provide 32583  
transportation to any student who enrolls in an alternative 32584  
building under this division. 32585

(2) For any school building that fails to make adequate 32586  
yearly progress for three consecutive school years, the district 32587  
shall do both of the following: 32588

(a) If the building receives funds under Title I, Part A of 32589  
the "Elementary and Secondary Education Act of 1965," 20 U.S.C. 32590  
6311 to 6339, from the district, in accordance with section 32591  
3313.97 of the Revised Code, provide all students enrolled in the 32592  
building the opportunity to enroll in an alternative building 32593  
within the district that is not in school improvement status as 32594  
defined by the "No Child Left Behind Act of 2001." Notwithstanding 32595  
Chapter 3327. of the Revised Code, the district shall provide 32596  
transportation for students who enroll in alternative buildings 32597  
under this division to the extent required under division (E)(2) 32598  
of this section. 32599

(b) If the building receives funds under Title I, Part A of 32600  
the "Elementary and Secondary Education Act of 1965," 20 U.S.C. 32601  
6311 to 6339, from the district, offer supplemental educational 32602

services to students who are enrolled in the building and who are 32603  
in the subgroup described in division (B)(3) of section 3302.01 of 32604  
the Revised Code. 32605

The district shall spend a combined total of an amount equal 32606  
to twenty per cent of the funds it receives under Title I, Part A 32607  
of the "Elementary and Secondary Education Act of 1965," 20 U.S.C. 32608  
6311 to 6339, to provide transportation for students who enroll in 32609  
alternative buildings under division (E)(1)(b) or (E)(2)(a) of 32610  
this section and to pay the costs of the supplemental educational 32611  
services provided to students under division (E)(2)(b) of this 32612  
section, unless the district can satisfy all demand for 32613  
transportation and pay the costs of supplemental educational 32614  
services for those students who request them with a lesser amount. 32615  
In allocating funds between the requirements of divisions 32616  
(E)(1)(b) and (E)(2)(a) and (b) of this section, the district 32617  
shall spend at least an amount equal to five per cent of the funds 32618  
it receives under Title I, Part A of the "Elementary and Secondary 32619  
Education Act of 1965," 20 U.S.C. 6311 to 6339, to provide 32620  
transportation for students who enroll in alternative buildings 32621  
under division (E)(1)(b) or (E)(2)(a) of this section, unless the 32622  
district can satisfy all demand for transportation with a lesser 32623  
amount, and at least an amount equal to five per cent of the funds 32624  
it receives under Title I, Part A of the "Elementary and Secondary 32625  
Education Act of 1965," 20 U.S.C. 6311 to 6339, to pay the costs 32626  
of the supplemental educational services provided to students 32627  
under division (E)(2)(b) of this section, unless the district can 32628  
pay the costs of such services for all students requesting them 32629  
with a lesser amount. If an amount equal to twenty per cent of the 32630  
funds the district receives under Title I, Part A of the 32631  
"Elementary and Secondary Education Act of 1965," 20 U.S.C. 6311 32632  
to 6339, is insufficient to satisfy all demand for transportation 32633  
under divisions (E)(1)(b) and (E)(2)(a) of this section and to pay 32634  
the costs of all of the supplemental educational services provided 32635

to students under division (E)(2)(b) of this section, the district shall grant priority over all other students in providing transportation and in paying the costs of supplemental educational services to the lowest achieving students among the subgroup described in division (B)(3) of section 3302.01 of the Revised Code.

Any district that does not receive funds under Title I, Part A of the "Elementary and Secondary Education Act of 1965," 20 U.S.C. 6311 to 6339, shall not be required to provide transportation to any student who enrolls in an alternative building under division (E)(2)(a) of this section or to pay the costs of supplemental educational services provided to any student under division (E)(2)(b) of this section.

No student who enrolls in an alternative building under division (E)(2)(a) of this section shall be eligible for supplemental educational services under division (E)(2)(b) of this section.

(3) For any school building that fails to make adequate yearly progress for four consecutive school years, the district shall continue to comply with division (E)(2) of this section and shall implement at least one of the following options with respect to the building:

(a) Institute a new curriculum that is consistent with the statewide academic standards adopted pursuant to division (A) of section 3301.079 of the Revised Code;

(b) Decrease the degree of authority the building has to manage its internal operations;

(c) Appoint an outside expert to make recommendations for improving the academic performance of the building. The district may request the department to establish a state intervention team for this purpose pursuant to division (G) of this section.

|                                                                   |       |
|-------------------------------------------------------------------|-------|
| (d) Extend the length of the school day or year;                  | 32667 |
| (e) Replace the building principal or other key personnel;        | 32668 |
| (f) Reorganize the administrative structure of the building.      | 32669 |
| (4) For any school building that fails to make adequate           | 32670 |
| yearly progress for five consecutive school years, the district   | 32671 |
| shall continue to comply with division (E)(2) of this section and | 32672 |
| shall develop a plan during the next succeeding school year to    | 32673 |
| improve the academic performance of the building, which shall     | 32674 |
| include at least one of the following options:                    | 32675 |
| (a) Reopen the school as a community school under Chapter         | 32676 |
| 3314. of the Revised Code;                                        | 32677 |
| (b) Replace personnel;                                            | 32678 |
| (c) Contract with a nonprofit or for-profit entity to operate     | 32679 |
| the building;                                                     | 32680 |
| (d) Turn operation of the building over to the department;        | 32681 |
| (e) Other significant restructuring of the building's             | 32682 |
| governance.                                                       | 32683 |
| (5) For any school building that fails to make adequate           | 32684 |
| yearly progress for six consecutive school years, the district    | 32685 |
| shall continue to comply with division (E)(2) of this section and | 32686 |
| shall implement the plan developed pursuant to division (E)(4) of | 32687 |
| this section.                                                     | 32688 |
| (6) A district shall continue to comply with division             | 32689 |
| (E)(1)(b) or (E)(2) of this section, whichever was most recently  | 32690 |
| applicable, with respect to any building formerly subject to one  | 32691 |
| of those divisions until the building makes adequate yearly       | 32692 |
| progress for two consecutive school years.                        | 32693 |
| (F) This division applies only to school districts that have      | 32694 |
| been identified for improvement by the department pursuant to the | 32695 |
| "No Child Left Behind Act of 2001." It does not apply to any such | 32696 |

district after June 30, 2008. 32697

(1) If a school district has been identified for improvement 32698  
for one school year, the district shall provide a written 32699  
description of the continuous improvement plan developed by the 32700  
district pursuant to division (B) of this section to the parent or 32701  
guardian of each student enrolled in the district. If the district 32702  
does not have a continuous improvement plan, the district shall 32703  
develop such a plan in accordance with division (B) of this 32704  
section and provide a written description of the plan to the 32705  
parent or guardian of each student enrolled in the district. 32706

(2) If a school district has been identified for improvement 32707  
for two consecutive school years, the district shall continue to 32708  
implement the continuous improvement plan developed by the 32709  
district pursuant to division (B) or (F)(1) of this section. 32710

(3) If a school district has been identified for improvement 32711  
for three consecutive school years, the department shall take at 32712  
least one of the following corrective actions with respect to the 32713  
district: 32714

(a) Withhold a portion of the funds the district is entitled 32715  
to receive under Title I, Part A of the "Elementary and Secondary 32716  
Education Act of 1965," 20 U.S.C. 6311 to 6339; 32717

(b) Direct the district to replace key district personnel; 32718

(c) Institute a new curriculum that is consistent with the 32719  
statewide academic standards adopted pursuant to division (A) of 32720  
section 3301.079 of the Revised Code; 32721

(d) Establish alternative forms of governance for individual 32722  
school buildings within the district; 32723

(e) Appoint a trustee to manage the district in place of the 32724  
district superintendent and board of education. 32725

The department shall conduct individual audits of a sampling 32726

of districts subject to this division to determine compliance with 32727  
the corrective actions taken by the department. 32728

(4) If a school district has been identified for improvement 32729  
for four consecutive school years, the department shall continue 32730  
to monitor implementation of the corrective action taken under 32731  
division (F)(3) of this section with respect to the district. 32732

(5) If a school district has been identified for improvement 32733  
for five consecutive school years, the department shall take at 32734  
least one of the corrective actions identified in division (F)(3) 32735  
of this section with respect to the district, provided that the 32736  
corrective action the department takes is different from the 32737  
corrective action previously taken under division (F)(3) of this 32738  
section with respect to the district. 32739

(G) The department may establish a state intervention team to 32740  
evaluate all aspects of a school district or building, including 32741  
management, curriculum, instructional methods, resource 32742  
allocation, and scheduling. Any such intervention team shall be 32743  
appointed by the department and shall include teachers and 32744  
administrators recognized as outstanding in their fields. The 32745  
intervention team shall make recommendations regarding methods for 32746  
improving the performance of the district or building. 32747

The department shall not approve a district's request for an 32748  
intervention team under division (E)(3) of this section if the 32749  
department cannot adequately fund the work of the team, unless the 32750  
district agrees to pay for the expenses of the team. 32751

(H) The department shall conduct individual audits of a 32752  
sampling of community schools established under Chapter 3314. of 32753  
the Revised Code to determine compliance with this section. 32754

(I) A school district in which the pilot project scholarship 32755  
program is operating under sections 3313.974 to 3313.979 of the 32756  
Revised Code shall report the use of funding for tutorial 32757

assistance grants under that program in the district's three-year 32758  
continuous improvement plan under this section in a manner 32759  
approved by the department. 32760

(J) The state board shall adopt rules for implementing this 32761  
section. 32762

**Sec. 3302.043.** (A) As used in this section, "eligible 32763  
district" means a city school district to which both of the 32764  
following apply: 32765

(1) The district has persistently low performance ratings, as 32766  
determined by the department of education, under section 3302.03 32767  
of the Revised Code. 32768

(2) The district is not subject to an academic distress 32769  
commission under section 3302.10 of the Revised Code. 32770

(B) The department shall establish the career promise academy 32771  
summer demonstration pilot program. Under the pilot program, which 32772  
shall operate in the 2021-2022 and 2022-2023 school years, the 32773  
department shall solicit proposals from eligible districts to 32774  
establish and operate a career promise academy during the summer 32775  
to provide students entering ninth grade with intensive literacy 32776  
instruction, internship or mentoring experiences, and instruction 32777  
regarding academic preparedness skills, life skills, and financial 32778  
literacy. The department shall approve one proposal based on the 32779  
criteria prescribed under division (C) of this section. The 32780  
department shall award a grant to the eligible district with an 32781  
approved proposal. 32782

(C) The department shall adopt criteria under which to 32783  
approve a proposal for a career promise academy, which shall 32784  
include all of the following: 32785

(1) A requirement that the career promise academy operate as 32786  
follows: 32787

|                                                                           |       |
|---------------------------------------------------------------------------|-------|
| <u>(a) For four consecutive weeks in the summer of 2021;</u>              | 32788 |
| <u>(b) For five consecutive weeks in the summer of 2022.</u>              | 32789 |
| <u>(2) A requirement that not more than seventy-five students</u>         | 32790 |
| <u>participate in the career promise academy in one summer;</u>           | 32791 |
| <u>(3) A requirement for the eligible district to submit to the</u>       | 32792 |
| <u>department, in a form and manner prescribed by the department, any</u> | 32793 |
| <u>data that the department and district jointly determine is</u>         | 32794 |
| <u>necessary to evaluate the pilot program;</u>                           | 32795 |
| <u>(4) A method to determine student eligibility to participate</u>       | 32796 |
| <u>in the career promise academy. The method shall identify students</u>  | 32797 |
| <u>entering ninth grade who are at risk of not qualifying for a high</u>  | 32798 |
| <u>school diploma based on the student's scores on the English</u>        | 32799 |
| <u>language arts and mathematics assessments prescribed under</u>         | 32800 |
| <u>division (A)(1)(f) of section 3301.0710 of the Revised Code and</u>    | 32801 |
| <u>other academic or social-emotional factors.</u>                        | 32802 |
| <u>(5) A description of the instruction and internship or</u>             | 32803 |
| <u>mentoring experiences that participating students will receive;</u>    | 32804 |
| <u>(6) An agreement with the district's business advisory</u>             | 32805 |
| <u>council established under section 3313.82 of the Revised Code and</u>  | 32806 |
| <u>other organizations or businesses to identify or provide</u>           | 32807 |
| <u>internship and mentoring experiences to participating students;</u>    | 32808 |
| <u>(7) An agreement with at least one institution of higher</u>           | 32809 |
| <u>education to identify and engage with prospective teachers to</u>      | 32810 |
| <u>serve as mentors and academic coaches to participating students.</u>   | 32811 |
| <u>(D) The department shall adopt guidelines and procedures to</u>        | 32812 |
| <u>operate the pilot program established under this section.</u>          | 32813 |
| <b><u>Sec. 3302.103.</u></b> (A) This section applies to any school       | 32814 |
| <u>district that meets one of the following conditions:</u>               | 32815 |
| <u>(1) An academic distress commission was established for the</u>        | 32816 |

district in 2013 by the superintendent of public instruction under 32817  
former section 3302.10 of the Revised Code, as it existed prior to 32818  
October 15, 2015, and a new academic distress commission was 32819  
established for the district by the state superintendent under 32820  
division (A)(2) of section 3302.10 of the Revised Code. 32821

(2) An academic distress commission was established for the 32822  
district in 2010 by the state superintendent under former section 32823  
3302.10 of the Revised Code, as it existed prior to October 15, 32824  
2015, and a new academic distress commission was established for 32825  
the district under division (A)(2) of section 3302.10 of the 32826  
Revised Code. 32827

(3) An academic distress commission was established for the 32828  
district by the state superintendent in 2018 under division (A)(1) 32829  
of section 3302.10 of the Revised Code. 32830

(B) The auditor of state shall complete a performance audit 32831  
of a school district to which this section applies one time during 32832  
the three-year period of the plan implemented under division 32833  
(D)(2) of this section and submit the results of the audit to the 32834  
board of education of the school district and the academic 32835  
distress commission established for the district. The performance 32836  
audit shall be conducted in the same manner as prescribed by 32837  
section 3316.042 of the Revised Code. 32838

(C) Notwithstanding anything to the contrary in the Revised 32839  
Code, not later than ninety days after the effective date of this 32840  
section, the district board of a school district to which this 32841  
section applies, in consultation with the appropriate 32842  
stakeholders, the academic distress commission, and the chief 32843  
executive officer appointed by that commission under section 32844  
3302.10 of the Revised Code, shall develop and submit an academic 32845  
improvement plan for the district to the state superintendent. 32846

The plan developed under division (C) of this section shall 32847

operate for a period of three school years and shall include 32848  
annual and overall academic improvement benchmarks for the 32849  
district and strategies for achieving those benchmarks. 32850

(D)(1) The state superintendent shall review the plan 32851  
submitted under division (C) of this section. Not later than 32852  
thirty days after receiving the plan for review, the state 32853  
superintendent shall approve the plan or suggest modifications to 32854  
the plan. If the state superintendent suggests modifications, the 32855  
district board shall revise the plan and resubmit it within 32856  
fifteen days after receiving the suggested modifications. The 32857  
state superintendent shall review and approve the plan within 32858  
thirty days after receiving it. 32859

(2) Upon approval of the plan by the state superintendent, 32860  
the district board may begin to prepare to implement the plan, 32861  
which shall be in effect from July 1, 2022, to June 30, 2025. The 32862  
district's academic distress commission and chief executive 32863  
officer shall work with the district in preparing to implement the 32864  
plan. 32865

(3) If the district board determines it necessary, it may 32866  
submit a request to the state superintendent to modify the 32867  
improvement plan during the period of time specified in division 32868  
(D)(2) of this section. The improvement plan shall not be modified 32869  
without the state superintendent's approval. 32870

(E) During the school years that the district is implementing 32871  
the plan approved by the state superintendent, the following 32872  
apply: 32873

(1) The district shall not be subject to section 3302.10 of 32874  
the Revised Code. 32875

(2) The district board shall reassume all powers granted to 32876  
it under the Revised Code. 32877

(3) The district's academic distress commission shall 32878

continue to exist and provide assistance to the district but shall 32879  
not have any operational or managerial control of the district. 32880

(4) The chief executive officer appointed by the academic 32881  
distress commission shall relinquish all operational, managerial, 32882  
and instructional control of the district and be removed from that 32883  
position. 32884

The district board may employ as district superintendent the 32885  
individual who previously served as chief executive officer. If 32886  
the district board enters into a contract for district 32887  
superintendent with that individual while the district is 32888  
implementing the improvement plan, the department of education 32889  
shall continue compensating the individual under the terms of the 32890  
individual's chief executive officer contract until the district 32891  
meets either of the conditions prescribed in division (F)(1)(b) or 32892  
(F)(2) of this section. In either event, the district board shall 32893  
begin compensating the individual under the terms of the district 32894  
board's employment contract with the individual for district 32895  
superintendent. 32896

(5) The district board shall provide annual reports to the 32897  
state board of education on the district's progress toward 32898  
achieving the academic benchmarks established in the district's 32899  
improvement plan. 32900

(F) At the end of three school years under the plan, the 32901  
district shall be evaluated by the state board based on the 32902  
academic improvement benchmarks established in the plan. 32903

(1)(a) If the district improves but does not meet at least a 32904  
majority of the academic improvement benchmarks established in the 32905  
improvement plan, the district board may apply to the state 32906  
superintendent for an extension of one school year to continue 32907  
implementing the plan, pending approval by the state 32908  
superintendent. If the district does not meet at least a majority 32909

of the established benchmarks at the end of the extension, the 32910  
district again may apply to the state superintendent for an 32911  
extension of one school year to continue implementing the plan. 32912  
The district shall not apply for an extension more than twice. 32913

(b) If the district does not meet at least a majority of the 32914  
academic improvement benchmarks at the end of five school years 32915  
under the plan or if the state superintendent does not approve a 32916  
district's application for an extension submitted under division 32917  
(F)(1)(a) of this section, the district shall be subject to 32918  
section 3302.10 of the Revised Code. The academic distress 32919  
commission shall appoint a new chief executive officer for the 32920  
district as prescribed in division (C) of that section, and the 32921  
chief executive officer shall reassume the powers that were being 32922  
exercised under that section prior to July 1, 2022. 32923

(2) If the district meets at least a majority of the academic 32924  
improvement benchmarks established in its improvement plan at the 32925  
end of the initial evaluation or, if applicable, after an 32926  
extension granted by the state superintendent under division 32927  
(F)(1)(a) of this section, the academic distress commission shall 32928  
be dissolved, and the district board shall continue exercising all 32929  
powers granted to it under the Revised Code. 32930

**Sec. 3302.20.** (A) The department of education shall develop 32931  
standards for determining, from the existing data reported in 32932  
accordance with sections 3301.0714 and 3314.17 of the Revised 32933  
Code, the amount of annual operating expenditures for classroom 32934  
instructional purposes and for nonclassroom purposes for each 32935  
city, exempted village, local, and joint vocational school 32936  
district, each community school established under Chapter 3314. 32937  
that is not an internet- or computer-based community school, each 32938  
internet- or computer-based community school, and each STEM school 32939  
established under Chapter 3326. of the Revised Code. The 32940

department shall present those standards to the state board of 32941  
education for consideration. In developing the standards, the 32942  
department shall adapt existing standards used by professional 32943  
organizations, research organizations, and other state 32944  
governments. The department also shall align the expenditure 32945  
categories required for reporting under the standards with the 32946  
categories that are required for reporting to the United States 32947  
department of education under federal law. 32948

The state board shall consider the proposed standards and 32949  
adopt a final set of standards not later than December 31, 2012. 32950  
School districts, community schools, and STEM schools shall begin 32951  
reporting data in accordance with the standards on June 30, 2013. 32952

(B)(1) The department shall categorize all city, exempted 32953  
village, and local school districts into not less than three nor 32954  
more than five groups based primarily on average daily student 32955  
enrollment as reported on the most recent report card issued for 32956  
each district under section 3302.03 of the Revised Code. 32957

(2) The department shall categorize all joint vocational 32958  
school districts into not less than three nor more than five 32959  
groups based primarily on ~~formula~~ enrolled ADM as that term is 32960  
defined in section 3317.02 of the Revised Code rounded to the 32961  
nearest whole number. 32962

(3) The department shall categorize all community schools 32963  
that are not internet- or computer-based community schools into 32964  
not less than three nor more than five groups based primarily on 32965  
average daily student enrollment as reported on the most recent 32966  
report card issued for each community school under sections 32967  
3302.03 and 3314.012 of the Revised Code or, in the case of a 32968  
school to which section 3314.017 of the Revised Code applies, on 32969  
the total number of students reported under divisions ~~(B)(2)(a)~~ 32970  
~~and (b)~~ (B)(1) and (2) of section 3314.08 of the Revised Code. 32971

|                                                                                                                                                                                                                               |                                  |
|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|----------------------------------|
| (4) The department shall categorize all internet- or computer-based community schools into a single category.                                                                                                                 | 32972<br>32973                   |
| (5) The department shall categorize all STEM schools into a single category.                                                                                                                                                  | 32974<br>32975                   |
| (C) Using the standards adopted under division (A) of this section and the data reported under sections 3301.0714 and 3314.17 of the Revised Code, the department shall compute annually for each fiscal year, the following: | 32976<br>32977<br>32978<br>32979 |
| (1) The percentage of each district's, community school's, or STEM school's total operating budget spent for classroom instructional purposes;                                                                                | 32980<br>32981<br>32982          |
| (2) The statewide average percentage for all districts, community schools, and STEM schools combined spent for classroom instructional purposes;                                                                              | 32983<br>32984<br>32985          |
| (3) The average percentage for each of the categories of districts and schools established under division (B) of this section spent for classroom instructional purposes;                                                     | 32986<br>32987<br>32988          |
| (4) The ranking of each district, community school, or STEM school within its respective category established under division (B) of this section according to the following:                                                  | 32989<br>32990<br>32991          |
| (a) From highest to lowest percentage spent for classroom instructional purposes;                                                                                                                                             | 32992<br>32993                   |
| (b) From lowest to highest percentage spent for noninstructional purposes.                                                                                                                                                    | 32994<br>32995                   |
| (5) The total operating expenditures per pupil for each district, community school, and STEM school;                                                                                                                          | 32996<br>32997                   |
| (6) The total operating expenditure per equivalent pupils for each district, community school, and STEM school.                                                                                                               | 32998<br>32999                   |
| (D) In its display of rankings within each category under division (C)(4) of this section, the department shall make the                                                                                                      | 33000<br>33001                   |

|                                                                                                                                                                                                          |                                  |
|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|----------------------------------|
| following notations:                                                                                                                                                                                     | 33002                            |
| (1) Within each category of city, exempted village, and local school districts, the department shall denote each district that is:                                                                       | 33003<br>33004<br>33005          |
| (a) Among the twenty per cent of all city, exempted village, and local school districts statewide with the lowest total operating expenditure per equivalent pupils;                                     | 33006<br>33007<br>33008          |
| (b) Among the twenty per cent of all city, exempted village, and local school districts statewide with the highest performance index scores.                                                             | 33009<br>33010<br>33011          |
| (2) Within each category of joint vocational school districts, the department shall denote each district that is:                                                                                        | 33012<br>33013                   |
| (a) Among the twenty per cent of all joint vocational school districts statewide with the lowest total operating expenditure per equivalent pupils;                                                      | 33014<br>33015<br>33016          |
| (b) Among the twenty per cent of all joint vocational school districts statewide with the highest report card scores under section 3302.033 of the Revised Code.                                         | 33017<br>33018<br>33019          |
| (3) Within each category of community schools that are not internet- or computer-based community schools, the department shall denote each school that is:                                               | 33020<br>33021<br>33022          |
| (a) Among the twenty per cent of all such community schools statewide with the lowest total operating expenditure per equivalent pupils;                                                                 | 33023<br>33024<br>33025          |
| (b) Among the twenty per cent of all such community schools statewide with the highest performance index scores, excluding such community schools to which section 3314.017 of the Revised Code applies. | 33026<br>33027<br>33028<br>33029 |
| (4) Within the category of internet- or computer-based community schools, the department shall denote each school that                                                                                   | 33030<br>33031                   |

is: 33032

(a) Among the twenty per cent of all such community schools 33033  
statewide with the lowest total operating expenditure per 33034  
equivalent pupils; 33035

(b) Among the twenty per cent of all such community schools 33036  
statewide with the highest performance index scores, excluding 33037  
such community schools to which section 3314.017 of the Revised 33038  
Code applies. 33039

(5) Within the category of STEM schools, the department shall 33040  
denote each school that is: 33041

(a) Among the twenty per cent of all STEM schools statewide 33042  
with the lowest total operating expenditure per equivalent pupils; 33043

(b) Among the twenty per cent of all STEM schools statewide 33044  
with the highest performance index scores. 33045

For purposes of divisions (D)(3)(b) and (4)(b) of this 33046  
section, the display shall note that, in accordance with section 33047  
3314.017 of the Revised Code, a performance index score is not 33048  
reported for some community schools that serve primarily students 33049  
enrolled in dropout prevention and recovery programs. 33050

(E) The department shall post in a prominent location on its 33051  
web site the information prescribed by divisions (C) and (D) of 33052  
this section. The department also shall include on each 33053  
district's, community school's, and STEM school's annual report 33054  
card issued under section 3302.03 or 3314.017 of the Revised Code 33055  
the respective information computed for the district or school 33056  
under divisions (C)(1) and (4) of this section, the statewide 33057  
information computed under division (C)(2) of this section, and 33058  
the information computed for the district's or school's category 33059  
under division (C)(3) of this section. 33060

(F) As used in this section: 33061

(1) "Internet- or computer-based community school" has the same meaning as in section 3314.02 of the Revised Code.

(2) A school district's, community school's, or STEM school's performance index score rank is its performance index score rank as computed under section 3302.21 of the Revised Code.

(3) "Expenditure per equivalent pupils" has the same meaning as in section 3302.26 of the Revised Code.

**Sec. 3302.41.** As used in this section, "blended learning" has the same meaning as in section 3301.079 of the Revised Code.

(A) Any local, city, exempted village, or joint vocational school district, community school established under Chapter 3314. of the Revised Code, STEM school established under Chapter 3326. of the Revised Code, college-preparatory boarding school established under Chapter 3328. of the Revised Code, or chartered nonpublic school may operate all or part of a school using a blended learning model. If a school is operated using a blended learning model or is to cease operating using a blended learning model, the superintendent of the school or district or director of the school shall notify the department of education of that fact not later than the first day of July of the school year for which the change is effective. If any school district school, community school, or STEM school is already operated using a blended learning model on ~~the effective date of this section~~ September 24, 2012, the superintendent of the school or district may notify the department within ninety days after ~~the effective date of this section~~ September 24, 2012, of that fact and request that the school be classified as a blended learning school.

(B) The state board of education shall revise any operating standards for school districts and chartered nonpublic schools adopted under section 3301.07 of the Revised Code to include standards for the operation of blended learning under this

section. The blended learning operation standards shall provide 33093  
for all of the following: 33094

(1) Student-to-teacher ratios whereby no school or classroom 33095  
is required to have more than one teacher for every one hundred 33096  
twenty-five students in blended learning classrooms; 33097

(2) The extent to which the school is or is not obligated to 33098  
provide students with access to digital learning tools; 33099

(3) The ability of all students, at any grade level, to earn 33100  
credits or advance grade levels upon demonstrating mastery of 33101  
knowledge or skills through competency-based learning models. 33102  
Credits or grade level advancement shall not be based on a minimum 33103  
number of days or hours in a classroom. 33104

(4) ~~An exemption from minimum school year or school day~~ 33105  
~~requirements in sections 3313.48 and 3313.481 of the Revised Code~~ 33106  
Notwithstanding anything to the contrary in section 3313.48 of the 33107  
Revised Code, a requirement that the school have an annual 33108  
instructional calendar of not less than nine hundred ten hours; 33109

(5) Adequate provisions for: the licensing of teachers, 33110  
administrators, and other professional personnel and their 33111  
assignment according to training and qualifications; efficient and 33112  
effective instructional materials and equipment, including library 33113  
facilities; the proper organization, administration, and 33114  
supervision of each school, including regulations for preparing 33115  
all necessary records and reports and the preparation of a 33116  
statement of policies and objectives for each school; buildings, 33117  
grounds, and health and sanitary facilities and services; 33118  
admission of pupils, and such requirements for their promotion 33119  
from grade to grade as will ensure that they are capable and 33120  
prepared for the level of study to which they are certified; 33121  
requirements for graduation; and such other factors as the board 33122  
finds necessary. 33123

(C) An internet- or computer-based community school, as 33124  
defined in section 3314.02 of the Revised Code, is not a blended 33125  
learning school authorized under this section. Nor does this 33126  
section affect any provisions for the operation of and payments to 33127  
an internet- or computer-based community school prescribed in 33128  
Chapter 3314. of the Revised Code. 33129

Sec. 3302.42. As used in this section, "online learning" has 33130  
the same meaning as in section 3301.079 of the Revised Code. 33131

(A) Any local, city, exempted village, or joint vocational 33132  
school district, with approval of the superintendent of public 33133  
instruction, may operate a school using an online learning model. 33134  
If a school is operated using an online learning model or is to 33135  
cease operating using an online learning model, the superintendent 33136  
of the district shall notify the department of education of that 33137  
fact not later than the first day of July of the school year for 33138  
which the change is effective. If any school district school is 33139  
currently operated using an online learning model on the effective 33140  
date of this section, the superintendent of the district shall 33141  
notify the department within sixty days after the effective date 33142  
of this section of that fact and request that the school be 33143  
classified as an online learning school. 33144

(1) Districts shall assign all students engaged in online 33145  
learning to a single school which the department shall designate 33146  
as a district online school. 33147

(2) Districts shall provide all students engaged in online 33148  
learning a computer, at no cost, for instructional use. Districts 33149  
shall provide a filtering device or install filtering software 33150  
that protects against internet access to materials that are 33151  
obscene or harmful to juveniles on each computer provided to 33152  
students for instructional use. 33153

(3) Districts shall provide all students engaged in online 33154

learning access to the internet, at no cost, for instructional 33155  
use. 33156

(4) Districts that operate an online learning school shall 33157  
provide a comprehensive orientation for students and their parents 33158  
or guardians prior to enrollment or within thirty days for 33159  
students enrolled as of the effective date of this section. 33160

(5) Online learning schools operated by a district shall 33161  
implement a learning management system that tracks the time 33162  
students participate in online learning activities. All student 33163  
learning activities completed while off-line shall be documented 33164  
with all participation records checked and approved by the teacher 33165  
of record. 33166

(B) The state board of education shall revise any operating 33167  
standards for school districts adopted under section 3301.07 of 33168  
the Revised Code to include standards for the operation of online 33169  
learning under this section. The online learning operation 33170  
standards shall provide for all of the following: 33171

(1) Student-to-teacher ratios whereby no school or classroom 33172  
is required to have more than one teacher for every one hundred 33173  
twenty-five students in online learning classrooms; 33174

(2) The ability of all students, at any grade level, to earn 33175  
credits or advance grade levels upon demonstrating mastery of 33176  
knowledge or skills through competency-based learning models. 33177  
Credits or grade level advancement shall not be based on a minimum 33178  
number of days or hours in a classroom. 33179

(3) Notwithstanding anything to the contrary in section 33180  
3313.48 of the Revised Code, a requirement that schools operating 33181  
using an online learning model have an annual instructional 33182  
calendar of not less than nine hundred ten hours. 33183

(a) For funding purposes, the department shall reduce the 33184  
full-time equivalence proportionally for any student in an online 33185

learning school who participates in less than nine hundred ten 33186  
hours per school year. The department shall reduce state funding 33187  
for students assigned to an online learning school operated by a 33188  
district commensurate with such adjustments to enrollment. 33189

(b) The department shall develop a review process and make 33190  
all adjustments of state funding to districts to reflect any 33191  
participation of students in online learning schools for less than 33192  
the equivalent of a full school year. 33193

(4) Adequate provisions for: the licensing of teachers, 33194  
administrators, and other professional personnel and their 33195  
assignment according to training and qualifications; efficient and 33196  
effective instructional materials and equipment, including library 33197  
facilities; the proper organization, administration, and 33198  
supervision of each school, including regulations for preparing 33199  
all necessary records and reports and the preparation of a 33200  
statement of policies and objectives for each school; buildings, 33201  
grounds, and health and sanitary facilities and services; 33202  
admission of pupils, and such requirements for their promotion 33203  
from grade to grade as will ensure that they are capable and 33204  
prepared for the level of study to which they are certified; 33205  
requirements for graduation; and such other factors as the board 33206  
finds necessary. 33207

(C) This section does not affect any provisions for the 33208  
operation of and payments to an internet- or computer-based 33209  
community school prescribed in Chapter 3314. of the Revised Code. 33210

**Sec. 3304.24.** Each October during national disability 33211  
employment awareness month, the governor shall present an award to 33212  
employers who meet the criteria for having a workplace inclusive 33213  
of individuals with disabilities. The opportunities for Ohioans 33214  
with disabilities agency shall determine the inclusive workplace 33215  
criteria to be used to recommend employers for the award. 33216

Sec. 3307.091. (A) Notwithstanding division (C) of section 121.22 of the Revised Code, the state teachers retirement board may adopt a policy that allows a board member to attend a meeting of the board by means of teleconference or video conference. The board shall include in the policy, if adopted, both of the following: 33217  
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33219  
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(1) The number of regular meetings at which each board member shall be present in person, provided that number is not less than one-half of the regular meetings of the board annually; 33223  
33224  
33225

(2) All of the following requirements with respect to a meeting in which a member attends by means of teleconference or video conference: 33226  
33227  
33228

(a) That at least one-third of the board members attending the meeting shall be present in person at the physical location where the meeting is conducted; 33229  
33230  
33231

(b) That all votes taken at the meeting shall be taken by roll call vote; 33232  
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(c) That a board member who intends to attend a meeting by means of teleconference or video conference shall notify the chairperson of that intent not less than forty-eight hours before the meeting, except in the case of an emergency as defined in the policy. 33234  
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(B) Notwithstanding division (C) of section 121.22 of the Revised Code, a board member who attends a meeting by means of teleconference or video conference is considered present in person at the meeting, may vote at the meeting, and is counted for purposes of determining whether a quorum is present at the meeting. 33239  
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(C) At any meeting in which a board member attends by means of teleconference or video conference, the board shall ensure that 33245  
33246

the public can hear and, if the means of attendance 33247  
technologically permits it, to observe, the discussions and 33248  
deliberations of all the members of the board, whether the member 33249  
is participating in person or electronically. 33250

(D) Except as provided in this section, no person shall do 33251  
any of the following: 33252

(1) Limit the number of board members who may attend a 33253  
meeting by means of teleconference or video conference; 33254

(2) Limit the total number of meetings that the board may 33255  
allow members to attend by means of teleconference or video 33256  
conference; 33257

(3) Limit the number of meetings at which any one board 33258  
member may attend by means of teleconference or video conference; 33259

(4) Impose other limits or obligations on a board member 33260  
because the board member attends a meeting by means of 33261  
teleconference or video conference. 33262

**Sec. 3307.31.** (A) Payments by boards of education and 33263  
governing authorities of community schools to the state teachers 33264  
retirement system, as provided in sections 3307.29 and 3307.291 of 33265  
the Revised Code, shall be made from the amount allocated under 33266  
~~section 3314.08~~ or Chapter 3317. of the Revised Code prior to its 33267  
distribution to the individual school districts or community 33268  
schools. The amount due from each school district or community 33269  
school shall be certified by the secretary of the system to the 33270  
superintendent of public instruction monthly, or at such times as 33271  
may be determined by the state teachers retirement board. 33272

The superintendent shall deduct, from the amount allocated to 33273  
each district or community school under ~~section 3314.08~~ or Chapter 33274  
3317. of the Revised Code, the entire amounts due to the system 33275  
from such district or school upon the certification to the 33276

superintendent by the secretary thereof. 33277

The superintendent shall certify to the director of budget 33278  
and management the amounts thus due the system for payment. 33279

(B) Payments to the state teachers retirement system by a 33280  
science, technology, engineering, and mathematics school shall be 33281  
deducted from the amount allocated under section ~~3326.33~~ 3317.022 33282  
of the Revised Code and shall be made in the same manner as 33283  
payments by boards of education under this section. 33284

**Sec. 3309.51.** (A) Each employer shall pay into the employers' 33285  
trust fund, monthly or at such times as the school employees 33286  
retirement board requires, an amount certified by the school 33287  
employees retirement board, which shall be as required by Chapter 33288  
3309. of the Revised Code. 33289

Payments by school district boards of education to the 33290  
employers' trust fund of the school employees retirement system 33291  
may be made from the amounts allocated under Chapter 3317. of the 33292  
Revised Code prior to their distribution to the individual school 33293  
districts. The amount due from each school district may be 33294  
certified by the secretary of the system to the superintendent of 33295  
public instruction monthly, or at such times as is determined by 33296  
the school employees retirement board. 33297

Payments by governing authorities of community schools to the 33298  
employers' trust fund of the school employees retirement system 33299  
shall be made from the amounts allocated under section ~~3314.08~~ 33300  
3317.022 of the Revised Code prior to their distribution to the 33301  
individual community schools. The amount due from each community 33302  
school shall be certified by the secretary of the system to the 33303  
superintendent of public instruction monthly, or at such times as 33304  
determined by the school employees retirement board. 33305

Payments by a science, technology, engineering, and 33306

mathematics school to the employers' trust fund of the school 33307  
employees retirement system shall be made from the amounts 33308  
allocated under section ~~3326.33~~ 3317.022 of the Revised Code prior 33309  
to their distribution to the school. The amount due from a 33310  
science, technology, engineering, and mathematics school shall be 33311  
certified by the secretary of the school employees retirement 33312  
system to the superintendent of public instruction monthly, or at 33313  
such times as determined by the school employees retirement board. 33314

(B) The superintendent shall deduct from the amount allocated 33315  
to each community school ~~under section 3314.08 of the Revised~~ 33316  
~~Code,~~ to each school district ~~under Chapter 3317. of the Revised~~ 33317  
~~Code,~~ or to each science, technology, engineering, and mathematics 33318  
school under ~~section 3326.33~~ Chapter 3317. of the Revised Code the 33319  
entire amounts due to the school employees retirement system from 33320  
such school or school district upon the certification to the 33321  
superintendent by the secretary thereof. 33322

(C) Where an employer fails or has failed or refuses to make 33323  
payments to the employers' trust fund, as provided for under 33324  
Chapter 3309. of the Revised Code, or fails to pay any penalty 33325  
imposed under section 3309.571 of the Revised Code the secretary 33326  
of the school employees retirement system may certify to the state 33327  
superintendent of public instruction, monthly or at such times as 33328  
is determined by the school employees retirement board, the amount 33329  
due from such employer, and the superintendent shall deduct from 33330  
the amount allocated to the employer under ~~section 3314.08 or~~ 33331  
~~3326.33 or~~ Chapter 3317. of the Revised Code, ~~as applicable,~~ the 33332  
entire amounts due to the system from the employer upon the 33333  
certification to the superintendent by the secretary of the school 33334  
employees retirement system. 33335

(D) The superintendent shall certify to the director of 33336  
budget and management the amounts thus due the system for payment. 33337

~~Sec. 3310.02. (A) The educational choice scholarship pilot program is hereby established. Under the program, the department of education annually shall pay scholarships to attend chartered nonpublic schools in accordance with section ~~3310.08~~ 3317.022 of the Revised Code for up to the following number of eligible students:~~

~~(1) Thirty thousand in the 2011-2012 school year;~~

~~(2) Sixty thousand in the 2012-2013 school year and thereafter.~~

~~For any school year for which the number of applications for scholarships timely submitted for the program exceeds ninety per cent of the maximum number of scholarships permitted under division (A) of this section, the department shall increase the maximum number of scholarships permitted for the following school year by five per cent. The department shall make the increased number of scholarships available for each subsequent school year until the department is again required to increase the number of scholarships under division (A) of this section.~~

~~If the number of students who apply for a scholarship exceeds the maximum number of scholarships permitted under division (A) of this section, priority shall be given to those students applying for a scholarship under section 3310.03 of the Revised Code in accordance with division (B) of this section.~~

~~(B) The department shall award scholarships under section 3310.03 of the Revised Code in the following order of priority:~~

~~(1) First, to eligible students who received scholarships in the prior school year;~~

~~(2) Second, to eligible students with family incomes at or below two hundred per cent of the federal poverty guidelines, as defined in section 5101.46 of the Revised Code, who qualify under~~

~~division (C) of section 3310.03 of the Revised Code. If the number 33368  
of students described in division (B)(2) of this section who apply 33369  
for a scholarship exceeds the number of available scholarships 33370  
after awards are made under division (B)(1) of this section, the 33371  
department shall select students described in division (B)(2) of 33372  
this section by lot to receive any remaining scholarships. 33373~~

~~(3) Third, to other eligible students who qualify under 33374  
division (C) of section 3310.03 of the Revised Code. If the number 33375  
of students described in division (B)(3) of this section who apply 33376  
for a scholarship exceeds the number of available scholarships 33377  
after awards are made under divisions (B)(1) and (2) of this 33378  
section, the department shall select students described in 33379  
division (B)(3) of this section by lot to receive any remaining 33380  
scholarships. 33381~~

~~(4) Fourth, to eligible students with family incomes at or 33382  
below two hundred per cent of the federal poverty guidelines who 33383  
qualify under division (A) of section 3310.03 of the Revised Code. 33384  
If the number of students described in division (B)(4) of this 33385  
section who apply for a scholarship exceeds the number of 33386  
available scholarships after awards are made under divisions 33387  
(B)(1) to (3) of this section, the department shall select 33388  
students described in division (B)(4) of this section by lot to 33389  
receive any remaining scholarships. 33390~~

~~(5) Fifth, to other eligible students who qualify under 33391  
division (A) of section 3310.03 of the Revised Code. If the number 33392  
of students described in division (B)(5) of this section who apply 33393  
for a scholarship exceeds the number of available scholarships 33394  
after awards are made under divisions (B)(1) to (4) of this 33395  
section, the department shall select students described in 33396  
division (B)(5) of this section by lot to receive any remaining 33397  
scholarships. 33398~~

Sec. 3310.03. For the 2021-2022 school year and each school year thereafter, subject to division (G) of this section, a student is an "eligible student" for purposes of the educational choice scholarship pilot program if the student's resident district is not a school district in which the pilot project scholarship program is operating under sections 3313.974 to 3313.979 of the Revised Code, the student satisfies one of the conditions in division (A), (B), or (C) of this section, and the student maintains eligibility to receive a scholarship under division (D) of this section.

However, any student who received a scholarship for the 2020-2021 school year under this section, as it existed prior to ~~the effective date of this amendment~~ March 2, 2021, shall continue to receive that scholarship until the student completes grade twelve, as long as the student maintains eligibility to receive a scholarship under division (D) of this section.

(A)(1) A student is eligible for a scholarship if the student is enrolled in a school building operated by the student's resident district and to which both of the following apply:

(a) The building was ranked in the lowest twenty per cent of all buildings operated by city, local, and exempted village school districts according to performance index score as determined by the department of education, as follows:

(i) For a scholarship sought for the 2021-2022 or 2022-2023 school year, the building was ranked in the lowest twenty per cent of buildings for each of the 2017-2018 and 2018-2019 school years.

(ii) For a scholarship sought for the 2023-2024 school year, the building was ranked in the lowest twenty per cent of buildings for each of the ~~2020-2021~~2018-2019 and 2021-2022 school years.

(iii) For a scholarship sought for the 2024-2025 school

~~year or any school year thereafter, the building was ranked in the~~ 33429  
~~lowest twenty per cent of buildings for each of the 2021-2022 and~~ 33430  
~~2022-2023 school years.~~ 33431

(iv) For a scholarship sought for the 2025-2026 school year 33432  
or any school year thereafter, the building was ranked in the 33433  
lowest twenty per cent of buildings for at least two of the three 33434  
most recent consecutive rankings issued prior to the first day of 33435  
July of the school year for which a scholarship is sought. 33436

(b) The building is operated by a school district in which, 33437  
for the three consecutive school years prior to the school year 33438  
for which a scholarship is sought, an average of twenty per cent 33439  
or more of the students entitled to attend school in the district, 33440  
under section 3313.64 or 3313.65 of the Revised Code, were 33441  
qualified to be included in the formula to distribute funds under 33442  
Title I of the "Elementary and Secondary Education Act of 1965," 33443  
20 U.S.C. 6301 et seq. 33444

When ranking school buildings under division (A)(1) of this 33445  
section, the department shall not include buildings operated by a 33446  
school district in which the pilot project scholarship program is 33447  
operating in accordance with sections 3313.974 to 3313.979 of the 33448  
Revised Code. 33449

(2) A student is eligible for a scholarship if the student 33450  
will be enrolling in any of grades kindergarten through twelve in 33451  
this state for the first time in the school year for which a 33452  
scholarship is sought, will be at least five years of age, as 33453  
defined in section 3321.01 of the Revised Code, by the first day 33454  
of January of the school year for which a scholarship is sought, 33455  
and otherwise would be assigned under section 3319.01 of the 33456  
Revised Code in the school year for which a scholarship is sought, 33457  
to a school building described in division (A)(1) of this section. 33458

(3) A student is eligible for a scholarship if the student is 33459

enrolled in a community school established under Chapter 3314. of 33460  
the Revised Code but otherwise would be assigned under section 33461  
3319.01 of the Revised Code to a building described in division 33462  
(A)(1) of this section. 33463

(4) A student is eligible for a scholarship if the student is 33464  
enrolled in a school building operated by the student's resident 33465  
district or in a community school established under Chapter 3314. 33466  
of the Revised Code and otherwise would be assigned under section 33467  
3319.01 of the Revised Code to a school building described in 33468  
division (A)(1) of this section in the school year for which the 33469  
scholarship is sought. 33470

(5) A student is eligible for a scholarship if the student 33471  
was enrolled in a public or nonpublic school or was homeschooled 33472  
in the prior school year and completed any of grades eight through 33473  
eleven in that school year and otherwise would be assigned under 33474  
section 3319.01 of the Revised Code to a school building described 33475  
in division (A)(1) of this section in the school year for which 33476  
the scholarship is sought. 33477

(B) A student is eligible for a scholarship if the student is 33478  
enrolled in a nonpublic school at the time the school is granted a 33479  
charter by the state board of education under section 3301.16 of 33480  
the Revised Code and the student meets the standards of division 33481  
(B) of section 3310.031 of the Revised Code. 33482

(C) A student is eligible for a scholarship if the student's 33483  
resident district is subject to section 3302.10 of the Revised 33484  
Code and the student either: 33485

(1) Is enrolled in a school building operated by the resident 33486  
district or in a community school established under Chapter 3314. 33487  
of the Revised Code; 33488

(2) Will be both enrolling in any of grades kindergarten 33489  
through twelve in this state for the first time and at least five 33490

years of age by the first day of January of the school year for 33491  
which a scholarship is sought. 33492

(D) A student who receives a scholarship under the 33493  
educational choice scholarship pilot program remains an eligible 33494  
student and may continue to receive scholarships in subsequent 33495  
school years until the student completes grade twelve, so long as 33496  
all of the following apply: 33497

(1) The student's resident district remains the same, or the 33498  
student transfers to a new resident district and otherwise would 33499  
be assigned in the new resident district to a school building 33500  
described in division (A)(1) or (C) of this section. 33501

(2) The student takes each assessment prescribed for the 33502  
student's grade level under ~~sections~~ section 3301.0710, 3301.0712, 33503  
or 3313.619 of the Revised Code while enrolled in a chartered 33504  
nonpublic school, unless one of the following applies to the 33505  
student: 33506

(a) The student is excused from taking that assessment under 33507  
federal law, the student's individualized education program, or 33508  
division (C)(1)(c)(i) of section 3301.0711 of the Revised Code. 33509

(b) The student is enrolled in a chartered nonpublic school 33510  
that meets the conditions specified in division (K)(2) or (L)(4) 33511  
of section 3301.0711 of the Revised Code. 33512

(c) The student is enrolled in any of grades three to eight 33513  
and takes an alternative standardized assessment under division 33514  
(K)(1) of section 3301.0711 of the Revised Code. 33515

(d) The student is excused from taking the assessment 33516  
prescribed under division (B)(1) of section 3301.0712 of the 33517  
Revised Code pursuant to division (C)(1)(c)(ii) of section 33518  
3301.0711 of the Revised Code. 33519

(3) In each school year that the student is enrolled in a 33520

chartered nonpublic school, the student is absent from school for 33521  
not more than twenty days that the school is open for instruction, 33522  
not including excused absences. 33523

(E)(1) The department shall cease awarding first-time 33524  
scholarships pursuant to divisions (A)(1) to ~~(4)~~(5) of this 33525  
section with respect to a school building that, in the most recent 33526  
ratings of school buildings under section 3302.03 of the Revised 33527  
Code prior to the first day of July of the school year, ceases to 33528  
meet the criteria in division (A)(1) of this section. 33529

(2) The department shall cease awarding first-time 33530  
scholarships pursuant to division (C) of this section with respect 33531  
to a school district subject to section 3302.10 of the Revised 33532  
Code when the academic distress commission established for the 33533  
district ceases to exist. 33534

(3) However, students who have received scholarships in the 33535  
prior school year remain eligible students pursuant to division 33536  
(D) of this section. 33537

(F) The state board of education shall adopt rules defining 33538  
excused absences for purposes of division (D)(3) of this section. 33539

(G) Notwithstanding anything to the contrary in this section 33540  
or section 3310.031 of the Revised Code, a student shall not be 33541  
required to be enrolled or enrolling in a school building operated 33542  
by the student's resident district or a community school in order 33543  
to be eligible for a scholarship, as follows: 33544

(1) For a scholarship sought for the 2021-2022 school year, a 33545  
student entering any of grades kindergarten through two; 33546

(2) For a scholarship sought for the 2022-2023 school year, a 33547  
student entering any of grades kindergarten through four; 33548

(3) For a scholarship sought for the 2023-2024 school year, a 33549  
student entering any of grades kindergarten through six; 33550

(4) For a scholarship sought for the 2024-2025 school year, a student entering any of grades kindergarten through eight; 33551  
33552

(5) For a scholarship sought for the 2025-2026 school year, and each school year thereafter, a student entering any of grades kindergarten through twelve. 33553  
33554  
33555

**Sec. 3310.032.** (A) A student is an "eligible student" for 33556  
purposes of the expansion of the educational choice scholarship 33557  
pilot program under this section if the student's resident 33558  
district is not a school district in which the pilot project 33559  
scholarship program is operating under sections 3313.974 to 33560  
3313.979 of the Revised Code, the student is not eligible for an 33561  
educational choice scholarship under section 3310.03 of the 33562  
Revised Code, and the student's family income is at or below two 33563  
hundred fifty per cent of the federal poverty guidelines, as 33564  
defined in section 5101.46 of the Revised Code. 33565

(B) In each fiscal year for which the general assembly 33566  
appropriates funds for purposes of this section, the department of 33567  
education shall pay scholarships to attend chartered nonpublic 33568  
schools in accordance with section ~~3310.08~~ 3317.022 of the Revised 33569  
Code. The number of scholarships awarded under this section shall 33570  
not exceed the number that can be funded ~~with appropriations made~~ 33571  
for that school year as authorized by the general assembly ~~for~~ 33572  
~~this purpose.~~ 33573

(C) Scholarships under this section shall be awarded as 33574  
follows: 33575

(1) For the 2013-2014 school year, to eligible students who 33576  
are entering kindergarten in that school year for the first time; 33577

(2) For each subsequent school year through the 2019-2020 33578  
school year, scholarships shall be awarded to eligible students in 33579  
the next grade level above the highest grade level awarded in the 33580

preceding school year, in addition to the grade levels for which 33581  
students received scholarships in the preceding school year; 33582

(3) Beginning with the 2020-2021 school year, to eligible 33583  
students who are entering any of grades kindergarten through 33584  
twelve in that school year for the first time. 33585

(D) If the number of eligible students who apply for a 33586  
scholarship under this section exceeds the scholarships available 33587  
based on the appropriation for this section, the department shall 33588  
award scholarships in the following order of priority: 33589

(1) First, to eligible students who received scholarships 33590  
under this section in the prior school year; 33591

(2) Second, to eligible students with family incomes at or 33592  
below one hundred per cent of the federal poverty guidelines. If 33593  
the number of students described in division (D)(2) of this 33594  
section who apply for a scholarship exceeds the number of 33595  
available scholarships after awards are made under division (D)(1) 33596  
of this section, the department shall select students described in 33597  
division (D)(2) of this section by lot to receive any remaining 33598  
scholarships. 33599

(3) Third, to other eligible students who qualify under this 33600  
section. If the number of students described in division (D)(3) of 33601  
this section exceeds the number of available scholarships after 33602  
awards are made under divisions (D)(1) and (2) of this section, 33603  
the department shall select students described in division (D)(3) 33604  
of this section by lot to receive any remaining scholarships. 33605

(E) Subject to divisions (E)(1) to (3) of this section, a 33606  
student who receives a scholarship under this section remains an 33607  
eligible student and may continue to receive scholarships under 33608  
this section in subsequent school years until the student 33609  
completes grade twelve, so long as the student satisfies the 33610  
conditions specified in divisions (D)(2) and (3) of section 33611

3310.03 of the Revised Code. 33612

Once a scholarship is awarded under this section, the student 33613  
shall remain eligible for that scholarship for the current school 33614  
year and subsequent school years even if the student's family 33615  
income rises above the amount specified in division (A) of this 33616  
section, provided the student remains enrolled in a chartered 33617  
nonpublic school, however: 33618

(1) If the student's family income is above two hundred fifty 33619  
per cent but at or below three hundred per cent of the federal 33620  
poverty guidelines, the student shall receive a scholarship in the 33621  
amount of seventy-five per cent of the full scholarship amount. 33622

(2) If the student's family income is above three hundred per 33623  
cent but at or below four hundred per cent of the federal poverty 33624  
guidelines, the student shall receive a scholarship in the amount 33625  
of fifty per cent of the full scholarship amount. 33626

(3) If the student's family income is above four hundred per 33627  
cent of the federal poverty guidelines, the student is no longer 33628  
eligible to receive an educational choice scholarship. 33629

**Sec. 3310.033.** (A) As used in this section: 33630

(1) "Foster child" means a child placed with a foster 33631  
caregiver, as defined in section 5103.02 of the Revised Code. 33632

(2) "Qualifying student" means a student who is not entitled 33633  
to attend school under section 3313.64 or 3313.65 of the Revised 33634  
Code in a school district in which the pilot project scholarship 33635  
program is operating under sections 3313.974 to 3313.979 of the 33636  
Revised Code. 33637

(3) "Kinship caregiver" has the same meaning as in section 33638  
5101.85 of the Revised Code. 33639

(4) "Sibling" means any of the following: 33640

- (a) A brother, half-brother, sister, or half-sister by birth, marriage, or adoption; 33641  
33642
- (b) A cousin by birth, marriage, or adoption who is residing in the same household; 33643  
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- (c) A foster child who is residing in the same household, including a child who is subsequently adopted by the child's foster family; 33645  
33646  
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- (d) A child residing in the same household who is placed with a guardian or legal custodian; 33648  
33649
- (e) A child who is residing in the same household and is being cared for by a kinship caregiver; 33650  
33651
- (f) Any other child under eighteen years of age who has resided in the same household for at least forty-five consecutive days within the last calendar year. 33652  
33653  
33654
- (5) "Caretaker" means the parent of a minor child or a relative acting in the parent's place. 33655  
33656
- (B) Notwithstanding anything in the Revised Code to the contrary, a qualifying student shall be eligible for an educational choice scholarship under section 3310.03 of the Revised Code, regardless of whether the student is enrolled in a school building described in division (A)(1) or (C) of that section, if any of the following apply: 33657  
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- (1) The student's sibling received an educational choice scholarship under section 3310.03 of the Revised Code for the school year immediately prior to the school year for which the student is seeking a scholarship; 33663  
33664  
33665  
33666
- (2) The student is a foster child; 33667
- (3) The student is a child placed with a guardian, legal custodian, or kinship caregiver; 33668  
33669
- (4) The student is not a child placed with a guardian, legal 33670

custodian, or kinship caregiver, but has resided in the same 33671  
household as such a child for at least forty-five consecutive days 33672  
within the last calendar year; 33673

(5) The student is not a foster child, but resides in a home 33674  
that has received certification under section 5103.03 of the 33675  
Revised Code; 33676

(6) The student satisfies all of the following conditions: 33677

(a) The student is not a foster child or a student described 33678  
in division (B)(4) of this section. 33679

(b) The student has resided in the household of an individual 33680  
who is not the student's parent or guardian for at least 33681  
forty-five consecutive days within the last calendar year and, if 33682  
not for residing in that household, the student would have been 33683  
homeless. 33684

(c) The student's parent or guardian resides in this state. 33685

(7) The student is not a child described in division (B)(6) 33686  
of this section, but has resided in the same household as a child 33687  
described in that division for at least forty-five consecutive 33688  
days within the last calendar year. 33689

(C) A student who receives an educational choice scholarship 33690  
under this section remains eligible for that scholarship and may 33691  
continue to receive a scholarship in subsequent school years until 33692  
the student completes grade twelve, so long as the student 33693  
satisfies the conditions specified in divisions (D)(2) and (3) of 33694  
section 3310.03 of the Revised Code. 33695

(D) The department of education may request any individual 33696  
applying for a scholarship under this section on behalf of a 33697  
qualifying student to provide appropriate documentation, as 33698  
defined by the department, that the student meets the eligibility 33699  
qualifications prescribed under this section. In the case of a 33700

student who qualifies under division (B)(6) of this section, such 33701  
documentation shall be provided by the student's parent, guardian, 33702  
or caretaker. 33703

**Sec. 3310.034.** (A) Notwithstanding anything in section 33704  
3310.03 of the Revised Code to the contrary, a student who is the 33705  
recipient of an autism scholarship under section 3310.41 of the 33706  
Revised Code or a Jon Peterson special needs scholarship under 33707  
section 3310.52 of the Revised Code but who is no longer in need 33708  
of special education and related services under Chapter 3323. of 33709  
the Revised Code and, therefore, is no longer eligible to receive 33710  
that scholarship may be considered an "eligible student" for 33711  
purposes of the educational choice scholarship pilot program under 33712  
section 3310.03 of the Revised Code, regardless of whether the 33713  
student is enrolled in a school building described in division 33714  
(A)(1) or (C) of that section. 33715

(B) A student described in division (A) of this section who 33716  
receives a scholarship under section 3310.03 of the Revised Code 33717  
remains an eligible student and may continue to receive that 33718  
scholarship in subsequent school years until the student completes 33719  
grade twelve, so long as the student satisfies the conditions 33720  
specified in divisions (D)(2) and (3) of section 3310.03 of the 33721  
Revised Code. 33722

**Sec. 3310.035.** (A) A student who is eligible for an 33723  
educational choice scholarship under both sections 3310.03 and 33724  
3310.032 of the Revised Code, and applies for a scholarship for 33725  
the first time after September 29, 2013, shall receive a 33726  
scholarship under section 3310.03 of the Revised Code. 33727

(B) A student who is eligible under both sections 3310.03 and 33728  
3310.032 of the Revised Code and received a scholarship in the 33729  
previous school year shall continue to receive the scholarship 33730

under the section from which the student received the scholarship 33731  
in the previous school year, so long as+ 33732

~~(1) The number of students who apply for a scholarship does 33733  
not exceed the number of scholarships available under division (A) 33734  
of section 3310.02 of the Revised Code. 33735~~

~~(2) A a student who receives a scholarship under section 33736  
3310.03 of the Revised Code satisfies with the conditions 33737  
specified in divisions (D)(1) to (3) of that section, and a 33738  
student who receives a scholarship under section 3310.032 33739  
satisfies with the conditions specified in divisions (D)(2) and 33740  
(3) of section 3310.03 of the Revised Code. 33741~~

Sec. 3310.036. If a student is eligible for an educational 33742  
choice scholarship under section 3310.03 of the Revised Code for a 33743  
school year as of the first day of February prior to that school 33744  
year, that student's eligibility for a scholarship for that school 33745  
year shall not change solely because, after the first day of 33746  
February, the department of education changes the internal 33747  
retrieval number of the school building in which the student is 33748  
enrolled or would otherwise be assigned. 33749

Sec. 3310.07. (A) Any parent, or any student who is at least 33750  
eighteen years of age, who is seeking a scholarship under the 33751  
educational choice scholarship pilot program shall notify the 33752  
department of education of the student's and parent's names and 33753  
address, the chartered nonpublic school in which the student has 33754  
been accepted for enrollment, and the tuition charged by the 33755  
school. 33756

(B) Not later than February 1, 2022, the department shall 33757  
establish a system under which any parent, or any student who is 33758  
at least eighteen years of age, may provide the department with a 33759  
student's address and, not later than ten days after receiving the 33760

address, the department shall notify the parent, or student, using 33761  
regular mail or electronic mail whether the student is eligible 33762  
for an educational choice scholarship under section 3310.03 of the 33763  
Revised Code. The student's resident district shall not be 33764  
permitted to object to a student's eligibility for an educational 33765  
choice scholarship under that section if the department's system 33766  
determines the student is eligible. 33767

For the purposes of division (B) of this section, not later 33768  
than the first day of January of each year, each school district 33769  
that has a school building described in division (A)(1) or (C) of 33770  
section 3310.03 of the Revised Code shall submit to the 33771  
department, in the manner prescribed by the department, the 33772  
attendance zone for students assigned to that building. 33773

**Sec. 3310.10.** A scholarship awarded under ~~section 3310.08~~ 33774  
section 3310.03 or 3310.032 of the Revised Code may be used only 33775  
to pay tuition to any chartered nonpublic school. 33776

**Sec. 3310.13.** (A) No chartered nonpublic school shall charge 33777  
any student whose family income is at or below two hundred per 33778  
cent of the federal poverty guidelines, as defined in section 33779  
5101.46 of the Revised Code, a tuition fee that is greater than 33780  
the total amount paid for that student under section ~~3310.08~~ 33781  
3317.022 of the Revised Code. 33782

(B) A chartered nonpublic school may charge any other student 33783  
who is paid a scholarship under that section up to the difference 33784  
between the amount of the scholarship and the regular tuition 33785  
charge of the school. Each chartered nonpublic school may permit 33786  
such an eligible student's family to provide volunteer services in 33787  
lieu of cash payment to pay all or part of the amount of the 33788  
school's tuition not covered by the scholarship paid under section 33789  
~~3310.08~~ 3317.022 of the Revised Code. 33790

(C) Each chartered nonpublic school that charges a scholarship student an additional amount as authorized under division (B) of this section shall annually report to the department of education in the manner prescribed by the department the following:

(1) The number of students charged;

(2) The average of the amounts charged to such students.

**Sec. 3310.16.** (A) For the 2020-2021 school year and each school year thereafter, the department of education shall accept, process, and award scholarships each year for the educational choice scholarship pilot program under sections 3310.03 and 3310.032 of the Revised Code, as follows:

~~(A) A priority application period shall open on the first day of February prior to the first day of July of the school year for which a scholarship is sought and run not less than seventy five days. The department shall award scholarships under this division not later than the thirtieth day of June prior to the first day of July of the school year for which a scholarship is sought.~~

~~(B) The department shall continue to award scholarships after the priority application period closes. If the department awards a scholarship after the beginning of the school year, the department shall prorate the amount of the scholarship based on how much of the school year remains. The department shall continue to award income based scholarships under section 3310.032 of the Revised Code only so long as funds appropriated by the general assembly for such scholarships for that school year remain available.~~

(1) The application period shall open on the first day of February prior to the first day of July of the school year for which a scholarship is sought. Not later than forty-five days after an applicant submits to the department of education a

completed application, the department of education shall determine 33821  
whether that applicant is eligible for a scholarship and notify 33822  
the applicant whether or not the applicant is eligible. The 33823  
department of education shall award a scholarship to each student 33824  
with an approved application. However, for any application 33825  
submitted after the beginning of the school year, the department 33826  
of education shall prorate the amount of the awarded scholarship 33827  
based on how much of the school year remains. 33828

(2) In each school year, the department of education shall 33829  
accept applications for conditional approval of a scholarship 33830  
sought for that year or the next school year. Not later than five 33831  
days after receiving an application under this division, the 33832  
department of education shall grant conditional approval to an 33833  
applicant who is eligible for a scholarship and notify the 33834  
applicant whether or not conditional approval is granted. The 33835  
department of education shall award a scholarship to a student 33836  
with an application that receives conditional approval, provided 33837  
that both of the following apply: 33838

(a) The student enrolls in a chartered nonpublic school that 33839  
enrolls students awarded scholarships under sections 3310.01 to 33840  
3310.17 of the Revised Code not later than one year after 33841  
receiving conditional approval. 33842

(b) The student does not change addresses after receiving 33843  
conditional approval under this division and prior to enrolling in 33844  
a chartered nonpublic school described in division (A)(3)(a) of 33845  
this section. 33846

(B) If the department determines an application submitted 33847  
under this section contains an error or deficiency, the department 33848  
shall notify the applicant who submitted that application not 33849  
later than fourteen days after the application is submitted. 33850

(C) The departments of education, job and family services, 33851

and taxation shall enter into a data sharing agreement so that, in 33852  
administering this section, the department of education shall be 33853  
able to determine, based on the address provided in a student's 33854  
application, whether that student is eligible for an educational 33855  
choice scholarship under section 3310.03 of the Revised Code and 33856  
whether the student meets the residency requirements for an 33857  
educational choice scholarship under section 3310.032 of the 33858  
Revised Code. 33859

(D) No city, local, or exempted village school district shall 33860  
have access to an application submitted under this section. 33861

**Sec. 3310.41.** (A) As used in this section: 33862

(1) "Alternative public provider" means either of the 33863  
following providers that agrees to enroll a child in the 33864  
provider's special education program to implement the child's 33865  
individualized education program and to which the child's parent 33866  
owes fees for the services provided to the child: 33867

(a) A school district that is not the school district in 33868  
which the child is entitled to attend school; 33869

(b) A public entity other than a school district. 33870

(2) "Entitled to attend school" means entitled to attend 33871  
school in a school district under section 3313.64 or 3313.65 of 33872  
the Revised Code. 33873

(3) "Formula ADM" and ~~"category six special education ADM"~~ 33874  
have has the same ~~meanings~~ meaning as in section 3317.02 of the 33875  
Revised Code. 33876

(4) "Preschool child with a disability" and "individualized 33877  
education program" have the same meanings as in section 3323.01 of 33878  
the Revised Code. 33879

(5) "Parent" has the same meaning as in section 3313.64 of 33880  
the Revised Code, except that "parent" does not mean a parent 33881

whose custodial rights have been terminated. "Parent" also 33882  
includes the custodian of a qualified special education child, 33883  
when a court has granted temporary, legal, or permanent custody of 33884  
the child to an individual other than either of the natural or 33885  
adoptive parents of the child or to a government agency. 33886

~~(6) "Preschool scholarship ADM" means the number of preschool 33887  
children with disabilities certified under division (B)(3)(h) of 33888  
section 3317.03 of the Revised Code. 33889~~

~~(7) "Qualified special education child" is a child for whom 33890  
all of the following conditions apply: 33891~~

~~(a) The school district in which the child is entitled to 33892  
attend school has identified the child as autistic. A child who 33893  
has been identified as having a "pervasive developmental disorder 33894  
- not otherwise specified (PPD-NOS)" shall be considered to be an 33895  
autistic child for purposes of this section. 33896~~

~~(b) The school district in which the child is entitled to 33897  
attend school has developed an individualized education program 33898  
under Chapter 3323. of the Revised Code for the child. 33899~~

~~(c) The child either: 33900~~

~~(i) Was enrolled in the school district in which the child is 33901  
entitled to attend school in any grade from preschool through 33902  
twelve in the school year prior to the year in which a scholarship 33903  
under this section is first sought for the child; or 33904~~

~~(ii) Is eligible to enter school in any grade preschool 33905  
through twelve in the school district in which the child is 33906  
entitled to attend school in the school year in which a 33907  
scholarship under this section is first sought for the child. 33908~~

~~(8)(7) "Registered private provider" means a nonpublic school 33909  
or other nonpublic entity that has been approved by the department 33910  
of education to participate in the program established under this 33911~~

section. 33912

~~(9)~~(8) "Special education program" means a school or facility 33913  
that provides special education and related services to children 33914  
with disabilities. 33915

(B) There is hereby established the autism scholarship 33916  
program. Under the program, the department of education shall pay 33917  
a scholarship under section 3317.022 of the Revised Code to the 33918  
parent of each qualified special education child upon application 33919  
of that parent pursuant to procedures and deadlines established by 33920  
rule of the state board of education. Each scholarship shall be 33921  
used only to pay tuition for the child on whose behalf the 33922  
scholarship is awarded to attend a special education program that 33923  
implements the child's individualized education program and that 33924  
is operated by an alternative public provider or by a registered 33925  
private provider, and to pay for other services agreed to by the 33926  
provider and the parent of a qualified special education child 33927  
that are not included in the individualized education program but 33928  
are associated with educating the child. Upon agreement with the 33929  
parent of a qualified special education child, the alternative 33930  
public provider or the registered private provider may modify the 33931  
services provided to the child. ~~Each scholarship shall be in an~~ 33932  
~~amount not to exceed the lesser of the tuition charged for the~~ 33933  
~~child by the special education program or twenty seven thousand~~ 33934  
~~dollars.~~ The purpose of the scholarship is to permit the parent of 33935  
a qualified special education child the choice to send the child 33936  
to a special education program, instead of the one operated by or 33937  
for the school district in which the child is entitled to attend 33938  
school, to receive the services prescribed in the child's 33939  
individualized education program once the individualized education 33940  
program is finalized and any other services agreed to by the 33941  
provider and the parent of a qualified special education child. 33942  
The services provided under the scholarship shall include an 33943

educational component or services designed to assist the child to 33944  
benefit from the child's education. 33945

A scholarship under this section shall not be awarded to the 33946  
parent of a child while the child's individualized education 33947  
program is being developed by the school district in which the 33948  
child is entitled to attend school, or while any administrative or 33949  
judicial mediation or proceedings with respect to the content of 33950  
the child's individualized education program are pending. A 33951  
scholarship under this section shall not be used for a child to 33952  
attend a public special education program that operates under a 33953  
contract, compact, or other bilateral agreement between the school 33954  
district in which the child is entitled to attend school and 33955  
another school district or other public provider, or for a child 33956  
to attend a community school established under Chapter 3314. of 33957  
the Revised Code. However, nothing in this section or in any rule 33958  
adopted by the state board shall prohibit a parent whose child 33959  
attends a public special education program under a contract, 33960  
compact, or other bilateral agreement, or a parent whose child 33961  
attends a community school, from applying for and accepting a 33962  
scholarship under this section so that the parent may withdraw the 33963  
child from that program or community school and use the 33964  
scholarship for the child to attend a special education program 33965  
for which the parent is required to pay for services for the 33966  
child. 33967

Except for development of the child's individualized 33968  
education program, the school district in which a qualified 33969  
special education child is entitled to attend school and the 33970  
child's school district of residence, as defined in section 33971  
3323.01 of the Revised Code, if different, are not obligated to 33972  
provide the child with a free appropriate public education under 33973  
Chapter 3323. of the Revised Code for as long as the child 33974  
continues to attend the special education program operated by 33975

either an alternative public provider or a registered private 33976  
provider for which a scholarship is awarded under the autism 33977  
scholarship program. If at any time, the eligible applicant for 33978  
the child decides no longer to accept scholarship payments and 33979  
enrolls the child in the special education program of the school 33980  
district in which the child is entitled to attend school, that 33981  
district shall provide the child with a free appropriate public 33982  
education under Chapter 3323. of the Revised Code. 33983

A child attending a special education program with a 33984  
scholarship under this section shall continue to be entitled to 33985  
transportation to and from that program in the manner prescribed 33986  
by law. 33987

~~(C)(1)(C) As prescribed in divisions division (A)(2)(h),~~ 33988  
~~(B)(3)(g), and (B)(10) of section 3317.03 of the Revised Code, a~~ 33989  
child who is not a preschool child with a disability for whom a 33990  
scholarship is awarded under this section shall be counted in the 33991  
formula ADM ~~and the category six special education ADM~~ of the 33992  
district in which the child is entitled to attend school and not 33993  
in the formula ADM ~~and the category six special education ADM~~ of 33994  
any other school district. ~~As prescribed in divisions (B)(3)(h)~~ 33995  
~~and (B)(10) of section 3317.03 of the Revised Code, a child who is~~ 33996  
~~a preschool child with a disability for whom a scholarship is~~ 33997  
~~awarded under this section shall be counted in the preschool~~ 33998  
~~scholarship ADM and category six special education ADM of the~~ 33999  
~~school district in which the child is entitled to attend school~~ 34000  
~~and not in the preschool scholarship ADM or category six special~~ 34001  
~~education ADM of any other school district.~~ 34002

~~(2) In each fiscal year, the department shall deduct from the~~ 34003  
~~amounts paid to each school district under Chapter 3317. of the~~ 34004  
~~Revised Code, and, if necessary, sections 321.24 and 323.156 of~~ 34005  
~~the Revised Code, the aggregate amount of scholarships awarded~~ 34006  
~~under this section for qualified special education children~~ 34007

~~included in the formula ADM, or preschool scholarship ADM, and in the category six special education ADM of that school district as provided in division (C)(1) of this section.~~ 34008  
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~~The scholarships deducted shall be considered as an approved special education and related services expense of the school district.~~ 34011  
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~~(3) From time to time, the department shall make a payment to the parent of each qualified special education child for whom a scholarship has been awarded under this section. The scholarship amount shall be proportionately reduced in the case of any such child who is not enrolled in the special education program for which a scholarship was awarded under this section for the entire school year. The department shall make no payments to the parent of a child while any administrative or judicial mediation or proceedings with respect to the content of the child's individualized education program are pending.~~ 34014  
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(D) A scholarship shall not be paid under section 3317.022 of the Revised Code to a parent for payment of tuition owed to a nonpublic entity unless that entity is a registered private provider. The department shall approve entities that meet the standards established by rule of the state board for the program established under this section. 34024  
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(E) The state board shall adopt rules under Chapter 119. of the Revised Code prescribing procedures necessary to implement this section, including, but not limited to, procedures and deadlines for parents to apply for scholarships, standards for registered private providers, and procedures for approval of entities as registered private providers. 34030  
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The rules also shall specify that intervention services under the autism scholarship program may be provided by a qualified, credentialed provider, including, but not limited to, all of the 34036  
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|                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                            |                                                                                        |
|--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|----------------------------------------------------------------------------------------|
| following:                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                 | 34039                                                                                  |
| (1) A behavior analyst certified by a nationally recognized organization that certifies behavior analysts;                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                 | 34040<br>34041                                                                         |
| (2) A psychologist licensed to practice in this state under Chapter 4732. of the Revised Code;                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                             | 34042<br>34043                                                                         |
| (3) A school psychologist licensed by the state board under section 3319.22 of the Revised Code;                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                           | 34044<br>34045                                                                         |
| (4) Any person employed by a licensed psychologist or licensed school psychologist, while carrying out specific tasks, under the licensee's supervision, as an extension of the licensee's legal and ethical authority as specified under Chapter 4732. of the Revised Code who is ascribed as "psychology trainee," "psychology assistant," "psychology intern," <u>a "registered behavior technician" as described under rule 5123-9-41 of the Administrative Code, a "certified Ohio behavior analyst" under Chapter 4783. of the Revised Code,</u> or other appropriate term that clearly implies their supervised or training status; | 34046<br>34047<br>34048<br>34049<br>34050<br>34051<br>34052<br>34053<br>34054<br>34055 |
| (5) Unlicensed persons holding a doctoral degree in psychology or special education from a program approved by the state board;                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                            | 34056<br>34057<br>34058                                                                |
| (6) Any other qualified individual as determined by the state board.                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                       | 34059<br>34060                                                                         |
| (F) The department shall provide reasonable notice to all parents of children receiving a scholarship under the autism scholarship program, alternative public providers, and registered private providers of any amendment to a rule governing, or change in the administration of, the autism scholarship program.                                                                                                                                                                                                                                                                                                                       | 34061<br>34062<br>34063<br>34064<br>34065                                              |
| <u>Sec. 3310.411. Any registered private provider approved to participate in the autism scholarship program and any of its employees shall be subject to a criminal records check as</u>                                                                                                                                                                                                                                                                                                                                                                                                                                                   | 34066<br>34067<br>34068                                                                |

specified in sections 109.57 and 109.572 of the Revised Code. The 34069  
registered private provider shall submit the results of any 34070  
records checks to the department of education. The department 34071  
shall use the information submitted to enroll the individual for 34072  
whom a records check is completed in the retained applicant 34073  
fingerprint database, established under section 109.5721 of the 34074  
Revised Code, in the same manner as any teacher licensed under 34075  
sections 3319.22 to 3319.31 of the Revised Code. 34076

**Sec. 3310.51.** As used in sections 3310.51 to 3310.64 of the 34077  
Revised Code: 34078

(A) "Alternative public provider" means either of the 34079  
following providers that agrees to enroll a child in the 34080  
provider's special education program to implement the child's 34081  
individualized education program and to which the eligible 34082  
applicant owes fees for the services provided to the child: 34083

(1) A school district that is not the school district in 34084  
which the child is entitled to attend school or the child's school 34085  
district of residence, if different; 34086

(2) A public entity other than a school district. 34087

(B) "Child with a disability" and "individualized education 34088  
program" have the same meanings as in section 3323.01 of the 34089  
Revised Code. 34090

(C) "Eligible applicant" means any of the following: 34091

(1) Either of the natural or adoptive parents of a qualified 34092  
special education child, except as otherwise specified in this 34093  
division. When the marriage of the natural or adoptive parents of 34094  
the student has been terminated by a divorce, dissolution of 34095  
marriage, or annulment, or when the natural or adoptive parents of 34096  
the student are living separate and apart under a legal separation 34097  
decree, and a court has issued an order allocating the parental 34098

rights and responsibilities with respect to the child, "eligible applicant" means the residential parent as designated by the court. If the court issues a shared parenting decree, "eligible applicant" means either parent. "Eligible applicant" does not mean a parent whose custodial rights have been terminated.

(2) The custodian of a qualified special education child, when a court has granted temporary, legal, or permanent custody of the child to an individual other than either of the natural or adoptive parents of the child or to a government agency;

(3) The guardian of a qualified special education child, when a court has appointed a guardian for the child;

(4) The grandparent of a qualified special education child, when the grandparent is the child's attorney in fact under a power of attorney executed under sections 3109.51 to 3109.62 of the Revised Code or when the grandparent has executed a ~~caregiver~~ caretaker authorization affidavit under sections 3109.65 to 3109.73 of the Revised Code;

(5) The surrogate parent appointed for a qualified special education child pursuant to division (B) of section 3323.05 and section 3323.051 of the Revised Code;

(6) A qualified special education child, if the child does not have a custodian or guardian and the child is at least eighteen years of age.

(D) "Entitled to attend school" means entitled to attend school in a school district under sections 3313.64 and 3313.65 of the Revised Code.

(E) "Formula ADM" ~~and "formula amount" have~~ has the same ~~meanings~~ meaning as in section 3317.02 of the Revised Code.

(F) "Qualified special education child" is a child for whom all of the following conditions apply:

- (1) The child is at least five years of age and less than 34129  
twenty-two years of age. 34130
- (2) The school district in which the child is entitled to 34131  
attend school, or the child's school district of residence if 34132  
different, has identified the child as a child with a disability. 34133
- (3) The school district in which the child is entitled to 34134  
attend school, or the child's school district of residence if 34135  
different, has developed an individualized education program under 34136  
Chapter 3323. of the Revised Code for the child. 34137
- (4) The child either: 34138
- (a) Was enrolled in the schools of the school district in 34139  
which the child is entitled to attend school in any grade from 34140  
kindergarten through twelve in the school year prior to the school 34141  
year in which a scholarship is first sought for the child; 34142
- (b) Is eligible to enter school in any grade kindergarten 34143  
through twelve in the school district in which the child is 34144  
entitled to attend school in the school year in which a 34145  
scholarship is first sought for the child. 34146
- (5) The department of education has not approved a 34147  
scholarship for the child under the educational choice scholarship 34148  
pilot program, under sections 3310.01 to 3310.17 of the Revised 34149  
Code, the autism scholarship program, under section 3310.41 of the 34150  
Revised Code, or the pilot project scholarship program, under 34151  
sections 3313.974 to 3313.979 of the Revised Code for the same 34152  
school year in which a scholarship under the Jon Peterson special 34153  
needs scholarship program is sought. 34154
- (6) The child and the child's parents are in compliance with 34155  
the state compulsory attendance law under Chapter 3321. of the 34156  
Revised Code. 34157
- (G) "Registered private provider" means a nonpublic school or 34158

other nonpublic entity that has been registered by the 34159  
superintendent of public instruction under section 3310.58 of the 34160  
Revised Code. 34161

(H) "Scholarship" means a scholarship awarded under the Jon 34162  
Peterson special needs scholarship program pursuant to sections 34163  
3310.51 to 3310.64 of the Revised Code. 34164

(I) "School district of residence" has the same meaning as in 34165  
section 3323.01 of the Revised Code. A community school 34166  
established under Chapter 3314. of the Revised Code is not a 34167  
"school district of residence" for purposes of sections 3310.51 to 34168  
3310.64 of the Revised Code. 34169

(J) "School year" has the same meaning as in section 3313.62 34170  
of the Revised Code. 34171

(K) "Special education program" means a school or facility 34172  
that provides special education and related services to children 34173  
with disabilities. 34174

**Sec. 3310.52.** (A) The Jon Peterson special needs scholarship 34175  
program is hereby established. Under the program, beginning with 34176  
the 2012-2013 school year, subject to division (B) of this 34177  
section, the department of education annually shall pay a 34178  
scholarship under section 3317.022 of the Revised Code to an 34179  
eligible applicant for services provided by an alternative public 34180  
provider or a registered private provider for a qualified special 34181  
education child. The scholarship shall be used only to pay all or 34182  
part of the fees for the child to attend the special education 34183  
program operated by the alternative public provider or registered 34184  
private provider to implement the child's individualized education 34185  
program, in lieu of the child's attending the special education 34186  
program operated by the school district in which the child is 34187  
entitled to attend school, and other services agreed to by the 34188  
provider and eligible applicant that are not included in the 34189

individualized education program but are associated with educating 34190  
the child. Beginning in the 2014-2015 school year, if the child is 34191  
~~in category one as that term is defined in division (B)(1) of~~ 34192  
~~section 3310.56 of the Revised Code~~ receiving special education 34193  
services for a disability specified in division (A) of section 34194  
3317.013 of the Revised Code, the scholarship shall be used only 34195  
to pay for related services that are included in the child's 34196  
individualized education program. Upon agreement with the eligible 34197  
applicant, the alternative public provider or registered private 34198  
provider may modify the services provided to the child. 34199

(B) The number of scholarships awarded under the program in 34200  
any fiscal year shall not exceed five per cent of the total number 34201  
of students residing in the state identified as children with 34202  
disabilities during the previous fiscal year. 34203

(C) The department shall pay a scholarship under section 34204  
3317.022 of the Revised Code to the parent of each qualified 34205  
special education child, unless the parent authorizes a direct 34206  
payment to the child's provider, upon application of that parent 34207  
in the manner prescribed by the department. However, the 34208  
department shall not adopt specific dates for application 34209  
deadlines for scholarships under the program. 34210

**Sec. 3310.54.** A qualified special education child in any of 34211  
grades kindergarten through twelve for whom a scholarship is 34212  
awarded under the Jon Peterson special needs scholarship program 34213  
shall be counted in the formula ADM ~~and category one through six~~ 34214  
~~special education ADM, as appropriate,~~ of the school district in 34215  
which the child is entitled to attend school. A qualified special 34216  
education child shall not be counted in the formula ADM ~~or~~ 34217  
~~category one through six special education ADM~~ of any other school 34218  
district. 34219

~~Sec. 3310.57. The department of education shall make periodic payments to an eligible applicant for services for each qualified special education child for whom a scholarship has been awarded. The total of all payments made to an applicant in each school year shall not exceed the amount calculated for the child under section 3310.56 of the Revised Code.~~

~~The department shall proportionately reduce the scholarship amount in the case of a child who is not enrolled in the special education program of an alternative public provider or a registered private provider for the entire school year.~~

In accordance with division (A) of section 3310.62 of the Revised Code, the department shall make no payments under section 3317.022 of the Revised Code to an applicant for a first-time scholarship for a qualified special education child while any administrative or judicial mediation or proceedings with respect to the content of the child's individualized education program are pending.

**Sec. 3310.62.** (A) A scholarship under the Jon Peterson special needs scholarship program shall not be awarded for the first time to an eligible applicant on behalf of a qualified special education child while the child's individualized education program is being developed by the school district in which the child is entitled to attend school, or by the child's school district of residence if different, or while any administrative or judicial mediation or proceedings with respect to the content of that individualized education program are pending.

(B) Development of individualized education programs subsequent to the one developed for the child the first time a scholarship was awarded on behalf of the child and the prosecuting, by the eligible applicant on behalf of the child, of

administrative or judicial mediation or proceedings with respect 34250  
to any of those subsequent individualized education programs do 34251  
not affect the applicant's and the child's continued eligibility 34252  
for scholarship payments. 34253

(C) In the case of any child for whom a scholarship has been 34254  
awarded, if the school district in which the child is entitled to 34255  
attend school has agreed to provide some services for the child 34256  
under an agreement entered into with the eligible applicant or 34257  
with the alternative public provider or registered private 34258  
provider implementing the child's individualized education 34259  
program, or if the district is required by law to provide some 34260  
services for the child, including transportation services under 34261  
sections 3310.60 and 3327.01 of the Revised Code, the district 34262  
shall not discontinue the services it is providing pending 34263  
completion of any administrative proceedings regarding those 34264  
services. The prosecuting, by the eligible applicant on behalf of 34265  
the child, of administrative proceedings regarding the services 34266  
provided by the district does not affect the applicant's and the 34267  
child's continued eligibility for scholarship payments. 34268

(D) The department of education shall continue to make 34269  
payments to the eligible applicant under section ~~3310.57~~ 3317.022 34270  
of the Revised Code while either of the following are pending: 34271

(1) Administrative or judicial mediation or proceedings with 34272  
respect to a subsequent individualized education program for the 34273  
child referred to in division (B) of this section; 34274

(2) Administrative proceedings regarding services provided by 34275  
the district under division (C) of this section. 34276

Sec. 3310.70. (A) A student is an "eligible student" for 34277  
purposes of this section if the student is at least six but no 34278  
more than eighteen years old and the student's family income is at 34279  
or below three hundred per cent of the federal poverty guidelines. 34280

as defined in section 5101.46 of the Revised Code. 34281

(B)(1) There is hereby established the afterschool child enrichment (ACE) educational savings account program. Not later than thirty days after the effective date of this section, the department of education shall adopt emergency rules under Chapter 119. of the Revised Code that prescribe procedures for the establishment of these accounts for fiscal years 2022 and 2023 upon the request of the parent or guardian of an eligible student enrolled in a public or nonpublic school or an eligible student who has been excused from the compulsory attendance law for the purpose of home instruction under section 3321.04 of the Revised Code. Accounts shall be established on a first-come, first-served basis according to the availability of funds appropriated for purposes of this section. 34282  
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(2) Not later than one hundred twenty days after the effective date of this section, the department shall create an online form for parents and guardians to request the establishment of an account under this section. 34295  
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(C)(1) The department shall contract with a vendor for purposes of administering the provisions of this section and may contract with the treasurer of state for technical assistance. In selecting a vendor, the department shall give preference to those vendors who use a smart phone application that is free for parents or guardians to use, is capable of scanning receipts, allows users to provide program feedback, and includes customer service contact information for parents and guardians who experience technical issues with the application. For fiscal year 2022 or fiscal year 2023, the department shall pay the vendor not more than three per cent of the amount appropriated for that fiscal year for purposes of this section. 34299  
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(2) The vendor selected by the department under division 34311

(C)(2) of this section shall do both of the following: 34312

(a) Monitor how accounts are used by parents or guardians and 34313  
recoup moneys that are used for purposes that are not authorized 34314  
by this section as determined by the vendor; 34315

(b) Provide the department with a comprehensive list of 34316  
purchases made with accounts. 34317

(3) At no time shall the vendor authorize parents or 34318  
guardians to use moneys for purposes that are not authorized by 34319  
this section as determined by the vendor. If the vendor authorizes 34320  
parents or guardians to use moneys for a specified purpose and 34321  
later determines that purpose is not authorized by this section, 34322  
the vendor may recoup that money. 34323

(D)(1) If a parent or guardian makes a request under division 34324  
(B) of this section during fiscal year 2022, five hundred dollars 34325  
shall be credited to the account established pursuant to the 34326  
parent's or guardian's request within fourteen days of the 34327  
parent's or guardian's request, and that amount shall be disbursed 34328  
upon request to the parent or guardian not later than June 30, 34329  
2022, for use in accordance with division (E) of this section. 34330

(2) If a parent or guardian makes a request under division 34331  
(B) of this section during fiscal year 2023, five hundred dollars 34332  
shall be credited to the account established pursuant to the 34333  
parent's or guardian's request within fourteen days of the 34334  
parent's or guardian's request, and that amount shall be disbursed 34335  
upon request to the parent or guardian not later than June 30, 34336  
2023, for use in accordance with division (E) of this section. 34337

(E) Subject to division (F) of this section, moneys credited 34338  
to an education savings account established under division (B) of 34339  
this section shall be used by an eligible student's parent or 34340  
guardian for any of the following purposes, whether secular or 34341  
nonsecular: 34342

|                                                                                                                                                                                                                                                                                                                                                                                         |       |
|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-------|
| <u>(1) Before- or after-school educational programs;</u>                                                                                                                                                                                                                                                                                                                                | 34343 |
| <u>(2) Day camps, including camps for academics, music, and arts;</u>                                                                                                                                                                                                                                                                                                                   | 34344 |
|                                                                                                                                                                                                                                                                                                                                                                                         | 34345 |
| <u>(3) Tuition at learning extension centers;</u>                                                                                                                                                                                                                                                                                                                                       | 34346 |
| <u>(4) Tuition for learning pods;</u>                                                                                                                                                                                                                                                                                                                                                   | 34347 |
| <u>(5) If the student has been excused from the compulsory attendance law for the purpose of home instruction under section 3321.04 of the Revised Code, purchase of curriculum and materials;</u>                                                                                                                                                                                      | 34348 |
|                                                                                                                                                                                                                                                                                                                                                                                         | 34349 |
|                                                                                                                                                                                                                                                                                                                                                                                         | 34350 |
| <u>(6) Educational, learning, or study skills services;</u>                                                                                                                                                                                                                                                                                                                             | 34351 |
| <u>(7) Field trips to historical landmarks, museums, science centers, and theaters, including admission, exhibit, and program fees;</u>                                                                                                                                                                                                                                                 | 34352 |
|                                                                                                                                                                                                                                                                                                                                                                                         | 34353 |
|                                                                                                                                                                                                                                                                                                                                                                                         | 34354 |
| <u>(8) Language classes;</u>                                                                                                                                                                                                                                                                                                                                                            | 34355 |
| <u>(9) Instrument lessons;</u>                                                                                                                                                                                                                                                                                                                                                          | 34356 |
| <u>(10) Tutoring.</u>                                                                                                                                                                                                                                                                                                                                                                   | 34357 |
| <u>(F) At no time shall moneys credited to an account established under division (B) of this section be used for the purchase of electronic devices.</u>                                                                                                                                                                                                                                | 34358 |
|                                                                                                                                                                                                                                                                                                                                                                                         | 34359 |
|                                                                                                                                                                                                                                                                                                                                                                                         | 34360 |
| <u>(G) The department shall make available to parents and guardians a list of the purposes for which moneys credited to an account established under division (B) of this section may be spent in accordance with division (E) of this section.</u>                                                                                                                                     | 34361 |
|                                                                                                                                                                                                                                                                                                                                                                                         | 34362 |
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|                                                                                                                                                                                                                                                                                                                                                                                         | 34364 |
| <u>(H) Not later than December 31, 2023, the department shall prepare a report regarding the administration of this section, including feedback from a random sampling of parents and guardians who participate in the program for fiscal year 2022, fiscal year 2023, or both and submit the report to the general assembly in accordance with section 101.68 of the Revised Code.</u> | 34365 |
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Sec. 3311.741. (A) This section applies only to a municipal 34371  
school district in existence on July 1, 2012. 34372

(B) Not later than December 1, 2012, the board of education 34373  
of each municipal school district to which this section applies 34374  
shall submit to the superintendent of public instruction an array 34375  
of measures to be used in evaluating the performance of the 34376  
district. The measures shall assess at least overall student 34377  
achievement, student progress over time, the achievement and 34378  
progress over time of each of the applicable categories of 34379  
students described in division (F) of section 3302.03 of the 34380  
Revised Code, and college and career readiness. The state 34381  
superintendent shall approve or disapprove the measures by January 34382  
15, 2013. If the measures are disapproved, the state 34383  
superintendent shall recommend modifications that will make the 34384  
measures acceptable. 34385

(C) Beginning with the 2012-2013 school year, the board 34386  
annually shall establish goals for improvement on each of the 34387  
measures approved under division (B) of this section. The school 34388  
district's performance data for the 2011-2012 school year shall be 34389  
used as a baseline for determining improvement. 34390

(D) Not later than October 1, 2013, and by the first day of 34391  
October each year thereafter, the board shall issue a report 34392  
describing the school district's performance for the previous 34393  
school year on each of the measures approved under division (B) of 34394  
this section and whether the district has met each of the 34395  
improvement goals established for that year under division (C) of 34396  
this section. The board shall provide the report to the governor, 34397  
the superintendent of public instruction, and, in accordance with 34398  
section 101.68 of the Revised Code, the general assembly. 34399

~~(E) Not later than November 15, 2017, the superintendent of 34400  
public instruction shall evaluate the school district's 34401~~

~~performance based on the measures approved under division (B) of 34402  
this section and shall issue a report to the governor and general 34403  
assembly. 34404~~

**Sec. 3312.01.** (A) The educational regional service system is 34405  
hereby established. The system shall support state and regional 34406  
education initiatives and efforts to improve school effectiveness 34407  
and student achievement. Services, including special education and 34408  
related services, shall be provided under the system to school 34409  
districts, community schools established under Chapter 3314. of 34410  
the Revised Code, and chartered nonpublic schools. 34411

It is the intent of the general assembly that the educational 34412  
regional service system reduce the unnecessary duplication of 34413  
programs and services and provide for a more streamlined and 34414  
efficient delivery of educational services without reducing the 34415  
availability of the services needed by school districts and 34416  
schools. 34417

(B) The educational regional service system shall consist of 34418  
the following: 34419

(1) The advisory councils and subcommittees established under 34420  
sections 3312.03 and 3312.05 of the Revised Code; 34421

(2) A fiscal agent for each of the regions as configured 34422  
under section 3312.02 of the Revised Code; 34423

(3) Educational service centers, information technology 34424  
centers established under section 3301.075 of the Revised Code, 34425  
and other regional education service providers. 34426

(C) Educational service centers shall provide the services 34427  
that they are specifically required to provide by the Revised Code 34428  
and may enter into agreements pursuant to section 3313.843, 34429  
3313.844, or 3313.845 of the Revised Code for the provision of 34430  
other services, which may include any of the following: 34431

|                                                                                                                                                                                                                                                                                                                              |                                                    |
|------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|----------------------------------------------------|
| (1) Assistance in improving student performance;                                                                                                                                                                                                                                                                             | 34432                                              |
| (2) Services to enable a school district or school to operate more efficiently or economically;                                                                                                                                                                                                                              | 34433<br>34434                                     |
| (3) Professional development for teachers or administrators;                                                                                                                                                                                                                                                                 | 34435                                              |
| (4) Assistance in the recruitment and retention of teachers and administrators;                                                                                                                                                                                                                                              | 34436<br>34437                                     |
| (5) Applying for any state or federal grant on behalf of a school district;                                                                                                                                                                                                                                                  | 34438<br>34439                                     |
| (6) Any other educational, administrative, or operational services.                                                                                                                                                                                                                                                          | 34440<br>34441                                     |
| In addition to implementing state and regional education initiatives and school improvement efforts under the educational regional service system, educational service centers shall implement state or federally funded initiatives assigned to the service centers by the general assembly or the department of education. | 34442<br>34443<br>34444<br>34445<br>34446<br>34447 |
| Any educational service center selected to be a fiscal agent for its region pursuant to section 3312.07 of the Revised Code shall continue to operate as an educational service center for the part of the region that comprises its territory.                                                                              | 34448<br>34449<br>34450<br>34451                   |
| (D) An educational service center shall be considered a school district <u>or a local education agency</u> for the purposes of eligibility in applying for any state or <u>competitive</u> federal grant.                                                                                                                    | 34452<br>34453<br>34454<br>34455                   |
| (E) Information technology centers may enter into agreements for the provision of services pursuant to section 3312.10 of the Revised Code.                                                                                                                                                                                  | 34456<br>34457<br>34458                            |
| (F) No school district, community school, or chartered nonpublic school shall be required to purchase services from an educational service center or information technology center in the                                                                                                                                    | 34459<br>34460<br>34461                            |

region in which the district or school is located, except that a 34462  
local school district shall receive any services required by the 34463  
Revised Code to be provided by an educational service center to 34464  
the local school districts in its territory from the educational 34465  
service center in whose territory the district is located. 34466

**Sec. 3313.411.** (A) As used in this section: 34467

(1) "College-preparatory boarding school" means a 34468  
college-preparatory boarding school established under Chapter 34469  
3328. of the Revised Code. 34470

(2) "Community school" means a community school established 34471  
under Chapter 3314. of the Revised Code. 34472

(3) "High-performing community school" has the same meaning 34473  
as in section 3313.413 of the Revised Code. 34474

(4) "STEM school" means a science, technology, engineering, 34475  
and mathematics school established under Chapter 3326. of the 34476  
Revised Code. 34477

(5) "Unused school facilities" means ~~any~~ either: 34478

(a) Any real property that has been used by a school district 34479  
for school operations, including, but not limited to, academic 34480  
instruction or administration, since July 1, 1998, but has not 34481  
been used in that capacity for one year; 34482

(b) Any school building that has been used for direct 34483  
academic instruction but less than sixty per cent of the building 34484  
was used for that purpose in the preceding school year. 34485

(B)(1) Except as provided in section 3313.412 of the Revised 34486  
Code, on and after June 30, 2011, any school district board of 34487  
education shall offer any unused school facilities it owns in its 34488  
corporate capacity for lease or sale to the governing authorities 34489  
of community schools, the boards of trustees of any 34490  
college-preparatory boarding schools, and the governing bodies of 34491

any STEM schools, that are located within the territory of the 34492  
district. Not later than sixty days after the district board makes 34493  
the offer, interested governing authorities, boards of trustees, 34494  
and governing bodies shall notify the district treasurer in 34495  
writing of the intention to lease or purchase the property. 34496

The district board shall give priority to the governing 34497  
authorities of high-performing community schools that are located 34498  
within the territory of the district. 34499

(2) At the same time that a district board makes the offer 34500  
required under division (B)(1) of this section, the board also 34501  
may, but shall not be required to, offer that property for sale or 34502  
lease to the governing authorities of community schools with 34503  
plans, stipulated in their contracts entered into under section 34504  
3314.03 of the Revised Code, either to relocate their operations 34505  
to the territory of the district or to add facilities, as 34506  
authorized by division (B)(3) or (4) of section 3314.05 of the 34507  
Revised Code, to be located within the territory of the district. 34508

(C)(1) If, not later than sixty days after the district board 34509  
makes the offer, only one governing authority of a high-performing 34510  
community school offered the property under division (B) of this 34511  
section notifies the district treasurer in writing of the 34512  
intention to purchase the property pursuant to that division, the 34513  
district board shall sell the property to that party for the 34514  
appraised fair market value of the property as determined in an 34515  
appraisal of the property that is not more than one year old. 34516

If, not later than sixty days after the district board makes 34517  
the offer, more than one governing authority of a high-performing 34518  
community school offered the property under division (B) of this 34519  
section notifies the district treasurer in writing of the 34520  
intention to purchase the property pursuant to that division, the 34521  
board shall conduct a public auction in the manner required for 34522  
auctions of district property under division (A) of section 34523

3313.41 of the Revised Code. Only the governing authorities of 34524  
high-performing community schools that notified the district 34525  
treasurer of the intention to purchase the property pursuant to 34526  
division (B) of this section are eligible to bid at the auction. 34527  
The district board is not obligated to accept any bid for the 34528  
property that is lower than the appraised fair market value of the 34529  
property as determined in an appraisal that is not more than one 34530  
year old. 34531

(2) If, not later than sixty days after the district board 34532  
makes the offer, no governing authority of a high-performing 34533  
community school notifies the district treasurer of its intention 34534  
to purchase the property pursuant to division (B) of this section, 34535  
the board shall then proceed with the offers from all other 34536  
start-up community schools, college-preparatory boarding schools, 34537  
and STEM schools made pursuant to that division. 34538

If more than one such entity notifies the district treasurer 34539  
of its intention to purchase the property pursuant to division (B) 34540  
of this section, the board shall conduct a public auction in the 34541  
manner required for auctions of district property under division 34542  
(A) of section 3313.41 of the Revised Code. Only the entities that 34543  
notified the district treasurer pursuant to division (B) of this 34544  
section are eligible to bid at the auction. 34545

(3) If more than one governing authority of a high-performing 34546  
community school notifies the district treasurer in writing of the 34547  
intention to lease the property pursuant to division (B) of this 34548  
section, the district board shall conduct a lottery to select from 34549  
among those governing authorities the one qualified governing 34550  
authority to which the district board shall lease the property. 34551

If no such governing authority of a high-performing community 34552  
school notifies the district treasurer of its intention to lease 34553  
the property pursuant to division (B) of this section, the board 34554  
shall then proceed with the offers from all other start-up 34555

community schools, college-preparatory boarding schools, and STEM 34556  
schools made pursuant to that division. If more than one other 34557  
start-up community school, college-preparatory boarding school, or 34558  
STEM school notified the district treasurer of its intention to 34559  
lease the property pursuant to division (B) of this section, the 34560  
district board shall conduct a lottery to select from among those 34561  
parties the one qualified party to which the district board shall 34562  
lease the property. 34563

(4) The lease price offered by a district board to a 34564  
community school, college-preparatory boarding school, or STEM 34565  
school under this section shall not be higher than the fair market 34566  
value for such a leasehold as determined in an appraisal that is 34567  
not more than one year old. 34568

(5) If no qualified party offered the property under division 34569  
(B) of this section accepts the offer to lease or buy the property 34570  
within sixty days after the offer is made, the district board may 34571  
offer the property to any other entity in accordance with 34572  
divisions (A) to (F) of section 3313.41 of the Revised Code. 34573

(D) Notwithstanding division (B) of this section, a school 34574  
district board may renew any agreement it originally entered into 34575  
prior to June 30, 2011, to lease real property to an entity other 34576  
than a community school, college-preparatory boarding school, or 34577  
STEM school. Nothing in this section shall affect the leasehold 34578  
arrangements between the district board and that other entity. 34579

(E)(1) Except as provided in division (E)(2) of this section, 34580  
the governing authority of a community school, board of trustees 34581  
of a college-preparatory boarding school, or governing body of a 34582  
STEM school shall not sell any property purchased under division 34583  
(B) of this section within five years of purchasing that property. 34584

(2) The governing authority, board of trustees, or governing 34585  
body may sell a property purchased under division (B) of this 34586

section within five years of the purchase, only if the governing 34587  
authority, board of trustees, or governing body sells or transfers 34588  
that property to another entity described in that division. 34589

**Sec. 3313.48.** (A) The board of education of each city, 34590  
exempted village, local, and joint vocational school district 34591  
shall provide for the free education of the youth of school age 34592  
within the district under its jurisdiction, at such places as will 34593  
be most convenient for the attendance of the largest number 34594  
thereof. Each school so provided and each chartered nonpublic 34595  
school shall be open for instruction with pupils in attendance, 34596  
including scheduled classes, supervised activities, and approved 34597  
education options but excluding lunch and breakfast periods and 34598  
extracurricular activities, for not less than four hundred 34599  
fifty-five hours in the case of pupils in kindergarten unless such 34600  
pupils are provided all-day kindergarten, as defined in section 34601  
3321.05 of the Revised Code, in which case the pupils shall be in 34602  
attendance for nine hundred ten hours; nine hundred ten hours in 34603  
the case of pupils in grades one through six; and one thousand one 34604  
hours in the case of pupils in grades seven through twelve in each 34605  
school year, which may include all of the following: 34606

(1) Up to the equivalent of two school days per year during 34607  
which pupils would otherwise be in attendance but are not required 34608  
to attend for the purpose of individualized parent-teacher 34609  
conferences and reporting periods; 34610

(2) Up to the equivalent of two school days per year during 34611  
which pupils would otherwise be in attendance but are not required 34612  
to attend for professional meetings of teachers; 34613

(3) Morning and afternoon recess periods of not more than 34614  
fifteen minutes duration per period for pupils in grades 34615  
kindergarten through six. 34616

(B) Not later than thirty days prior to adopting a school 34617

calendar, the board of education of each city, exempted village, 34618  
and local school district shall hold a public hearing on the 34619  
school calendar, addressing topics that include, but are not 34620  
limited to, the total number of hours in a school year, length of 34621  
school day, and beginning and end dates of instruction. 34622

(C) No school operated by a city, exempted village, local, or 34623  
joint vocational school district shall reduce the number of hours 34624  
in each school year that the school is scheduled to be open for 34625  
instruction from the number of hours per year the school was open 34626  
for instruction during the previous school year unless the 34627  
reduction is approved by a resolution adopted by the district 34628  
board of education. Any reduction so approved shall not result in 34629  
fewer hours of instruction per school year than the applicable 34630  
number of hours required under division (A) of this section. 34631

(D) Prior to making any change in the hours or days in which 34632  
a high school under its jurisdiction is open for instruction, the 34633  
board of education of each city, exempted village, and local 34634  
school district shall consider the compatibility of the proposed 34635  
change with the scheduling needs of any joint vocational school 34636  
district in which any of the high school's students are also 34637  
enrolled. The board shall consider the impact of the proposed 34638  
change on student access to the instructional programs offered by 34639  
the joint vocational school district, incentives for students to 34640  
participate in career-technical education, transportation, and the 34641  
timing of graduation. The board shall provide the joint vocational 34642  
school district board with advance notice of the proposed change 34643  
and the two boards shall enter into a written agreement 34644  
prescribing reasonable accommodations to meet the scheduling needs 34645  
of the joint vocational school district prior to implementation of 34646  
the change. 34647

(E) ~~Prior~~ Subject to section 3327.016 of the Revised Code, 34648  
prior to making any change in the hours or days in which a school 34649

under its jurisdiction is open for instruction, the board of 34650  
education of each city, exempted village, and local school 34651  
district shall consider the compatibility of the proposed change 34652  
with the scheduling needs of any community school established 34653  
under Chapter 3314. of the Revised Code to which the district is 34654  
required to transport students under sections 3314.09 and 3327.01 34655  
of the Revised Code. The board shall consider the impact of the 34656  
proposed change on student access to the instructional programs 34657  
offered by the community school, transportation, and the timing of 34658  
graduation. The board shall provide the sponsor, governing 34659  
authority, and operator of the community school with advance 34660  
notice of the proposed change, and the board and the governing 34661  
authority, or operator if such authority is delegated to the 34662  
operator, shall enter into a written agreement prescribing 34663  
reasonable accommodations to meet the scheduling needs of the 34664  
community school prior to implementation of the change. 34665

(F) ~~Prior~~ Subject to section 3327.016 of the Revised Code, 34666  
prior to making any change in the hours or days in which the 34667  
schools under its jurisdiction are open for instruction, the board 34668  
of education of each city, exempted village, and local school 34669  
district shall consult with the chartered nonpublic schools to 34670  
which the district is required to transport students under section 34671  
3327.01 of the Revised Code and shall consider the effect of the 34672  
proposed change on the schedule for transportation of those 34673  
students to their nonpublic schools. The governing authority of a 34674  
chartered nonpublic school shall consult with each school district 34675  
board of education that transports students to the chartered 34676  
nonpublic school under section 3327.01 of the Revised Code prior 34677  
to making any change in the hours or days in which the nonpublic 34678  
school is open for instruction. 34679

(G) The state board of education shall not adopt or enforce 34680  
any rule or standard that imposes on chartered nonpublic schools 34681

the procedural requirements imposed on school districts by 34682  
divisions (B), (C), (D), and (E) of this section. 34683

**Sec. 3313.488.** (A) Within fifteen days after the date the 34684  
state board of education issues an order under section 3313.487 of 34685  
the Revised Code making a school district subject to this section, 34686  
the district's board of education shall prepare a fiscal statement 34687  
of expenses and expenditures for the remainder of the current 34688  
fiscal year. The fiscal statement shall be submitted to the 34689  
superintendent of public instruction and shall set forth all 34690  
revenues to be received by the district during the remainder of 34691  
the fiscal year and their sources, the expenses to be incurred by 34692  
the district during the remainder of the fiscal year, the 34693  
outstanding and unpaid expenses at the time the fiscal statement 34694  
is prepared and the date or dates by which such expenses must be 34695  
paid, and such other information as the superintendent requires to 34696  
enable the superintendent to ensure that during the remainder of 34697  
the fiscal year, the district will not incur any expenses that 34698  
will further impair its ability to operate an instructional 34699  
program that meets or exceeds the minimum standards of the state 34700  
board of education and requirements of the Revised Code during the 34701  
current and ensuing fiscal years with the revenue available to it 34702  
from existing revenue sources. The fiscal statement shall be 34703  
presented in such detail and form as the superintendent 34704  
prescribes. Beginning the tenth day after the fiscal statement is 34705  
submitted and for the remainder of the fiscal year, the board 34706  
shall not make any expenditure of money, make any employment, 34707  
purchase, or rental contract, give any order involving the 34708  
expenditure of money, or increase any wage or salary schedule 34709  
unless the superintendent of public instruction has approved the 34710  
fiscal statement in writing and the expenditure, contract, order, 34711  
or schedule has been approved in writing by the superintendent as 34712  
being in conformity with the fiscal statement. 34713

Any contract or expenditure made, order given, or schedule 34714  
adopted or put into effect without the written approval of the 34715  
superintendent of public instruction is void, and no warrant shall 34716  
be issued in payment of any amount due thereon. 34717

(B) A board of education subject to division (A) of this 34718  
section shall prepare a fiscal statement of expenses and 34719  
expenditures for the ensuing fiscal year. The fiscal statement 34720  
shall be submitted to the superintendent of public instruction and 34721  
shall set forth all revenues to be received by the district during 34722  
such year and their source, the expenses to be incurred by the 34723  
district during such year, the outstanding and unpaid expenses on 34724  
the first day of such fiscal year, the date or dates by which such 34725  
expenses must be paid, and such other information as the 34726  
superintendent requires to enable the superintendent to ensure 34727  
that during such year, the district will not incur any expenses 34728  
that will further impair its ability to operate an instructional 34729  
program that meets or exceeds the minimum standards of the state 34730  
board of education and requirements of the Revised Code during 34731  
such year with the revenue available to it from existing revenue 34732  
sources. The fiscal statement shall be presented at the time and 34733  
in such detail and form as the superintendent prescribes. During 34734  
the fiscal year following the year in which a board of education 34735  
first becomes subject to division (A) of this section it shall not 34736  
make any expenditure of money, make any employment, purchase, or 34737  
rental contract, give any order involving the expenditure of 34738  
money, or increase any wage or salary schedule unless the 34739  
superintendent of public instruction has approved the fiscal 34740  
statement submitted under this division in writing and has 34741  
approved the expenditure, contract, order, or schedule in writing 34742  
as being in conformity with the fiscal statement. 34743

Any contract or expenditure made, order given, or schedule 34744  
adopted or put into effect without the written approval of the 34745

superintendent of public instruction is void, and no warrant shall 34746  
be issued in payment of any amount due thereon. 34747

(C) The state board of education shall examine any fiscal 34748  
statement presented to and approved by the superintendent of 34749  
public instruction under division (B) of this section and shall 34750  
determine whether the data set forth in the fiscal statement are 34751  
factual and based upon assumptions that in its judgment are 34752  
reasonable expectations consistent with acceptable governmental 34753  
budget and accounting practices. If the state board so determines 34754  
and finds that the revenues and expenditures in the fiscal 34755  
statement are in balance for the fiscal year and the fiscal 34756  
statement will enable the district to operate during such year 34757  
without interrupting its school calendar, it shall certify its 34758  
determination and finding to the district at least thirty days 34759  
prior to the beginning of the fiscal year, and the district shall 34760  
thereupon cease to be subject to this section. If the state board 34761  
does not make such a determination and finding, the board of 34762  
education and school district are subject to this division and 34763  
division (B) of this section in the ensuing fiscal year and each 34764  
fiscal year thereafter until the state board makes a 34765  
determination, finding, and certification under this division. 34766

(D) Any officer, employee, or other person who knowingly 34767  
expends or authorizes the expenditure of any public funds or 34768  
knowingly authorizes or executes any contract, order, or schedule 34769  
contrary to division (A) or (B) of this section or who knowingly 34770  
expends or authorizes the expenditure of any public funds on any 34771  
such void contract, order, or schedule is jointly and severally 34772  
liable in person and upon any official bond that the officer, 34773  
employee, or other person has given to such school district to the 34774  
extent of any payments on the void claim, not to exceed twenty 34775  
thousand dollars. The attorney general at the written request of 34776  
the superintendent of public instruction shall enforce this 34777

liability by civil action brought in any court of appropriate jurisdiction in the name of and on behalf of the school district. 34778  
34779

~~(E) During each month that a board of education is subject to division (A), (B), or (C) of this section, the superintendent of public instruction shall submit a report to the speaker of the house of representatives and the president of the senate on the financial condition of the school district. The report shall contain the date by which the superintendent anticipates the district will cease to be subject to such divisions, the district's plans for becoming exempt from such section, and such other information the superintendent determines appropriate or the speaker of the house of representatives or president of the senate requests.~~ 34780  
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~~In addition to the other reports required under this division, on the thirty first day of each school district fiscal year following a fiscal year in which a school district first becomes subject to this section, the superintendent shall submit a written report to the speaker of the house of representatives and the president of the senate. The report shall include recommendations to the general assembly for strengthening the financial condition of school districts based upon the experiences of the superintendent and the state board in exercising their powers under this section and sections 3313.483 and 3313.487 of the Revised Code.~~ 34791  
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~~(F) This section does not apply to a school district declared to be under a fiscal emergency pursuant to division (B) of section 3316.03 of the Revised Code.~~ 34802  
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34804

**Sec. 3313.60.** Notwithstanding division (D) of section 3311.52 of the Revised Code, divisions (A) to (E) of this section do not apply to any cooperative education school district established pursuant to divisions (A) to (C) of section 3311.52 of the Revised 34805  
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|---------------------------------------------------------------------------|-------|
| Code.                                                                     | 34809 |
| (A) The board of education of each city, exempted village,                | 34810 |
| and local school district and the board of each cooperative               | 34811 |
| education school district established, pursuant to section                | 34812 |
| 3311.521 of the Revised Code, shall prescribe a curriculum for all        | 34813 |
| schools under its control. Except as provided in division (E) of          | 34814 |
| this section, in any such curriculum there shall be included the          | 34815 |
| study of the following subjects:                                          | 34816 |
| (1) The language arts, including reading, writing, spelling,              | 34817 |
| oral and written English, and literature;                                 | 34818 |
| (2) Geography, the history of the United States and of Ohio,              | 34819 |
| and national, state, and local government in the United States,           | 34820 |
| including a balanced presentation of the relevant contributions to        | 34821 |
| society of men and women of African, Mexican, Puerto Rican, and           | 34822 |
| American Indian descent as well as other ethnic and racial groups         | 34823 |
| in Ohio and the United States;                                            | 34824 |
| (3) Mathematics;                                                          | 34825 |
| (4) Natural science, including instruction in the                         | 34826 |
| conservation of natural resources;                                        | 34827 |
| (5) Health education, which shall include instruction in:                 | 34828 |
| (a) The nutritive value of foods, including natural and                   | 34829 |
| organically produced foods, the relation of nutrition to health,          | 34830 |
| and the use and effects of food additives;                                | 34831 |
| (b) The harmful effects of and legal restrictions against the             | 34832 |
| use of drugs of abuse, alcoholic beverages, and tobacco, <u>including</u> | 34833 |
| <u>electronic smoking devices</u> ;                                       | 34834 |
| (c) Venereal disease education, except that upon written                  | 34835 |
| request of the student's parent or guardian, a student shall be           | 34836 |
| excused from taking instruction in venereal disease education;            | 34837 |

(d) In grades kindergarten through six, instruction in 34838  
personal safety and assault prevention, except that upon written 34839  
request of the student's parent or guardian, a student shall be 34840  
excused from taking instruction in personal safety and assault 34841  
prevention; 34842

(e) In grades seven through twelve, age-appropriate 34843  
instruction in dating violence prevention education, which shall 34844  
include instruction in recognizing dating violence warning signs 34845  
and characteristics of healthy relationships. 34846

In order to assist school districts in developing a dating 34847  
violence prevention education curriculum, the department of 34848  
education shall provide on its web site links to free curricula 34849  
addressing dating violence prevention. 34850

If the parent or legal guardian of a student less than 34851  
eighteen years of age submits to the principal of the student's 34852  
school a written request to examine the dating violence prevention 34853  
instruction materials used at that school, the principal, within a 34854  
reasonable period of time after the request is made, shall allow 34855  
the parent or guardian to examine those materials at that school. 34856

(f) Prescription opioid abuse prevention, with an emphasis on 34857  
the prescription drug epidemic and the connection between 34858  
prescription opioid abuse and addiction to other drugs, such as 34859  
heroin; 34860

(g) The process of making an anatomical gift under Chapter 34861  
2108. of the Revised Code, with an emphasis on the life-saving and 34862  
life-enhancing effects of organ and tissue donation; 34863

(h) Beginning with the first day of the next school year that 34864  
begins at least two years after ~~the effective date of this~~ 34865  
~~amendment~~ March 24, 2021, in grades six through twelve, at least 34866  
one hour or one standard class period per school year of 34867  
evidence-based suicide awareness and prevention and at least one 34868

hour or one standard class period per school year of safety 34869  
training and violence prevention, except that upon written request 34870  
of the student's parent or guardian, a student shall be excused 34871  
from taking instruction in suicide awareness and prevention or 34872  
safety training and violence prevention; 34873

(i) Beginning with the first day of the next school year that 34874  
begins at least two years after ~~the effective date of this~~ 34875  
~~amendment~~ March 24, 2021, in grades six through twelve, at least 34876  
one hour or one standard class period per school year of 34877  
evidence-based social inclusion instruction, except that upon 34878  
written request of the student's parent or guardian, a student 34879  
shall be excused from taking instruction in social inclusion. 34880

For the instruction required under divisions (A)(5)(h) and 34881  
(i) of this section, the board shall use a training program 34882  
approved by the department of education under section 3301.221 of 34883  
the Revised Code. 34884

Schools may use student assemblies, digital learning, and 34885  
homework to satisfy the instruction requirements under divisions 34886  
(A)(5)(h) and (i) of this section. 34887

(6) Physical education; 34888

(7) The fine arts, including music; 34889

(8) First aid, including a training program in 34890  
cardiopulmonary resuscitation, which shall comply with section 34891  
3313.6021 of the Revised Code when offered in any of grades nine 34892  
through twelve, safety, and fire prevention. However, upon written 34893  
request of the student's parent or guardian, a student shall be 34894  
excused from taking instruction in cardiopulmonary resuscitation. 34895

(B) Except as provided in division (E) of this section, every 34896  
school or school district shall include in the requirements for 34897  
promotion from the eighth grade to the ninth grade one year's 34898  
course of study of American history. A board may waive this 34899

requirement for academically accelerated students who, in 34900  
accordance with procedures adopted by the board, are able to 34901  
demonstrate mastery of essential concepts and skills of the eighth 34902  
grade American history course of study. 34903

(C) As specified in divisions (B)(6) and (C)(6) of section 34904  
3313.603 of the Revised Code, except as provided in division (E) 34905  
of this section, every high school shall include in the 34906  
requirements for graduation from any curriculum one-half unit each 34907  
of American history and government. 34908

(D) Except as provided in division (E) of this section, basic 34909  
instruction or demonstrated mastery in geography, United States 34910  
history, the government of the United States, the government of 34911  
the state of Ohio, local government in Ohio, the Declaration of 34912  
Independence, the United States Constitution, and the Constitution 34913  
of the state of Ohio shall be required before pupils may 34914  
participate in courses involving the study of social problems, 34915  
economics, foreign affairs, United Nations, world government, 34916  
socialism, and communism. 34917

(E) For each cooperative education school district 34918  
established pursuant to section 3311.521 of the Revised Code and 34919  
each city, exempted village, and local school district that has 34920  
territory within such a cooperative district, the curriculum 34921  
adopted pursuant to divisions (A) to (D) of this section shall 34922  
only include the study of the subjects that apply to the grades 34923  
operated by each such school district. The ~~curriculum~~ curricula 34924  
for such schools, when combined, shall provide to each student of 34925  
these districts all of the subjects required under divisions (A) 34926  
to (D) of this section. 34927

(F) The board of education of any cooperative education 34928  
school district established pursuant to divisions (A) to (C) of 34929  
section 3311.52 of the Revised Code shall prescribe a curriculum 34930  
for the subject areas and grade levels offered in any school under 34931

its control. 34932

(G) Upon the request of any parent or legal guardian of a 34933  
student, the board of education of any school district shall 34934  
permit the parent or guardian to promptly examine, with respect to 34935  
the parent's or guardian's own child: 34936

(1) Any survey or questionnaire, prior to its administration 34937  
to the child; 34938

(2) Any textbook, workbook, software, video, or other 34939  
instructional materials being used by the district in connection 34940  
with the instruction of the child; 34941

(3) Any completed and graded test taken or survey or 34942  
questionnaire filled out by the child; 34943

(4) Copies of the statewide academic standards and each model 34944  
curriculum developed pursuant to section 3301.079 of the Revised 34945  
Code, which copies shall be available at all times during school 34946  
hours in each district school building. 34947

**Sec. 3313.603.** (A) As used in this section: 34948

(1) "One unit" means a minimum of one hundred twenty hours of 34949  
course instruction, except that for a laboratory course, "one 34950  
unit" means a minimum of one hundred fifty hours of course 34951  
instruction. 34952

(2) "One-half unit" means a minimum of sixty hours of course 34953  
instruction, except that for physical education courses, "one-half 34954  
unit" means a minimum of one hundred twenty hours of course 34955  
instruction. 34956

(B) Beginning September 15, 2001, except as required in 34957  
division (C) of this section and division (C) of section 3313.614 34958  
of the Revised Code, the requirements for graduation from every 34959  
high school shall include twenty units earned in grades nine 34960  
through twelve and shall be distributed as follows: 34961

|                                                                  |       |
|------------------------------------------------------------------|-------|
| (1) English language arts, four units;                           | 34962 |
| (2) Health, one-half unit;                                       | 34963 |
| (3) Mathematics, three units;                                    | 34964 |
| (4) Physical education, one-half unit;                           | 34965 |
| (5) Science, two units until September 15, 2003, and three       | 34966 |
| units thereafter, which at all times shall include both of the   | 34967 |
| following:                                                       | 34968 |
| (a) Biological sciences, one unit;                               | 34969 |
| (b) Physical sciences, one unit.                                 | 34970 |
| (6) History and government, one unit, which shall comply with    | 34971 |
| division (M) of this section and shall include both of the       | 34972 |
| following:                                                       | 34973 |
| (a) American history, one-half unit;                             | 34974 |
| (b) American government, one-half unit.                          | 34975 |
| (7) Social studies, two units.                                   | 34976 |
| Beginning with students who enter ninth grade for the first      | 34977 |
| time on or after July 1, 2017, the two units of instruction      | 34978 |
| prescribed by division (B)(7) of this section shall include at   | 34979 |
| least one-half unit of instruction in the study of world history | 34980 |
| and civilizations.                                               | 34981 |
| (8) Elective units, seven units until September 15, 2003, and    | 34982 |
| six units thereafter.                                            | 34983 |
| Each student's electives shall include at least one unit, or     | 34984 |
| two half units, chosen from among the areas of                   | 34985 |
| business/technology, fine arts, and/or foreign language.         | 34986 |
| (C) Beginning with students who enter ninth grade for the        | 34987 |
| first time on or after July 1, 2010, except as provided in       | 34988 |
| divisions (D) to (F) of this section, the requirements for       | 34989 |
| graduation from every public and chartered nonpublic high school | 34990 |

shall include twenty units that are designed to prepare students 34991  
for the workforce and college. The units shall be distributed as 34992  
follows: 34993

(1) English language arts, four units; 34994

(2) Health, one-half unit, which shall include instruction in 34995  
nutrition and the benefits of nutritious foods and physical 34996  
activity for overall health; 34997

(3) Mathematics, four units, which shall include one unit of 34998  
algebra II or the equivalent of algebra II, or one unit of 34999  
advanced computer science as described in the standards adopted 35000  
pursuant to division (A)(4) of section 3301.079 of the Revised 35001  
Code. However, students who enter ninth grade for the first time 35002  
on or after July 1, 2015, and who are pursuing a career-technical 35003  
instructional track shall not be required to take algebra II or 35004  
advanced computer science, and instead may complete a career-based 35005  
pathway mathematics course approved by the department of education 35006  
as an alternative. 35007

For students who choose to take advanced computer science in 35008  
lieu of algebra II under division (C)(3) of this section, the 35009  
school shall communicate to those students that some institutions 35010  
of higher education may require algebra II for the purpose of 35011  
college admission. Also, the parent, guardian, or legal custodian 35012  
of each student who chooses to take advanced computer science in 35013  
lieu of algebra II shall sign and submit to the school a document 35014  
containing a statement acknowledging that not taking algebra II 35015  
may have an adverse effect on college admission decisions. 35016

(4) Physical education, one-half unit; 35017

(5) Science, three units with inquiry-based laboratory 35018  
experience that engages students in asking valid scientific 35019  
questions and gathering and analyzing information, which shall 35020  
include the following, or their equivalent: 35021

|                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                              |                                                                                                 |
|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-------------------------------------------------------------------------------------------------|
| (a) Physical sciences, one unit;                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                             | 35022                                                                                           |
| (b) Life sciences, one unit;                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                 | 35023                                                                                           |
| (c) Advanced study in one or more of the following sciences,<br>one unit:                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                    | 35024<br>35025                                                                                  |
| (i) Chemistry, physics, or other physical science;                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                           | 35026                                                                                           |
| (ii) Advanced biology or other life science;                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                 | 35027                                                                                           |
| (iii) Astronomy, physical geology, or other earth or space<br>science;                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                       | 35028<br>35029                                                                                  |
| (iv) Computer science.                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                       | 35030                                                                                           |
| No student shall substitute a computer science course for a<br>life sciences or biology course under division (C)(5) of this<br>section.                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                     | 35031<br>35032<br>35033                                                                         |
| (6) History and government, one unit, which shall comply with<br>division (M) of this section and shall include both of the<br>following:                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                    | 35034<br>35035<br>35036                                                                         |
| (a) American history, one-half unit;                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                         | 35037                                                                                           |
| (b) American government, one-half unit.                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                      | 35038                                                                                           |
| (7) Social studies, two units.                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                               | 35039                                                                                           |
| Each school shall integrate the study of economics and<br>financial literacy, as expressed in the social studies academic<br>content standards adopted by the state board of education under<br>division (A)(1) of section 3301.079 of the Revised Code and the<br>academic content standards for financial literacy and<br>entrepreneurship adopted under division (A)(2) of that section,<br>into one or more existing social studies credits required under<br>division (C)(7) of this section, or into the content of another<br>class, so that every high school student receives instruction in<br>those concepts. In developing the curriculum required by this<br>paragraph, schools shall use available public-private partnerships | 35040<br>35041<br>35042<br>35043<br>35044<br>35045<br>35046<br>35047<br>35048<br>35049<br>35050 |

and resources and materials that exist in business, industry, and 35051  
through the centers for economics education at institutions of 35052  
higher education in the state. 35053

Beginning with students who enter ninth grade for the first 35054  
time on or after July 1, 2017, the two units of instruction 35055  
prescribed by division (C)(7) of this section shall include at 35056  
least one-half unit of instruction in the study of world history 35057  
and civilizations. 35058

(8) Five units consisting of one or any combination of 35059  
foreign language, fine arts, business, career-technical education, 35060  
family and consumer sciences, technology which may include 35061  
computer science, agricultural education, a junior reserve officer 35062  
training corps (JROTC) program approved by the congress of the 35063  
United States under title 10 of the United States Code, or English 35064  
language arts, mathematics, science, or social studies courses not 35065  
otherwise required under division (C) of this section. 35066

Ohioans must be prepared to apply increased knowledge and 35067  
skills in the workplace and to adapt their knowledge and skills 35068  
quickly to meet the rapidly changing conditions of the 35069  
twenty-first century. National studies indicate that all high 35070  
school graduates need the same academic foundation, regardless of 35071  
the opportunities they pursue after graduation. The goal of Ohio's 35072  
system of elementary and secondary education is to prepare all 35073  
students for and seamlessly connect all students to success in 35074  
life beyond high school graduation, regardless of whether the next 35075  
step is entering the workforce, beginning an apprenticeship, 35076  
engaging in post-secondary training, serving in the military, or 35077  
pursuing a college degree. 35078

The requirements for graduation prescribed in division (C) of 35079  
this section are the standard expectation for all students 35080  
entering ninth grade for the first time at a public or chartered 35081  
nonpublic high school on or after July 1, 2010. A student may 35082

satisfy this expectation through a variety of methods, including, 35083  
but not limited to, integrated, applied, career-technical, and 35084  
traditional coursework. 35085

Stronger coordination between high schools and institutions 35086  
of higher education is necessary to prepare students for more 35087  
challenging academic endeavors and to lessen the need for academic 35088  
remediation in college, thereby reducing the costs of higher 35089  
education for Ohio's students, families, and the state. The state 35090  
board and the chancellor of higher education shall develop 35091  
policies to ensure that only in rare instances will students who 35092  
complete the requirements for graduation prescribed in division 35093  
(C) of this section require academic remediation after high 35094  
school. 35095

School districts, community schools, and chartered nonpublic 35096  
schools shall integrate technology into learning experiences 35097  
across the curriculum in order to maximize efficiency, enhance 35098  
learning, and prepare students for success in the 35099  
technology-driven twenty-first century. Districts and schools 35100  
shall use distance and web-based course delivery as a method of 35101  
providing or augmenting all instruction required under this 35102  
division, including laboratory experience in science. Districts 35103  
and schools shall utilize technology access and electronic 35104  
learning opportunities provided by the broadcast educational media 35105  
commission, chancellor, the Ohio learning network, education 35106  
technology centers, public television stations, and other public 35107  
and private providers. 35108

(D) Except as provided in division (E) of this section, a 35109  
student who enters ninth grade on or after July 1, 2010, and 35110  
before July 1, 2016, may qualify for graduation from a public or 35111  
chartered nonpublic high school even though the student has not 35112  
completed the requirements for graduation prescribed in division 35113  
(C) of this section if all of the following conditions are 35114

satisfied: 35115

(1) During the student's third year of attending high school, 35116  
as determined by the school, the student and the student's parent, 35117  
guardian, or custodian sign and file with the school a written 35118  
statement asserting the parent's, guardian's, or custodian's 35119  
consent to the student's graduating without completing the 35120  
requirements for graduation prescribed in division (C) of this 35121  
section and acknowledging that one consequence of not completing 35122  
those requirements is ineligibility to enroll in most state 35123  
universities in Ohio without further coursework. 35124

(2) The student and parent, guardian, or custodian fulfill 35125  
any procedural requirements the school stipulates to ensure the 35126  
student's and parent's, guardian's, or custodian's informed 35127  
consent and to facilitate orderly filing of statements under 35128  
division (D)(1) of this section. Annually, each district or school 35129  
shall notify the department of the number of students who choose 35130  
to qualify for graduation under division (D) of this section and 35131  
the number of students who complete the student's success plan and 35132  
graduate from high school. 35133

(3) The student and the student's parent, guardian, or 35134  
custodian and a representative of the student's high school 35135  
jointly develop a student success plan for the student in the 35136  
manner described in division (C)(1) of section 3313.6020 of the 35137  
Revised Code that specifies the student matriculating to a 35138  
two-year degree program, acquiring a business and 35139  
industry-recognized credential, or entering an apprenticeship. 35140

(4) The student's high school provides counseling and support 35141  
for the student related to the plan developed under division 35142  
(D)(3) of this section during the remainder of the student's high 35143  
school experience. 35144

(5)(a) Except as provided in division (D)(5)(b) of this 35145

section, the student successfully completes, at a minimum, the 35146  
curriculum prescribed in division (B) of this section. 35147

(b) Beginning with students who enter ninth grade for the 35148  
first time on or after July 1, 2014, a student shall be required 35149  
to complete successfully, at the minimum, the curriculum 35150  
prescribed in division (B) of this section, except as follows: 35151

(i) Mathematics, four units, one unit which shall be one of 35152  
the following: 35153

(I) Probability and statistics; 35154

(II) Computer science; 35155

(III) Applied mathematics or quantitative reasoning; 35156

(IV) Any other course approved by the department using 35157  
standards established by the superintendent not later than October 35158  
1, 2014. 35159

(ii) Elective units, five units; 35160

(iii) Science, three units as prescribed by division (B) of 35161  
this section which shall include inquiry-based laboratory 35162  
experience that engages students in asking valid scientific 35163  
questions and gathering and analyzing information. 35164

~~The department, in collaboration with the chancellor, shall 35165  
analyze student performance data to determine if there are 35166  
mitigating factors that warrant extending the exception permitted 35167  
by division (D) of this section to high school classes beyond 35168  
those entering ninth grade before July 1, 2016. The department 35169  
shall submit its findings and any recommendations not later than 35170  
December 1, 2015, to the speaker and minority leader of the house 35171  
of representatives, the president and minority leader of the 35172  
senate, the chairpersons and ranking minority members of the 35173  
standing committees of the house of representatives and the senate 35174  
that consider education legislation, the state board of education, 35175~~

~~and the superintendent of public instruction.~~ 35176

(E) Each school district and chartered nonpublic school 35177  
retains the authority to require an even more challenging minimum 35178  
curriculum for high school graduation than specified in division 35179  
(B) or (C) of this section. A school district board of education, 35180  
through the adoption of a resolution, or the governing authority 35181  
of a chartered nonpublic school may stipulate any of the 35182  
following: 35183

(1) A minimum high school curriculum that requires more than 35184  
twenty units of academic credit to graduate; 35185

(2) An exception to the district's or school's minimum high 35186  
school curriculum that is comparable to the exception provided in 35187  
division (D) of this section but with additional requirements, 35188  
which may include a requirement that the student successfully 35189  
complete more than the minimum curriculum prescribed in division 35190  
(B) of this section; 35191

(3) That no exception comparable to that provided in division 35192  
(D) of this section is available. 35193

If a school district or chartered nonpublic school requires a 35194  
foreign language as an additional graduation requirement under 35195  
division (E) of this section, a student may apply one unit of 35196  
instruction in computer coding to satisfy one unit of foreign 35197  
language. If a student applies more than one computer coding 35198  
course to satisfy the foreign language requirement, the courses 35199  
shall be sequential and progressively more difficult. 35200

(F) A student enrolled in a dropout prevention and recovery 35201  
program, which program has received a waiver from the department, 35202  
may qualify for graduation from high school by successfully 35203  
completing a competency-based instructional program administered 35204  
by the dropout prevention and recovery program in lieu of 35205  
completing the requirements for graduation prescribed in division 35206

(C) of this section. The department shall grant a waiver to a 35207  
dropout prevention and recovery program, within sixty days after 35208  
the program applies for the waiver, if the program meets all of 35209  
the following conditions: 35210

(1) The program serves only students not younger than sixteen 35211  
years of age and not older than twenty-one years of age. 35212

(2) The program enrolls students who, at the time of their 35213  
initial enrollment, either, or both, are at least one grade level 35214  
behind their cohort age groups or experience crises that 35215  
significantly interfere with their academic progress such that 35216  
they are prevented from continuing their traditional programs. 35217

(3) The program requires students to attain at least the 35218  
applicable score designated for each of the assessments prescribed 35219  
under division (B)(1) of section 3301.0710 of the Revised Code or, 35220  
to the extent prescribed by rule of the state board under division 35221  
(D)(5) of section 3301.0712 of the Revised Code, division (B)(2) 35222  
of that section. 35223

(4) The program develops a student success plan for the 35224  
student in the manner described in division (C)(1) of section 35225  
3313.6020 of the Revised Code that specifies the student's 35226  
matriculating to a two-year degree program, acquiring a business 35227  
and industry-recognized credential, or entering an apprenticeship. 35228

(5) The program provides counseling and support for the 35229  
student related to the plan developed under division (F)(4) of 35230  
this section during the remainder of the student's high school 35231  
experience. 35232

(6) The program requires the student and the student's 35233  
parent, guardian, or custodian to sign and file, in accordance 35234  
with procedural requirements stipulated by the program, a written 35235  
statement asserting the parent's, guardian's, or custodian's 35236  
consent to the student's graduating without completing the 35237

requirements for graduation prescribed in division (C) of this 35238  
section and acknowledging that one consequence of not completing 35239  
those requirements is ineligibility to enroll in most state 35240  
universities in Ohio without further coursework. 35241

(7) Prior to receiving the waiver, the program has submitted 35242  
to the department an instructional plan that demonstrates how the 35243  
academic content standards adopted by the state board under 35244  
section 3301.079 of the Revised Code will be taught and assessed. 35245

(8) Prior to receiving the waiver, the program has submitted 35246  
to the department a policy on career advising that satisfies the 35247  
requirements of section 3313.6020 of the Revised Code, with an 35248  
emphasis on how every student will receive career advising. 35249

(9) Prior to receiving the waiver, the program has submitted 35250  
to the department a written agreement outlining the future 35251  
cooperation between the program and any combination of local job 35252  
training, postsecondary education, nonprofit, and health and 35253  
social service organizations to provide services for students in 35254  
the program and their families. 35255

Divisions (F)(8) and (9) of this section apply only to 35256  
waivers granted on or after July 1, 2015. 35257

If the department does not act either to grant the waiver or 35258  
to reject the program application for the waiver within sixty days 35259  
as required under this section, the waiver shall be considered to 35260  
be granted. 35261

(G) Every high school may permit students below the ninth 35262  
grade to take advanced work. If a high school so permits, it shall 35263  
award high school credit for successful completion of the advanced 35264  
work and shall count such advanced work toward the graduation 35265  
requirements of division (B) or (C) of this section if the 35266  
advanced work was both: 35267

(1) Taught by a person who possesses a license or certificate 35268

issued under section 3301.071, 3319.22, or 3319.222 of the Revised Code that is valid for teaching high school;

(2) Designated by the board of education of the city, local, or exempted village school district, the board of the cooperative education school district, or the governing authority of the chartered nonpublic school as meeting the high school curriculum requirements.

Each high school shall record on the student's high school transcript all high school credit awarded under division (G) of this section. In addition, if the student completed a seventh- or eighth-grade fine arts course described in division (K) of this section and the course qualified for high school credit under that division, the high school shall record that course on the student's high school transcript.

(H) The department shall make its individual academic career plan available through its Ohio career information system web site for districts and schools to use as a tool for communicating with and providing guidance to students and families in selecting high school courses.

(I) A school district or chartered nonpublic school may integrate academic content in a subject area for which the state board has adopted standards under section 3301.079 of the Revised Code into a course in a different subject area, including a career-technical education course, in accordance with guidance for integrated coursework developed by the department. Upon successful completion of an integrated course, a student may receive credit for both subject areas that were integrated into the course. Units earned for subject area content delivered through integrated academic and career-technical instruction are eligible to meet the graduation requirements of division (B) or (C) of this section.

For purposes of meeting graduation requirements, if an

end-of-course examination has been prescribed under section 35300  
3301.0712 of the Revised Code for the subject area delivered 35301  
through integrated instruction, the school district or school may 35302  
administer the related subject area examinations upon the 35303  
student's completion of the integrated course. 35304

Nothing in division (I) of this section shall be construed to 35305  
excuse any school district, chartered nonpublic school, or student 35306  
from any requirement in the Revised Code related to curriculum, 35307  
assessments, or the awarding of a high school diploma. 35308

(J)(1) The state board, in consultation with the chancellor, 35309  
shall adopt a statewide plan implementing methods for students to 35310  
earn units of high school credit based on a demonstration of 35311  
subject area competency, instead of or in combination with 35312  
completing hours of classroom instruction. The state board shall 35313  
adopt the plan not later than March 31, 2009, and commence phasing 35314  
in the plan during the 2009-2010 school year. The plan shall 35315  
include a standard method for recording demonstrated proficiency 35316  
on high school transcripts. Each school district and community 35317  
school shall comply with the state board's plan adopted under this 35318  
division and award units of high school credit in accordance with 35319  
the plan. The state board may adopt existing methods for earning 35320  
high school credit based on a demonstration of subject area 35321  
competency as necessary prior to the 2009-2010 school year. 35322

(2) Not later than December 31, 2015, the state board shall 35323  
update the statewide plan adopted pursuant to division (J)(1) of 35324  
this section to also include methods for students enrolled in 35325  
seventh and eighth grade to meet curriculum requirements based on 35326  
a demonstration of subject area competency, instead of or in 35327  
combination with completing hours of classroom instruction. 35328  
Beginning with the 2017-2018 school year, each school district and 35329  
community school also shall comply with the updated plan adopted 35330  
pursuant to this division and permit students enrolled in seventh 35331

and eighth grade to meet curriculum requirements based on subject 35332  
area competency in accordance with the plan. 35333

(3) Not later than December 31, 2017, the department shall 35334  
develop a framework for school districts and community schools to 35335  
use in granting units of high school credit to students who 35336  
demonstrate subject area competency through work-based learning 35337  
experiences, internships, or cooperative education. Beginning with 35338  
the 2018-2019 school year, each district and community school 35339  
shall comply with the framework. Each district and community 35340  
school also shall review any policy it has adopted regarding the 35341  
demonstration of subject area competency to identify ways to 35342  
incorporate work-based learning experiences, internships, and 35343  
cooperative education into the policy in order to increase student 35344  
engagement and opportunities to earn units of high school credit. 35345

(K) This division does not apply to students who qualify for 35346  
graduation from high school under division (D) or (F) of this 35347  
section, or to students pursuing a career-technical instructional 35348  
track as determined by the school district board of education or 35349  
the chartered nonpublic school's governing authority. 35350  
Nevertheless, the general assembly encourages such students to 35351  
consider enrolling in a fine arts course as an elective. 35352

Beginning with students who enter ninth grade for the first 35353  
time on or after July 1, 2010, each student enrolled in a public 35354  
or chartered nonpublic high school shall complete two semesters or 35355  
the equivalent of fine arts to graduate from high school. The 35356  
coursework may be completed in any of grades seven to twelve. Each 35357  
student who completes a fine arts course in grade seven or eight 35358  
may elect to count that course toward the five units of electives 35359  
required for graduation under division (C)(8) of this section, if 35360  
the course satisfied the requirements of division (G) of this 35361  
section. In that case, the high school shall award the student 35362  
high school credit for the course and count the course toward the 35363

five units required under division (C)(8) of this section. If the course in grade seven or eight did not satisfy the requirements of division (G) of this section, the high school shall not award the student high school credit for the course but shall count the course toward the two semesters or the equivalent of fine arts required by this division.

(L) Notwithstanding anything to the contrary in this section, the board of education of each school district and the governing authority of each chartered nonpublic school may adopt a policy to excuse from the high school physical education requirement each student who, during high school, has participated in interscholastic athletics, marching band, show choir, or cheerleading for at least two full seasons or in the junior reserve officer training corps for at least two full school years. If the board or authority adopts such a policy, the board or authority shall not require the student to complete any physical education course as a condition to graduate. However, the student shall be required to complete one-half unit, consisting of at least sixty hours of instruction, in another course of study. In the case of a student who has participated in the junior reserve officer training corps for at least two full school years, credit received for that participation may be used to satisfy the requirement to complete one-half unit in another course of study.

(M) It is important that high school students learn and understand United States history and the governments of both the United States and the state of Ohio. Therefore, beginning with students who enter ninth grade for the first time on or after July 1, 2012, the study of American history and American government required by divisions (B)(6) and (C)(6) of this section shall include the study of all of the following documents:

(1) The Declaration of Independence;

(2) The Northwest Ordinance;

|                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                          |                                                                               |
|--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-------------------------------------------------------------------------------|
| (3) The Constitution of the United States with emphasis on the Bill of Rights;                                                                                                                                                                                                                                                                                                                                                                                                                                           | 35396<br>35397                                                                |
| (4) The Ohio Constitution.                                                                                                                                                                                                                                                                                                                                                                                                                                                                                               | 35398                                                                         |
| The study of each of the documents prescribed in divisions (M)(1) to (4) of this section shall include study of that document in its original context.                                                                                                                                                                                                                                                                                                                                                                   | 35399<br>35400<br>35401                                                       |
| The study of American history and government required by divisions (B)(6) and (C)(6) of this section shall include the historical evidence of the role of documents such as the Federalist Papers and the Anti-Federalist Papers to firmly establish the historical background leading to the establishment of the provisions of the Constitution and Bill of Rights.                                                                                                                                                    | 35402<br>35403<br>35404<br>35405<br>35406<br>35407                            |
| (N) A student may apply one unit of instruction in computer science to satisfy one unit of mathematics or one unit of science under division (C) of this section as the student chooses, regardless of the field of certification of the teacher who teaches the course, so long as that teacher meets the licensure requirements prescribed by section 3319.236 of the Revised Code and, prior to teaching the course, completes a professional development program determined to be appropriate by the district board. | 35408<br>35409<br>35410<br>35411<br>35412<br>35413<br>35414<br>35415<br>35416 |
| If a student applies more than one computer science course to satisfy curriculum requirements under that division, the courses shall be sequential and progressively more difficult or cover different subject areas within computer science.                                                                                                                                                                                                                                                                            | 35417<br>35418<br>35419<br>35420                                              |
| <b>Sec. 3313.608.</b> (A)(1) Beginning with students who enter third grade in the school year that starts July 1, 2009, and until June 30, 2013, unless the student is excused under division (C) of section 3301.0711 of the Revised Code from taking the assessment described in this section, for any student who does not attain at                                                                                                                                                                                  | 35421<br>35422<br>35423<br>35424<br>35425                                     |

least the equivalent level of achievement designated under 35426  
division (A)(3) of section 3301.0710 of the Revised Code on the 35427  
assessment prescribed under that section to measure skill in 35428  
English language arts expected at the end of third grade, each 35429  
school district, in accordance with the policy adopted under 35430  
section 3313.609 of the Revised Code, shall do one of the 35431  
following: 35432

(a) Promote the student to fourth grade if the student's 35433  
principal and reading teacher agree that other evaluations of the 35434  
student's skill in reading demonstrate that the student is 35435  
academically prepared to be promoted to fourth grade; 35436

(b) Promote the student to fourth grade but provide the 35437  
student with intensive intervention services in fourth grade; 35438

(c) Retain the student in third grade. 35439

(2) Beginning with students who enter third grade in the 35440  
2013-2014 school year, unless the student is excused under 35441  
division (C) of section 3301.0711 of the Revised Code from taking 35442  
the assessment described in this section, no school district shall 35443  
promote to fourth grade any student who does not attain at least 35444  
the equivalent level of achievement designated under division 35445  
(A)(3) of section 3301.0710 of the Revised Code on the assessment 35446  
prescribed under that section to measure skill in English language 35447  
arts expected at the end of third grade, unless one of the 35448  
following applies: 35449

(a) The student is an English learner who has been enrolled 35450  
in United States schools for less than three full school years and 35451  
has had less than three years of instruction in an English as a 35452  
second language program. 35453

(b) The student is a child with a disability entitled to 35454  
special education and related services under Chapter 3323. of the 35455  
Revised Code and the student's individualized education program 35456

|                                                                                                                                                                                                                                                                                                                                                                                                           |                                                             |
|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-------------------------------------------------------------|
| exempts the student from retention under this division.                                                                                                                                                                                                                                                                                                                                                   | 35457                                                       |
| (c) The student demonstrates an acceptable level of performance on an alternative standardized reading assessment as determined by the department of education.                                                                                                                                                                                                                                           | 35458<br>35459<br>35460                                     |
| (d) All of the following apply:                                                                                                                                                                                                                                                                                                                                                                           | 35461                                                       |
| (i) The student is a child with a disability entitled to special education and related services under Chapter 3323. of the Revised Code.                                                                                                                                                                                                                                                                  | 35462<br>35463<br>35464                                     |
| (ii) The student has taken the third grade English language arts achievement assessment prescribed under section 3301.0710 of the Revised Code.                                                                                                                                                                                                                                                           | 35465<br>35466<br>35467                                     |
| (iii) The student's individualized education program or plan under section 504 of the "Rehabilitation Act of 1973," 87 Stat. 355, 29 U.S.C. 794, as amended, shows that the student has received intensive remediation in reading for two school years but still demonstrates a deficiency in reading.                                                                                                    | 35468<br>35469<br>35470<br>35471<br>35472                   |
| (iv) The student previously was retained in any of grades kindergarten to three.                                                                                                                                                                                                                                                                                                                          | 35473<br>35474                                              |
| (e)(i) The student received intensive remediation for reading for two school years but still demonstrates a deficiency in reading and was previously retained in any of grades kindergarten to three.                                                                                                                                                                                                     | 35475<br>35476<br>35477<br>35478                            |
| (ii) A student who is promoted under division (A)(2)(e)(i) of this section shall continue to receive intensive reading instruction in grade four. The instruction shall include an altered instructional day that includes specialized diagnostic information and specific research-based reading strategies for the student that have been successful in improving reading among low-performing readers. | 35479<br>35480<br>35481<br>35482<br>35483<br>35484<br>35485 |
| (B)(1) Beginning in the 2012-2013 school year, to assist                                                                                                                                                                                                                                                                                                                                                  | 35486                                                       |

students in meeting the third grade guarantee established by this 35487  
section, each school district board of education shall adopt 35488  
policies and procedures with which it annually shall assess the 35489  
reading skills of each student, except those students with 35490  
significant cognitive disabilities or other disabilities as 35491  
authorized by the department on a case-by-case basis, enrolled in 35492  
kindergarten to third grade and shall identify students who are 35493  
reading below their grade level. The reading skills assessment 35494  
shall be completed by the thirtieth day of September for students 35495  
in grades one to three, and by the ~~first day of November~~ twentieth 35496  
day of instruction of the school year for students in 35497  
kindergarten. Each district shall use the diagnostic assessment to 35498  
measure reading ability for the appropriate grade level adopted 35499  
under section 3301.079 of the Revised Code, or a comparable tool 35500  
approved by the department of education, to identify such 35501  
students. The policies and procedures shall require the students' 35502  
classroom teachers to be involved in the assessment and the 35503  
identification of students reading below grade level. The 35504  
assessment may be administered electronically using live, two-way 35505  
video and audio connections whereby the teacher administering the 35506  
assessment may be in a separate location from the student. 35507

(2) For each student identified by the diagnostic assessment 35508  
prescribed under this section as having reading skills below grade 35509  
level, the district shall do both of the following: 35510

(a) Provide to the student's parent or guardian, in writing, 35511  
all of the following: 35512

(i) Notification that the student has been identified as 35513  
having a substantial deficiency in reading; 35514

(ii) A description of the current services that are provided 35515  
to the student; 35516

(iii) A description of the proposed supplemental 35517

instructional services and supports that will be provided to the 35518  
student that are designed to remediate the identified areas of 35519  
reading deficiency; 35520

(iv) Notification that if the student attains a score in the 35521  
range designated under division (A)(3) of section 3301.0710 of the 35522  
Revised Code on the assessment prescribed under that section to 35523  
measure skill in English language arts expected at the end of 35524  
third grade, the student shall be retained unless the student is 35525  
exempt under division (A) of this section. The notification shall 35526  
specify that the assessment under section 3301.0710 of the Revised 35527  
Code is not the sole determinant of promotion and that additional 35528  
evaluations and assessments are available to the student to assist 35529  
parents and the district in knowing when a student is reading at 35530  
or above grade level and ready for promotion. 35531

(b) Provide intensive reading instruction services and 35532  
regular diagnostic assessments to the student immediately 35533  
following identification of a reading deficiency until the 35534  
development of the reading improvement and monitoring plan 35535  
required by division (C) of this section. These intervention 35536  
services shall include research-based reading strategies that have 35537  
been shown to be successful in improving reading among 35538  
low-performing readers and instruction targeted at the student's 35539  
identified reading deficiencies. 35540

(3) For each student retained under division (A) of this 35541  
section, the district shall do all of the following: 35542

(a) Provide intense remediation services until the student is 35543  
able to read at grade level. The remediation services shall 35544  
include intensive interventions in reading that address the areas 35545  
of deficiencies identified under this section including, but not 35546  
limited to, not less than ninety minutes of reading instruction 35547  
per day, and may include any of the following: 35548

|                                                                                                                                                                                                                                                                                                                                                                                                                                                                            |                                                                      |
|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|----------------------------------------------------------------------|
| (i) Small group instruction;                                                                                                                                                                                                                                                                                                                                                                                                                                               | 35549                                                                |
| (ii) Reduced teacher-student ratios;                                                                                                                                                                                                                                                                                                                                                                                                                                       | 35550                                                                |
| (iii) More frequent progress monitoring;                                                                                                                                                                                                                                                                                                                                                                                                                                   | 35551                                                                |
| (iv) Tutoring or mentoring;                                                                                                                                                                                                                                                                                                                                                                                                                                                | 35552                                                                |
| (v) Transition classes containing third and fourth grade students;                                                                                                                                                                                                                                                                                                                                                                                                         | 35553<br>35554                                                       |
| (vi) Extended school day, week, or year;                                                                                                                                                                                                                                                                                                                                                                                                                                   | 35555                                                                |
| (vii) Summer reading camps.                                                                                                                                                                                                                                                                                                                                                                                                                                                | 35556                                                                |
| (b) Establish a policy for the mid-year promotion of a student retained under division (A) of this section who demonstrates that the student is reading at or above grade level;                                                                                                                                                                                                                                                                                           | 35557<br>35558<br>35559                                              |
| (c) Provide each student with a teacher who satisfies one or more of the criteria set forth in division (H) of this section.                                                                                                                                                                                                                                                                                                                                               | 35560<br>35561                                                       |
| The district shall offer the option for students to receive applicable services from one or more providers other than the district. Providers shall be screened and approved by the district or the department of education. If the student participates in the remediation services and demonstrates reading proficiency in accordance with standards adopted by the department prior to the start of fourth grade, the district shall promote the student to that grade. | 35562<br>35563<br>35564<br>35565<br>35566<br>35567<br>35568<br>35569 |
| (4) For each student retained under division (A) of this section who has demonstrated proficiency in a specific academic ability field, each district shall provide instruction commensurate with student achievement levels in that specific academic ability field.                                                                                                                                                                                                      | 35570<br>35571<br>35572<br>35573<br>35574                            |
| As used in this division, "specific academic ability field" has the same meaning as in section 3324.01 of the Revised Code.                                                                                                                                                                                                                                                                                                                                                | 35575<br>35576                                                       |
| (C) For each student required to be provided intervention                                                                                                                                                                                                                                                                                                                                                                                                                  | 35577                                                                |

services under this section, the district shall develop a reading 35578  
improvement and monitoring plan within sixty days after receiving 35579  
the student's results on the diagnostic assessment or comparable 35580  
tool administered under division (B)(1) of this section. The 35581  
district shall involve the student's parent or guardian and 35582  
classroom teacher in developing the plan. The plan shall include 35583  
all of the following: 35584

(1) Identification of the student's specific reading 35585  
deficiencies; 35586

(2) A description of the additional instructional services 35587  
and support that will be provided to the student to remediate the 35588  
identified reading deficiencies; 35589

(3) Opportunities for the student's parent or guardian to be 35590  
involved in the instructional services and support described in 35591  
division (C)(2) of this section; 35592

(4) A process for monitoring the extent to which the student 35593  
receives the instructional services and support described in 35594  
division (C)(2) of this section; 35595

(5) A reading curriculum during regular school hours that 35596  
does all of the following: 35597

(a) Assists students to read at grade level; 35598

(b) Provides scientifically based and reliable assessment; 35599

(c) Provides initial and ongoing analysis of each student's 35600  
reading progress. 35601

(6) A statement that if the student does not attain at least 35602  
the equivalent level of achievement designated under division 35603  
(A)(3) of section 3301.0710 of the Revised Code on the assessment 35604  
prescribed under that section to measure skill in English language 35605  
arts expected by the end of third grade, the student may be 35606  
retained in third grade. 35607

Each student with a reading improvement and monitoring plan 35608  
under this division who enters third grade after July 1, 2013, 35609  
shall be assigned to a teacher who satisfies one or more of the 35610  
criteria set forth in division (H) of this section. 35611

The district shall report any information requested by the 35612  
department about the reading improvement monitoring plans 35613  
developed under this division in the manner required by the 35614  
department. 35615

(D) Each school district shall report annually to the 35616  
department on its implementation and compliance with this section 35617  
using guidelines prescribed by the superintendent of public 35618  
instruction. The superintendent of public instruction annually 35619  
shall report to the governor and general assembly the number and 35620  
percentage of students in grades kindergarten through four reading 35621  
below grade level based on the diagnostic assessments administered 35622  
under division (B) of this section and the achievement assessments 35623  
administered under divisions (A)(1)(a) and (b) of section 35624  
3301.0710 of the Revised Code in English language arts, aggregated 35625  
by school district and building; the types of intervention 35626  
services provided to students; and, if available, an evaluation of 35627  
the efficacy of the intervention services provided. 35628

(E) Any summer remediation services funded in whole or in 35629  
part by the state and offered by school districts to students 35630  
under this section shall meet the following conditions: 35631

(1) The remediation methods are based on reliable educational 35632  
research. 35633

(2) The school districts conduct assessment before and after 35634  
students participate in the program to facilitate monitoring 35635  
results of the remediation services. 35636

(3) The parents of participating students are involved in 35637  
programming decisions. 35638

(F) Any intervention or remediation services required by this section shall include intensive, explicit, and systematic instruction. 35639  
35640  
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(G) This section does not create a new cause of action or a substantive legal right for any person. 35642  
35643

(H)(1) Except as provided under divisions (H)(2), (3), and (4) of this section, each student described in division (B)(3) or (C) of this section who enters third grade for the first time on or after July 1, 2013, shall be assigned a teacher who has at least one year of teaching experience and who satisfies one or more of the following criteria: 35644  
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(a) The teacher holds a reading endorsement on the teacher's license and has attained a passing score on the corresponding assessment for that endorsement, as applicable. 35650  
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(b) The teacher has completed a master's degree program with a major in reading. 35653  
35654

(c) The teacher was rated "most effective" for reading instruction consecutively for the most recent two years based on assessments of student growth measures developed by a vendor and that is on the list of student assessments approved by the state board under division (B)(2) of section 3319.112 of the Revised Code. 35655  
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(d) The teacher was rated "above expected value added," in reading instruction, as determined by criteria established by the department, for the most recent, consecutive two years. 35661  
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35663

(e) The teacher has earned a passing score on a rigorous test of principles of scientifically research-based reading instruction as approved by the state board. 35664  
35665  
35666

(f) The teacher holds an educator license for teaching grades pre-kindergarten through three or four through nine issued on or 35667  
35668

after July 1, 2017. 35669

(2) Notwithstanding division (H)(1) of this section, a 35670  
student described in division (B)(3) or (C) of this section who 35671  
enters third grade for the first time on or after July 1, 2013, 35672  
may be assigned to a teacher with less than one year of teaching 35673  
experience provided that the teacher meets one or more of the 35674  
criteria described in divisions (H)(1)(a) to (f) of this section 35675  
and that teacher is assigned a teacher mentor who meets the 35676  
qualifications of division (H)(1) of this section. 35677

(3) Notwithstanding division (H)(1) of this section, a 35678  
student described in division (B)(3) or (C) of this section who 35679  
enters third grade for the first time on or after July 1, 2013, 35680  
but prior to July 1, 2016, may be assigned to a teacher who holds 35681  
an alternative credential approved by the department or who has 35682  
successfully completed training that is based on principles of 35683  
scientifically research-based reading instruction that has been 35684  
approved by the department. Beginning on July 1, 2014, the 35685  
alternative credentials and training described in division (H)(3) 35686  
of this section shall be aligned with the reading competencies 35687  
adopted by the state board of education under section 3301.077 of 35688  
the Revised Code. 35689

(4) Notwithstanding division (H)(1) of this section, a 35690  
student described in division (B)(3) or (C) of this section who 35691  
enters third grade for the first time on or after July 1, 2013, 35692  
may receive reading intervention or remediation services under 35693  
this section from an individual employed as a speech-language 35694  
pathologist who holds a license issued by the state speech and 35695  
hearing professionals board under Chapter 4753. of the Revised 35696  
Code and a professional pupil services license as a school 35697  
speech-language pathologist issued by the state board of 35698  
education. 35699

(5) A teacher, other than a student's teacher of record, may 35700

provide any services required under this section, so long as that 35701  
other teacher meets the requirements of division (H) of this 35702  
section and the teacher of record and the school principal agree 35703  
to the assignment. Any such assignment shall be documented in the 35704  
student's reading improvement and monitoring plan. 35705

As used in this division, "teacher of record" means the 35706  
classroom teacher to whom a student is assigned. 35707

(I) Notwithstanding division (H) of this section, a teacher 35708  
may teach reading to any student who is an English language 35709  
learner, and has been in the United States for three years or 35710  
less, or to a student who has an individualized education program 35711  
developed under Chapter 3323. of the Revised Code if that teacher 35712  
holds an alternative credential approved by the department or has 35713  
successfully completed training that is based on principles of 35714  
scientifically research-based reading instruction that has been 35715  
approved by the department. Beginning on July 1, 2014, the 35716  
alternative credentials and training described in this division 35717  
shall be aligned with the reading competencies adopted by the 35718  
state board of education under section 3301.077 of the Revised 35719  
Code. 35720

(J) If, on or after June 4, 2013, a school district or 35721  
community school cannot furnish the number of teachers needed who 35722  
satisfy one or more of the criteria set forth in division (H) of 35723  
this section for the 2013-2014 school year, the school district or 35724  
community school shall develop and submit a staffing plan by June 35725  
30, 2013. The staffing plan shall include criteria that will be 35726  
used to assign a student described in division (B)(3) or (C) of 35727  
this section to a teacher, credentials or training held by 35728  
teachers currently teaching at the school, and how the school 35729  
district or community school will meet the requirements of this 35730  
section. The school district or community school shall post the 35731  
staffing plan on its web site for the applicable school year. 35732

Not later than March 1, 2014, and on the first day of March 35733  
in each year thereafter, a school district or community school 35734  
that has submitted a plan under this division shall submit to the 35735  
department a detailed report of the progress the district or 35736  
school has made in meeting the requirements under this section. 35737

A school district or community school may request an 35738  
extension of a staffing plan beyond the 2013-2014 school year. 35739  
Extension requests must be submitted to the department not later 35740  
than the thirtieth day of April prior to the start of the 35741  
applicable school year. The department may grant extensions valid 35742  
through the 2015-2016 school year. 35743

Until June 30, 2015, the department annually shall review all 35744  
staffing plans and report to the state board not later than the 35745  
thirtieth day of June of each year the progress of school 35746  
districts and community schools in meeting the requirements of 35747  
this section. 35748

(K) The department of education shall designate one or more 35749  
staff members to provide guidance and assistance to school 35750  
districts and community schools in implementing the third grade 35751  
guarantee established by this section, including any standards or 35752  
requirements adopted to implement the guarantee and to provide 35753  
information and support for reading instruction and achievement. 35754

**Sec. 3313.6011.** (A) As used in this section, "sexual 35755  
activity" has the same meaning as in section 2907.01 of the 35756  
Revised Code. 35757

(B) Instruction in venereal disease education pursuant to 35758  
division (A)(5)(c) of section 3313.60 of the Revised Code shall 35759  
emphasize that abstinence from sexual activity is the only 35760  
protection that is one hundred per cent effective against unwanted 35761  
pregnancy, sexually transmitted disease, and the sexual 35762  
transmission of a virus that causes acquired immunodeficiency 35763

syndrome. 35764

(C) ~~In adopting minimum standards under section 3301.07 of~~ 35765  
~~the Revised Code, the state board~~(1) The department of education 35766  
shall require course material and instruction in venereal disease 35767  
education courses taught pursuant to division (A)(5)(c) of section 35768  
3313.60 of the Revised Code to do all of the following: 35769

~~(1)~~(a) Stress that students should abstain from sexual 35770  
activity until after marriage; 35771

~~(2)~~(b) Teach the potential physical, psychological, 35772  
emotional, and social side effects of participating in sexual 35773  
activity outside of marriage; 35774

~~(3)~~(c) Teach that conceiving children out of wedlock is 35775  
likely to have harmful consequences for the child, the child's 35776  
parents, and society; 35777

~~(4)~~(d) Stress that sexually transmitted diseases are serious 35778  
possible hazards of sexual activity; 35779

~~(5)~~(e) Advise students of the laws pertaining to financial 35780  
responsibility of parents to children born in and out of wedlock; 35781

~~(6)~~(f) Advise students of the circumstances under which it is 35782  
criminal to have sexual contact with a person under the age of 35783  
sixteen pursuant to section 2907.04 of the Revised Code; 35784

~~(7)~~(g) Emphasize adoption as an option for unintended 35785  
pregnancies. 35786

(2) If a school district or school chooses to offer 35787  
additional instruction in venereal disease or sexual education not 35788  
specified in division (C)(1) of this section, the district or 35789  
school shall notify all parents or guardians of that instruction, 35790  
including the name of any instructor, vendor name, if applicable, 35791  
and the name of the curriculum being used. No district or school 35792  
shall offer that instruction to a student unless that student's 35793

parent or guardian has submitted written permission for that 35794  
student to receive that instruction. Division (E) of this section 35795  
does not apply to division (C)(2) of this section. 35796

(3) Upon request, a school district or school shall provide 35797  
any materials associated with the instruction offered under 35798  
divisions (C)(1) and (2) of this section to a parent or guardian. 35799

~~(D) Any model education program for health education the~~ 35800  
~~state board of education adopts shall conform to the requirements~~ 35801  
~~of this section. The state board of education shall not adopt a~~ 35802  
separate model education program for health education. 35803

(E) The department shall conduct an annual audit of each 35804  
city, local, and exempted village school district, at the start of 35805  
each school year, relative to its compliance with the instruction 35806  
requirements of this section and division (A)(5)(c) of section 35807  
3313.60 of the Revised Code. The department shall publish the 35808  
findings of each audit not later than one hundred twenty days 35809  
after the start of the school year. The department shall include 35810  
in the findings of each audit the name of any organization or 35811  
program that provided materials to a school district regarding 35812  
venereal disease instruction. The department's findings shall be 35813  
prominently posted on its web site. 35814

~~On and after March 18, 1999, and notwithstanding section~~ 35815  
~~3302.07 of the Revised Code, the (F) The superintendent of public~~ 35816  
~~instruction shall not approve, pursuant to section 3302.07 of the~~ 35817  
~~Revised Code, any waiver of any requirement of this section or of~~ 35818  
~~any rule adopted by the state board of education pursuant to this~~ 35819  
~~section.~~ 35820

**Sec. 3313.6013.** (A) As used in this section, "advanced 35821  
standing program" means a program that enables a student to earn 35822  
credit toward a degree from an institution of higher education 35823  
while enrolled in high school or that enables a student to 35824

|                                                                    |       |
|--------------------------------------------------------------------|-------|
| complete coursework while enrolled in high school that may earn    | 35825 |
| credit toward a degree from an institution of higher education     | 35826 |
| upon the student's attainment of a specified score on an           | 35827 |
| examination covering the coursework. Advanced standing programs    | 35828 |
| may include any of the following:                                  | 35829 |
| (1) The college credit plus program established under Chapter      | 35830 |
| 3365. of the Revised Code;                                         | 35831 |
| (2) Advanced placement courses;                                    | 35832 |
| (3) International baccalaureate diploma courses;                   | 35833 |
| (4) Early college high school programs.                            | 35834 |
| (B) Each city, local, exempted village, and joint vocational       | 35835 |
| school district and each chartered nonpublic high school shall     | 35836 |
| provide students enrolled in grades nine through twelve with the   | 35837 |
| opportunity to participate in an advanced standing program. For    | 35838 |
| this purpose, each school district and chartered nonpublic high    | 35839 |
| school shall offer at least one advanced standing program in       | 35840 |
| accordance with division (B)(1) or (2) of this section, as         | 35841 |
| applicable.                                                        | 35842 |
| (1) A city, local, or exempted village school district meets       | 35843 |
| the requirements of this division through its mandatory            | 35844 |
| participation in the college credit plus program established under | 35845 |
| Chapter 3365. of the Revised Code. However, a city, local, or      | 35846 |
| exempted village school district may offer any other advanced      | 35847 |
| standing program, in addition to the college credit plus program,  | 35848 |
| and each joint vocational school district shall offer at least one | 35849 |
| other advanced standing program, to students in good standing, as  | 35850 |
| defined by the partnership for continued learning under section    | 35851 |
| 3301.42 of the Revised Code as it existed prior to October 16,     | 35852 |
| 2009, or as subsequently defined by the department of education.   | 35853 |
| (2) A chartered nonpublic high school that elects to               | 35854 |

participate in the college credit plus program established under 35855  
Chapter 3365. of the Revised Code meets the requirements of this 35856  
division. Each chartered nonpublic high school that elects not to 35857  
participate in the college credit plus program instead shall offer 35858  
at least one other advanced standing program to students in good 35859  
standing, as defined by the partnership for continued learning 35860  
under section 3301.42 of the Revised Code as it existed prior to 35861  
October 16, 2009, or as subsequently defined by the department of 35862  
education. 35863

(C) Each school district and each chartered nonpublic high 35864  
school, at least annually, shall provide information about the 35865  
advanced standing programs offered by the district or school to 35866  
all students enrolled in grades six through eleven. The district 35867  
or school shall include information about all of the following: 35868

(1) The process colleges and universities use in awarding 35869  
credit for advanced placement and international baccalaureate 35870  
courses and examinations, including minimum scores required by 35871  
state institutions of higher education, as defined in section 35872  
3345.011 of the Revised Code, for a student to receive college 35873  
credit; 35874

(2) The availability of tuition and fee waivers for advanced 35875  
placement and international baccalaureate courses and 35876  
examinations; 35877

(3) The availability of online advanced placement or 35878  
international baccalaureate courses, including those that may be 35879  
available at no cost; 35880

(4) The benefits of earning postsecondary credit through 35881  
advanced placement or international baccalaureate courses; 35882

(5) The availability of advanced placement or international 35883  
baccalaureate courses offered throughout the district. 35884

The district or school may include additional information as 35885

determined appropriate by the district or school. 35886

(D) Except as provided for in Chapter 3365. of the Revised 35887  
Code, no city, local, exempted village, and joint vocational 35888  
school district shall charge an enrolled student an additional fee 35889  
or tuition for participation in any advanced standing program 35890  
offered by the district. Students may be required to pay the costs 35891  
associated with taking an advanced placement or international 35892  
baccalaureate examination. 35893

(E) Any agreement between a school district or school and an 35894  
associated college governing the operation of an early college 35895  
high school program shall be exempt from the requirements of the 35896  
college credit plus program, provided the program meets the 35897  
definition set forth in division (F)(2) of this section and is 35898  
approved by the superintendent of public instruction and the 35899  
chancellor of higher education. 35900

The college credit plus program also shall not govern any 35901  
advanced placement course or international baccalaureate diploma 35902  
course as described under this section. 35903

(F) As used in this section: 35904

(1) "Associated college" means a public or private college, 35905  
as defined in section 3365.01 of the Revised Code, which has 35906  
entered into an agreement with a school district or school to 35907  
establish an early college high school program, as described in 35908  
division (F)(2) of this section, and awards transcribed credit, 35909  
as defined in section 3365.01 of the Revised Code, to students 35910  
through that program. 35911

(2) "Early college high school program" means a partnership 35912  
between at least one school district or school and at least one 35913  
institution of higher education that allows participants to 35914  
simultaneously complete requirements toward earning a regular high 35915  
school diploma and have the opportunity to earn not less than 35916

twenty-four credits that are transferable to the institutions of 35917  
higher education in the partnership as part of an organized course 35918  
of study toward a post-secondary degree or credential at no cost 35919  
to the participant or participant's family. The program also shall 35920  
prioritize the following students: 35921

(a) Students who are underrepresented in regard to completing 35922  
post-secondary education; 35923

(b) Students who are economically disadvantaged, as defined 35924  
by the department of education; 35925

(c) Students whose parents did not earn a college degree. 35926

Sec. 3313.6026. (A) As used in this section, "school 35927  
governing authority" means any of the following: 35928

(1) The governing authority of a community school established 35929  
under Chapter 3314. of the Revised Code; 35930

(2) The governing body of a STEM school established under 35931  
Chapter 3326. of the Revised Code; 35932

(3) The board of trustees of a college-preparatory boarding 35933  
school established under Chapter 3328. of the Revised Code; 35934

(4) The governing authority of a chartered nonpublic school. 35935

(B) Each school district board of education and each school 35936  
governing authority that operates a high school shall enter into a 35937  
data sharing agreement with the chancellor of higher education for 35938  
the purposes of operating the free application for federal student 35939  
aid data system established under section 3333.301 of the Revised 35940  
Code. Each school district or school shall provide principals and 35941  
school counselors with access to the data system to assist with 35942  
efforts to support and encourage students to complete the free 35943  
application for federal student aid form. 35944

Sec. 3313.61. (A) A diploma shall be granted by the board of 35945

education of any city, exempted village, or local school district 35946  
that operates a high school to any person to whom all of the 35947  
following apply: 35948

(1) The person has successfully completed the curriculum in 35949  
any high school or the individualized education program developed 35950  
for the person by any high school pursuant to section 3323.08 of 35951  
the Revised Code, or has qualified under division (D) or (F) of 35952  
section 3313.603 of the Revised Code, provided that no school 35953  
district shall require a student to remain in school for any 35954  
specific number of semesters or other terms if the student 35955  
completes the required curriculum early; 35956

(2) Subject to section 3313.614 of the Revised Code, the 35957  
person has met the assessment requirements of division (A)(2)(a) 35958  
or (b) of this section, as applicable. 35959

(a) If the person entered the ninth grade prior to July 1, 35960  
2014, the person either: 35961

(i) Has attained at least the applicable scores designated 35962  
under division (B)(1) of section 3301.0710 of the Revised Code on 35963  
all the assessments required by that division unless the person 35964  
was excused from taking any such assessment pursuant to section 35965  
3313.532 of the Revised Code or unless division (H) or (L) of this 35966  
section applies to the person; 35967

(ii) Has satisfied the alternative conditions prescribed in 35968  
section 3313.615 of the Revised Code. 35969

(b) If the person entered the ninth grade on or after July 1, 35970  
2014, the person has met the requirement prescribed by section 35971  
3313.618 of the Revised Code, except to the extent that the person 35972  
is excused from an assessment prescribed by that section pursuant 35973  
to section 3313.532 of the Revised Code or division (H) or (L) of 35974  
this section. 35975

(3) The person is not eligible to receive an honors diploma 35976

granted pursuant to division (B) of this section. 35977

Except as provided in divisions (C), (E), (J), and (L) of 35978  
this section, no diploma shall be granted under this division to 35979  
anyone except as provided under this division. 35980

(B) In lieu of a diploma granted under division (A) of this 35981  
section, an honors diploma shall be granted, in accordance with 35982  
rules of the state board, by any such district board to anyone who 35983  
accomplishes all of the following: 35984

(1) Successfully completes the curriculum in any high school 35985  
or the individualized education program developed for the person 35986  
by any high school pursuant to section 3323.08 of the Revised 35987  
Code; 35988

(2) Subject to section 3313.614 of the Revised Code, has met 35989  
the assessment requirements of division (B)(2)(a) or (b) of this 35990  
section, as applicable. 35991

(a) If the person entered the ninth grade prior to July 1, 35992  
2014, the person either: 35993

(i) Has attained at least the applicable scores designated 35994  
under division (B)(1) of section 3301.0710 of the Revised Code on 35995  
all the assessments required by that division; 35996

(ii) Has satisfied the alternative conditions prescribed in 35997  
section 3313.615 of the Revised Code. 35998

(b) If the person entered the ninth grade on or after July 1, 35999  
2014, the person has met the requirement prescribed under section 36000  
3313.618 of the Revised Code. 36001

(3) Has met additional criteria established by the state 36002  
board for the granting of such a diploma. 36003

An honors diploma shall not be granted to a student who is 36004  
subject to the requirements prescribed in division (C) of section 36005  
3313.603 of the Revised Code but elects the option of division (D) 36006

or (F) of that section. Except as provided in divisions (C), (E), 36007  
and (J) of this section, no honors diploma shall be granted to 36008  
anyone failing to comply with this division and no more than one 36009  
honors diploma shall be granted to any student under this 36010  
division. 36011

The state board shall adopt rules prescribing the granting of 36012  
honors diplomas under this division. These rules may prescribe the 36013  
granting of honors diplomas that recognize a student's achievement 36014  
as a whole or that recognize a student's achievement in one or 36015  
more specific subjects or both. The rules may prescribe the 36016  
granting of an honors diploma recognizing technical expertise for 36017  
a career-technical student. In any case, the rules shall designate 36018  
two or more criteria for the granting of each type of honors 36019  
diploma the board establishes under this division and the number 36020  
of such criteria that must be met for the granting of that type of 36021  
diploma. The number of such criteria for any type of honors 36022  
diploma shall be at least one less than the total number of 36023  
criteria designated for that type and no one or more particular 36024  
criteria shall be required of all persons who are to be granted 36025  
that type of diploma. 36026

(C) Any district board administering any of the assessments 36027  
required by section 3301.0710 of the Revised Code to any person 36028  
requesting to take such assessment pursuant to division (B)(8)(b) 36029  
of section 3301.0711 of the Revised Code shall award a diploma to 36030  
such person if the person attains at least the applicable scores 36031  
designated under division (B)(1) of section 3301.0710 of the 36032  
Revised Code on all the assessments administered and if the person 36033  
has previously attained the applicable scores on all the other 36034  
assessments required by division (B)(1) of that section or has 36035  
been exempted or excused from attaining the applicable score on 36036  
any such assessment pursuant to division (H) or (L) of this 36037  
section or from taking any such assessment pursuant to section 36038

3313.532 of the Revised Code. 36039

(D) Each diploma awarded under this section shall be signed 36040  
by the president and treasurer of the issuing board, the 36041  
superintendent of schools, and the principal of the high school. 36042  
Each diploma shall bear the date of its issue, be in such form as 36043  
the district board prescribes, and be paid for out of the 36044  
district's general fund. 36045

(E) A person who is a resident of Ohio and is eligible under 36046  
state board of education minimum standards to receive a high 36047  
school diploma based in whole or in part on credits earned while 36048  
an inmate of a correctional institution operated by the state or 36049  
any political subdivision thereof, shall be granted such diploma 36050  
by the correctional institution operating the programs in which 36051  
such credits were earned, and by the board of education of the 36052  
school district in which the inmate resided immediately prior to 36053  
the inmate's placement in the institution. The diploma granted by 36054  
the correctional institution shall be signed by the director of 36055  
the institution, and by the person serving as principal of the 36056  
institution's high school and shall bear the date of issue. 36057

(F) Persons who are not residents of Ohio but who are inmates 36058  
of correctional institutions operated by the state or any 36059  
political subdivision thereof, and who are eligible under state 36060  
board of education minimum standards to receive a high school 36061  
diploma based in whole or in part on credits earned while an 36062  
inmate of the correctional institution, shall be granted a diploma 36063  
by the correctional institution offering the program in which the 36064  
credits were earned. The diploma granted by the correctional 36065  
institution shall be signed by the director of the institution and 36066  
by the person serving as principal of the institution's high 36067  
school and shall bear the date of issue. 36068

(G) The state board of education shall provide by rule for 36069  
the administration of the assessments required by sections 36070

3301.0710 and 3301.0712 of the Revised Code to inmates of 36071  
correctional institutions. 36072

(H) Any person to whom all of the following apply shall be 36073  
exempted from attaining the applicable score on the assessment in 36074  
social studies designated under division (B)(1) of section 36075  
3301.0710 of the Revised Code, any American history end-of-course 36076  
examination and any American government end-of-course examination 36077  
required under division (B) of section 3301.0712 of the Revised 36078  
Code if such an exemption is prescribed by rule of the state board 36079  
under division (D)(3) of section 3301.0712 of the Revised Code, or 36080  
the test in citizenship designated under former division (B) of 36081  
section 3301.0710 of the Revised Code as it existed prior to 36082  
September 11, 2001: 36083

(1) The person is not a citizen of the United States; 36084

(2) The person is not a permanent resident of the United 36085  
States; 36086

(3) The person indicates no intention to reside in the United 36087  
States after the completion of high school. 36088

(I) Notwithstanding division (D) of section 3311.19 and 36089  
division (D) of section 3311.52 of the Revised Code, this section 36090  
and section 3313.611 of the Revised Code do not apply to the board 36091  
of education of any joint vocational school district or any 36092  
cooperative education school district established pursuant to 36093  
divisions (A) to (C) of section 3311.52 of the Revised Code. 36094

(J) Upon receipt of a notice under division (D) of section 36095  
3325.08 or division (D) of section 3328.25 of the Revised Code 36096  
that a student has received a diploma under either section, the 36097  
board of education receiving the notice may grant a high school 36098  
diploma under this section to the student, except that such board 36099  
shall grant the student a diploma if the student meets the 36100  
graduation requirements that the student would otherwise have had 36101

to meet to receive a diploma from the district. The diploma 36102  
granted under this section shall be of the same type the notice 36103  
indicates the student received under section 3325.08 or 3328.25 of 36104  
the Revised Code. 36105

(K) As used in this division, "English learner" has the same 36106  
meaning as in division (C)(3) of section 3301.0711 of the Revised 36107  
Code. 36108

Notwithstanding division (C)(3) of section 3301.0711 of the 36109  
Revised Code, no English learner who has not either attained the 36110  
applicable scores designated under division (B)(1) of section 36111  
3301.0710 of the Revised Code on all the assessments required by 36112  
that division, or met the requirement prescribed by section 36113  
3313.618 of the Revised Code, shall be awarded a diploma under 36114  
this section. 36115

~~(L)~~(L)(1) Any student described by division (A)(1) of this 36116  
section who is subject to divisions (A)(1) to (3) of section 36117  
3313.618 of the Revised Code may be awarded a diploma without 36118  
meeting the ~~requirement~~requirements prescribed by ~~section 3313.618~~ 36119  
~~of the Revised Code~~ those divisions provided an individualized 36120  
education program specifically exempts the student from meeting 36121  
such requirement. This division does not negate the requirement 36122  
for a student to take the assessments prescribed by section 36123  
3301.0710 or under division (B) of section 3301.0712 of the 36124  
Revised Code, or alternate assessments required by division (C)(1) 36125  
of section 3301.0711 of the Revised Code, for the purpose of 36126  
assessing student progress as required by federal law. 36127

(2) Any student described by division (A)(1) of this section 36128  
who is subject to division (B) of section 3313.618 of the Revised 36129  
Code may be awarded a diploma without meeting the requirement 36130  
prescribed by division (B)(1) of that section provided the 36131  
student's individualized education program specifically exempts 36132  
the student from meeting that requirement and either division 36133

(L)(2)(a) or (b) of this section applies to the student, as follows: 36134  
36135

(a)(i) The student took an alternate assessment in mathematics and English language arts administered to the student in accordance with division (C)(1) of section 3301.0711 of the Revised Code and failed to attain a score established by the state board on one or both assessments. 36136  
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(ii) The school district offered remedial support to the student in each subject area in which the student did not attain the established score and the student received that support. 36141  
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(iii) The student retook each alternate assessment in which the student did not attain the established score and the student did not attain the established score on the retake assessment. 36144  
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(b)(i) The student took the Algebra I and English language arts II end-of-course examinations and failed to attain the competency score as determined under division (B)(10) of section 3301.0712 of the Revised Code on one or both examinations. 36147  
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(ii) The school district offered remedial support to the student in each subject area in which the student did not attain the competency score and the student received that support. 36151  
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(iii) The student retook each examination in which the student did not attain the competency score and the student did not attain the competency score on the retake examination. 36154  
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**Sec. 3313.618.** (A) In addition to the curriculum requirements specified by the board of education of a school district or governing authority of a chartered nonpublic school, each student entering ninth grade for the first time on or after July 1, 2014, but prior to July 1, 2019, shall satisfy at least one of the following conditions or the conditions prescribed under division (B) of this section in order to qualify for a high school diploma: 36157  
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(1) Be remediation-free, in accordance with standards adopted 36165  
under division (F) of section 3345.061 of the Revised Code, on 36166  
each of the nationally standardized assessments in English, 36167  
mathematics, and reading; 36168

(2) Attain a score specified under division (B)(5)(c) of 36169  
section 3301.0712 of the Revised Code on the end-of-course 36170  
examinations prescribed under division (B) of section 3301.0712 of 36171  
the Revised Code. 36172

(3) Attain a score that demonstrates workforce readiness and 36173  
employability on a nationally recognized job skills assessment 36174  
selected by the state board of education under division (G) of 36175  
section 3301.0712 of the Revised Code and obtain either an 36176  
industry-recognized credential or a license issued by a state 36177  
agency or board for practice in a vocation that requires an 36178  
examination for issuance of that license. 36179

For the purposes of this division, the industry-recognized 36180  
credentials and licenses shall be as approved under section 36181  
3313.6113 of the Revised Code. 36182

A student may choose to qualify for a high school diploma by 36183  
satisfying any of the separate requirements prescribed by 36184  
divisions (A)(1) to (3) of this section. If the student's school 36185  
district or school does not administer the examination prescribed 36186  
by one of those divisions that the student chooses to take to 36187  
satisfy the requirements of this section, the school district or 36188  
school may require that student to arrange for the applicable 36189  
scores to be sent directly to the district or school by the 36190  
company or organization that administers the examination. 36191

(B) In addition to the curriculum requirements specified by 36192  
the district board or school governing authority, each student 36193

entering ninth grade for the first time on or after July 1, 2019, 36194  
shall satisfy the following conditions in order to qualify for a 36195  
high school diploma: 36196

(1) ~~Attain~~ Except as otherwise provided in division (D) of 36197  
this section, attain a competency score as determined under 36198  
division (B)(10) of section 3301.0712 of the Revised Code on each 36199  
of the Algebra I and English language arts II end-of-course 36200  
examinations prescribed under division (B)(2) of section 3301.0712 36201  
of the Revised Code. 36202

School districts and chartered nonpublic schools shall offer 36203  
remedial support to any student who fails to attain a competency 36204  
score on one or both of the Algebra I and English language arts II 36205  
end-of-course examinations. 36206

Following the first administration of the exam, if a student 36207  
fails to attain a competency score on one or both of the Algebra I 36208  
and English language arts II end-of-course examinations that 36209  
student must retake the respective examination at least once. 36210

If a student fails to attain a competency score on a retake 36211  
examination, the student may demonstrate competency in the failed 36212  
subject area through one of the following options: 36213

(a) Earn course credit taken through the college credit plus 36214  
program established under Chapter 3365. of the Revised Code in the 36215  
failed subject area; 36216

(b) Complete two of the following options, one of which must 36217  
be foundational: 36218

(i) Foundational options to demonstrate competency, which 36219  
include earning a cumulative score of proficient or higher on 36220  
three or more state technical assessments aligned with section 36221  
3313.903 of the Revised Code in a single career pathway, obtaining 36222  
an industry-recognized credential, or group of credentials, 36223  
approved under section 3313.6113 of the Revised Code that is at 36224

least equal to the total number of points established under that 36225  
section to qualify for a high school diploma, obtaining a license 36226  
approved under section 3313.6113 of the Revised Code that is 36227  
issued by a state agency or board for practice in a vocation that 36228  
requires an examination for issuance of that license, completing a 36229  
pre-apprenticeship ~~or~~ aligned with options established under 36230  
section 3313.904 of the Revised Code in the student's chosen 36231  
career field, completing an apprenticeship registered with the 36232  
apprenticeship council established under section 4139.02 of the 36233  
Revised Code in the student's chosen career field, or providing 36234  
evidence of acceptance into an apprenticeship program after high 36235  
school that is restricted to participants eighteen years of age or 36236  
older; 36237

(ii) Supporting options to demonstrate competency, which 36238  
include completing two hundred fifty hours of a work-based 36239  
learning experience with evidence of positive evaluations, 36240  
obtaining an OhioMeansJobs-readiness seal under section 3313.6112 36241  
of the Revised Code, or attaining a workforce readiness score, as 36242  
determined by the department of education, on the nationally 36243  
recognized job skills assessment selected by the state board under 36244  
division (G) of section 3301.0712 of the Revised Code. 36245

(c) Provide evidence that the student has enlisted in a 36246  
branch of the armed services of the United States as defined in 36247  
section 5910.01 of the Revised Code. 36248

(d) Be remediation-free, in accordance with standards adopted 36249  
under division (F) of section 3345.061 of the Revised Code, in the 36250  
failed subject area on a nationally standardized assessment 36251  
prescribed under division (B)(1) of section 3301.0712 of the 36252  
Revised Code. For English language arts II, a student must be 36253  
remediation-free in the subjects of English and reading on the 36254  
nationally standardized assessment. 36255

~~For~~ Subject to division (L)(2) of section 3313.61 of the 36256

Revised Code, for any students receiving special education and 36257  
related services under Chapter 3323. of the Revised Code, the 36258  
individualized education program developed for the student under 36259  
that chapter shall specify the manner in which the student will 36260  
participate in the assessments administered under this division or 36261  
an alternate assessment in accordance with division (C)(1) of 36262  
section 3301.0711 of the Revised Code. 36263

(2) Earn at least two of the state diploma seals prescribed 36264  
under division (A) of section 3313.6114 of the Revised Code, at 36265  
least one of which shall be any of the following: 36266

(a) The state seal of biliteracy established under section 36267  
3313.6111 of the Revised Code; 36268

(b) The OhioMeansJobs-readiness seal established under 36269  
section 3313.6112 of the Revised Code; 36270

(c) One of the state diploma seals established under 36271  
divisions (C)(1) to (7) of section 3313.6114 of the Revised Code. 36272

(C) A student who transfers into an Ohio public or chartered 36273  
nonpublic high school from another state or enrolls in such a high 36274  
school after receiving home instruction or attending a 36275  
nonchartered, nontax-supported school in the previous school year 36276  
shall meet the requirements of division (B) of this section in 36277  
order to qualify for a high school diploma under that division. 36278  
However, any such student who transfers or enrolls after the start 36279  
of the student's twelfth grade year and fails to attain a 36280  
competency score on the Algebra I or English language arts II 36281  
end-of-course examination shall not be required to retake the 36282  
applicable examination prior to demonstrating competency in the 36283  
failed subject area under the options prescribed in divisions 36284  
(B)(1)(a) to (d) of this section. 36285

(D) A chartered nonpublic school student subject to division 36286  
(L)(3)(a)(ii) of section 3301.0711 of the Revised Code shall be 36287

considered to have demonstrated competency for the purposes of 36288  
division (B)(1) of this section if the student earns a 36289  
remediation-free score in the areas of English, mathematics, and 36290  
reading, in accordance with standards adopted under division (F) 36291  
of section 3345.061 of the Revised Code, on a nationally 36292  
standardized assessment prescribed under division (B)(1) of 36293  
section 3301.0712 of the Revised Code. No such student shall be 36294  
required to take the Algebra I or English language arts II 36295  
end-of-course examination under this section. 36296

(E) The state board of education shall not create or require 36297  
any additional assessment for the granting of any type of high 36298  
school diploma other than as prescribed by this section. Except as 36299  
provided in sections 3313.6111, 3313.6112, and 3313.6114 of the 36300  
Revised Code, the state board or the superintendent of public 36301  
instruction shall not create any endorsement or designation that 36302  
may be affiliated with a high school diploma. 36303

**Sec. 3313.619.** (A) In lieu of the ~~requirement~~ assessment 36304  
requirements prescribed by division (A) of section 3313.618 of the 36305  
Revised Code or the requirements to demonstrate competency and 36306  
earn diploma seals prescribed by division (B) of that section, a 36307  
chartered nonpublic school may grant a high school diploma to a 36308  
student who attains at least the designated score on an assessment 36309  
approved by the department of education under division (B) of this 36310  
section and selected by the school's governing authority. 36311

(B) For purposes of division (A) of this section, the 36312  
department shall approve assessments that meet the conditions 36313  
specified under division (C) of this section and shall designate 36314  
passing scores for each of those assessments. 36315

(C) Each assessment approved under division (B) of this 36316  
section shall be nationally norm-referenced, have internal 36317  
consistency reliability coefficients of at least "0.8," be 36318

standardized, have specific evidence of content, concurrent, or 36319  
criterion validity, have evidence of norming studies in the 36320  
previous ten years, have a measure of student achievement in core 36321  
academic areas, and have high validity evidenced by the alignment 36322  
of the assessment with nationally recognized content. 36323

(D) Nothing in this section shall prohibit a chartered 36324  
nonpublic school from granting a high school diploma to a student 36325  
if the student satisfies the ~~requirement~~ applicable requirements 36326  
prescribed by section 3313.618 of the Revised Code. 36327

**Sec. 3313.6113.** (A) The superintendent of public instruction, 36328  
in collaboration with the governor's office of workforce 36329  
transformation and representatives of business organizations, 36330  
shall establish a committee to develop a list of 36331  
industry-recognized credentials and licenses that may be used to 36332  
qualify for a high school diploma under ~~division (A)(3)~~ of section 36333  
3313.618 of the Revised Code and shall be used for state report 36334  
card purposes under section 3302.03 of the Revised Code. The state 36335  
superintendent shall appoint the members of the committee not 36336  
later than January 1, 2018. 36337

(B) The committee shall do the following: 36338

(1) Establish criteria for acceptable industry-recognized 36339  
credentials and licenses aligned with the in-demand jobs list 36340  
published by the department of job and family services; 36341

(2) Review the list of industry-recognized credentials and 36342  
licenses that was in existence on January 1, 2018, and update the 36343  
list as it considers necessary; 36344

(3) Review and update the list of industry-recognized 36345  
credentials and licenses at least biennially; 36346

(4) Assign a point value for each industry-recognized 36347  
credential and establish the total number of points for 36348

industry-recognized credentials that a student must earn to 36349  
qualify for a high school diploma under sections 3313.618 and 36350  
3313.6114 of the Revised Code. 36351

(C) For the purposes of calculating the percentage of 36352  
students prescribed under divisions (B)(2)(d) and (C)(2)(e) of 36353  
section 3302.03 of the Revised Code, the department of education 36354  
shall include only those students who earn an industry-recognized 36355  
credential, or group of credentials, at least equal to the total 36356  
number of points established by the committee under this section 36357  
to qualify for a high school diploma. 36358

**Sec. 3313.6114.** (A) The state board of education shall 36359  
establish a system of state diploma seals for the purposes of 36360  
allowing a student to qualify for graduation under section 36361  
3313.618 of the Revised Code. State diploma seals may be attached 36362  
or affixed to the high school diploma of a student enrolled in a 36363  
public or chartered nonpublic school. The system of state diploma 36364  
seals shall consist of all of the following: 36365

(1) The state seal of biliteracy established under section 36366  
3313.6111 of the Revised Code; 36367

(2) The OhioMeansJobs-readiness seal established under 36368  
section 3313.6112 of the Revised Code; 36369

(3) The state diploma seals prescribed under division (C) of 36370  
this section. 36371

(B) A school district, community school established under 36372  
Chapter 3314. of the Revised Code, STEM school established under 36373  
Chapter 3326. of the Revised Code, college-preparatory boarding 36374  
school established under Chapter 3328. of the Revised Code, or 36375  
chartered nonpublic school shall attach or affix the state seals 36376  
prescribed under division (C) of this section to the diploma and 36377  
transcript of a student enrolled in the district or school who 36378

meets the requirements established under that division. 36379

(C) The state board shall establish all of the following 36380  
state diploma seals: 36381

(1) An industry-recognized credential seal. A student shall 36382  
meet the requirement for this seal by ~~earning~~ doing either of the 36383  
following: 36384

(a) Earning an industry-recognized credential, or group of 36385  
credentials, approved under section 3313.6113 of the Revised Code 36386  
that is aligned both of the following: 36387

(i) At least equal to the total number of points established 36388  
under section 3313.6113 of the Revised Code to qualify for a high 36389  
school diploma; 36390

(ii) Aligned to a job that is determined to be in demand in 36391  
this state and its regions under section 6301.11 of the Revised 36392  
Code. 36393

(b) Obtaining a license approved under section 3313.6113 of 36394  
the Revised Code that is issued by a state agency or board for 36395  
practice in a vocation that requires an examination for issuance 36396  
of that license. 36397

(2) A college-ready seal. A student shall meet the 36398  
requirement for this seal by attaining a score that is 36399  
remediation-free, in accordance with standards adopted under 36400  
division (F) of section 3345.061 of the Revised Code, on a 36401  
nationally standardized assessment prescribed under division 36402  
(B)(1) of section 3301.0712 of the Revised Code. 36403

(3) A military enlistment seal. A student shall meet the 36404  
requirement for this seal by doing either of the following: 36405

(a) Providing evidence that the student has enlisted in a 36406  
branch of the armed services of the United States as defined in 36407  
section 5910.01 of the Revised Code; 36408

|                                                                                                                                                                                                                                                                                                                                           |                                                    |
|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|----------------------------------------------------|
| (b) Participating in a junior reserve officer training program approved by the congress of the United States under title 10 of the United States Code.                                                                                                                                                                                    | 36409<br>36410<br>36411                            |
| (4) A citizenship seal. A student shall meet the requirement for this seal by doing any of the following:                                                                                                                                                                                                                                 | 36412<br>36413                                     |
| (a) Demonstrating at least a proficient level of skill as prescribed under division (B)(5)(a) of section 3301.0712 of the Revised Code on both the American history and American government end-of-course examinations prescribed under division (B)(2) of section 3301.0712 of the Revised Code;                                         | 36414<br>36415<br>36416<br>36417<br>36418          |
| (b) Attaining a score level prescribed under division (B)(5)(d) of section 3301.0712 of the Revised Code that is at least the equivalent of a proficient level of skill in appropriate advanced placement or international baccalaureate examinations in lieu of the American history and American government end-of-course examinations; | 36419<br>36420<br>36421<br>36422<br>36423<br>36424 |
| (c) <del>Attaining</del> <u>In lieu of the American history and American government end-of-course examinations, attaining</u> a final course grade that is the equivalent of a "B" or higher in <del>appropriate</del> <u>either:</u>                                                                                                     | 36425<br>36426<br>36427<br>36428                   |
| <u>(i) An American history course and an American government course that are offered by the student's high school;</u>                                                                                                                                                                                                                    | 36429<br>36430                                     |
| <u>(ii) Appropriate</u> courses taken through the college credit plus program established under Chapter 3365. of the Revised Code <del>in lieu of the American history and American government end of course examinations.</del>                                                                                                          | 36431<br>36432<br>36433<br>36434                   |
| <u>(d) In the case of a student who takes an alternate assessment in accordance with division (C)(1) of section 3301.0711 of the Revised Code, attaining a score established by the state board on the alternate assessment in social studies;</u>                                                                                        | 36435<br>36436<br>36437<br>36438                   |

(e) In the case of a student who transfers into an Ohio public or chartered nonpublic high school from another state or who enrolls in an Ohio public or chartered nonpublic high school after receiving home instruction or attending a nonchartered, nontax-supported school in the previous school year, attaining a final course grade that is the equivalent of a "B" or higher in courses that correspond with the American history and American government end-of-course examinations and that the student completed in the state from which the student transferred or completed while receiving home instruction or attending a nonchartered, nontax-supported school. Division (C)(4)(e) of this section does not apply to any such student with respect to an American history or American government course for which an end-of-course examination is associated that the student takes after enrolling in the high school.

(5) A science seal. A student shall meet the requirement for this seal by doing any of the following:

(a) Demonstrating at least a proficient level of skill as prescribed under division (B)(5)(a) of section 3301.0712 of the Revised Code on the science end-of-course examination prescribed under division (B)(2) of section 3301.0712 of the Revised Code;

(b) Attaining a score level prescribed under division (B)(5)(d) of section 3301.0712 of the Revised Code that is at least the equivalent of a proficient level of skill in an appropriate advanced placement or international baccalaureate examination in lieu of the science end-of-course examination;

(c) Attaining In lieu of the science end-of-course examination, attaining a final course grade that is the equivalent of a "B" or higher in ~~an~~ either:

(i) A science course listed in divisions (C)(5)(c)(i) to (iii) of section 3313.603 of the Revised Code that is offered by

the student's high school; 36470

(ii) An appropriate course taken through the college credit plus program established under Chapter 3365. of the Revised Code in lieu of the science end-of-course examination. 36471  
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(d) In the case of a student who takes an alternate assessment in accordance with division (C)(1) of section 3301.0711 of the Revised Code, attaining a score established by the state board on the alternate assessment in science; 36474  
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(e) In the case of a student who transfers into an Ohio public or chartered nonpublic high school from another state or enrolls in an Ohio public or chartered nonpublic high school after receiving home instruction or attending a nonchartered, nontax-supported school in the previous school year, attaining a final course grade that is the equivalent of a "B" or higher in a course that corresponds with the science end-of-course examination and that the student completed in the state from which the student transferred or completed while receiving home instruction or attending a nonchartered, nontax-supported school. Division (C)(5)(e) of this section does not apply to any such student who takes a science course for which an end-of-course examination is associated after enrolling in the high school. 36478  
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(6) An honors diploma seal. A student shall meet the requirement for this seal by meeting the additional criteria for an honors diploma under division (B) of section 3313.61 of the Revised Code. 36491  
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(7) A technology seal. A student shall meet the requirement for this seal by doing any of the following: 36495  
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(a) Subject to division (B)(5)(d) of section 3301.0712 of the Revised Code, attaining a score level that is at least the equivalent of a proficient level of skill in an appropriate advanced placement or international baccalaureate examination; 36497  
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(b) Attaining a final course grade that is the equivalent of a "B" or higher in an appropriate course taken through the college credit plus program established under Chapter 3365. of the Revised Code;

(c) Completing a course offered through the student's district or school that meets guidelines developed by the department of education. However, a district or school shall not be required to offer a course that meets guidelines developed by the department.

(d) In the case of a student who transfers into an Ohio public or chartered nonpublic high school from another state or enrolls in an Ohio public or chartered nonpublic high school after receiving home instruction or attending a nonchartered, nontax-supported school in the previous school year, attaining a final course grade that is the equivalent of a "B" or higher in an appropriate course, as determined by the district or school, that the student completed in the state from which the student transferred or completed while receiving home instruction or attending a nonchartered, nontax-supported school.

(8) A community service seal. A student shall meet the requirement for this seal by completing a community service project that is aligned with guidelines adopted by the student's district board or school governing authority.

(9) A fine and performing arts seal. A student shall meet the requirement for this seal by demonstrating skill in the fine or performing arts according to an evaluation that is aligned with guidelines adopted by the student's district board or school governing authority.

(10) A student engagement seal. A student shall meet the requirement for this seal by participating in extracurricular activities such as athletics, clubs, or student government to a

meaningful extent, as determined by guidelines adopted by the 36532  
student's district board or school governing authority. 36533

~~(D)~~(D)(1) Each district or school shall develop guidelines 36534  
for at least one of the state seals prescribed under divisions 36535  
(C)(8) to (10) of this section. 36536

(2) For the purposes of determining whether a student who 36537  
transfers to a district or school has satisfied the state diploma 36538  
seal requirement under division (B)(2) of section 3313.618 of the 36539  
Revised Code, each district or school shall recognize a state 36540  
diploma seal prescribed under divisions (C)(8) to (10) of this 36541  
section and earned by a student at another district or a different 36542  
public or chartered nonpublic school regardless of whether the 36543  
district or school to which the student transfers has developed 36544  
guidelines under this section for that state seal. 36545

(3) In guidelines developed for a state diploma seal 36546  
prescribed under divisions (C)(8) to (10) of this section, each 36547  
district or school shall include a method to give, to the extent 36548  
feasible, a student who transfers into the district or school a 36549  
proportional amount of credit for any progress the student was 36550  
making toward earning that state seal at the school district or 36551  
different public or chartered nonpublic school from which the 36552  
student transfers. 36553

(E) Each district or school shall maintain appropriate 36554  
records to identify students who have met the requirements 36555  
prescribed under division (C) of this section for earning the 36556  
state seals established under that division. 36557

(F) The department shall prepare and deliver to each district 36558  
or school an appropriate mechanism for assigning a state diploma 36559  
seal established under division (C) of this section. 36560

(G) A student shall not be charged a fee to be assigned a 36561  
state seal prescribed under division (C) of this section on the 36562

student's diploma and transcript. 36563

**Sec. 3313.63.** Boards of education may dismiss the schools 36564  
under their control on the first day of January, the third Monday 36565  
in January, the third Monday in February, the day designated in 36566  
the "Act of June 28, 1968," 82 Stat. 250, 5 U.S.C. 6103, as 36567  
amended, for the commemoration of Memorial day, the nineteenth day 36568  
of June, the fourth day of July, the first Monday in September, 36569  
the second Monday in October, the eleventh day of November, or the 36570  
succeeding Monday when that day falls on a Sunday, the fourth 36571  
Thursday in November, and the twenty-fifth day of December, on any 36572  
day set apart by proclamation of the president of the United 36573  
States or the governor of this state as a day of fast, 36574  
thanksgiving, or mourning, or on the days approved by the board 36575  
for teachers' attendance at an educational meeting. 36576

**Sec. 3313.64.** (A) As used in this section and in section 36577  
3313.65 of the Revised Code: 36578

(1)(a) Except as provided in division (A)(1)(b) of this 36579  
section, "parent" means either parent, unless the parents are 36580  
separated or divorced or their marriage has been dissolved or 36581  
annulled, in which case "parent" means the parent who is the 36582  
residential parent and legal custodian of the child. When a child 36583  
is in the legal custody of a government agency or a person other 36584  
than the child's natural or adoptive parent, "parent" means the 36585  
parent with residual parental rights, privileges, and 36586  
responsibilities. When a child is in the permanent custody of a 36587  
government agency or a person other than the child's natural or 36588  
adoptive parent, "parent" means the parent who was divested of 36589  
parental rights and responsibilities for the care of the child and 36590  
the right to have the child live with the parent and be the legal 36591  
custodian of the child and all residual parental rights, 36592  
privileges, and responsibilities. 36593

(b) When a child is the subject of a power of attorney 36594  
executed under sections 3109.51 to 3109.62 of the Revised Code, 36595  
"parent" means the grandparent designated as attorney in fact 36596  
under the power of attorney. When a child is the subject of a 36597  
caretaker authorization affidavit executed under sections 3109.64 36598  
to 3109.73 of the Revised Code, "parent" means the grandparent 36599  
that executed the affidavit. 36600

(2) "Legal custody," "permanent custody," and "residual 36601  
parental rights, privileges, and responsibilities" have the same 36602  
meanings as in section 2151.011 of the Revised Code. 36603

(3) "School district" or "district" means a city, local, or 36604  
exempted village school district and excludes any school operated 36605  
in an institution maintained by the department of youth services. 36606

(4) Except as used in division (C)(2) of this section, "home" 36607  
means a home, institution, foster home, group home, or other 36608  
residential facility in this state that receives and cares for 36609  
children, to which any of the following applies: 36610

(a) The home is licensed, certified, or approved for such 36611  
purpose by the state or is maintained by the department of youth 36612  
services. 36613

(b) The home is operated by a person who is licensed, 36614  
certified, or approved by the state to operate the home for such 36615  
purpose. 36616

(c) The home accepted the child through a placement by a 36617  
person licensed, certified, or approved to place a child in such a 36618  
home by the state. 36619

(d) The home is a children's home created under section 36620  
5153.21 or 5153.36 of the Revised Code. 36621

(5) "Agency" means all of the following: 36622

(a) A public children services agency; 36623

(b) An organization that holds a certificate issued by the Ohio department of job and family services in accordance with the requirements of section 5103.03 of the Revised Code and assumes temporary or permanent custody of children through commitment, agreement, or surrender, and places children in family homes for the purpose of adoption;

(c) Comparable agencies of other states or countries that have complied with applicable requirements of section 2151.39 of the Revised Code or as applicable, sections 5103.20 to 5103.22 or 5103.23 to 5103.237 of the Revised Code.

(6) A child is placed for adoption if either of the following occurs:

(a) An agency to which the child has been permanently committed or surrendered enters into an agreement with a person pursuant to section 5103.16 of the Revised Code for the care and adoption of the child.

(b) The child's natural parent places the child pursuant to section 5103.16 of the Revised Code with a person who will care for and adopt the child.

(7) "Preschool child with a disability" has the same meaning as in section 3323.01 of the Revised Code.

(8) "Child," unless otherwise indicated, includes preschool children with disabilities.

(9) "Active duty" means active duty pursuant to an executive order of the president of the United States, an act of the congress of the United States, or section 5919.29 or 5923.21 of the Revised Code.

(B) Except as otherwise provided in section 3321.01 of the Revised Code for admittance to kindergarten and first grade, a child who is at least five but under twenty-two years of age and

any preschool child with a disability shall be admitted to school 36654  
as provided in this division. 36655

(1) A child shall be admitted to the schools of the school 36656  
district in which the child's parent resides. 36657

(2) Except as provided in division (B) of section 2151.362 36658  
and section 3317.30 of the Revised Code, a child who does not 36659  
reside in the district where the child's parent resides shall be 36660  
admitted to the schools of the district in which the child resides 36661  
if any of the following applies: 36662

(a) The child is in the legal or permanent custody of a 36663  
government agency or a person other than the child's natural or 36664  
adoptive parent. 36665

(b) The child resides in a home. 36666

(c) The child requires special education. 36667

(3) A child who is not entitled under division (B)(2) of this 36668  
section to be admitted to the schools of the district where the 36669  
child resides and who is residing with a resident of this state 36670  
with whom the child has been placed for adoption shall be admitted 36671  
to the schools of the district where the child resides unless 36672  
either of the following applies: 36673

(a) The placement for adoption has been terminated. 36674

(b) Another school district is required to admit the child 36675  
under division (B)(1) of this section. 36676

Division (B) of this section does not prohibit the board of 36677  
education of a school district from placing a child with a 36678  
disability who resides in the district in a special education 36679  
program outside of the district or its schools in compliance with 36680  
Chapter 3323. of the Revised Code. 36681

(C) A district shall not charge tuition for children admitted 36682  
under division (B)(1) or (3) of this section. If the district 36683

admits a child under division (B)(2) of this section, tuition 36684  
shall be paid to the district that admits the child as provided in 36685  
divisions (C)(1) to (3) of this section, unless division (C)(4) of 36686  
this section applies to the child: 36687

(1) If the child receives special education in accordance 36688  
with Chapter 3323. of the Revised Code, the school district of 36689  
residence, as defined in section 3323.01 of the Revised Code, 36690  
shall pay tuition for the child in accordance with section 36691  
3323.091, 3323.13, 3323.14, or 3323.141 of the Revised Code 36692  
regardless of who has custody of the child or whether the child 36693  
resides in a home. 36694

(2) For a child that does not receive special education in 36695  
accordance with Chapter 3323. of the Revised Code, except as 36696  
otherwise provided in division (C)(2)(d) of this section, if the 36697  
child is in the permanent or legal custody of a government agency 36698  
or person other than the child's parent, tuition shall be paid by: 36699

(a) The district in which the child's parent resided at the 36700  
time the court removed the child from home or at the time the 36701  
court vested legal or permanent custody of the child in the person 36702  
or government agency, whichever occurred first; 36703

(b) If the parent's residence at the time the court removed 36704  
the child from home or placed the child in the legal or permanent 36705  
custody of the person or government agency is unknown, tuition 36706  
shall be paid by the district in which the child resided at the 36707  
time the child was removed from home or placed in legal or 36708  
permanent custody, whichever occurred first; 36709

(c) If a school district cannot be established under division 36710  
(C)(2)(a) or (b) of this section, tuition shall be paid by the 36711  
district determined as required by section 2151.362 of the Revised 36712  
Code by the court at the time it vests custody of the child in the 36713  
person or government agency; 36714

(d) If at the time the court removed the child from home or vested legal or permanent custody of the child in the person or government agency, whichever occurred first, one parent was in a residential or correctional facility or a juvenile residential placement and the other parent, if living and not in such a facility or placement, was not known to reside in this state, tuition shall be paid by the district determined under division (D) of section 3313.65 of the Revised Code as the district required to pay any tuition while the parent was in such facility or placement;

(e) If the department of education has determined, pursuant to division (A)(2) of section 2151.362 of the Revised Code, that a school district other than the one named in the court's initial order, or in a prior determination of the department, is responsible to bear the cost of educating the child, the district so determined shall be responsible for that cost.

(3) If the child is not in the permanent or legal custody of a government agency or person other than the child's parent and the child resides in a home, tuition shall be paid by one of the following:

(a) The school district in which the child's parent resides;

(b) If the child's parent is not a resident of this state, the home in which the child resides.

(4) Division (C)(4) of this section applies to any child who is admitted to a school district under division (B)(2) of this section, resides in a home that is not a foster home, a home maintained by the department of youth services, a detention facility established under section 2152.41 of the Revised Code, or a juvenile facility established under section 2151.65 of the Revised Code, and receives educational services at the home or facility in which the child resides pursuant to a contract between

the home or facility and the school district providing those 36746  
services. 36747

If a child to whom division (C)(4) of this section applies is 36748  
a special education student, a district may choose whether to 36749  
receive a tuition payment for that child under division (C)(4) of 36750  
this section or to receive a payment for that child under section 36751  
3323.14 of the Revised Code. If a district chooses to receive a 36752  
payment for that child under section 3323.14 of the Revised Code, 36753  
it shall not receive a tuition payment for that child under 36754  
division (C)(4) of this section. 36755

If a child to whom division (C)(4) of this section applies is 36756  
not a special education student, a district shall receive a 36757  
tuition payment for that child under division (C)(4) of this 36758  
section. 36759

In the case of a child to which division (C)(4) of this 36760  
section applies, the total educational cost to be paid for the 36761  
child shall be determined by a formula approved by the department 36762  
of education, which formula shall be designed to calculate a per 36763  
diem cost for the educational services provided to the child for 36764  
each day the child is served and shall reflect the total actual 36765  
cost incurred in providing those services. The department shall 36766  
certify the total educational cost to be paid for the child to 36767  
both the school district providing the educational services and, 36768  
if different, the school district that is responsible to pay 36769  
tuition for the child. The department shall deduct the certified 36770  
amount from the state basic aid funds payable under Chapter 3317. 36771  
of the Revised Code to the district responsible to pay tuition and 36772  
shall pay that amount to the district providing the educational 36773  
services to the child. 36774

(D) Tuition required to be paid under divisions (C)(2) and 36775  
(3)(a) of this section shall be computed in accordance with 36776  
section 3317.08 of the Revised Code. Tuition required to be paid 36777

under division (C)(3)(b) of this section shall be computed in 36778  
accordance with section 3317.081 of the Revised Code. If a home 36779  
fails to pay the tuition required by division (C)(3)(b) of this 36780  
section, the board of education providing the education may 36781  
recover in a civil action the tuition and the expenses incurred in 36782  
prosecuting the action, including court costs and reasonable 36783  
attorney's fees. If the prosecuting attorney or city director of 36784  
law represents the board in such action, costs and reasonable 36785  
attorney's fees awarded by the court, based upon the prosecuting 36786  
attorney's, director's, or one of their designee's time spent 36787  
preparing and presenting the case, shall be deposited in the 36788  
county or city general fund. 36789

(E) A board of education may enroll a child free of any 36790  
tuition obligation for a period not to exceed sixty days, on the 36791  
sworn statement of an adult resident of the district that the 36792  
resident has initiated legal proceedings for custody of the child. 36793

(F) In the case of any individual entitled to attend school 36794  
under this division, no tuition shall be charged by the school 36795  
district of attendance and no other school district shall be 36796  
required to pay tuition for the individual's attendance. 36797  
Notwithstanding division (B), (C), or (E) of this section: 36798

(1) All persons at least eighteen but under twenty-two years 36799  
of age who live apart from their parents, support themselves by 36800  
their own labor, and have not successfully completed the high 36801  
school curriculum or the individualized education program 36802  
developed for the person by the high school pursuant to section 36803  
3323.08 of the Revised Code, are entitled to attend school in the 36804  
district in which they reside. 36805

(2) Any child under eighteen years of age who is married is 36806  
entitled to attend school in the child's district of residence. 36807

(3) A child is entitled to attend school in the district in 36808

which either of the child's parents is employed if the child has a 36809  
medical condition that may require emergency medical attention. 36810  
The parent of a child entitled to attend school under division 36811  
(F)(3) of this section shall submit to the board of education of 36812  
the district in which the parent is employed a statement from the 36813  
child's physician certifying that the child's medical condition 36814  
may require emergency medical attention. The statement shall be 36815  
supported by such other evidence as the board may require. 36816

(4) Any child residing with a person other than the child's 36817  
parent is entitled, for a period not to exceed twelve months, to 36818  
attend school in the district in which that person resides if the 36819  
child's parent files an affidavit with the superintendent of the 36820  
district in which the person with whom the child is living resides 36821  
stating all of the following: 36822

(a) That the parent is serving outside of the state in the 36823  
armed services of the United States; 36824

(b) That the parent intends to reside in the district upon 36825  
returning to this state; 36826

(c) The name and address of the person with whom the child is 36827  
living while the parent is outside the state. 36828

(5) Any child under the age of twenty-two years who, after 36829  
the death of a parent, resides in a school district other than the 36830  
district in which the child attended school at the time of the 36831  
parent's death is entitled to continue to attend school in the 36832  
district in which the child attended school at the time of the 36833  
parent's death for the remainder of the school year, subject to 36834  
approval of that district board. 36835

(6) A child under the age of twenty-two years who resides 36836  
with a parent who is having a new house built in a school district 36837  
outside the district where the parent is residing is entitled to 36838  
attend school for a period of time in the district where the new 36839

house is being built. In order to be entitled to such attendance, 36840  
the parent shall provide the district superintendent with the 36841  
following: 36842

(a) A sworn statement explaining the situation, revealing the 36843  
location of the house being built, and stating the parent's 36844  
intention to reside there upon its completion; 36845

(b) A statement from the builder confirming that a new house 36846  
is being built for the parent and that the house is at the 36847  
location indicated in the parent's statement. 36848

(7) A child under the age of twenty-two years residing with a 36849  
parent who has a contract to purchase a house in a school district 36850  
outside the district where the parent is residing and who is 36851  
waiting upon the date of closing of the mortgage loan for the 36852  
purchase of such house is entitled to attend school for a period 36853  
of time in the district where the house is being purchased. In 36854  
order to be entitled to such attendance, the parent shall provide 36855  
the district superintendent with the following: 36856

(a) A sworn statement explaining the situation, revealing the 36857  
location of the house being purchased, and stating the parent's 36858  
intent to reside there; 36859

(b) A statement from a real estate broker or bank officer 36860  
confirming that the parent has a contract to purchase the house, 36861  
that the parent is waiting upon the date of closing of the 36862  
mortgage loan, and that the house is at the location indicated in 36863  
the parent's statement. 36864

The district superintendent shall establish a period of time 36865  
not to exceed ninety days during which the child entitled to 36866  
attend school under division (F)(6) or (7) of this section may 36867  
attend without tuition obligation. A student attending a school 36868  
under division (F)(6) or (7) of this section shall be eligible to 36869  
participate in interscholastic athletics under the auspices of 36870

that school, provided the board of education of the school 36871  
district where the student's parent resides, by a formal action, 36872  
releases the student to participate in interscholastic athletics 36873  
at the school where the student is attending, and provided the 36874  
student receives any authorization required by a public agency or 36875  
private organization of which the school district is a member 36876  
exercising authority over interscholastic sports. 36877

(8) A child whose parent is a full-time employee of a city, 36878  
local, or exempted village school district, or of an educational 36879  
service center, may be admitted to the schools of the district 36880  
where the child's parent is employed, or in the case of a child 36881  
whose parent is employed by an educational service center, in the 36882  
district that serves the location where the parent's job is 36883  
primarily located, provided the district board of education 36884  
establishes such an admission policy by resolution adopted by a 36885  
majority of its members. Any such policy shall take effect on the 36886  
first day of the school year and the effective date of any 36887  
amendment or repeal may not be prior to the first day of the 36888  
subsequent school year. The policy shall be uniformly applied to 36889  
all such children and shall provide for the admission of any such 36890  
child upon request of the parent. No child may be admitted under 36891  
this policy after the first day of classes of any school year. 36892

(9) A child who is with the child's parent under the care of 36893  
a shelter for victims of domestic violence, as defined in section 36894  
3113.33 of the Revised Code, is entitled to attend school free in 36895  
the district in which the child is with the child's parent, and no 36896  
other school district shall be required to pay tuition for the 36897  
child's attendance in that school district. 36898

The enrollment of a child in a school district under this 36899  
division shall not be denied due to a delay in the school 36900  
district's receipt of any records required under section 3313.672 36901  
of the Revised Code or any other records required for enrollment. 36902

Any days of attendance and any credits earned by a child while 36903  
enrolled in a school district under this division shall be 36904  
transferred to and accepted by any school district in which the 36905  
child subsequently enrolls. The state board of education shall 36906  
adopt rules to ensure compliance with this division. 36907

(10) Any child under the age of twenty-two years whose parent 36908  
has moved out of the school district after the commencement of 36909  
classes in the child's senior year of high school is entitled, 36910  
subject to the approval of that district board, to attend school 36911  
in the district in which the child attended school at the time of 36912  
the parental move for the remainder of the school year and for one 36913  
additional semester or equivalent term. A district board may also 36914  
adopt a policy specifying extenuating circumstances under which a 36915  
student may continue to attend school under division (F)(10) of 36916  
this section for an additional period of time in order to 36917  
successfully complete the high school curriculum for the 36918  
individualized education program developed for the student by the 36919  
high school pursuant to section 3323.08 of the Revised Code. 36920

(11) As used in this division, "grandparent" means a parent 36921  
of a parent of a child. A child under the age of twenty-two years 36922  
who is in the custody of the child's parent, resides with a 36923  
grandparent, and does not require special education is entitled to 36924  
attend the schools of the district in which the child's 36925  
grandparent resides, provided that, prior to such attendance in 36926  
any school year, the board of education of the school district in 36927  
which the child's grandparent resides and the board of education 36928  
of the school district in which the child's parent resides enter 36929  
into a written agreement specifying that good cause exists for 36930  
such attendance, describing the nature of this good cause, and 36931  
consenting to such attendance. 36932

In lieu of a consent form signed by a parent, a board of 36933  
education may request the grandparent of a child attending school 36934

in the district in which the grandparent resides pursuant to 36935  
division (F)(11) of this section to complete any consent form 36936  
required by the district, including any authorization required by 36937  
sections 3313.712, 3313.713, 3313.716, and 3313.718 of the Revised 36938  
Code. Upon request, the grandparent shall complete any consent 36939  
form required by the district. A school district shall not incur 36940  
any liability solely because of its receipt of a consent form from 36941  
a grandparent in lieu of a parent. 36942

Division (F)(11) of this section does not create, and shall 36943  
not be construed as creating, a new cause of action or substantive 36944  
legal right against a school district, a member of a board of 36945  
education, or an employee of a school district. This section does 36946  
not affect, and shall not be construed as affecting, any 36947  
immunities from defenses to tort liability created or recognized 36948  
by Chapter 2744. of the Revised Code for a school district, 36949  
member, or employee. 36950

(12) A child under the age of twenty-two years is entitled to 36951  
attend school in a school district other than the district in 36952  
which the child is entitled to attend school under division (B), 36953  
(C), or (E) of this section provided that, prior to such 36954  
attendance in any school year, both of the following occur: 36955

(a) The superintendent of the district in which the child is 36956  
entitled to attend school under division (B), (C), or (E) of this 36957  
section contacts the superintendent of another district for 36958  
purposes of this division; 36959

(b) The superintendents of both districts enter into a 36960  
written agreement that consents to the attendance and specifies 36961  
that the purpose of such attendance is to protect the student's 36962  
physical or mental well-being or to deal with other extenuating 36963  
circumstances deemed appropriate by the superintendents. 36964

While an agreement is in effect under this division for a 36965

student who is not receiving special education under Chapter 3323. 36966  
of the Revised Code and notwithstanding Chapter 3327. of the 36967  
Revised Code, the board of education of neither school district 36968  
involved in the agreement is required to provide transportation 36969  
for the student to and from the school where the student attends. 36970

A student attending a school of a district pursuant to this 36971  
division shall be allowed to participate in all student 36972  
activities, including interscholastic athletics, at the school 36973  
where the student is attending on the same basis as any student 36974  
who has always attended the schools of that district while of 36975  
compulsory school age. 36976

(13) All school districts shall comply with the 36977  
"McKinney-Vento Homeless Assistance Act," 42 U.S.C.A. 11431 et 36978  
seq., for the education of homeless children. Each city, local, 36979  
and exempted village school district shall comply with the 36980  
requirements of that act governing the provision of a free, 36981  
appropriate public education, including public preschool, to each 36982  
homeless child. 36983

When a child loses permanent housing and becomes a homeless 36984  
person, as defined in 42 U.S.C.A. 11481(5), or when a child who is 36985  
such a homeless person changes temporary living arrangements, the 36986  
child's parent or guardian shall have the option of enrolling the 36987  
child in either of the following: 36988

(a) The child's school of origin, as defined in 42 U.S.C.A. 36989  
11432(g)(3)(C); 36990

(b) The school that is operated by the school district in 36991  
which the shelter where the child currently resides is located and 36992  
that serves the geographic area in which the shelter is located. 36993

(14) A child under the age of twenty-two years who resides 36994  
with a person other than the child's parent is entitled to attend 36995  
school in the school district in which that person resides if both 36996

of the following apply: 36997

(a) That person has been appointed, through a military power 36998  
of attorney executed under section 574(a) of the "National Defense 36999  
Authorization Act for Fiscal Year 1994," 107 Stat. 1674 (1993), 10 37000  
U.S.C. 1044b, or through a comparable document necessary to 37001  
complete a family care plan, as the parent's agent for the care, 37002  
custody, and control of the child while the parent is on active 37003  
duty as a member of the national guard or a reserve unit of the 37004  
armed forces of the United States or because the parent is a 37005  
member of the armed forces of the United States and is on a duty 37006  
assignment away from the parent's residence. 37007

(b) The military power of attorney or comparable document 37008  
includes at least the authority to enroll the child in school. 37009

The entitlement to attend school in the district in which the 37010  
parent's agent under the military power of attorney or comparable 37011  
document resides applies until the end of the school year in which 37012  
the military power of attorney or comparable document expires. 37013

(G) A board of education, after approving admission, may 37014  
waive tuition for students who will temporarily reside in the 37015  
district and who are either of the following: 37016

(1) Residents or domiciliaries of a foreign nation who 37017  
request admission as foreign exchange students; 37018

(2) Residents or domiciliaries of the United States but not 37019  
of Ohio who request admission as participants in an exchange 37020  
program operated by a student exchange organization. 37021

(H) Pursuant to sections 3311.211, 3313.90, 3319.01, 3323.04, 37022  
3327.04, and 3327.06 of the Revised Code, a child may attend 37023  
school or participate in a special education program in a school 37024  
district other than in the district where the child is entitled to 37025  
attend school under division (B) of this section. 37026

(I)(1) Notwithstanding anything to the contrary in this 37027  
section or section 3313.65 of the Revised Code, a child under 37028  
twenty-two years of age may attend school in the school district 37029  
in which the child, at the end of the first full week of October 37030  
of the school year, was entitled to attend school as otherwise 37031  
provided under this section or section 3313.65 of the Revised 37032  
Code, if at that time the child was enrolled in the schools of the 37033  
district but since that time the child or the child's parent has 37034  
relocated to a new address located outside of that school district 37035  
and within the same county as the child's or parent's address 37036  
immediately prior to the relocation. The child may continue to 37037  
attend school in the district, and at the school to which the 37038  
child was assigned at the end of the first full week of October of 37039  
the current school year, for the balance of the school year. 37040  
Division (I)(1) of this section applies only if both of the 37041  
following conditions are satisfied: 37042

(a) The board of education of the school district in which 37043  
the child was entitled to attend school at the end of the first 37044  
full week in October and of the district to which the child or 37045  
child's parent has relocated each has adopted a policy to enroll 37046  
children described in division (I)(1) of this section. 37047

(b) The child's parent provides written notification of the 37048  
relocation outside of the school district to the superintendent of 37049  
each of the two school districts. 37050

(2) At the beginning of the school year following the school 37051  
year in which the child or the child's parent relocated outside of 37052  
the school district as described in division (I)(1) of this 37053  
section, the child is not entitled to attend school in the school 37054  
district under that division. 37055

(3) Any person or entity owing tuition to the school district 37056  
on behalf of the child at the end of the first full week in 37057  
October, as provided in division (C) of this section, shall 37058

continue to owe such tuition to the district for the child's 37059  
attendance under division (I)(1) of this section for the lesser of 37060  
the balance of the school year or the balance of the time that the 37061  
child attends school in the district under division (I)(1) of this 37062  
section. 37063

(4) A pupil who may attend school in the district under 37064  
division (I)(1) of this section shall be entitled to 37065  
transportation services pursuant to an agreement between the 37066  
district and the district in which the child or child's parent has 37067  
relocated unless the districts have not entered into such 37068  
agreement, in which case the child shall be entitled to 37069  
transportation services in the same manner as a pupil attending 37070  
school in the district under interdistrict open enrollment as 37071  
described in division ~~(H)~~ (E) of section 3313.981 of the Revised 37072  
Code, regardless of whether the district has adopted an open 37073  
enrollment policy as described in division (B)(1)(b) or (c) of 37074  
section 3313.98 of the Revised Code. 37075

(J) This division does not apply to a child receiving special 37076  
education. 37077

A school district required to pay tuition pursuant to 37078  
division (C)(2) or (3) of this section or section 3313.65 of the 37079  
Revised Code shall have an amount deducted under division (C) of 37080  
section 3317.023 of the Revised Code equal to its own tuition rate 37081  
for the same period of attendance. A school district entitled to 37082  
receive tuition pursuant to division (C)(2) or (3) of this section 37083  
or section 3313.65 of the Revised Code shall have an amount 37084  
credited under division (C) of section 3317.023 of the Revised 37085  
Code equal to its own tuition rate for the same period of 37086  
attendance. If the tuition rate credited to the district of 37087  
attendance exceeds the rate deducted from the district required to 37088  
pay tuition, the department of education shall pay the district of 37089  
attendance the difference from amounts deducted from all 37090

districts' payments under division (C) of section 3317.023 of the Revised Code but not credited to other school districts under such division and from appropriations made for such purpose. The treasurer of each school district shall, by the fifteenth day of January and July, furnish the superintendent of public instruction a report of the names of each child who attended the district's schools under divisions (C)(2) and (3) of this section or section 3313.65 of the Revised Code during the preceding six calendar months, the duration of the attendance of those children, the school district responsible for tuition on behalf of the child, and any other information that the superintendent requires.

Upon receipt of the report the superintendent, pursuant to division (C) of section 3317.023 of the Revised Code, shall deduct each district's tuition obligations under divisions (C)(2) and (3) of this section or section 3313.65 of the Revised Code and pay to the district of attendance that amount plus any amount required to be paid by the state.

(K) In the event of a disagreement, the superintendent of public instruction shall determine the school district in which the parent resides.

(L) Nothing in this section requires or authorizes, or shall be construed to require or authorize, the admission to a public school in this state of a pupil who has been permanently excluded from public school attendance by the superintendent of public instruction pursuant to sections 3301.121 and 3313.662 of the Revised Code.

(M) In accordance with division (B)(1) of this section, a child whose parent is a member of the national guard or a reserve unit of the armed forces of the United States and is called to active duty, or a child whose parent is a member of the armed forces of the United States and is ordered to a temporary duty assignment outside of the district, may continue to attend school

in the district in which the child's parent lived before being 37123  
called to active duty or ordered to a temporary duty assignment 37124  
outside of the district, as long as the child's parent continues 37125  
to be a resident of that district, and regardless of where the 37126  
child lives as a result of the parent's active duty status or 37127  
temporary duty assignment. However, the district is not 37128  
responsible for providing transportation for the child if the 37129  
child lives outside of the district as a result of the parent's 37130  
active duty status or temporary duty assignment. 37131

Sec. 3313.6412. Notwithstanding anything to the contrary in 37132  
section 3313.6410 of the Revised Code, no student enrolled in an 37133  
internet- or computer-based school shall be subject to automatic 37134  
withdrawal who, in any school year prior to the 2020-2021 school 37135  
year, failed to participate in the spring administration of any 37136  
assessment prescribed under section 3301.0710 or 3301.0712 of the 37137  
Revised Code for the student's grade level and was not excused 37138  
from the assessment pursuant to division (C)(1) or (3) of section 37139  
3301.0711 of the Revised Code, regardless of whether a waiver was 37140  
granted for the student under division (E) of section 3317.03 of 37141  
the Revised Code. 37142

**Sec. 3313.713.** (A) As used in this section: 37143

(1) "Drug" means a drug, as defined in section 4729.01 of the 37144  
Revised Code, that is to be administered pursuant to the 37145  
instructions of the prescriber, whether or not required by law to 37146  
be sold only upon a prescription. 37147

(2) "Federal law" means the "Individuals with Disabilities 37148  
Education Act of 1997," 111 Stat. 37, 20 U.S.C. 1400, as amended. 37149

(3) "Prescriber" has the same meaning as in section 4729.01 37150  
of the Revised Code. 37151

(B) The board of education of each city, local, exempted 37152

village, and joint vocational school district and the governing authority of each chartered nonpublic school shall adopt a policy on the authority of its employees, when acting in situations other than those governed by sections 2305.23, 2305.231, 3313.712, 3313.7110, 3313.7112, 3313.7113, and 3313.7115 of the Revised Code, to administer drugs prescribed to students enrolled in the schools of the district or the chartered nonpublic school. The policy shall provide either that:

(1) Except as otherwise required by federal law, no person employed by the board or governing authority shall, in the course of such employment, administer any drug prescribed to any student enrolled in the schools of the district or the chartered nonpublic school.

(2) Designated persons employed by the board or governing authority are authorized to administer to a student a drug prescribed for the student. Effective July 1, 2011, only employees of the board or governing authority who are licensed health professionals, or who have completed a drug administration training program conducted by a licensed health professional and considered appropriate by the board or governing authority, may administer to a student a drug prescribed for the student. Except as otherwise provided by federal law, the board's or governing authority's policy may provide that certain drugs or types of drugs shall not be administered or that no employee shall use certain procedures, such as injection, to administer a drug to a student.

(C) No drug prescribed for a student shall be administered pursuant to federal law or a policy adopted under division (B) of this section until the following occur:

(1) The board or governing authority, or a person designated by the board or governing authority, receives a written request, signed by the parent, guardian, or other person having care or

charge of the student, that the drug be administered to the student. 37185  
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(2) The board or governing authority, or a person designated by the board or governing authority, receives a statement, signed by the prescriber, that includes all of the following information: 37187  
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(a) The name and address of the student; 37190

(b) The school and class in which the student is enrolled; 37191

(c) The name of the drug and the dosage to be administered; 37192

(d) The times or intervals at which each dosage of the drug is to be administered; 37193  
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(e) The date the administration of the drug is to begin; 37195

(f) The date the administration of the drug is to cease; 37196

(g) Any severe adverse reactions that should be reported to the prescriber and one or more phone numbers at which the prescriber can be reached in an emergency; 37197  
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(h) Special instructions for administration of the drug, including sterile conditions and storage. 37200  
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(3) The parent, guardian, or other person having care or charge of the student agrees to submit a revised statement signed by the prescriber to the board or governing authority or a person designated by the board or governing authority if any of the information provided by the prescriber pursuant to division (C)(2) of this section changes. 37202  
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(4) The person authorized by the board or governing authority to administer the drug receives a copy of the statement required by division (C)(2) or (3) of this section. 37208  
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(5) The drug is received by the person authorized to administer the drug to the student for whom the drug is prescribed in the container in which it was dispensed by the prescriber or a 37211  
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licensed pharmacist. 37214

(6) Any other procedures required by the board or governing authority are followed. 37215  
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(D) If a drug is administered to a student, the board of 37217  
education or governing authority of the chartered nonpublic school 37218  
shall acquire and retain copies of the written requests required 37219  
by division (C)(1) and the statements required by divisions (C)(2) 37220  
and (3) of this section and shall ensure that by the next school 37221  
day following the receipt of any such statement a copy is given to 37222  
the person authorized to administer drugs to the student for whom 37223  
the statement has been received. The board or governing authority, 37224  
or a person designated by the board or governing authority, shall 37225  
establish a location in each school building for the storage of 37226  
drugs to be administered under this section and federal law. All 37227  
such drugs shall be stored in that location in a locked storage 37228  
place, except that drugs that require refrigeration may be kept in 37229  
a refrigerator in a place not commonly used by students. 37230

(E) No person who has been authorized by a board of education 37231  
or governing authority of a chartered nonpublic school to 37232  
administer a drug and has a copy of the most recent statement 37233  
required by division (C)(2) or (3) of this section given to the 37234  
person in accordance with division (D) of this section prior to 37235  
administering the drug is liable in civil damages for 37236  
administering or failing to administer the drug, unless such 37237  
person acts in a manner that constitutes gross negligence or 37238  
wanton or reckless misconduct. 37239

(F) A board of education or governing authority of a 37240  
chartered nonpublic school may designate a person or persons to 37241  
perform any function or functions in connection with a drug policy 37242  
adopted under this section either by name or by position, 37243  
training, qualifications, or similar distinguishing factors. 37244

(G) A policy adopted by a board of education or governing authority of a chartered nonpublic school pursuant to this section may be changed, modified, or revised by action of the board or the governing authority. 37245  
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(H) Nothing in this section shall be construed to require a person employed by a board of education or governing authority of a chartered nonpublic school to administer a drug to a student unless the board's or governing authority's policy adopted in compliance with this section establishes such a requirement. A board or governing authority shall not require an employee to administer a drug to a student if the employee objects, on the basis of religious convictions, to administering the drug. 37249  
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Nothing in this section affects the application of section 2305.23, 2305.231, 3313.712, 3313.7110, 3313.7112, 3313.7113, or 3313.7115 of the Revised Code to the administration of emergency care or treatment to a student. 37257  
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Nothing in this section affects the ability of a public or nonpublic school to participate in a school-based fluoride mouth rinse program established by the director of health pursuant to section 3701.136 of the Revised Code. Nothing in this section affects the ability of a person who is employed by, or who volunteers for, a school that participates in such a program to administer fluoride mouth rinse to a student in accordance with section 3701.136 of the Revised Code and any rules adopted by the director under that section. 37261  
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(I) Nothing in this section shall be construed to require a school district or chartered nonpublic school to obtain written authorization or instructions from a health care provider to apply nonprescription topical ointments designed to prevent sunburn. Furthermore, nothing in this section shall be construed to prohibit a student to possess and self-apply nonprescription topical ointment designed to prevent sunburn while on school 37270  
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property or at a school-sponsored event without written 37277  
authorization or instructions from a healthcare provider. The 37278  
policy adopted by a school district or chartered nonpublic school 37279  
pursuant to this section shall not require written authorization 37280  
from a health care provider, but may require parental 37281  
authorization, for the possession or application of such 37282  
sunscreen. A designated person employed by the board of education 37283  
of a school district or governing authority of a chartered 37284  
nonpublic school shall apply sunscreen to a student in accordance 37285  
with the school district's or governing authority's policy upon 37286  
request. 37287

**Sec. 3313.842.** (A) The boards of education or governing 37288  
authorities of any two or more school districts or community 37289  
schools may enter into an agreement for joint or cooperative 37290  
establishment and operation of any educational program including 37291  
any class, course, or program that may be included in a school 37292  
district's or community school's graded course of study and staff 37293  
development programs for teaching and nonteaching school 37294  
employees. Each school district or community school that is party 37295  
to such an agreement may contribute funds of the district or 37296  
school in support of the agreement and for the establishment and 37297  
operation of any educational program established under the 37298  
agreement. The agreement shall designate one of the districts or 37299  
community schools as responsible for receiving and disbursing the 37300  
funds contributed by the parties to the agreement. 37301

(B) Notwithstanding sections 3313.48 and 3313.64 of the 37302  
Revised Code, any school district that is party to an agreement 37303  
for joint or cooperative establishment and operation of an 37304  
educational program may charge fees or tuition for students who 37305  
participate in the program and are entitled to attend school in 37306  
the district under section 3313.64 or 3313.65 of the Revised Code. 37307  
Except as otherwise provided in division (G) of section 3321.01 of 37308

the Revised Code, no community school that is party to the 37309  
agreement shall charge fees or tuition for students who 37310  
participate in the program and are reported by the school under 37311  
division ~~(B)~~(2)(B) of section 3314.08 of the Revised Code. 37312

**Sec. 3313.902.** (A) As used in this section: 37313

(1) "Approved industry credential or certificate" means a 37314  
credential or certificate that is approved by the chancellor of 37315  
higher education. 37316

(2) "Approved institution" means an eligible institution that 37317  
has been approved to participate in the adult diploma pilot 37318  
program under this section. 37319

(3) "Approved program of study" means a program of study 37320  
offered by an approved institution that satisfies the requirements 37321  
of division (B) of this section. 37322

(4) An eligible student's "career pathway training program 37323  
amount" means the following: 37324

(a) If the student is enrolled in a tier one career pathway 37325  
training program, \$4,800; 37326

(b) If the student is enrolled in a tier two career pathway 37327  
training program, \$3,200; 37328

(c) If the student is enrolled in a tier three career pathway 37329  
training program, \$1,600. 37330

(5) "Eligible institution" means any of the following: 37331

(a) A community college established under Chapter 3354. of 37332  
the Revised Code; 37333

(b) A technical college established under Chapter 3357. of 37334  
the Revised Code; 37335

(c) A state community college established under Chapter 3358. 37336  
of the Revised Code; 37337

- (d) An Ohio technical center recognized by the chancellor 37338  
that provides post-secondary workforce education. 37339
- (6) "Eligible student" means an individual who is at least 37340  
~~twenty-two~~ twenty years of age and has not received a high school 37341  
diploma or a certificate of high school equivalence, as defined in 37342  
section 4109.06 of the Revised Code. 37343
- (7) A "tier one career pathway training program" is a career 37344  
pathway training program that requires more than six hundred hours 37345  
of technical training, as determined by the department of 37346  
education. 37347
- (8) A "tier two career pathway training program" is a career 37348  
pathway training program that requires more than three hundred 37349  
hours of technical training but less than six hundred hours of 37350  
technical training, as determined by the department. 37351
- (9) A "tier three career pathway training program" is a 37352  
career pathway training program that requires three hundred hours 37353  
or less of technical training, as determined by the department. 37354
- (10) An eligible student's "work readiness training amount" 37355  
means the following: 37356
- (a) If the student's grade level upon initial enrollment in 37357  
an approved program of study at an approved institution is below 37358  
the ninth grade, as determined in accordance with rules adopted 37359  
under division (E) of this section, \$1,500. 37360
- (b) If the student's grade level upon initial enrollment in 37361  
an approved program of study at an approved institution is at or 37362  
above the ninth grade, as determined in accordance with rules 37363  
adopted under division (E) of this section, \$750. 37364
- (B) The adult diploma pilot program is hereby established to 37365  
permit an eligible institution to obtain approval from the 37366  
superintendent of public instruction and the chancellor to develop 37367

and offer a program of study that allows an eligible student to 37368  
obtain a high school diploma. A program shall be eligible for this 37369  
approval if it satisfies all of the following requirements: 37370

(1) The program allows an eligible student to complete the 37371  
requirements for obtaining a high school diploma that are 37372  
specified in rules adopted by the superintendent under division 37373  
(E) of this section while also completing requirements for an 37374  
approved industry credential or certificate. 37375

(2) The program includes career advising and outreach. 37376

(3) The program includes opportunities for students to 37377  
receive a competency-based education. 37378

(C) Notwithstanding sections 3313.61, 3313.611, 3313.613, 37379  
3313.614, 3313.618, and 3313.619 of the Revised Code, the state 37380  
board of education shall grant a high school diploma to each 37381  
eligible student who enrolls in an approved program of study at an 37382  
approved institution and completes the requirements for obtaining 37383  
a high school diploma that are specified in rules adopted by the 37384  
superintendent under division (E) of this section. 37385

(D)(1) The department shall calculate the following amount 37386  
for each eligible student enrolled in each approved institution's 37387  
approved program of study: 37388

(The student's career pathway training program amount + the 37389  
student's work readiness training amount) X 1.2 37390

(2) Except as provided in division (D)(4) of this section, 37391  
the department shall pay the amount calculated for an eligible 37392  
student under division (D)(1) of this section to the approved 37393  
institution in which the student is enrolled in the following 37394  
manner: 37395

(a) Twenty-five per cent of the amount calculated under 37396  
division (D)(1) of this section shall be paid to the approved 37397  
institution after the student successfully completes the first 37398

third of the approved program of study, as determined by the 37399  
department; 37400

(b) Twenty-five per cent of the amount calculated under 37401  
division (D)(1) of this section shall be paid to the approved 37402  
institution after the student successfully completes the second 37403  
third of the approved program of study, as determined by the 37404  
department; 37405

(c) Fifty per cent of the amount calculated under division 37406  
(D)(1) of this section shall be paid to the approved institution 37407  
after the student successfully completes the final third of the 37408  
approved program of study, as determined by the department. 37409

(3) Of the amount paid to an approved institution under 37410  
division (D)(2) of this section, the institution may use the 37411  
amount that is in addition to the student's career pathway 37412  
training amount and the student's work readiness training amount 37413  
for the associated services of the approved program of study. 37414  
These services include counseling, advising, assessment, and other 37415  
services as determined or required by the department. 37416

(4) If the superintendent and the chancellor determine that 37417  
is it appropriate for an entity other than the department to make 37418  
full or partial payments for an eligible student under division 37419  
(D)(2) of this section, that entity shall make those payments and 37420  
the department shall not make those payments. 37421

(E) The superintendent, in consultation with the chancellor, 37422  
shall adopt rules for the implementation of the adult diploma 37423  
pilot program, including all of the following: 37424

(1) The requirements for applying for program approval; 37425

(2) The requirements for obtaining a high school diploma 37426  
through the program, including the requirement to obtain a passing 37427  
score on an assessment that is appropriate for the career pathway 37428  
training program that is being completed by the eligible student, 37429

and the date on which these requirements take effect; 37430

(3) The assessment or assessments that may be used to 37431  
complete the assessment requirement for each career pathway 37432  
training program under division (E)(2) of this section and the 37433  
score that must be obtained on each assessment in order to pass 37434  
the assessment; 37435

(4) Guidelines regarding the funding of the program under 37436  
division (D) of this section, including a method of funding for 37437  
students who transfer from one approved institution to another 37438  
approved institution prior to completing an approved program of 37439  
study; 37440

(5) Circumstances under which an eligible student may be 37441  
charged for tuition, supplies, or associated fees while enrolled 37442  
in an approved institution's approved program of study; 37443

(6) A requirement that an eligible student may not be charged 37444  
for tuition, supplies, or associated fees while enrolled in an 37445  
approved institution's approved program of study except in the 37446  
circumstances described under division (E)(5) of this section; 37447

(7) The payment of federal funds that are to be used by 37448  
approved programs of study at approved institutions. 37449

Sec. 3313.905. (A) Southern state community college shall 37450  
establish and maintain, for a period of five years, the Ohio 37451  
code-scholar pilot program to address technical workforce needs. 37452

(B) Not later than July 31, 2021, southern state community 37453  
college shall appoint a program coordinator who shall be 37454  
responsible for all of the following, as well as any other 37455  
responsibilities as determined by the southern state community 37456  
college board of trustees: 37457

(1) Form a coalition and act as the liaison between southern 37458  
state community college and the coalition to develop the pilot 37459

|                                                                                                                                                                                                                                                                                                              |                                           |
|--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-------------------------------------------|
| <u>program.</u>                                                                                                                                                                                                                                                                                              | 37460                                     |
| <u>The coalition shall include members from the following:</u>                                                                                                                                                                                                                                               | 37461                                     |
| <u>(a) The department of education;</u>                                                                                                                                                                                                                                                                      | 37462                                     |
| <u>(b) Educators in grades kindergarten through twelve;</u>                                                                                                                                                                                                                                                  | 37463                                     |
| <u>(c) Career technical education staff;</u>                                                                                                                                                                                                                                                                 | 37464                                     |
| <u>(d) Educational service center staff;</u>                                                                                                                                                                                                                                                                 | 37465                                     |
| <u>(e) Representatives of post-secondary institutions in the areas in which the pilot program is operating;</u>                                                                                                                                                                                              | 37466<br>37467                            |
| <u>(f) Federally and state-funded research organizations, as determined by the southern state community college board of trustees and the program coordinator;</u>                                                                                                                                           | 37468<br>37469<br>37470                   |
| <u>(g) Local businesses in the areas in which the pilot program is operating, as determined by the southern state community college board of trustees and the program coordinator.</u>                                                                                                                       | 37471<br>37472<br>37473                   |
| <u>(2) In collaboration with the coalition, as described in division (B)(1) of this section, develop a curriculum for grades seven through twelve to be utilized by the pilot program that focuses on industry standards in the field of computer sciences, including coding, and is divided as follows:</u> | 37474<br>37475<br>37476<br>37477<br>37478 |
| <u>(a) For grades seven and eight, a focus on career exploration, career readiness initiatives, and an introduction to coding and computer sciences;</u>                                                                                                                                                     | 37479<br>37480<br>37481                   |
| <u>(b) For grades nine through twelve, a focus on intermediate and advanced coding, computer sciences, and the potential for industry level credentialing.</u>                                                                                                                                               | 37482<br>37483<br>37484                   |
| <u>(3) Submit an annual report to southern state community college regarding the progress and implementation of the pilot program;</u>                                                                                                                                                                       | 37485<br>37486<br>37487                   |
| <u>(4) Determine the manner in which the pilot program shall</u>                                                                                                                                                                                                                                             | 37488                                     |

|                                                                           |       |
|---------------------------------------------------------------------------|-------|
| <u>recruit school districts and other participants for the fall of</u>    | 37489 |
| <u>2021 from the following counties:</u>                                  | 37490 |
| <u>(a) Southern Ohio, specifically, Fayette, Clinton, Adams, and</u>      | 37491 |
| <u>Highland counties;</u>                                                 | 37492 |
| <u>(b) Brown county;</u>                                                  | 37493 |
| <u>(c) Pike county.</u>                                                   | 37494 |
| <u>(5) Develop a structured timeline by which the pilot program</u>       | 37495 |
| <u>shall operate over the five-year period, with full administration</u>  | 37496 |
| <u>beginning in the fall of 2022;</u>                                     | 37497 |
| <u>(6) Determine the manner in which to incorporate the college</u>       | 37498 |
| <u>credit plus program as established under Chapter 3365. of the</u>      | 37499 |
| <u>Revised Code within the pilot program;</u>                             | 37500 |
| <u>(7) In collaboration with the designated department, advisor,</u>      | 37501 |
| <u>and instructor, as appointed by southern state community college,</u>  | 37502 |
| <u>develop a system for the articulation of credits earned under the</u>  | 37503 |
| <u>pilot program and align them into a for-credit program at southern</u> | 37504 |
| <u>state community college;</u>                                           | 37505 |
| <u>(8) Act as fiscal operator of the pilot program.</u>                   | 37506 |
| <u>(C) Upon completion of the pilot program, southern state</u>           | 37507 |
| <u>community college, in collaboration with the program coordinator,</u>  | 37508 |
| <u>shall submit a full report and any legislative recommendations to</u>  | 37509 |
| <u>the General Assembly, in accordance with section 101.68 of the</u>     | 37510 |
| <u>Revised Code, regarding the outcomes of the pilot program.</u>         | 37511 |
| <b>Sec. 3313.974.</b> As used in this section and in sections             | 37512 |
| 3313.975 to 3313.979 of the Revised Code:                                 | 37513 |
| (A) "Individualized education program" and "child with a                  | 37514 |
| disability" have the same meanings as in section 3323.01 of the           | 37515 |
| Revised Code.                                                             | 37516 |
| (B) <del>"Mainstreamed student with a disability" means a child</del>     | 37517 |

~~with a disability who has an individualized education program~~ 37518  
~~providing for the student to spend more than half of each school~~ 37519  
~~day in a regular school setting with nondisabled students.~~ 37520

~~(C)~~ "Separately educated student with a disability" means a 37521  
child with a disability who has an individualized education 37522  
program providing for the student to spend at least half of each 37523  
school day in a class or setting separated from nondisabled 37524  
students. 37525

~~(D)~~(C) "Low-income family" means a family whose income is 37526  
below the level which the superintendent of public instruction 37527  
shall establish. 37528

~~(E)~~(D) "Parent" has the same meaning as in section 3313.98 of 37529  
the Revised Code. 37530

~~(F)~~(E) "Registered private school" means a school registered 37531  
with the superintendent of public instruction pursuant to section 37532  
3313.976 of the Revised Code. 37533

~~(G)~~(F) "Alternative school" means a registered private school 37534  
located in a school district or a public school located in an 37535  
adjacent school district. 37536

~~(H)~~(G) "Tutorial assistance" means instructional services 37537  
provided to a student outside of regular school hours approved by 37538  
the commission on school choice pursuant to section 3313.976 of 37539  
the Revised Code. 37540

**Sec. 3313.975.** As used in this section and in sections 37541  
3313.976 to 3313.979 of the Revised Code, "the pilot project 37542  
school district" or "the district" means any school district 37543  
included in the pilot project scholarship program pursuant to this 37544  
section. 37545

(A) The superintendent of public instruction shall establish 37546  
a pilot project scholarship program and shall include in such 37547

program any school districts that are or have ever been under 37548  
federal court order requiring supervision and operational 37549  
management of the district by the state superintendent. The 37550  
program shall provide for a number of students residing in any 37551  
such district to receive scholarships to attend alternative 37552  
schools, and for an equal number of students to receive tutorial 37553  
assistance grants while attending public school in any such 37554  
district. 37555

(B) The state superintendent shall establish an application 37556  
process and deadline for accepting applications from students 37557  
residing in the district to participate in the scholarship 37558  
program. In the initial year of the program students may only use 37559  
a scholarship to attend school in grades kindergarten through 37560  
third. 37561

The state superintendent shall award as many scholarships and 37562  
tutorial assistance grants as can be funded given the amount 37563  
appropriated for the program. 37564

(C)(1) The pilot project program shall continue in effect 37565  
each year that the general assembly has appropriated sufficient 37566  
money to fund scholarships and tutorial assistance grants. In each 37567  
year the program continues, new students may receive scholarships 37568  
in grades kindergarten to twelve. A student who has received a 37569  
scholarship may continue to receive one until the student has 37570  
completed grade twelve. 37571

(2) If the general assembly discontinues the scholarship 37572  
program, all students who are attending an alternative school 37573  
under the pilot project shall be entitled to continued admittance 37574  
to that specific school through all grades that are provided in 37575  
such school, under the same conditions as when they were 37576  
participating in the pilot project. The state superintendent shall 37577  
continue to make scholarship payments in accordance with ~~division~~ 37578  
~~(A) or (B) of section 3313.979~~ 3317.022 of the Revised Code for 37579

students who remain enrolled in an alternative school under this 37580  
provision in any year that funds have been appropriated for this 37581  
purpose. 37582

If funds are not appropriated, the tuition charged to the 37583  
parents of a student who remains enrolled in an alternative school 37584  
under this provision shall not be increased beyond the amount 37585  
equal to the amount of the scholarship plus any additional amount 37586  
charged that student's parent in the most recent year of 37587  
attendance as a participant in the pilot project, except that 37588  
tuition for all the students enrolled in such school may be 37589  
increased by the same percentage. 37590

(D) Notwithstanding sections 124.39 and 3311.83 of the 37591  
Revised Code, if the pilot project school district experiences a 37592  
decrease in enrollment due to participation in a state-sponsored 37593  
scholarship program pursuant to sections 3313.974 to 3313.979 of 37594  
the Revised Code, the district board of education may enter into 37595  
an agreement with any teacher it employs to provide to that 37596  
teacher severance pay or early retirement incentives, or both, if 37597  
the teacher agrees to terminate the employment contract with the 37598  
district board, provided any collective bargaining agreement in 37599  
force pursuant to Chapter 4117. of the Revised Code does not 37600  
prohibit such an agreement for termination of a teacher's 37601  
employment contract. 37602

**Sec. 3313.976.** (A) No private school may receive scholarship 37603  
payments from parents pursuant to section ~~3313.979~~ 3317.022 of the 37604  
Revised Code until the chief administrator of the private school 37605  
registers the school with the superintendent of public 37606  
instruction. The state superintendent shall register any school 37607  
that meets the following requirements: 37608

(1) The school offers any of grades kindergarten through 37609  
twelve and either: 37610

- (a) ~~Offers any of grades kindergarten through twelve and is~~Is located within the boundaries of the pilot project school district; 37611  
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37613
- (b) ~~Offers any of grades nine through twelve and is~~Is located within the boundaries of a city, local, or exempted village school district that is both: 37614  
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- (i) Located in a municipal corporation with a population of fifteen thousand or more; 37617  
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- (ii) Located within five miles of the border of the pilot project school district. 37619  
37620
- (2) The school indicates in writing its commitment to follow all requirements for a state-sponsored scholarship program specified under sections 3313.974 to 3313.979 of the Revised Code, including, but not limited to, the requirements for admitting students pursuant to section 3313.977 of the Revised Code; 37621  
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- (3) The school meets all state minimum standards for chartered nonpublic schools in effect on July 1, 1992, except that the state superintendent at the superintendent's discretion may register nonchartered nonpublic schools meeting the other requirements of this division; 37626  
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- (4) The school does not discriminate on the basis of race, religion, or ethnic background; 37631  
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- (5) The school enrolls a minimum of ten students per class or a sum of at least twenty-five students in all the classes offered; 37633  
37634
- (6) The school does not advocate or foster unlawful behavior or teach hatred of any person or group on the basis of race, ethnicity, national origin, or religion; 37635  
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- (7) The school does not provide false or misleading information about the school to parents, students, or the general public; 37638  
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37640

(8) For students in grades kindergarten through eight with family incomes at or below two hundred per cent of the federal poverty guidelines, as defined in section 5104.46 of the Revised Code, the school agrees not to charge any tuition in excess of the scholarship amount established pursuant to division ~~(C)(1)(A)(11)(a)~~ of section ~~3313.978~~ 3317.022 of the Revised Code, excluding any increase described in that division ~~(C)(2) of that section~~.

(9) For students in grades kindergarten through eight with family incomes above two hundred per cent of the federal poverty guidelines, whose scholarship amounts are less than the actual tuition charge of the school, the school agrees not to charge any tuition in excess of the difference between the actual tuition charge of the school and the scholarship amount established pursuant to division ~~(C)(1)(A)(11)(a)~~ of section ~~3313.978~~ 3317.022 of the Revised Code, excluding any increase described in that division ~~(C)(2) of that section~~. The school shall permit such tuition, at the discretion of the parent, to be satisfied by the family's provision of in-kind contributions or services.

(10) The school agrees not to charge any tuition to families of students in grades nine through twelve receiving a scholarship in excess of the actual tuition charge of the school less the scholarship amount established pursuant to division ~~(C)(1)(A)(11)(a)~~ of section ~~3313.978~~ 3317.022 of the Revised Code, excluding any increase described in that division ~~(C)(2) of that section~~.

(11) It annually administers the applicable assessments prescribed by section 3301.0710, 3301.0712, or 3313.619 of the Revised Code to each scholarship student enrolled in the school in accordance with section 3301.0711 or 3301.0712 of the Revised Code and reports to the department of education the results of each such assessment administered to each scholarship student, unless

one of the following applies to the student: 37673

(a) The student is excused from taking that assessment under 37674  
federal law, the student's individualized education program, or 37675  
division (C)(1)(c)(i) of section 3301.0711 of the Revised Code. 37676

(b) The student is enrolled in a chartered nonpublic school 37677  
that meets the conditions specified in division (K)(2) or (L)(4) 37678  
of section 3301.0711 of the Revised Code. 37679

(c) The student is enrolled in any of grades three to eight 37680  
and takes an alternative standardized assessment under division 37681  
(K)(1) of section 3301.0711 of the Revised Code. 37682

(d) The student is excused from taking the assessment 37683  
prescribed under division (B)(1) of section 3301.0712 of the 37684  
Revised Code pursuant to division (C)(1)(c)(ii) of section 37685  
3301.0711 of the Revised Code. 37686

(B) The state superintendent shall revoke the registration of 37687  
any school if, after a hearing, the superintendent determines that 37688  
the school is in violation of any of the provisions of division 37689  
(A) of this section. 37690

(C) Any public school located in a school district adjacent 37691  
to the pilot project district may receive scholarship payments on 37692  
behalf of parents pursuant to section ~~3313.979~~ 3317.022 of the 37693  
Revised Code if the superintendent of the district in which such 37694  
public school is located notifies the state superintendent prior 37695  
to the first day of March that the district intends to admit 37696  
students from the pilot project district for the ensuing school 37697  
year pursuant to section 3327.06 of the Revised Code. 37698

(D) Any parent wishing to purchase tutorial assistance from 37699  
any person or governmental entity pursuant to the pilot project 37700  
program under sections 3313.974 to 3313.979 of the Revised Code 37701  
shall apply to the state superintendent. The state superintendent 37702  
shall approve providers who appear to possess the capability of 37703

furnishing the instructional services they are offering to 37704  
provide. 37705

**Sec. 3313.978.** (A) Annually by the first day of November, the 37706  
superintendent of public instruction shall notify the pilot 37707  
project school district of the number of initial scholarships that 37708  
the state superintendent will be awarding in each of grades 37709  
kindergarten through twelve. 37710

The state superintendent shall provide information about the 37711  
scholarship program to all students residing in the district, and 37712  
shall accept applications from any such students during the 37713  
application ~~periods~~ period established under division (H) of this 37714  
section, ~~and shall establish criteria for the selection of~~ 37715  
~~students to receive scholarships from among all those applying~~ 37716  
~~prior to the deadline, which criteria shall give preference to~~ 37717  
~~students from low income families. The state superintendent shall~~ 37718  
~~notify students of their selection prior to a date established by~~ 37719  
~~the state superintendent.~~ 37720

(1) A student receiving a pilot project scholarship may 37721  
utilize it at an alternative public school by notifying the 37722  
district superintendent, ~~at any time before the beginning of the~~ 37723  
~~school year~~, of the name of the public school in an adjacent 37724  
school district to which the student has been accepted pursuant to 37725  
section 3327.06 of the Revised Code. 37726

(2) A student may decide to utilize a pilot project 37727  
scholarship at a registered private school in the district if all 37728  
of the following conditions are met: 37729

(a) ~~By the fifteenth day of February of the preceding school~~ 37730  
~~year, or at any time prior to the start of the school year, the~~ 37731  
The parent makes an application on behalf of the student to a 37732  
registered private school. 37733

(b) The registered private school notifies the parent and the state superintendent as follows that the student has been admitted:

~~(i) By the fifteenth day of March of the preceding school year if the student filed an application by the fifteenth day of February and was admitted by~~ By the school pursuant to division (A) of section 3313.977 of the Revised Code;

~~(ii) Within one week of the decision to admit the student if the student is admitted~~ By the school pursuant to division (C) of section 3313.977 of the Revised Code.

(c) The student actually enrolls in the registered private school to which the student was first admitted or in another registered private school in the district or in a public school in an adjacent school district.

(B) The state superintendent shall also award in any school year tutorial assistance grants to a number of students equal to the number of students who receive scholarships under division (A) of this section. Tutorial assistance grants shall be awarded solely to students who are enrolled in the public schools of the district in a grade level covered by the pilot project. Tutorial assistance grants may be used solely to obtain tutorial assistance from a provider approved pursuant to division (D) of section 3313.976 of the Revised Code.

All students wishing to obtain tutorial assistance grants shall make application to the state superintendent by the first day of the school year in which the assistance will be used. The state superintendent shall award assistance grants in accordance with criteria the superintendent shall establish.

~~(C)(1) In the case of basic scholarships for students in grades kindergarten through eight, the scholarship amount shall not exceed the lesser of the net tuition charges of the~~

~~alternative school the scholarship recipient attends or four thousand six hundred fifty dollars.~~ 37765  
37766

~~In the case of basic scholarships for students in grades nine through twelve, the scholarship amount shall not exceed the lesser of the net tuition charges of the alternative school the scholarship recipient attends or six thousand dollars.~~ 37767  
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~~The net tuition and fees charged to a student shall be the tuition amount specified by the alternative school minus all other financial aid, discounts, and adjustments received for the student. In cases where discounts are offered for multiple students from the same family, and not all students in the same family are scholarship recipients, the net tuition amount attributable to the scholarship recipient shall be the lowest net tuition to which the family is entitled.~~ 37771  
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~~(2) The state superintendent shall provide for an increase in the basic scholarship amount in the case of any student who is a mainstreamed student with a disability and shall further increase such amount in the case of any separately educated student with a disability. Such increases shall take into account the instruction, related services, and transportation costs of educating such students.~~ 37779  
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~~(3) In the case of tutorial assistance grants, the grant amount shall not exceed the lesser of the provider's actual charges for such assistance or:~~ 37786  
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~~(a)(1) Before fiscal year 2007, a percentage established by the state superintendent, not to exceed twenty per cent, of the amount of the pilot project school district's average basic scholarship amount;~~ 37789  
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~~(b)(2) In fiscal year 2007 and thereafter, four hundred dollars.~~ 37793  
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(D)(1) Annually by the first day of November, the state 37795

superintendent shall estimate the maximum per-pupil scholarship 37796  
amounts for the ensuing school year. The state superintendent 37797  
shall make this estimate available to the general public at the 37798  
offices of the district board of education together with the forms 37799  
required by division (D)(2) of this section. 37800

(2) Annually by the fifteenth day of January, the chief 37801  
administrator of each registered private school located in the 37802  
pilot project district and the principal of each public school in 37803  
such district shall complete a parental information form and 37804  
forward it to the president of the board of education. The 37805  
parental information form shall be prescribed by the department of 37806  
education and shall provide information about the grade levels 37807  
offered, the numbers of students, tuition amounts, achievement 37808  
test results, and any sectarian or other organizational 37809  
affiliations. 37810

(E)(1) Only for the purpose of administering the pilot 37811  
project scholarship program, the department may request from any 37812  
of the following entities the data verification code assigned 37813  
under division (D)(2) of section 3301.0714 of the Revised Code to 37814  
any student who is seeking a scholarship under the program: 37815

(a) The school district in which the student is entitled to 37816  
attend school under section 3313.64 or 3313.65 of the Revised 37817  
Code; 37818

(b) If applicable, the community school in which the student 37819  
is enrolled; 37820

(c) The independent contractor engaged to create and maintain 37821  
data verification codes. 37822

(2) Upon a request by the department under division (E)(1) of 37823  
this section for the data verification code of a student seeking a 37824  
scholarship or a request by the student's parent for that code, 37825  
the school district or community school shall submit that code to 37826

the department or parent in the manner specified by the 37827  
department. If the student has not been assigned a code, because 37828  
the student will be entering kindergarten during the school year 37829  
for which the scholarship is sought, the district shall assign a 37830  
code to that student and submit the code to the department or 37831  
parent by a date specified by the department. If the district does 37832  
not assign a code to the student by the specified date, the 37833  
department shall assign a code to the student. 37834

The department annually shall submit to each school district 37835  
the name and data verification code of each student residing in 37836  
the district who is entering kindergarten, who has been awarded a 37837  
scholarship under the program, and for whom the department has 37838  
assigned a code under this division. 37839

(3) The department shall not release any data verification 37840  
code that it receives under division (E) of this section to any 37841  
person except as provided by law. 37842

(F) Any document relative to the pilot project scholarship 37843  
program that the department holds in its files that contains both 37844  
a student's name or other personally identifiable information and 37845  
the student's data verification code shall not be a public record 37846  
under section 149.43 of the Revised Code. 37847

(G)(1) The department annually shall compile the scores 37848  
attained by scholarship students enrolled in registered private 37849  
schools on the assessments administered to the students pursuant 37850  
to division (A)(11) of section 3313.976 of the Revised Code. The 37851  
scores shall be aggregated as follows: 37852

(a) By school district, which shall include all scholarship 37853  
students residing in the pilot project school district who are 37854  
enrolled in a registered private school and were required to take 37855  
an assessment pursuant to division (A)(11) of section 3313.976 of 37856  
the Revised Code; 37857

(b) By registered private school, which shall include all 37858  
scholarship students enrolled in that school who were required to 37859  
take an assessment pursuant to division (A)(11) of section 37860  
3313.976 of the Revised Code. 37861

(2) The department shall disaggregate the student performance 37862  
data described in division (G)(1) of this section according to the 37863  
following categories: 37864

(a) Grade level; 37865

(b) Race and ethnicity; 37866

(c) Gender; 37867

(d) Students who have participated in the scholarship program 37868  
for three or more years; 37869

(e) Students who have participated in the scholarship program 37870  
for more than one year and less than three years; 37871

(f) Students who have participated in the scholarship program 37872  
for one year or less; 37873

(g) Economically disadvantaged students. 37874

(3) The department shall post the student performance data 37875  
required under divisions (G)(1) and (2) of this section on its web 37876  
site and shall include that data in the information about the 37877  
scholarship program provided to students under division (A) of 37878  
this section. In reporting student performance data under this 37879  
division, the department shall not include any data that is 37880  
statistically unreliable or that could result in the 37881  
identification of individual students. For this purpose, the 37882  
department shall not report performance data for any group that 37883  
contains less than ten students. 37884

(4) The department shall provide the parent of each 37885  
scholarship student enrolled in a registered private school with 37886  
information comparing the student's performance on the assessments 37887

administered pursuant to division (A)(11) of section 3313.976 of 37888  
the Revised Code with the average performance of similar students 37889  
enrolled in the building operated by the pilot project school 37890  
district that the scholarship student would otherwise attend. In 37891  
calculating the performance of similar students, the department 37892  
shall consider age, grade, race and ethnicity, gender, and 37893  
socioeconomic status. 37894

~~(H)(1) Except as provided in division (H)(2) of this section, 37895  
for scholarships awarded the 2020-2021 school year and for each 37896  
school year thereafter, the department shall conduct two 37897  
application periods each year for the pilot project scholarship 37898  
program, as follows: 37899~~

~~(a) The first application period shall open not sooner than 37900  
the first day of February prior to the first day of July of the 37901  
school year for which a scholarship is sought and run not less 37902  
than seventy five days. 37903~~

~~(b) The second application period shall open not sooner than 37904  
the first day of July of the school year for which the scholarship 37905  
is sought and run not less than thirty days. 37906~~

~~(2) If the pilot scholarships awarded in the first 37907  
application period for any school year use the entirety of the 37908  
amount appropriated by the general assembly for such scholarships 37909  
for that school year, the department need not conduct a second 37910  
application period for scholarships. If, after the first 37911  
application period, there are funds remaining to award, the 37912  
department shall conduct a second application period in accordance 37913  
with division (H)(1)(b) of this section. 37914~~

~~(3) Not later than the thirty first day of May of each school 37915  
year, the department shall determine whether funds remain 37916  
available for scholarships under the pilot project scholarship 37917  
program after the first application period. 37918~~

~~(4) For scholarships awarded for any school year prior to the 2020-2021 school year, the state superintendent shall establish a deadline for a single application period.~~ 37919  
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(H) The department shall open the application period on the first day of February prior to the first day of July of the school year for which a scholarship is sought. Not later than forty-five days after an applicant submits to the department of education a completed application, the department of education shall determine whether that applicant is eligible for a scholarship and notify the applicant whether or not the applicant is eligible. The department of education shall award a scholarship to each student with an approved application. However, for any application submitted after the beginning of the school year, the department of education shall prorate the amount of the awarded scholarship based on how much of the school year remains. 37922  
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**Sec. 3313.979.** ~~Each scholarship to be used for payments to a registered private school is payable to the parents of the student entitled to the scholarship. Each scholarship to be used for payments to a public school in an adjacent school district is payable to the school district of attendance by the superintendent of public instruction. Each grant to be used for payments to an approved tutorial assistance provider is payable to the approved tutorial assistance provider.~~ 37934  
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~~(A)(1)~~ By the fifteenth day of each month of the school year that any scholarship students are enrolled in a registered private school, the chief administrator of that school shall notify the state superintendent of: 37942  
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~~(a)(1)~~ The number of scholarship students who were reported to the school district as having been admitted by that private school pursuant to division (A)(2)(b) of section 3313.978 of the Revised Code and who were still enrolled in the private school as 37946  
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of the first day of such month; 37950

~~(b)(2)~~ The number of scholarship students who were reported 37951  
to the school district as having been admitted by another private 37952  
school pursuant to division (A)(2)(b) of section 3313.978 of the 37953  
Revised Code and since the date of admission have transferred to 37954  
the school providing the notification under division ~~(A)(1)(A)~~ of 37955  
this section. 37956

~~(2) From time to time, the state superintendent shall make a 37957  
payment to the parent of each student entitled to a scholarship. 37958  
Each payment shall include for each student reported under 37959  
division (A)(1) of this section a portion of the scholarship 37960  
amount specified in divisions (C)(1) and (2) of section 3313.978 37961  
of the Revised Code. This amount shall be proportionately reduced 37962  
in the case of any such student who is not enrolled in a 37963  
registered private school for the entire school year. 37964~~

~~(3) The first payment under this division shall be made by 37965  
the last day of November and shall equal one third of the 37966  
estimated total amount that will be due to the parent for the 37967  
school year pursuant to division (A)(2) of this section. 37968~~

~~(B) The state superintendent, on behalf of the parents of a 37969  
scholarship student enrolled in a public school in an adjacent 37970  
school district pursuant to section 3327.06 of the Revised Code, 37971  
shall make the tuition payments required by that section to the 37972  
school district admitting the student, except that, 37973  
notwithstanding sections 3323.13, 3323.14, and 3327.06 of the 37974  
Revised Code, the total payments in any school year shall not 37975  
exceed the scholarship amount provided in divisions (C)(1) and (2) 37976  
of section 3313.978 of the Revised Code. 37977~~

~~(C) Whenever an approved provider provides tutorial 37978  
assistance to a student, the state superintendent shall pay the 37979  
approved provider for such costs upon receipt of a statement 37980~~

specifying the services provided and the costs of the services, 37981  
which statement shall be signed by the provider and verified by 37982  
the chief administrator having supervisory control over the 37983  
tutoring site. The total payments to any approved provider under 37984  
this division for all provider services to any individual student 37985  
in any school year shall not exceed the grant amount provided in 37986  
division ~~(C)(3)~~(C) of section 3313.978 of the Revised Code. 37987

**Sec. 3313.98.** Notwithstanding division (D) of section 3311.19 37988  
and division (D) of section 3311.52 of the Revised Code, the 37989  
provisions of this section and sections 3313.981 to 3313.983 of 37990  
the Revised Code that apply to a city school district do not apply 37991  
to a joint vocational or cooperative education school district 37992  
unless expressly specified. 37993

(A) As used in this section and sections 3313.981 to 3313.983 37994  
of the Revised Code: 37995

(1) "Parent" means either of the natural or adoptive parents 37996  
of a student, except under the following conditions: 37997

(a) When the marriage of the natural or adoptive parents of 37998  
the student has been terminated by a divorce, dissolution of 37999  
marriage, or annulment or the natural or adoptive parents of the 38000  
student are living separate and apart under a legal separation 38001  
decree and the court has issued an order allocating the parental 38002  
rights and responsibilities with respect to the student, "parent" 38003  
means the residential parent as designated by the court except 38004  
that "parent" means either parent when the court issues a shared 38005  
parenting decree. 38006

(b) When a court has granted temporary or permanent custody 38007  
of the student to an individual or agency other than either of the 38008  
natural or adoptive parents of the student, "parent" means the 38009  
legal custodian of the child. 38010

(c) When a court has appointed a guardian for the student, 38011  
"parent" means the guardian of the student. 38012

(2) "Native student" means a student entitled under section 38013  
3313.64 or 3313.65 of the Revised Code to attend school in a 38014  
district adopting a resolution under this section. 38015

(3) "Adjacent district" means a city, exempted village, or 38016  
local school district having territory that abuts the territory of 38017  
a district adopting a resolution under this section. 38018

(4) "Adjacent district student" means a student entitled 38019  
under section 3313.64 or 3313.65 of the Revised Code to attend 38020  
school in an adjacent district. 38021

(5) "Adjacent district joint vocational student" means an 38022  
adjacent district student who enrolls in a city, exempted village, 38023  
or local school district pursuant to this section and who also 38024  
enrolls in a joint vocational school district that does not 38025  
contain the territory of the district for which that student is a 38026  
native student and does contain the territory of the city, 38027  
exempted village, or local district in which the student enrolls. 38028

(6) ~~"Formula amount" has the same meaning as in section 38029  
3317.02 of the Revised Code.~~ 38030

~~(7)~~ "Poverty line" means the poverty line established by the 38031  
director of the United States office of management and budget as 38032  
revised by the secretary of health and human services in 38033  
accordance with section 673(2) of the "Community Services Block 38034  
Grant Act," 95 Stat. 1609, 42 U.S.C.A. 9902, as amended. 38035

~~(8)~~(7) "IEP" has the same meaning as in section 3323.01 of 38036  
the Revised Code. 38037

~~(9)~~(8) "Other district" means a city, exempted village, or 38038  
local school district having territory outside of the territory of 38039  
a district adopting a resolution under this section. 38040

~~(10)~~(9) "Other district student" means a student entitled 38041  
under section 3313.64 or 3313.65 of the Revised Code to attend 38042  
school in an other district. 38043

~~(11)~~(10) "Other district joint vocational student" means a 38044  
student who is enrolled in any city, exempted village, or local 38045  
school district and who also enrolls in a joint vocational school 38046  
district that does not contain the territory of the district for 38047  
which that student is a native student in accordance with a policy 38048  
adopted under section 3313.983 of the Revised Code. 38049

(B)(1) The board of education of each city, local, and 38050  
exempted village school district shall adopt a resolution 38051  
establishing for the school district one of the following 38052  
policies: 38053

(a) A policy that entirely prohibits the enrollment of 38054  
students from adjacent districts or other districts, other than 38055  
students for whom tuition is paid in accordance with section 38056  
3317.08 of the Revised Code; 38057

(b) A policy that permits enrollment of students from all 38058  
adjacent districts in accordance with policy statements contained 38059  
in the resolution; 38060

(c) A policy that permits enrollment of students from all 38061  
other districts in accordance with policy statements contained in 38062  
the resolution. 38063

(2) A policy permitting enrollment of students from adjacent 38064  
or from other districts, as applicable, shall provide for all of 38065  
the following: 38066

(a) Application procedures, including deadlines for 38067  
application and for notification of students and the 38068  
superintendent of the applicable district whenever an adjacent or 38069  
other district student's application is approved. 38070

|                                                                                                                                                                                                                                                                                                                                                                                                                           |                                                             |
|---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-------------------------------------------------------------|
| (b) Procedures for admitting adjacent or other district applicants free of any tuition obligation to the district's schools, including, but not limited to:                                                                                                                                                                                                                                                               | 38071<br>38072<br>38073                                     |
| (i) The establishment of district capacity limits by grade level, school building, and education program;                                                                                                                                                                                                                                                                                                                 | 38074<br>38075                                              |
| (ii) A requirement that all native students wishing to be enrolled in the district will be enrolled and that any adjacent or other district students previously enrolled in the district shall receive preference over first-time applicants;                                                                                                                                                                             | 38076<br>38077<br>38078<br>38079                            |
| (iii) Procedures to ensure that an appropriate racial balance is maintained in the district schools.                                                                                                                                                                                                                                                                                                                      | 38080<br>38081                                              |
| (C) Except as provided in section 3313.982 of the Revised Code, the procedures for admitting adjacent or other district students, as applicable, shall not include:                                                                                                                                                                                                                                                       | 38082<br>38083<br>38084                                     |
| (1) Any requirement of academic ability, or any level of athletic, artistic, or other extracurricular skills;                                                                                                                                                                                                                                                                                                             | 38085<br>38086                                              |
| (2) Limitations on admitting applicants because of disability, except that a board may refuse to admit a student receiving services under Chapter 3323. of the Revised Code, if the services described in the student's IEP are not available in the district's schools;                                                                                                                                                  | 38087<br>38088<br>38089<br>38090<br>38091                   |
| (3) A requirement that the student be proficient in the English language;                                                                                                                                                                                                                                                                                                                                                 | 38092<br>38093                                              |
| (4) Rejection of any applicant because the student has been subject to disciplinary proceedings, except that if an applicant has been suspended or expelled by the student's district for ten consecutive days or more in the term for which admission is sought or in the term immediately preceding the term for which admission is sought, the procedures may include a provision denying admission of such applicant. | 38094<br>38095<br>38096<br>38097<br>38098<br>38099<br>38100 |

(D)(1) Each school board permitting only enrollment of adjacent district students shall provide information about the policy adopted under this section, including the application procedures and deadlines, to the superintendent and the board of education of each adjacent district and, upon request, to the parent of any adjacent district student.

(2) Each school board permitting enrollment of other district students shall provide information about the policy adopted under this section, including the application procedures and deadlines, upon request, to the board of education of any other school district or to the parent of any student anywhere in the state.

(E) Any school board shall accept all credits toward graduation earned in adjacent or other district schools by an adjacent or other district student or a native student.

(F)(1) No board of education may adopt a policy discouraging or prohibiting its native students from applying to enroll in the schools of an adjacent or any other district that has adopted a policy permitting such enrollment, except that:

(a) A district may object to the enrollment of a native student in an adjacent or other district in order to maintain an appropriate racial balance.

(b) The board of education of a district receiving funds under 64 Stat. 1100 (1950), 20 U.S.C.A. 236 et seq., as amended, may adopt a resolution objecting to the enrollment of its native students in adjacent or other districts if at least ten per cent of its students are included in the determination of the United States secretary of education made under section 20 U.S.C.A. 238(a).

(2) If a board objects to enrollment of native students under this division, any adjacent or other district shall refuse to enroll such native students unless tuition is paid for the

students in accordance with section 3317.08 of the Revised Code. 38132  
An adjacent or other district enrolling such students may not 38133  
receive funding for those students in accordance with section 38134  
3313.981 of the Revised Code. 38135

(G) The state board of education shall monitor school 38136  
districts to ensure compliance with this section and the 38137  
districts' policies. The board may adopt rules requiring uniform 38138  
application procedures, deadlines for application, notification 38139  
procedures, and record-keeping requirements for all school boards 38140  
that adopt policies permitting the enrollment of adjacent or other 38141  
district students, as applicable. If the state board adopts such 38142  
rules, no school board shall adopt a policy that conflicts with 38143  
those rules. 38144

(H) A resolution adopted by a board of education under this 38145  
section that entirely prohibits the enrollment of students from 38146  
adjacent and from other school districts does not abrogate any 38147  
agreement entered into under section 3313.841 or 3313.92 of the 38148  
Revised Code or any contract entered into under section 3313.90 of 38149  
the Revised Code between the board of education adopting the 38150  
resolution and the board of education of any adjacent or other 38151  
district or prohibit these boards of education from entering into 38152  
any such agreement or contract. 38153

(I) Nothing in this section shall be construed to permit or 38154  
require the board of education of a city, exempted village, or 38155  
local school district to exclude any native student of the 38156  
district from enrolling in the district. 38157

**Sec. 3313.981.** (A) The state board of education shall adopt 38158  
rules requiring all of the following: 38159

(1) The board of education of each city, exempted village, 38160  
and local school district to annually report to the department of 38161  
education all of the following: 38162

(a) The number of adjacent district or other district students in grades kindergarten through twelve, as applicable, the number of adjacent district or other district students who are preschool children with disabilities, as applicable, and the number of adjacent district or other district joint vocational students, as applicable, enrolled in the district, in accordance with a policy adopted under division (B) of section 3313.98 of the Revised Code;

(b) The number of native students in grades kindergarten through twelve enrolled in adjacent or other districts and the number of native students who are preschool children with disabilities enrolled in adjacent or other districts, in accordance with a policy adopted under division (B) of section 3313.98 of the Revised Code;

(c) Each adjacent district or other district student's or adjacent district or other district joint vocational student's date of enrollment in the district;

(d) The full-time equivalent number of adjacent district or other district students enrolled in each of the categories of career-technical education programs or classes described in section 3317.014 of the Revised Code;

(e) Each native student's date of enrollment in an adjacent or other district.

(2) The board of education of each joint vocational school district to annually report to the department all of the following:

(a) The number of adjacent district or other district joint vocational students, as applicable, enrolled in the district;

(b) The full-time equivalent number of adjacent district or other district joint vocational students enrolled in each category of career-technical education programs or classes described in

section 3317.014 of the Revised Code; 38194

(c) For each adjacent district or other district joint 38195  
vocational student, the city, exempted village, or local school 38196  
district in which the student is also enrolled. 38197

(3) Prior to the end of each reporting period specified in 38198  
section 3317.03 of the Revised Code, the superintendent of each 38199  
city, local, or exempted village school district that admits 38200  
adjacent district or other district students who are in grades 38201  
kindergarten through twelve, adjacent district or other district 38202  
students who are preschool children with disabilities, or adjacent 38203  
district or other district joint vocational students in accordance 38204  
with a policy adopted under division (B) of section 3313.98 of the 38205  
Revised Code to report to the department of education each 38206  
adjacent or other district's students and where those students who 38207  
are enrolled in the superintendent's district under the policy are 38208  
entitled to attend school under section 3313.64 or 3313.65 of the 38209  
Revised Code. 38210

The rules shall provide for the method of counting students 38211  
who are enrolled for part of a school year in an adjacent or other 38212  
district or as an adjacent district or other district joint 38213  
vocational student. 38214

(B) From the payments made to a city, exempted village, or 38215  
local school district under Chapter 3317. of the Revised Code and, 38216  
if necessary, from the payments made to the district under 38217  
sections 321.24 and 323.156 of the Revised Code, the department of 38218  
education shall annually subtract ~~all of the following:~~ 38219

~~(1) An amount equal to the number of the district's native 38220  
students in grades kindergarten through twelve reported under 38221  
division (A)(1) of this section who are enrolled in adjacent or 38222  
other school districts pursuant to policies adopted by such 38223  
districts under division (B) of section 3313.98 of the Revised 38224~~

|                                                                               |       |
|-------------------------------------------------------------------------------|-------|
| <del>Code multiplied by the formula amount;</del>                             | 38225 |
| <del>(2) The excess costs computed in accordance with division (E)</del>      | 38226 |
| <del>of this section for any such native students in grades</del>             | 38227 |
| <del>kindergarten through twelve receiving special education and</del>        | 38228 |
| <del>related services in adjacent or other school districts or as an</del>    | 38229 |
| <del>adjacent district or other district joint vocational student;</del>      | 38230 |
| <del>(3) For each of the district's native students reported under</del>      | 38231 |
| <del>division (A)(1)(d) or (2)(b) of this section as enrolled in</del>        | 38232 |
| <del>career technical education programs or classes described in</del>        | 38233 |
| <del>section 3317.014 of the Revised Code, the per pupil amount</del>         | 38234 |
| <del>prescribed by that section for the student's respective</del>            | 38235 |
| <del>career technical category, on a full-time equivalency basis;</del>       | 38236 |
| <del>(4) For, for each native student who is a preschool child</del>          | 38237 |
| <del>with a disability reported under division (A)(1) of this section</del>   | 38238 |
| <del>who is enrolled in an adjacent or other district pursuant to</del>       | 38239 |
| <del>policies adopted by such a district under division (B) of section</del>  | 38240 |
| <del>3313.98 of the Revised Code, \$4,000.</del>                              | 38241 |
| <del>(C) To the payments made to a city, exempted village, or</del>           | 38242 |
| <del>local school district under Chapter 3317. of the Revised Code, the</del> | 38243 |
| <del>department of education shall annually add all of the following:</del>   | 38244 |
| <del>(1) An amount equal to the formula amount multiplied by the</del>        | 38245 |
| <del>remainder obtained by subtracting the number of adjacent district</del>  | 38246 |
| <del>or other district joint vocational students from the number of</del>     | 38247 |
| <del>adjacent district or other district students in grades</del>             | 38248 |
| <del>kindergarten through twelve enrolled in the district, as reported</del>  | 38249 |
| <del>under division (A)(1) of this section;</del>                             | 38250 |
| <del>(2) The excess costs computed in accordance with division (E)</del>      | 38251 |
| <del>of this section for any adjacent district or other district</del>        | 38252 |
| <del>students in grades kindergarten through twelve, except for any</del>     | 38253 |
| <del>adjacent or other district joint vocational students, receiving</del>    | 38254 |
| <del>special education and related services in the district;</del>            | 38255 |

~~(3) For each of the adjacent or other district students who are not adjacent district or other district joint vocational students and are reported under division (A)(1)(d) of this section as enrolled in career technical education programs or classes described in section 3317.014 of the Revised Code, the per pupil amount prescribed by that section for the student's respective career technical category, on a full time equivalency basis;~~

~~(4) An amount equal to the number of adjacent district or other district joint vocational students reported under division (A)(1) of this section multiplied by an amount equal to twenty per cent of the formula amount;~~

~~(5) For, for each adjacent district or other district student who is a preschool child with a disability reported under division (A)(1) of this section who is enrolled in the district, \$4,000.~~

~~(D) To the payments made to a joint vocational school district under Chapter 3317. of the Revised Code, the department of education shall add, for each adjacent district or other district joint vocational student reported under division (A)(2) of this section, both of the following:~~

~~(1) The formula amount;~~

~~(2) The per pupil amount for each of the students reported pursuant to division (A)(2)(b) of this section prescribed by section 3317.014 of the Revised Code for the student's respective career technical category, on a full time equivalency basis.~~

~~(E)(1) A city, exempted village, or local school board providing special education and related services to an adjacent or other district student in grades kindergarten through twelve in accordance with an IEP shall, pursuant to rules of the state board, compute the excess costs to educate such student as follows:~~

~~(a) Subtract the formula amount from the actual costs to~~

~~educate the student;~~ 38287

~~(b) From the amount computed under division (E)(1)(a) of this section subtract the amount of any funds received by the district under Chapter 3317. of the Revised Code to provide special education and related services to the student.~~ 38288  
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~~(2) The board shall report the excess costs computed under this division to the department of education.~~ 38292  
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~~(3) If any student for whom excess costs are computed under division (E)(1) of this section is an adjacent or other district joint vocational student, the department of education shall add the amount of such excess costs to the payments made under Chapter 3317. of the Revised Code to the joint vocational school district enrolling the student.~~ 38294  
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~~(F) As provided in division (D)(1)(b) of section 3317.03 of the Revised Code, no joint vocational school district shall count any adjacent or other district joint vocational student enrolled in the district in its enrollment certified under section 3317.03 of the Revised Code.~~ 38300  
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~~(G) No city, exempted village, or local school district shall receive a payment under division (C) of this section for a student, and no joint vocational school district shall receive a payment under division (D) of this section for a student, if for the same school year that student is counted in the district's enrollment certified under section 3317.03 of the Revised Code.~~ 38305  
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~~(H)~~(E) Upon request of a parent, and provided the board offers transportation to native students of the same grade level and distance from school under section 3327.01 of the Revised Code, a city, exempted village, or local school board enrolling an adjacent or other district student shall provide transportation for the student within the boundaries of the board's district, except that the board shall be required to pick up and drop off a 38311  
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nonhandicapped student only at a regular school bus stop 38318  
designated in accordance with the board's transportation policy. 38319  
Pursuant to rules of the state board of education, such board may 38320  
reimburse the parent from funds received for pupil transportation 38321  
under section 3317.0212 of the Revised Code, or other provisions 38322  
of law, for the reasonable cost of transportation from the 38323  
student's home to the designated school bus stop if the student's 38324  
family has an income below the federal poverty line. 38325

**Sec. 3314.013.** (A) Until ~~the sixty first day after the~~ 38326  
~~effective date of this amendment~~ May 22, 2013, no internet- or 38327  
computer-based community school shall operate unless the school 38328  
was open for instruction as of May 1, 2005. No entity described in 38329  
division (C)(1) of section 3314.02 of the Revised Code shall enter 38330  
into a contract to sponsor an internet- or computer-based 38331  
community school, including a conversion school, between May 1, 38332  
2005, and ~~the sixty first day after the effective date of this~~ 38333  
~~amendment~~ May 22, 2013, except as follows: 38334

(1) The entity may renew a contract that the entity entered 38335  
into with an internet- or computer-based community school prior to 38336  
May 1, 2005, if the school was open for operation as of that date. 38337

(2) The entity may assume sponsorship of an existing 38338  
internet- or computer-based community school that was formerly 38339  
sponsored by another entity and may enter into a contract with 38340  
that community school in accordance with section 3314.03 of the 38341  
Revised Code. 38342

If a sponsor entered into a contract with an internet- or 38343  
computer-based community school, including a conversion school, 38344  
but the school was not open for operation as of May 1, 2005, the 38345  
contract shall be void and the entity shall not enter into another 38346  
contract with the school until ~~the sixty first day after the~~ 38347  
~~effective date of this amendment~~ May 22, 2013. 38348

(B)(1) Beginning on ~~the later of~~ July 1, 2013, ~~or the~~ 38349  
~~sixty first day after the effective date of this amendment,~~ up to 38350  
five new internet- or computer-based community schools may open 38351  
each year, subject to approval of the superintendent of public 38352  
instruction under division (B)(2) of this section. 38353

(2) The superintendent of public instruction shall approve 38354  
applications for new internet- or computer-based community schools 38355  
from only those applicants demonstrating experience and quality. 38356

The state board of education shall adopt rules prescribing 38357  
measures to determine experience and quality of applicants in 38358  
accordance with Chapter 119. of the Revised Code. The measures 38359  
shall include, but not be limited to, the following 38360  
considerations: 38361

(a) The sponsor's experience with online schools; 38362

(b) The operator's experience with online schools; 38363

(c) The sponsor's and operator's previous record for student 38364  
performance; 38365

(d) A preference for operators with previous experience in 38366  
Ohio. 38367

The state board shall adopt the rules so that they are 38368  
effective ~~not later than the sixty first day after the effective~~ 38369  
~~date of this amendment~~ May 22, 2013. 38370

(3) The department of education shall notify any new 38371  
internet- or computer-based community school governed by division 38372  
(B) of this section of whether the superintendent has approved or 38373  
disapproved the school's application to open for the 2013-2014 38374  
school year not later than July 1, 2013, ~~or the sixty first day~~ 38375  
~~after the effective date of this amendment , if such date occurs~~ 38376  
~~after July 1, 2013~~. Notwithstanding the dates prescribed for 38377  
adoption and signing on sponsor contracts in division (D) of 38378

section 3314.02 of the Revised Code, or the date for opening a school for instruction required by division (A)(25) of section 3314.03 of the Revised Code, a new internet- or computer-based community school approved for opening for the 2013-2014 school year under division (B) of this section may open and operate in that school year regardless of whether it has complied with those contract and opening dates. For each school year thereafter, the school shall comply with all applicable provisions of this chapter.

(4) Notwithstanding divisions (B)(1) and (2) of this section, a sponsor rated "exemplary" on its most recent evaluation conducted under section 3314.016 of the Revised Code is permitted to open up to two new internet- or computer-based community schools that will primarily serve students enrolled in a dropout prevention and recovery program each year, not to exceed six new schools in a five-year period.

(C) Nothing in ~~divisions~~ division (A) or (B) of this section prohibits an internet- or computer-based community school from increasing the number of grade levels it offers.

~~(D) Not later than July 1, 2012, the director of the governor's office of 21st century education and the superintendent of public instruction shall develop standards for the operation of internet- or computer based community schools. The director shall submit those standards to the speaker of the house of representatives and the president of the senate for consideration of enactment by the general assembly.~~

**Sec. 3314.016.** This section applies to any entity that sponsors a community school, regardless of whether section 3314.021 or 3314.027 of the Revised Code exempts the entity from the requirement to be approved for sponsorship under divisions (A)(2) and (B)(1) of section 3314.015 of the Revised Code. The

office of Ohio school sponsorship established under section 38410  
3314.029 of the Revised Code shall be rated under division (B) of 38411  
this section, but divisions (A) and (C) of this section do not 38412  
apply to the office. 38413

(A) An entity that sponsors a community school shall be 38414  
permitted to enter into contracts under section 3314.03 of the 38415  
Revised Code to sponsor additional community schools only if the 38416  
entity meets all of the following criteria: 38417

(1) The entity is in compliance with all provisions of this 38418  
chapter requiring sponsors of community schools to report data or 38419  
information to the department of education. 38420

(2) The entity is not rated as "ineffective" under division 38421  
(B)(6) of this section. 38422

(3) Except as set forth in sections 3314.021 and 3314.027 of 38423  
the Revised Code, the entity has received approval from and 38424  
entered into an agreement with the department of education 38425  
pursuant to section 3314.015 of the Revised Code. 38426

(B)(1) The department shall develop and implement an 38427  
evaluation system that annually rates and assigns an overall 38428  
rating to each entity that sponsors a community school. The 38429  
department, not later than the first day of February of each year, 38430  
shall post on the department's web site the framework for the 38431  
evaluation system, including technical documentation that the 38432  
department intends to use to rate sponsors for the next school 38433  
year. The department shall solicit public comment on the 38434  
evaluation system for thirty consecutive days. Not later than the 38435  
first day of April of each year, the department shall compile and 38436  
post on the department's web site all public comments that were 38437  
received during the public comment period. The evaluation system 38438  
shall be posted on the department's web site by the fifteenth day 38439  
of July of each school year. Any changes to the evaluation system 38440

after that date shall take effect the following year. The 38441  
evaluation system shall be based on the following components: 38442

(a) Academic performance of students enrolled in community 38443  
schools sponsored by the same entity. The academic performance 38444  
component shall be derived from the performance measures 38445  
prescribed for the state report cards under section 3302.03 or 38446  
3314.017 of the Revised Code, and shall be based on the 38447  
performance of the schools for the school year for which the 38448  
evaluation is conducted. In addition to the academic performance 38449  
for a specific school year, the academic performance component 38450  
shall also include year-to-year changes in the overall sponsor 38451  
portfolio. For a community school for which no graded performance 38452  
measures are applicable or available, the department shall use 38453  
nonreport card performance measures specified in the contract 38454  
between the community school and the sponsor under division (A)(4) 38455  
of section 3314.03 of the Revised Code. 38456

(b) Adherence by a sponsor to the quality practices 38457  
prescribed by the department under division (B)(3) of this 38458  
section. For a sponsor that was rated "effective" or "exemplary" 38459  
on its most recent rating, the department may evaluate that 38460  
sponsor's adherence to quality practices once over a period of 38461  
three years. If the department elects to evaluate a sponsor once 38462  
over a period of three years, the most recent rating for a 38463  
sponsor's adherence to quality practices shall be used when 38464  
determining an annual overall rating conducted under this section. 38465

(c) Compliance with all applicable laws and administrative 38466  
rules by an entity that sponsors a community school. 38467

(2) In calculating an academic performance component, the 38468  
department shall exclude all community schools that have been in 38469  
operation for not more than two full school years and all 38470  
community schools described in division (A)(4)(b) of section 38471  
3314.35 of the Revised Code. However, the academic performance of 38472

the community schools described in division (A)(4)(b) of section 38473  
3314.35 of the Revised Code shall be reported, but shall not be 38474  
used as a factor when determining a sponsoring entity's rating 38475  
under this section. 38476

(3) The department, in consultation with entities that 38477  
sponsor community schools, shall prescribe quality practices for 38478  
community school sponsors and develop an instrument to measure 38479  
adherence to those quality practices. The quality practices shall 38480  
be based on standards developed by the national association of 38481  
charter school authorizers or any other nationally organized 38482  
community school organization. 38483

(4)(a) The department may permit peer review of a sponsor's 38484  
adherence to the quality practices prescribed under division 38485  
(B)(3) of this section. Peer reviewers shall be limited to 38486  
individuals employed by sponsors rated "effective" or "exemplary" 38487  
on the most recent ratings conducted under this section. 38488

(b) The department shall require individuals participating in 38489  
peer review under division (B)(4)(a) of this section to complete 38490  
training approved or established by the department. 38491

(c) The department may enter into an agreement with another 38492  
entity to provide training to individuals conducting peer review 38493  
of sponsors. Prior to entering into an agreement with an entity, 38494  
the department shall review and approve of the entity's training 38495  
program. 38496

(5) Not later than July 1, 2013, the state board of education 38497  
shall adopt rules in accordance with Chapter 119. of the Revised 38498  
Code prescribing standards for measuring compliance with 38499  
applicable laws and rules under division (B)(1)(c) of this 38500  
section. 38501

(6) The department annually shall rate all entities that 38502  
sponsor community schools as either "exemplary," "effective," 38503

"ineffective," or "poor," based on the components prescribed by 38504  
division (B) of this section, where each component is weighted 38505  
equally. A separate rating shall be given by the department for 38506  
each component of the evaluation system. 38507

The department shall publish the ratings between the first 38508  
day of October and the fifteenth day of November. 38509

Prior to the publication of the final ratings, the department 38510  
shall designate and provide notice of a period of at least ten 38511  
business days during which each sponsor may review the information 38512  
used by the department to determine the sponsor's rating on the 38513  
components prescribed by division (B)(1) of this section. If the 38514  
sponsor believes there is an error in the department's evaluation, 38515  
the sponsor may request adjustments to the rating of any of those 38516  
components based on documentation previously submitted as part of 38517  
an evaluation. The sponsor shall provide to the department any 38518  
necessary evidence or information to support the requested 38519  
adjustments. The department shall review the evidence and 38520  
information, determine whether an adjustment is valid, and 38521  
promptly notify the sponsor of its determination and reasons. If 38522  
any adjustments to the data could result in a change to the rating 38523  
on the applicable component or to the overall rating, the 38524  
department shall recalculate the ratings prior to publication. 38525

The department shall provide training on an annual basis 38526  
regarding the evaluation system prescribed under this section. The 38527  
training shall, at a minimum, describe methodology, timelines, and 38528  
data required for the evaluation system. The first training 38529  
session shall occur not later than March 2, 2016. Beginning in 38530  
2018, the training shall be made available to each entity that 38531  
sponsors a community school by the fifteenth day of July of each 38532  
year and shall include guidance on any changes made to the 38533  
evaluation system. 38534

(7)(a) Entities with an overall rating of "exemplary" for ~~at~~ 38535

~~least the two consecutive most recent years in which the entity~~ 38536  
~~was evaluated~~ may take advantage of the following incentives: 38537

(i) Renewal of the written agreement with the department, not 38538  
to exceed ten years, provided that the entity consents to 38539  
continued evaluation of adherence to quality practices as 38540  
described in division (B)(1)(b) of this section; 38541

(ii) The ability to extend the term of the contract between 38542  
the sponsoring entity and the community school beyond the term 38543  
described in the written agreement with the department; 38544

(iii) An exemption from the preliminary agreement and 38545  
contract adoption and execution deadline requirements prescribed 38546  
in division (D) of section 3314.02 of the Revised Code; 38547

(iv) An exemption from the automatic contract expiration 38548  
requirement, should a new community school fail to open by the 38549  
thirtieth day of September of the calendar year in which the 38550  
community school contract is executed; 38551

(v) No limit on the number of community schools the entity 38552  
may sponsor; 38553

(vi) No territorial restrictions on sponsorship. 38554

An entity may continue to sponsor any community schools with 38555  
which it entered into agreements under division (B)(7)(a)(v) or 38556  
(vi) of this section while rated "exemplary," notwithstanding the 38557  
fact that the entity later receives a lower overall rating. 38558

(b) Entities with an overall rating of "exemplary" or 38559  
"effective" for ~~at least the three consecutive most recent~~ years 38560  
in which the entity was evaluated shall be evaluated by the 38561  
department once every three years. 38562

(c)(i) Entities that receive an overall rating of 38563  
"ineffective" shall be prohibited from sponsoring any new or 38564  
additional community schools during the time in which the sponsor 38565

is rated as "ineffective" and shall be subject to a quality 38566  
improvement plan based on correcting the deficiencies that led to 38567  
the "ineffective" rating, with timelines and benchmarks that have 38568  
been established by the department. 38569

(ii) Entities that receive an overall rating of "ineffective" 38570  
on their three most recent ratings shall have all sponsorship 38571  
authority revoked. Within thirty days after receiving its third 38572  
rating of "ineffective," the entity may appeal the revocation of 38573  
its sponsorship authority to the superintendent of public 38574  
instruction, who shall appoint an independent hearing officer to 38575  
conduct a hearing in accordance with Chapter 119. of the Revised 38576  
Code. The hearing shall be conducted within thirty days after 38577  
receipt of the notice of appeal. Within forty-five days after the 38578  
hearing is completed, the state board of education shall determine 38579  
whether the revocation is appropriate based on the hearing 38580  
conducted by the independent hearing officer, and if determined 38581  
appropriate, the revocation shall be confirmed. 38582

(d) Entities that receive an overall rating of "poor" shall 38583  
have all sponsorship authority revoked. Within thirty days after 38584  
receiving a rating of "poor," the entity may appeal the revocation 38585  
of its sponsorship authority to the superintendent of public 38586  
instruction, who shall appoint an independent hearing officer to 38587  
conduct a hearing in accordance with Chapter 119. of the Revised 38588  
Code. The hearing shall be conducted within thirty days after 38589  
receipt of the notice of appeal. Within forty-five days after the 38590  
hearing is completed, the state board of education shall determine 38591  
whether the revocation is appropriate based on the hearing 38592  
conducted by the independent hearing officer, and if determined 38593  
appropriate, the revocation shall be confirmed. 38594

(8) For the 2014-2015 school year and each school year 38595  
thereafter, student academic performance prescribed under division 38596  
(B)(1)(a) of this section shall include student academic 38597

performance data from community schools that primarily serve 38598  
students enrolled in a dropout prevention and recovery program. 38599

(C) If the governing authority of a community school enters 38600  
into a contract with a sponsor prior to the date on which the 38601  
sponsor is prohibited from sponsoring additional schools under 38602  
division (A) of this section and the school has not opened for 38603  
operation as of that date, that contract shall be void and the 38604  
school shall not open until the governing authority secures a new 38605  
sponsor by entering into a contract with the new sponsor under 38606  
section 3314.03 of the Revised Code. However, the department's 38607  
office of Ohio school sponsorship, established under section 38608  
3314.029 of the Revised Code, may assume the sponsorship of the 38609  
school until the earlier of the expiration of two school years or 38610  
until a new sponsor is secured by the school's governing 38611  
authority. A community school sponsored by the department under 38612  
this division shall not be included when calculating the maximum 38613  
number of directly authorized community schools permitted under 38614  
division (A)(3) of section 3314.029 of the Revised Code. 38615

(D) When an entity's authority to sponsor schools is revoked 38616  
pursuant to division ~~(B)(7)(b)~~(B)(7)(c) or ~~(e)~~(d) of this section, 38617  
the office of Ohio school sponsorship shall assume sponsorship of 38618  
any schools with which the original sponsor has contracted for the 38619  
remainder of that school year. The office may continue sponsoring 38620  
those schools until the earlier of: 38621

(1) The expiration of two school years from the time that 38622  
sponsorship is revoked; 38623

(2) When a new sponsor is secured by the governing authority 38624  
pursuant to division (C)(1) of section 3314.02 of the Revised 38625  
Code. 38626

Any community school sponsored under this division shall not 38627  
be counted for purposes of directly authorized community schools 38628

under division (A)(3) of section 3314.029 of the Revised Code. 38629

(E) The department shall recalculate the rating for the 38630  
2017-2018 school year for each sponsor of a community school that 38631  
receives recalculated ratings pursuant to division (I) of section 38632  
3314.017 of the Revised Code. 38633

**Sec. 3314.017.** (A) The state board of education shall 38634  
prescribe by rules, adopted in accordance with Chapter 119. of the 38635  
Revised Code, an academic performance rating and report card 38636  
system that satisfies the requirements of this section for 38637  
community schools that primarily serve students enrolled in 38638  
dropout prevention and recovery programs as described in division 38639  
(A)(4)(a) of section 3314.35 of the Revised Code, to be used in 38640  
lieu of the system prescribed under sections 3302.03 and 3314.012 38641  
of the Revised Code beginning with the 2012-2013 school year. Each 38642  
such school shall comply with the testing and reporting 38643  
requirements of the system as prescribed by the state board. 38644

(B) Nothing in this section shall at any time relieve a 38645  
school from its obligations under the "No Child Left Behind Act of 38646  
2001" to make "adequate yearly progress," as both that act and 38647  
that term are defined in section 3302.01 of the Revised Code, or a 38648  
school's amenability to the provisions of section 3302.04 or 38649  
3302.041 of the Revised Code. The department of education shall 38650  
continue to report each school's performance as required by the 38651  
act and to enforce applicable sanctions under section 3302.04 or 38652  
3302.041 of the Revised Code. 38653

(C) The rules adopted by the state board shall prescribe the 38654  
following performance indicators for the rating and report card 38655  
system required by this section: 38656

(1) Graduation rate for each of the following student 38657  
cohorts: 38658

|                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                      |                                                                                                                   |
|------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-------------------------------------------------------------------------------------------------------------------|
| (a) The number of students who graduate in four years or less with a regular high school diploma divided by the number of students who form the adjusted cohort for the graduating class;                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                            | 38659<br>38660<br>38661                                                                                           |
| (b) The number of students who graduate in five years with a regular high school diploma divided by the number of students who form the adjusted cohort for the four-year graduation rate;                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                           | 38662<br>38663<br>38664                                                                                           |
| (c) The number of students who graduate in six years with a regular high school diploma divided by the number of students who form the adjusted cohort for the four-year graduation rate;                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                            | 38665<br>38666<br>38667                                                                                           |
| (d) The number of students who graduate in seven years with a regular high school diploma divided by the number of students who form the adjusted cohort for the four-year graduation rate;                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                          | 38668<br>38669<br>38670                                                                                           |
| (e) The number of students who graduate in eight years with a regular high school diploma divided by the number of students who form the adjusted cohort for the four-year graduation rate.                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                          | 38671<br>38672<br>38673                                                                                           |
| (2) The percentage of twelfth-grade students currently enrolled in the school who have attained the designated passing score on all of the state high school achievement assessments required under division (B)(1) of section 3301.0710 of the Revised Code or the cumulative performance score on the end-of-course examinations prescribed under division (B)(2) of section 3301.0712 of the Revised Code, whichever applies, and other students enrolled in the school, regardless of grade level, who are within three months of their twenty-second birthday and have attained the designated passing score on all of the state high school achievement assessments or the cumulative performance score on the end-of-course examinations, whichever applies, by their twenty-second birthday; | 38674<br>38675<br>38676<br>38677<br>38678<br>38679<br>38680<br>38681<br>38682<br>38683<br>38684<br>38685<br>38686 |
| (3) Annual measurable objectives as defined in section 3302.01 of the Revised Code;                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                  | 38687<br>38688                                                                                                    |
| (4) Growth in student achievement in reading, or mathematics,                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                        | 38689                                                                                                             |

or both as measured by separate nationally norm-referenced 38690  
assessments that have developed appropriate standards for students 38691  
enrolled in dropout prevention and recovery programs, adopted or 38692  
approved by the state board. 38693

(D)(1) The state board's rules shall prescribe the expected 38694  
performance levels and benchmarks for each of the indicators 38695  
prescribed by division (C) of this section based on the data 38696  
gathered by the department under division (G) of this section. 38697  
Based on a school's level of attainment or nonattainment of the 38698  
expected performance levels and benchmarks for each of the 38699  
indicators, the department shall rate each school in one of the 38700  
following categories: 38701

(a) Exceeds standards; 38702

(b) Meets standards; 38703

(c) Does not meet standards. 38704

(2) The state board's rules shall establish all of the 38705  
following: 38706

(a) Not later than June 30, 2013, performance levels and 38707  
benchmarks for the indicators described in divisions (C)(1) to (3) 38708  
of this section; 38709

(b) Not later than December 31, 2014, both of the following: 38710

(i) Performance levels and benchmarks for the indicator 38711  
described in division (C)(4) of this section; 38712

(ii) Standards for awarding a community school described in 38713  
division (A)(4)(a) of section 3314.35 of the Revised Code an 38714  
overall designation, which shall be calculated as follows: 38715

(I) Thirty per cent of the score shall be based on the 38716  
indicators described in division (C)(1) of this section that are 38717  
applicable to the school year for which the overall designation is 38718  
granted. 38719

(II) Thirty per cent of the score shall be based on the indicators described in division (C)(4) of this section. 38720  
38721

(III) Twenty per cent of the score shall be based on the indicators described in division (C)(2) of this section. 38722  
38723

(IV) Twenty per cent of the score shall be based on the indicators described in division (C)(3) of this section. 38724  
38725

(3) If both of the indicators described in divisions (C)(1) and (2) of this section improve by ten per cent for two consecutive years, a school shall be rated not less than "meets standards." 38726  
38727  
38728  
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The rating and the relevant performance data for each school shall be posted on the department's web site, and a copy of the rating and data shall be provided to the governing authority of the community school. 38730  
38731  
38732  
38733

(E)(1) For the 2012-2013 school year, the department shall issue a report card including the following performance measures, but without a performance rating as described in divisions (D)(1)(a) to (c) of this section, for each community school described in division (A)(4)(a) of section 3314.35 of the Revised Code: 38734  
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38738  
38739

(a) The graduation rates as described in divisions (C)(1)(a) to (c) of this section; 38740  
38741

(b) The percentage of twelfth-grade students and other students who have attained a designated passing score on high school achievement assessments as described in division (C)(2) of this section; 38742  
38743  
38744  
38745

(c) The statewide average for the graduation rates and assessment passage rates described in divisions (C)(1)(a) to (c) and (C)(2) of this section; 38746  
38747  
38748

(d) Annual measurable objectives described in division (C)(3) 38749

of this section. 38750

(2) For the 2013-2014 school year, the department shall issue 38751  
a report card including the following performance measures for 38752  
each community school described in division (A)(4)(a) of section 38753  
3314.35 of the Revised Code: 38754

(a) The graduation rates described in divisions (C)(1)(a) to 38755  
(d) of this section, including a performance rating as described 38756  
in divisions (D)(1)(a) to (c) of this section; 38757

(b) The percentage of twelfth-grade students and other 38758  
students who have attained a designated passing score on high 38759  
school achievement assessments as described in division (C)(2) of 38760  
this section, including a performance rating as described in 38761  
divisions (D)(1)(a) to (c) of this section; 38762

(c) Annual measurable objectives described in division (C)(3) 38763  
of this section, including a performance rating as described in 38764  
divisions (D)(1)(a) to (c) of this section; 38765

(d) Both of the following without an assigned rating: 38766

(i) Growth in annual student achievement in reading and 38767  
mathematics described in division (C)(4) of this section, if 38768  
available; 38769

(ii) Student outcome data, including postsecondary credit 38770  
earned, nationally recognized career or technical certification, 38771  
military enlistment, job placement, and attendance rate. 38772

(3) Beginning with the 2014-2015 school year, and annually 38773  
thereafter, the department shall issue a report card for each 38774  
community school described in division (A)(4)(a) of section 38775  
3314.35 of the Revised Code that includes all of the following 38776  
performance measures, including a performance rating for each 38777  
measure as described in divisions (D)(1)(a) to (c) of this 38778  
section: 38779

|                                                                                                                                                                                                                                                                                                                                                                                         |                                                    |
|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|----------------------------------------------------|
| (a) The graduation rates as described in division (C)(1) of this section;                                                                                                                                                                                                                                                                                                               | 38780<br>38781                                     |
| (b) The percentage of twelfth-grade students and other students who have attained a designated passing score on high school achievement assessments as described in division (C)(2) of this section;                                                                                                                                                                                    | 38782<br>38783<br>38784<br>38785                   |
| (c) Annual measurable objectives described in division (C)(3) of this section, including a performance rating as described in divisions (D)(1)(a) to (c) of this section;                                                                                                                                                                                                               | 38786<br>38787<br>38788                            |
| (d) Growth in annual student achievement in reading and mathematics as described in division (C)(4) of this section;                                                                                                                                                                                                                                                                    | 38789<br>38790                                     |
| (e) An overall performance designation for the school calculated under rules adopted under division (D)(2) of this section.                                                                                                                                                                                                                                                             | 38791<br>38792<br>38793                            |
| The department shall also include student outcome data, including postsecondary credit earned, nationally recognized career or technical certification, military enlistment, job placement, attendance rate, and progress on closing achievement gaps for each school. This information shall not be included in the calculation of a school's performance rating.                      | 38794<br>38795<br>38796<br>38797<br>38798<br>38799 |
| (F) Not later than the thirty-first day of July of each year, the department shall submit preliminary report card data for overall academic performance for each performance measure prescribed in division (E)(3) of this section for each community school to which this section applies.                                                                                             | 38800<br>38801<br>38802<br>38803<br>38804          |
| (G) In developing the rating and report card system required by this section, during the 2012-2013 and 2013-2014 school years, the department shall gather and analyze data as determined necessary from each community school described in division (A)(4)(a) of section 3314.35 of the Revised Code. Each such school shall cooperate with the department by supplying requested data | 38805<br>38806<br>38807<br>38808<br>38809<br>38810 |

and administering required assessments, including sample 38811  
assessments for purposes of measuring student achievement growth 38812  
as described in division (C)(4) of this section. The department 38813  
shall consult with stakeholder groups in performing its duties 38814  
under this division. 38815

The department shall also identify one or more states that 38816  
have established or are in the process of establishing similar 38817  
academic performance rating systems for dropout prevention and 38818  
recovery programs and consult with the departments of education of 38819  
those states in developing the system required by this section. 38820

(H) Not later than December 31, 2014, the state board shall 38821  
review the performance levels and benchmarks for performance 38822  
indicators in the report card issued under this section and may 38823  
revise them based on the data collected under division (G) of this 38824  
section. 38825

(I) For the purposes of division (F) of section 3314.351 of 38826  
the Revised Code, the department shall recalculate the ratings for 38827  
each school under division (E)(3) of this section for the 38828  
2017-2018 school year and calculate the ratings under that 38829  
division for the 2018-2019 school year using the indicators 38830  
prescribed by division (C) of this section, as it exists on and 38831  
after ~~the effective date of this amendment~~ July 18, 2019. 38832

~~(J) The state board shall coordinate a study committee 38833  
consisting of one member of the Ohio senate appointed by the 38834  
president of the senate, one member of the Ohio house of 38835  
representatives appointed by the speaker of the house of 38836  
representatives, one representative of the governor's office, one 38837  
school district superintendent appointed by the state board, and 38838  
one chief administrator of a community school appointed by the 38839  
state board. This committee shall conduct a study regarding the 38840  
classification, authorization, and report card ratings of 38841  
community schools that primarily serve students enrolled in 38842~~

~~dropout prevention and recovery programs as described in division 38843  
(A)(4)(a) of section 3314.35 of the Revised Code that offer two or 38844  
more of the following educational models: 38845~~

~~(1) Blended learning, as that term is defined in section 38846  
3301.079 of the Revised Code; 38847~~

~~(2) Portfolio learning, as defined by the members of the 38848  
committee; 38849~~

~~(3) Credit flexibility, which permits credits to be awarded 38850  
based on a student's demonstration of subject area competency. 38851~~

~~The state board, on behalf of the committee, shall submit the 38852  
committee's recommendations to the general assembly in accordance 38853  
with section 101.68 of the Revised Code not later than six months 38854  
after the effective date of this amendment. 38855~~

**Sec. 3314.02.** (A) As used in this chapter: 38857

(1) "Sponsor" means the board of education of a school 38858  
district or the governing board of an educational service center 38859  
that agrees to the conversion of all or part of a school or 38860  
building under division (B) of this section, or an entity listed 38861  
in division (C)(1) of this section, which has been approved by the 38862  
department of education to sponsor community schools or is 38863  
exempted by section 3314.021 or 3314.027 of the Revised Code from 38864  
obtaining approval, and with which the governing authority of a 38865  
community school enters into a contract under section 3314.03 of 38866  
the Revised Code. 38867

(2) "Pilot project area" means the school districts included 38868  
in the territory of the former community school pilot project 38869  
established by former Section 50.52 of Am. Sub. H.B. No. 215 of 38870  
the 122nd general assembly. 38871

(3) "Challenged school district" means any of the following: 38872

(a) A school district that is part of the pilot project area; 38873

|                                                                                                                                                                                                                                                                                                                                                                                  |                                                    |
|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|----------------------------------------------------|
| (b) A school district that meets one of the following conditions:                                                                                                                                                                                                                                                                                                                | 38874<br>38875                                     |
| (i) On March 22, 2013, the district was in a state of academic emergency or in a state of academic watch under section 3302.03 of the Revised Code, as that section existed prior to March 22, 2013;                                                                                                                                                                             | 38876<br>38877<br>38878<br>38879                   |
| (ii) For two of the 2012-2013, 2013-2014, 2014-2015, and 2015-2016 school years, the district received a grade of "D" or "F" for the performance index score and a grade of "F" for the value-added progress dimension under section 3302.03 of the Revised Code;                                                                                                                | 38880<br>38881<br>38882<br>38883<br>38884          |
| (iii) For the 2016-2017 school year and for any school year thereafter, the district has received an overall grade of "D" or "F" under division (C)(3) of section 3302.03 of the Revised Code, or, for at least two of the three most recent school years, the district received a grade of "F" for the value-added progress dimension under division (C)(1)(e) of that section. | 38885<br>38886<br>38887<br>38888<br>38889<br>38890 |
| (c) A big eight school district;                                                                                                                                                                                                                                                                                                                                                 | 38891                                              |
| (d) A school district ranked in the lowest five per cent of school districts according to performance index score under section 3302.21 of the Revised Code.                                                                                                                                                                                                                     | 38892<br>38893<br>38894                            |
| (4) "Big eight school district" means a school district that for fiscal year 1997 had both of the following:                                                                                                                                                                                                                                                                     | 38895<br>38896                                     |
| (a) A percentage of children residing in the district and participating in the predecessor of Ohio works first greater than thirty per cent, as reported pursuant to section 3317.10 of the Revised Code;                                                                                                                                                                        | 38897<br>38898<br>38899<br>38900                   |
| (b) An average daily membership greater than twelve thousand, as reported pursuant to former division (A) of section 3317.03 of the Revised Code.                                                                                                                                                                                                                                | 38901<br>38902<br>38903                            |

(5) "New start-up school" means a community school other than one created by converting all or part of an existing public school or educational service center building, as designated in the school's contract pursuant to division (A)(17) of section 3314.03 of the Revised Code.

(6) "Urban school district" means one of the state's twenty-one urban school districts as defined in division (O) of section 3317.02 of the Revised Code as that section existed prior to July 1, 1998.

(7) "Internet- or computer-based community school" means a community school established under this chapter in which the enrolled students work primarily from their residences on assignments in nonclassroom-based learning opportunities provided via an internet- or other computer-based instructional method that does not rely on regular classroom instruction or via comprehensive instructional methods that include internet-based, other computer-based, and noncomputer-based learning opportunities unless a student receives career-technical education under section 3314.086 of the Revised Code.

A community school that operates mainly as an internet- or computer-based community school and provides career-technical education under section 3314.086 of the Revised Code shall be considered an internet- or computer-based community school, even if it provides some classroom-based instruction, so long as it provides instruction via the methods described in this division.

(8) "Operator" or "management company" means either of the following:

(a) An individual or organization that manages the daily operations of a community school pursuant to a contract between the operator or management company and the school's governing authority;

(b) A nonprofit organization that provides programmatic oversight and support to a community school under a contract with the school's governing authority and that retains the right to terminate its affiliation with the school if the school fails to meet the organization's quality standards.

(9) "Alliance municipal school district" has the same meaning as in section 3311.86 of the Revised Code.

(B)(1) Any person or group of individuals may initially propose under this division the conversion of all or a portion of a public school to a community school. The proposal shall be made to the board of education of the city, local, exempted village, or joint vocational school district in which the public school is proposed to be converted.

(2) Any person or group of individuals may initially propose under this division the conversion of all or a portion of a building operated by an educational service center to a community school. The proposal shall be made to the governing board of the service center.

On or after July 1, 2017, except as provided in section 3314.027 of the Revised Code, any educational service center that sponsors a community school shall be approved by and enter into a written agreement with the department as described in section 3314.015 of the Revised Code.

(3) Upon receipt of a proposal, and after an agreement has been entered into pursuant to section 3314.015 of the Revised Code, a board may enter into a preliminary agreement with the person or group proposing the conversion of the public school or service center building, indicating the intention of the board to support the conversion to a community school. A proposing person or group that has a preliminary agreement under this division may proceed to finalize plans for the school, establish a governing

authority for the school, and negotiate a contract with the board. 38966  
Provided the proposing person or group adheres to the preliminary 38967  
agreement and all provisions of this chapter, the board shall 38968  
negotiate in good faith to enter into a contract in accordance 38969  
with section 3314.03 of the Revised Code and division (C) of this 38970  
section. 38971

(4) The sponsor of a conversion community school proposed to 38972  
open in an alliance municipal school district shall be subject to 38973  
approval by the department of education for sponsorship of that 38974  
school using the criteria established under division (A) of 38975  
section 3311.87 of the Revised Code. 38976

Division (B)(4) of this section does not apply to a sponsor 38977  
that, on or before September 29, 2015, was exempted under section 38978  
3314.021 or 3314.027 of the Revised Code from the requirement to 38979  
be approved for sponsorship under divisions (A)(2) and (B)(1) of 38980  
section 3314.015 of the Revised Code. 38981

(5) A school established in accordance with division (B) of 38982  
this section that later enters into a sponsorship contract with an 38983  
entity that is not a school district or educational service center 38984  
shall, at the time of entering into the new contract, be deemed a 38985  
community school established in accordance with division (C) of 38986  
this section. 38987

(C)(1) ~~Any~~ Provided all other conditions of sponsorship and 38988  
governance are satisfied, any person or group of individuals may 38989  
propose under this division the establishment of a new start-up 38990  
school ~~to be located in a challenged school district~~ regardless of 38991  
the school's proposed location. The proposal may be made to any of 38992  
the following entities: 38993

(a) The board of education of the district in which the 38994  
school is proposed to be located; 38995

(b) The board of education of any joint vocational school 38996

district with territory in the county in which is located the 38997  
majority of the territory of the district in which the school is 38998  
proposed to be located; 38999

(c) The board of education of any other city, local, or 39000  
exempted village school district having territory in the same 39001  
county where the district in which the school is proposed to be 39002  
located has the major portion of its territory; 39003

(d) The governing board of any educational service center, 39004  
regardless of the location of the proposed school, may sponsor a 39005  
new start-up school ~~in any challenged school district in the state~~ 39006  
if all of the following are satisfied: 39007

(i) If applicable, it satisfies the requirements of division 39008  
(E) of section 3311.86 of the Revised Code; 39009

(ii) It is approved to do so by the department; 39010

(iii) It enters into an agreement with the department under 39011  
section 3314.015 of the Revised Code. 39012

(e) A sponsoring authority designated by the board of 39013  
trustees of any of the thirteen state universities listed in 39014  
section 3345.011 of the Revised Code or the board of trustees 39015  
itself as long as a mission of the proposed school to be specified 39016  
in the contract under division (A)(2) of section 3314.03 of the 39017  
Revised Code and as approved by the department under division 39018  
(B)(3) of section 3314.015 of the Revised Code will be the 39019  
practical demonstration of teaching methods, educational 39020  
technology, or other teaching practices that are included in the 39021  
curriculum of the university's teacher preparation program 39022  
approved by the state board of education; 39023

(f) Any qualified tax-exempt entity under section 501(c)(3) 39024  
of the Internal Revenue Code as long as all of the following 39025  
conditions are satisfied: 39026

(i) The entity has been in operation for at least five years prior to applying to be a community school sponsor. 39027  
39028

(ii) The entity has assets of at least five hundred thousand dollars and a demonstrated record of financial responsibility. 39029  
39030

(iii) The department has determined that the entity is an education-oriented entity under division (B)(4) of section 3314.015 of the Revised Code and the entity has a demonstrated record of successful implementation of educational programs. 39031  
39032  
39033  
39034

(iv) The entity is not a community school. 39035

(g) The mayor of a city in which the majority of the territory of a school district to which section 3311.60 of the Revised Code applies is located, regardless of whether that district has created the position of independent auditor as prescribed by that section. The mayor's sponsorship authority under this division is limited to community schools that are located in that school district. Such mayor may sponsor community schools only with the approval of the city council of that city, after establishing standards with which community schools sponsored by the mayor must comply, and after entering into a sponsor agreement with the department as prescribed under section 3314.015 of the Revised Code. The mayor shall establish the standards for community schools sponsored by the mayor not later than one hundred eighty days after July 15, 2013, and shall submit them to the department upon their establishment. The department shall approve the mayor to sponsor community schools in the district, upon receipt of an application by the mayor to do so. Not later than ninety days after the department's approval of the mayor as a community school sponsor, the department shall enter into the sponsor agreement with the mayor. 39036  
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Any entity described in division (C)(1) of this section may enter into a preliminary agreement pursuant to division (C)(2) of 39056  
39057

this section with the proposing person or group, provided that 39058  
entity has been approved by and entered into a written agreement 39059  
with the department pursuant to section 3314.015 of the Revised 39060  
Code. 39061

(2) A preliminary agreement indicates the intention of an 39062  
entity described in division (C)(1) of this section to sponsor the 39063  
community school. A proposing person or group that has such a 39064  
preliminary agreement may proceed to finalize plans for the 39065  
school, establish a governing authority as described in division 39066  
(E) of this section for the school, and negotiate a contract with 39067  
the entity. Provided the proposing person or group adheres to the 39068  
preliminary agreement and all provisions of this chapter, the 39069  
entity shall negotiate in good faith to enter into a contract in 39070  
accordance with section 3314.03 of the Revised Code. 39071

(3) A new start-up school that is established in a school 39072  
district described in either division (A)(3)(b) or (d) of this 39073  
section may continue in existence once the school district no 39074  
longer meets the conditions described in either division, provided 39075  
there is a valid contract between the school and a sponsor. 39076

(4) A copy of every preliminary agreement entered into under 39077  
this division shall be filed with the superintendent of public 39078  
instruction. 39079

(D) A majority vote of the board of a sponsoring entity and a 39080  
majority vote of the members of the governing authority of a 39081  
community school shall be required to adopt a contract and convert 39082  
the public school or educational service center building to a 39083  
community school or establish the new start-up school. Beginning 39084  
September 29, 2005, adoption of the contract shall occur not later 39085  
than the fifteenth day of March, and signing of the contract shall 39086  
occur not later than the fifteenth day of May, prior to the school 39087  
year in which the school will open. The governing authority shall 39088  
notify the department of education when the contract has been 39089

signed. Subject to sections 3314.013 and 3314.016 of the Revised Code, an unlimited number of community schools may be established in any school district provided that a contract is entered into for each community school pursuant to this chapter.

(E)(1) As used in this division, "immediate relatives" are limited to spouses, children, parents, grandparents, and siblings, as well as in-laws residing in the same household as the person serving on the governing authority.

Each new start-up community school established under this chapter shall be under the direction of a governing authority which shall consist of a board of not less than five individuals.

(2)(a) No person shall serve on the governing authority or operate the community school under contract with the governing authority under any of the following circumstances:

(i) The person owes the state any money or is in a dispute over whether the person owes the state any money concerning the operation of a community school that has closed.

(ii) The person would otherwise be subject to division (B) of section 3319.31 of the Revised Code with respect to refusal, limitation, or revocation of a license to teach, if the person were a licensed educator.

(iii) The person has pleaded guilty to or been convicted of theft in office under section 2921.41 of the Revised Code, or has pleaded guilty to or been convicted of a substantially similar offense in another state.

(b) No person shall serve on the governing authority or engage in the financial day-to-day management of the community school under contract with the governing authority unless and until that person has submitted to a criminal records check in the manner prescribed by section 3319.39 of the Revised Code.

(c) Each sponsor of a community school shall annually verify 39120  
that a finding for recovery has not been issued by the auditor of 39121  
state against any individual or individuals who propose to create 39122  
a community school or any member of the governing authority, the 39123  
operator, or any employee of each community school with 39124  
responsibility for fiscal operations or authorization to expend 39125  
money on behalf of the school. 39126

(3) No person shall serve on the governing authorities of 39127  
more than five start-up community schools at the same time unless 39128  
both of the following apply: 39129

(a) The person serves in a volunteer capacity and receives no 39130  
compensation under division (E)(5) of this section from any 39131  
governing authority on which the person serves. 39132

(b) For any school that has an operator, the operator is a 39133  
nonprofit organization. 39134

(4)(a) For a community school established under this chapter 39135  
that is not sponsored by a school district or an educational 39136  
service center, no present or former member, or immediate relative 39137  
of a present or former member, of the governing authority shall be 39138  
an owner, employee, or consultant of the community school's 39139  
sponsor or operator, unless at least one year has elapsed since 39140  
the conclusion of the person's membership on the governing 39141  
authority. 39142

(b) For a community school established under this chapter 39143  
that is sponsored by a school district or an educational service 39144  
center, no present or former member, or immediate relative of a 39145  
present or former member, of the governing authority shall: 39146

(i) Be an officer of the district board or service center 39147  
governing board that serves as the community school's sponsor, 39148  
unless at least one year has elapsed since the conclusion of the 39149  
person's membership on the governing authority; 39150

(ii) Serve as an employee of, or a consultant for, the 39151  
department, division, or section of the sponsoring district or 39152  
service center that is directly responsible for sponsoring 39153  
community schools, or have supervisory authority over such a 39154  
department, division, or section, unless at least one year has 39155  
elapsed since the conclusion of the person's membership on the 39156  
governing authority. 39157

(5) The governing authority of a start-up or conversion 39158  
community school may provide by resolution for the compensation of 39159  
its members. However, no individual who serves on the governing 39160  
authority of a start-up or conversion community school shall be 39161  
compensated more than one hundred twenty-five dollars per meeting 39162  
of that governing authority and no such individual shall be 39163  
compensated more than a total amount of five thousand dollars per 39164  
year for all governing authorities upon which the individual 39165  
serves. Each member of the governing authority may be paid 39166  
compensation for attendance at an approved training program, 39167  
provided that such compensation shall not exceed sixty dollars a 39168  
day for attendance at a training program three hours or less in 39169  
length and one hundred twenty-five dollars a day for attendance at 39170  
a training program longer than three hours in length. 39171

(6) No person who is the employee of a school district or 39172  
educational service center shall serve on the governing authority 39173  
of any community school sponsored by that school district or 39174  
service center. 39175

(7) Each member of the governing authority of a community 39176  
school shall annually file a disclosure statement setting forth 39177  
the names of any immediate relatives or business associates 39178  
employed by any of the following within the previous three years: 39179

(a) The sponsor or operator of that community school; 39180

(b) A school district or educational service center that has 39181

contracted with that community school; 39182

(c) A vendor that is or has engaged in business with that 39183  
community school. 39184

(8) No person who is a member of a school district board of 39185  
education shall serve on the governing authority of any community 39186  
school. 39187

(F)(1) A new start-up school that is established prior to 39188  
August 15, 2003, in an urban school district that is not also a 39189  
big-eight school district may continue to operate after that date 39190  
and the contract between the school's governing authority and the 39191  
school's sponsor may be renewed, as provided under this chapter, 39192  
after that date, ~~but no additional new start-up schools may be~~ 39193  
~~established in such a district unless the district is a challenged~~ 39194  
~~school district as defined in this section as it exists on and~~ 39195  
~~after that date.~~ 39196

(2) A community school that was established prior to June 29, 39197  
1999, and is located in a county contiguous to the pilot project 39198  
area and in a school district that ~~is~~ was not a challenged school 39199  
district may continue to operate after that date, provided the 39200  
school complies with all provisions of this chapter. The contract 39201  
between the school's governing authority and the school's sponsor 39202  
may be renewed, ~~but no additional start-up community school may be~~ 39203  
~~established in that district unless the district is a challenged~~ 39204  
~~school district.~~ 39205

(3) Any educational service center that, on June 30, 2007, 39206  
sponsors a community school that is not located in a county within 39207  
the territory of the service center or in a county contiguous to 39208  
such county may continue to sponsor that community school on and 39209  
after June 30, 2007, and may renew its contract with the school. 39210  
~~However, the educational service center shall not enter into a~~ 39211  
~~contract with any additional community school, unless the~~ 39212

~~governing board of the service center has entered into an 39213  
agreement with the department authorizing the service center to 39214  
sponsor a community school in any challenged school district in 39215  
the state. 39216~~

(4) On and after the effective date of this amendment, the 39217  
department of education shall not restrict the establishment of a 39218  
new start-up community school to those located in a challenged 39219  
school district as required by this section prior to the effective 39220  
date of this amendment. 39221

**Sec. 3314.021.** (A) This section applies to any entity that is 39222  
exempt from taxation under section 501(c)(3) of the Internal 39223  
Revenue Code and that satisfies the conditions specified in 39224  
divisions (C)(1)(f)(ii) and (iii) of section 3314.02 of the 39225  
Revised Code but does not satisfy the condition specified in 39226  
division (C)(1)(f)(i) of that section. 39227

(B) Notwithstanding division (C)(1)(f)(i) of section 3314.02 39228  
of the Revised Code, and subject to division (D)(2) of this 39229  
section, an entity described in division (A) of this section may 39230  
do both of the following without obtaining the department of 39231  
education's initial approval of its sponsorship under divisions 39232  
(A)(2) and (B)(1) of section 3314.015 of the Revised Code: 39233

(1) Succeed the board of trustees of a state university 39234  
located in the pilot project area or that board's designee as the 39235  
sponsor of a community school established under this chapter; 39236

(2) Continue to sponsor that school in conformance with the 39237  
terms of the contract between the board of trustees or its 39238  
designee and the governing authority of the community school and 39239  
renew that contract as provided in division (E) of section 3314.03 39240  
of the Revised Code. 39241

(C) The entity that succeeds the board of trustees or the 39242

board's designee as sponsor of a community school under division 39243  
(B) of this section also may enter into contracts to sponsor other 39244  
community schools ~~located in any challenged school district~~ 39245  
regardless of the proposed school's location, without obtaining 39246  
the department's initial approval of its sponsorship of those 39247  
schools under divisions (A)(2) and (B)(1) of section 3314.015 of 39248  
the Revised Code as long as the contracts conform with and the 39249  
entity complies with all other requirements of this chapter. 39250

(D)(1) Regardless of the entity's authority to sponsor 39251  
community schools without the initial approval of the department, 39252  
the entity is under the continuing oversight of the department in 39253  
accordance with rules adopted under section 3314.015 of the 39254  
Revised Code. 39255

(2) If an entity described in division (A) of this section 39256  
receives a rating below "effective" under division (B) of section 39257  
3314.016 of the Revised Code for two or more consecutive years, 39258  
that entity shall receive approval from the department of 39259  
education to sponsor community schools and enter into a written 39260  
agreement with the department in accordance with division (B)(1) 39261  
of section 3314.015 of the Revised Code prior to entering into any 39262  
further preliminary agreements under division (C)(2) of section 39263  
3314.02 of the Revised Code or renewing any existing contract to 39264  
sponsor a community school. 39265

**Sec. 3314.03.** A copy of every contract entered into under 39266  
this section shall be filed with the superintendent of public 39267  
instruction. The department of education shall make available on 39268  
its web site a copy of every approved, executed contract filed 39269  
with the superintendent under this section. 39270

(A) Each contract entered into between a sponsor and the 39271  
governing authority of a community school shall specify the 39272  
following: 39273

|                                                                                                                                                                                                                                                                                                                    |                                           |
|--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-------------------------------------------|
| (1) That the school shall be established as either of the following:                                                                                                                                                                                                                                               | 39274<br>39275                            |
| (a) A nonprofit corporation established under Chapter 1702. of the Revised Code, if established prior to April 8, 2003;                                                                                                                                                                                            | 39276<br>39277                            |
| (b) A public benefit corporation established under Chapter 1702. of the Revised Code, if established after April 8, 2003.                                                                                                                                                                                          | 39278<br>39279                            |
| (2) The education program of the school, including the school's mission, the characteristics of the students the school is expected to attract, the ages and grades of students, and the focus of the curriculum;                                                                                                  | 39280<br>39281<br>39282<br>39283          |
| (3) The academic goals to be achieved and the method of measurement that will be used to determine progress toward those goals, which shall include the statewide achievement assessments;                                                                                                                         | 39284<br>39285<br>39286                   |
| (4) Performance standards, including but not limited to all applicable report card measures set forth in section 3302.03 or 3314.017 of the Revised Code, by which the success of the school will be evaluated by the sponsor;                                                                                     | 39287<br>39288<br>39289<br>39290          |
| (5) The admission standards of section 3314.06 of the Revised Code and, if applicable, section 3314.061 of the Revised Code;                                                                                                                                                                                       | 39291<br>39292                            |
| (6)(a) Dismissal procedures;                                                                                                                                                                                                                                                                                       | 39293                                     |
| (b) A requirement that the governing authority adopt an attendance policy that includes a procedure for automatically withdrawing a student from the school if the student without a legitimate excuse fails to participate in seventy-two consecutive hours of the learning opportunities offered to the student. | 39294<br>39295<br>39296<br>39297<br>39298 |
| (7) The ways by which the school will achieve racial and ethnic balance reflective of the community it serves;                                                                                                                                                                                                     | 39299<br>39300                            |
| (8) Requirements for financial audits by the auditor of state. The contract shall require financial records of the school to be maintained in the same manner as are financial records of                                                                                                                          | 39301<br>39302<br>39303                   |

school districts, pursuant to rules of the auditor of state. 39304

Audits shall be conducted in accordance with section 117.10 of the 39305  
Revised Code. 39306

(9) An addendum to the contract outlining the facilities to 39307  
be used that contains at least the following information: 39308

(a) A detailed description of each facility used for 39309  
instructional purposes; 39310

(b) The annual costs associated with leasing each facility 39311  
that are paid by or on behalf of the school; 39312

(c) The annual mortgage principal and interest payments that 39313  
are paid by the school; 39314

(d) The name of the lender or landlord, identified as such, 39315  
and the lender's or landlord's relationship to the operator, if 39316  
any. 39317

(10) Qualifications of teachers, including a requirement that 39318  
the school's classroom teachers be licensed in accordance with 39319  
sections 3319.22 to 3319.31 of the Revised Code, except that a 39320  
community school may engage noncertificated persons to teach up to 39321  
twelve hours or forty hours per week pursuant to section 3319.301 39322  
of the Revised Code. 39323

(11) That the school will comply with the following 39324  
requirements: 39325

(a) The school will provide learning opportunities to a 39326  
minimum of twenty-five students for a minimum of nine hundred 39327  
twenty hours per school year. 39328

(b) The governing authority will purchase liability 39329  
insurance, or otherwise provide for the potential liability of the 39330  
school. 39331

(c) The school will be nonsectarian in its programs, 39332  
admission policies, employment practices, and all other 39333

operations, and will not be operated by a sectarian school or 39334  
religious institution. 39335

(d) The school will comply with sections 9.90, 9.91, 109.65, 39336  
121.22, 149.43, 2151.357, 2151.421, 2313.19, 3301.0710, 3301.0711, 39337  
3301.0712, 3301.0715, 3301.0729, 3301.948, 3313.472, 3313.50, 39338  
3313.539, 3313.5310, 3313.608, 3313.609, 3313.6012, 3313.6013, 39339  
3313.6014, 3313.6015, 3313.6020, 3313.6024, 3313.6025, 3313.6026, 39340  
3313.643, 3313.648, 3313.6411, 3313.66, 3313.661, 3313.662, 39341  
3313.666, 3313.667, 3313.668, 3313.669, 3313.6610, 3313.67, 39342  
3313.671, 3313.672, 3313.673, 3313.69, 3313.71, 3313.716, 39343  
3313.718, 3313.719, 3313.7112, 3313.721, 3313.80, 3313.814, 39344  
3313.816, 3313.817, 3313.818, 3313.86, 3313.89, 3313.96, 3319.073, 39345  
3319.077, 3319.078, 3319.318, 3319.321, 3319.39, 3319.391, 39346  
3319.393, 3319.41, 3319.46, 3320.01, 3320.02, 3320.03, 3321.01, 39347  
3321.041, 3321.13, 3321.14, 3321.141, 3321.17, 3321.18, 3321.19, 39348  
3323.251, 3327.10, 4111.17, 4113.52, 5502.262, and 5705.391 and 39349  
Chapters 117., 1347., 2744., 3365., 3742., 4112., 4123., 4141., 39350  
and 4167. of the Revised Code as if it were a school district and 39351  
will comply with section 3301.0714 of the Revised Code in the 39352  
manner specified in section 3314.17 of the Revised Code. 39353

(e) The school shall comply with Chapter 102. and section 39354  
2921.42 of the Revised Code. 39355

(f) The school will comply with sections 3313.61, 3313.611, 39356  
3313.614, 3313.617, 3313.618, and 3313.6114 of the Revised Code, 39357  
except that for students who enter ninth grade for the first time 39358  
before July 1, 2010, the requirement in sections 3313.61 and 39359  
3313.611 of the Revised Code that a person must successfully 39360  
complete the curriculum in any high school prior to receiving a 39361  
high school diploma may be met by completing the curriculum 39362  
adopted by the governing authority of the community school rather 39363  
than the curriculum specified in Title XXXIII of the Revised Code 39364  
or any rules of the state board of education. Beginning with 39365

students who enter ninth grade for the first time on or after July 1, 2010, the requirement in sections 3313.61 and 3313.611 of the Revised Code that a person must successfully complete the curriculum of a high school prior to receiving a high school diploma shall be met by completing the requirements prescribed in division (C) of section 3313.603 of the Revised Code, unless the person qualifies under division (D) or (F) of that section. Each school shall comply with the plan for awarding high school credit based on demonstration of subject area competency, and beginning with the 2017-2018 school year, with the updated plan that permits students enrolled in seventh and eighth grade to meet curriculum requirements based on subject area competency adopted by the state board of education under divisions (J)(1) and (2) of section 3313.603 of the Revised Code. Beginning with the 2018-2019 school year, the school shall comply with the framework for granting units of high school credit to students who demonstrate subject area competency through work-based learning experiences, internships, or cooperative education developed by the department under division (J)(3) of section 3313.603 of the Revised Code.

(g) The school governing authority will submit within four months after the end of each school year a report of its activities and progress in meeting the goals and standards of divisions (A)(3) and (4) of this section and its financial status to the sponsor and the parents of all students enrolled in the school.

(h) The school, unless it is an internet- or computer-based community school, will comply with section 3313.801 of the Revised Code as if it were a school district.

(i) If the school is the recipient of moneys from a grant awarded under the federal race to the top program, Division (A), Title XIV, Sections 14005 and 14006 of the "American Recovery and Reinvestment Act of 2009," Pub. L. No. 111-5, 123 Stat. 115, the

school will pay teachers based upon performance in accordance with 39398  
section 3317.141 and will comply with section 3319.111 of the 39399  
Revised Code as if it were a school district. 39400

(j) If the school operates a preschool program that is 39401  
licensed by the department of education under sections 3301.52 to 39402  
3301.59 of the Revised Code, the school shall comply with sections 39403  
3301.50 to 3301.59 of the Revised Code and the minimum standards 39404  
for preschool programs prescribed in rules adopted by the state 39405  
board under section 3301.53 of the Revised Code. 39406

(k) The school will comply with sections 3313.6021 and 39407  
3313.6023 of the Revised Code as if it were a school district 39408  
unless it is either of the following: 39409

(i) An internet- or computer-based community school; 39410

(ii) A community school in which a majority of the enrolled 39411  
students are children with disabilities as described in division 39412  
(A)(4)(b) of section 3314.35 of the Revised Code. 39413

(l) The school will comply with section 3321.191 of the 39414  
Revised Code, unless it is an internet- or computer-based 39415  
community school that is subject to section 3314.261 of the 39416  
Revised Code. 39417

(12) Arrangements for providing health and other benefits to 39418  
employees; 39419

(13) The length of the contract, which shall begin at the 39420  
beginning of an academic year. No contract shall exceed five years 39421  
unless such contract has been renewed pursuant to division (E) of 39422  
this section. 39423

(14) The governing authority of the school, which shall be 39424  
responsible for carrying out the provisions of the contract; 39425

(15) A financial plan detailing an estimated school budget 39426  
for each year of the period of the contract and specifying the 39427

total estimated per pupil expenditure amount for each such year. 39428

(16) Requirements and procedures regarding the disposition of 39429  
employees of the school in the event the contract is terminated or 39430  
not renewed pursuant to section 3314.07 of the Revised Code; 39431

(17) Whether the school is to be created by converting all or 39432  
part of an existing public school or educational service center 39433  
building or is to be a new start-up school, and if it is a 39434  
converted public school or service center building, specification 39435  
of any duties or responsibilities of an employer that the board of 39436  
education or service center governing board that operated the 39437  
school or building before conversion is delegating to the 39438  
governing authority of the community school with respect to all or 39439  
any specified group of employees provided the delegation is not 39440  
prohibited by a collective bargaining agreement applicable to such 39441  
employees; 39442

(18) Provisions establishing procedures for resolving 39443  
disputes or differences of opinion between the sponsor and the 39444  
governing authority of the community school; 39445

(19) A provision requiring the governing authority to adopt a 39446  
policy regarding the admission of students who reside outside the 39447  
district in which the school is located. That policy shall comply 39448  
with the admissions procedures specified in sections 3314.06 and 39449  
3314.061 of the Revised Code and, at the sole discretion of the 39450  
authority, shall do one of the following: 39451

(a) Prohibit the enrollment of students who reside outside 39452  
the district in which the school is located; 39453

(b) Permit the enrollment of students who reside in districts 39454  
adjacent to the district in which the school is located; 39455

(c) Permit the enrollment of students who reside in any other 39456  
district in the state. 39457

(20) A provision recognizing the authority of the department 39458  
of education to take over the sponsorship of the school in 39459  
accordance with the provisions of division (C) of section 3314.015 39460  
of the Revised Code; 39461

(21) A provision recognizing the sponsor's authority to 39462  
assume the operation of a school under the conditions specified in 39463  
division (B) of section 3314.073 of the Revised Code; 39464

(22) A provision recognizing both of the following: 39465

(a) The authority of public health and safety officials to 39466  
inspect the facilities of the school and to order the facilities 39467  
closed if those officials find that the facilities are not in 39468  
compliance with health and safety laws and regulations; 39469

(b) The authority of the department of education as the 39470  
community school oversight body to suspend the operation of the 39471  
school under section 3314.072 of the Revised Code if the 39472  
department has evidence of conditions or violations of law at the 39473  
school that pose an imminent danger to the health and safety of 39474  
the school's students and employees and the sponsor refuses to 39475  
take such action. 39476

(23) A description of the learning opportunities that will be 39477  
offered to students including both classroom-based and 39478  
non-classroom-based learning opportunities that is in compliance 39479  
with criteria for student participation established by the 39480  
department under division (H)(2) of section 3314.08 of the Revised 39481  
Code; 39482

(24) The school will comply with sections 3302.04 and 39483  
3302.041 of the Revised Code, except that any action required to 39484  
be taken by a school district pursuant to those sections shall be 39485  
taken by the sponsor of the school. However, the sponsor shall not 39486  
be required to take any action described in division (F) of 39487  
section 3302.04 of the Revised Code. 39488

(25) Beginning in the 2006-2007 school year, the school will 39489  
open for operation not later than the thirtieth day of September 39490  
each school year, unless the mission of the school as specified 39491  
under division (A)(2) of this section is solely to serve dropouts. 39492  
In its initial year of operation, if the school fails to open by 39493  
the thirtieth day of September, or within one year after the 39494  
adoption of the contract pursuant to division (D) of section 39495  
3314.02 of the Revised Code if the mission of the school is solely 39496  
to serve dropouts, the contract shall be void. 39497

(26) Whether the school's governing authority is planning to 39498  
seek designation for the school as a STEM school equivalent under 39499  
section 3326.032 of the Revised Code; 39500

(27) That the school's attendance and participation policies 39501  
will be available for public inspection; 39502

(28) That the school's attendance and participation records 39503  
shall be made available to the department of education, auditor of 39504  
state, and school's sponsor to the extent permitted under and in 39505  
accordance with the "Family Educational Rights and Privacy Act of 39506  
1974," 88 Stat. 571, 20 U.S.C. 1232g, as amended, and any 39507  
regulations promulgated under that act, and section 3319.321 of 39508  
the Revised Code; 39509

(29) If a school operates using the blended learning model, 39510  
as defined in section 3301.079 of the Revised Code, all of the 39511  
following information: 39512

(a) An indication of what blended learning model or models 39513  
will be used; 39514

(b) A description of how student instructional needs will be 39515  
determined and documented; 39516

(c) The method to be used for determining competency, 39517  
granting credit, and promoting students to a higher grade level; 39518

|                                                                                                                                                                                                                                                                                         |                                           |
|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-------------------------------------------|
| (d) The school's attendance requirements, including how the school will document participation in learning opportunities;                                                                                                                                                               | 39519<br>39520                            |
| (e) A statement describing how student progress will be monitored;                                                                                                                                                                                                                      | 39521<br>39522                            |
| (f) A statement describing how private student data will be protected;                                                                                                                                                                                                                  | 39523<br>39524                            |
| (g) A description of the professional development activities that will be offered to teachers.                                                                                                                                                                                          | 39525<br>39526                            |
| (30) A provision requiring that all moneys the school's operator loans to the school, including facilities loans or cash flow assistance, must be accounted for, documented, and bear interest at a fair market rate;                                                                   | 39527<br>39528<br>39529<br>39530          |
| (31) A provision requiring that, if the governing authority contracts with an attorney, accountant, or entity specializing in audits, the attorney, accountant, or entity shall be independent from the operator with which the school has contracted.                                  | 39531<br>39532<br>39533<br>39534          |
| (32) A provision requiring the governing authority to adopt an enrollment and attendance policy that requires a student's parent to notify the community school in which the student is enrolled when there is a change in the location of the parent's or student's primary residence. | 39535<br>39536<br>39537<br>39538<br>39539 |
| (33) A provision requiring the governing authority to adopt a student residence and address verification policy for students enrolling in or attending the school.                                                                                                                      | 39540<br>39541<br>39542                   |
| (B) The community school shall also submit to the sponsor a comprehensive plan for the school. The plan shall specify the following:                                                                                                                                                    | 39543<br>39544<br>39545                   |
| (1) The process by which the governing authority of the school will be selected in the future;                                                                                                                                                                                          | 39546<br>39547                            |
| (2) The management and administration of the school;                                                                                                                                                                                                                                    | 39548                                     |

(3) If the community school is a currently existing public school or educational service center building, alternative arrangements for current public school students who choose not to attend the converted school and for teachers who choose not to teach in the school or building after conversion;

(4) The instructional program and educational philosophy of the school;

(5) Internal financial controls.

When submitting the plan under this division, the school shall also submit copies of all policies and procedures regarding internal financial controls adopted by the governing authority of the school.

(C) A contract entered into under section 3314.02 of the Revised Code between a sponsor and the governing authority of a community school may provide for the community school governing authority to make payments to the sponsor, which is hereby authorized to receive such payments as set forth in the contract between the governing authority and the sponsor. The total amount of such payments for monitoring, oversight, and technical assistance of the school shall not exceed three per cent of the total amount of payments for operating expenses that the school receives from the state.

(D) The contract shall specify the duties of the sponsor which shall be in accordance with the written agreement entered into with the department of education under division (B) of section 3314.015 of the Revised Code and shall include the following:

(1) Monitor the community school's compliance with all laws applicable to the school and with the terms of the contract;

(2) Monitor and evaluate the academic and fiscal performance and the organization and operation of the community school on at

least an annual basis; 39580

(3) Report on an annual basis the results of the evaluation 39581  
conducted under division (D)(2) of this section to the department 39582  
of education and to the parents of students enrolled in the 39583  
community school; 39584

(4) Provide technical assistance to the community school in 39585  
complying with laws applicable to the school and terms of the 39586  
contract; 39587

(5) Take steps to intervene in the school's operation to 39588  
correct problems in the school's overall performance, declare the 39589  
school to be on probationary status pursuant to section 3314.073 39590  
of the Revised Code, suspend the operation of the school pursuant 39591  
to section 3314.072 of the Revised Code, or terminate the contract 39592  
of the school pursuant to section 3314.07 of the Revised Code as 39593  
determined necessary by the sponsor; 39594

(6) Have in place a plan of action to be undertaken in the 39595  
event the community school experiences financial difficulties or 39596  
closes prior to the end of a school year. 39597

(E) Upon the expiration of a contract entered into under this 39598  
section, the sponsor of a community school may, with the approval 39599  
of the governing authority of the school, renew that contract for 39600  
a period of time determined by the sponsor, but not ending earlier 39601  
than the end of any school year, if the sponsor finds that the 39602  
school's compliance with applicable laws and terms of the contract 39603  
and the school's progress in meeting the academic goals prescribed 39604  
in the contract have been satisfactory. Any contract that is 39605  
renewed under this division remains subject to the provisions of 39606  
sections 3314.07, 3314.072, and 3314.073 of the Revised Code. 39607

(F) If a community school fails to open for operation within 39608  
one year after the contract entered into under this section is 39609  
adopted pursuant to division (D) of section 3314.02 of the Revised 39610

Code or permanently closes prior to the expiration of the 39611  
contract, the contract shall be void and the school shall not 39612  
enter into a contract with any other sponsor. A school shall not 39613  
be considered permanently closed because the operations of the 39614  
school have been suspended pursuant to section 3314.072 of the 39615  
Revised Code. 39616

**Sec. 3314.034.** (A) Subject to ~~division~~ divisions (B) and (E) 39617  
of this section, any community school to which either of the 39618  
following conditions apply shall be prohibited from entering into 39619  
a contract with a new sponsor: 39620

(1) The community school has received a grade of "D" or "F" 39621  
for the performance index score, under division (C)(1)(b) of 39622  
section 3302.03 of the Revised Code, and an overall grade of "D" 39623  
or "F" for the value-added progress dimension or another measure 39624  
of student academic progress if adopted by the state board of 39625  
education, under division (C)(1)(e) of that section, on the most 39626  
recent report card issued for the school pursuant to that section. 39627

(2) The community school is one in which a majority of the 39628  
students are enrolled in a dropout prevention and recovery 39629  
program, and it has received a rating of "does not meet standards" 39630  
for the annual student growth measure and combined graduation 39631  
rates on the most recent report card issued for the school under 39632  
section 3314.017 of the Revised Code. 39633

(B) A community school to which division (A) of this section 39634  
applies may enter into a contract with a new sponsor if all of the 39635  
following conditions are satisfied: 39636

(1) The proposed sponsor received a rating of "effective" or 39637  
higher pursuant to division (B)(6) of section 3314.016 of the 39638  
Revised Code on its most recent evaluation conducted according to 39639  
that section, or the proposed sponsor is the office of Ohio school 39640  
sponsorship established in section 3314.029 of the Revised Code. 39641

(2) The community school submits a request to enter into a new contract with a sponsor. 39642  
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(3) The community school has not submitted a prior request that was granted. 39644  
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(4) The department grants the school's request pursuant to division (C) of this section. 39646  
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(C) A school shall submit a request to change sponsors under this section not later than on the fifteenth day of February of the year in which the school wishes to do so. The department shall grant or deny the request not later than thirty days after the department receives it. If the department denies the request, the community school may submit an appeal to the state board of education, which shall hold a hearing in accordance with Chapter 119. of the Revised Code. The community school shall file its notice of appeal to the state board not later than ten days after receiving the decision from the department. The state board shall conduct the hearing not later than thirty days after receiving the school's notice of appeal and act upon the determination of the hearing officer not later than the twenty-fifth day of June of the year in which the school wishes to change sponsors. 39648  
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(D) Factors to be considered during a hearing held pursuant to division (C) of this section include, but are not limited to, the following: 39662  
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(1) The school's impact on the students and the community or communities it serves; 39665  
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(2) The quality and quantity of academic and administrative support the school receives from its current sponsor to help the school to improve; 39667  
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(3) The sponsor's annual evaluations of the community school under division (D)(2) of section 3314.03 of the Revised Code for the previous three years; 39670  
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|                                                                                                                                                                                                                                                                                                                                                       |                                                    |
|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|----------------------------------------------------|
| (4) The academic performance of the school, taking into account the demographic information of the students enrolled in the school;                                                                                                                                                                                                                   | 39673<br>39674<br>39675                            |
| (5) The academic performance of alternative schools that serve comparable populations of students as those served by the community school;                                                                                                                                                                                                            | 39676<br>39677<br>39678                            |
| (6) The fiscal stability of the school;                                                                                                                                                                                                                                                                                                               | 39679                                              |
| (7) The results of any audits of the school by the auditor of state;                                                                                                                                                                                                                                                                                  | 39680<br>39681                                     |
| (8) The length of time the school has been under the oversight of its current sponsor;                                                                                                                                                                                                                                                                | 39682<br>39683                                     |
| (9) The number of times the school has changed sponsors prior to the current request;                                                                                                                                                                                                                                                                 | 39684<br>39685                                     |
| (10) Parent and student satisfaction rates as demonstrated by surveys, if available.                                                                                                                                                                                                                                                                  | 39686<br>39687                                     |
| <u>(E) The restrictions on entering into a contract with a new sponsor prescribed by this section do not apply to any community school in which a majority of the enrolled students are children with disabilities receiving special education and related services in accordance with Chapter 3323. of the Revised Code.</u>                         | 39688<br>39689<br>39690<br>39691<br>39692          |
| <b>Sec. 3314.05.</b> (A) The contract between the community school and the sponsor shall specify the facilities to be used for the community school and the method of acquisition. Except as provided in divisions (B)(3) and (4) of this section, no community school shall be established in more than one school district under the same contract. | 39693<br>39694<br>39695<br>39696<br>39697<br>39698 |
| (B) Division (B) of this section shall not apply to internet- or computer-based community schools.                                                                                                                                                                                                                                                    | 39699<br>39700                                     |
| (1) A community school may be located in multiple facilities                                                                                                                                                                                                                                                                                          | 39701                                              |

under the same contract only if the limitations on availability of space prohibit serving all the grade levels specified in the contract in a single facility or division (B)(2), (3), or (4) of this section applies to the school. The school shall not offer the same grade level classrooms in more than one facility.

(2) A community school may be located in multiple facilities under the same contract and, notwithstanding division (B)(1) of this section, may assign students in the same grade level to multiple facilities, as long as all of the following apply:

(a) The governing authority has entered into and maintains a contract with an operator of the type described in division (A)(8)(b) of section 3314.02 of the Revised Code.

(b) The contract with that operator qualified the school to be established pursuant to division (A) of former section 3314.016 of the Revised Code.

(c) The school's rating under section 3302.03 of the Revised Code does not fall below a combination of any of the following for two or more consecutive years:

(i) A rating of "in need of continuous improvement" under section 3302.03 of the Revised Code, as that section existed prior to March 22, 2013;

(ii) For the 2012-2013, 2013-2014, 2014-2015, and 2015-2016 school years, a rating of "C" for both the performance index score under division (A)(1)(b) or (B)(1)(b) and the value-added dimension under division (A)(1)(e) or (B)(1)(e) of section 3302.03 of the Revised Code; or if the building serves only grades ten through twelve, the building received a grade of "C" for the performance index score under division (A)(1)(b) or (B)(1)(b) of section 3302.03 of the Revised Code;

(iii) For the 2016-2017 school year and for any school year thereafter, an overall grade of "C" under division (C)(3) of

section 3302.03 of the Revised Code or an overall performance 39733  
designation of "meets standards" under division (E)(3)(e) of 39734  
section 3314.017 of the Revised Code. 39735

(3) ~~A~~ On and after the effective date of this amendment, a 39736  
new start-up community school may be established in two school 39737  
districts under the same contract regardless of the proposed 39738  
location of either district if ~~all~~ both of the following apply: 39739

(a) ~~At least one of the school districts in which the school~~ 39740  
~~is established is a challenged school district;~~ 39741

~~(b)~~ The school operates not more than one facility in each 39742  
school district and, in accordance with division (B)(1) of this 39743  
section, the school does not offer the same grade level classrooms 39744  
in both facilities; and 39745

~~(c)~~ (b) Transportation between the two facilities does not 39746  
require more than thirty minutes of direct travel time as measured 39747  
by school bus. 39748

~~In the case of a community school to which division (B)(3) of~~ 39749  
~~this section applies, if only one of the school districts in which~~ 39750  
~~the school is established is a challenged school district, that~~ 39751  
~~district shall be considered the school's primary location and the~~ 39752  
~~district in which the school is located for the purposes of~~ 39753  
~~division (A)(19) of section 3314.03 and divisions (C) and (H) of~~ 39754  
~~section 3314.06 of the Revised Code and for all other purposes of~~ 39755  
~~this chapter. If both of the school districts in which the school~~ 39756  
~~is established are challenged school districts, the school's~~ 39757  
~~governing authority shall designate one of those districts to be~~ 39758  
~~considered the school's primary location and the district in which~~ 39759  
~~the school is located for the purposes of those divisions and all~~ 39760  
~~other purposes of this chapter and shall notify the department of~~ 39761  
~~education of that designation.~~ 39762

(4) A community school may be located in multiple facilities 39763

under the same contract and, notwithstanding division (B)(1) of 39764  
this section, may assign students in the same grade level to 39765  
multiple facilities, as long as both of the following apply: 39766

(a) The facilities are all located in the same county. 39767

(b) Either of the following conditions are satisfied: 39768

(i) The community school is sponsored by a board of education 39769  
of a city, local, or exempted village school district having 39770  
territory in the same county where the facilities of the community 39771  
school are located; 39772

(ii) The community school is managed by an operator. 39773

In the case of a community school to which division (B)(4) of 39774  
this section applies and that maintains facilities in more than 39775  
one school district, the school's governing authority shall 39776  
designate one of those districts to be considered the school's 39777  
primary location and the district in which the school is located 39778  
for the purposes of division (A)(19) of section 3314.03 and 39779  
divisions (C) and (H) of section 3314.06 of the Revised Code and 39780  
for all other purposes of this chapter and shall notify the 39781  
department of that designation. 39782

(5) Any facility used for a community school shall meet all 39783  
health and safety standards established by law for school 39784  
buildings. 39785

(C) In the case where a community school is proposed to be 39786  
located in a facility owned by a school district or educational 39787  
service center, the facility may not be used for such community 39788  
school unless the district or service center board owning the 39789  
facility enters into an agreement for the community school to 39790  
utilize the facility. Use of the facility may be under any terms 39791  
and conditions agreed to by the district or service center board 39792  
and the school. 39793

(D) Two or more separate community schools may be located in 39794  
the same facility. 39795

(E) In the case of a community school that is located in 39796  
multiple facilities, beginning July 1, 2012, the department shall 39797  
assign a unique identification number to the school and to each 39798  
facility maintained by the school. Each number shall be used for 39799  
identification purposes only. Nothing in this division shall be 39800  
construed to require the department to calculate the amount of 39801  
funds paid under this chapter, or to compute any data required for 39802  
the report cards issued under section 3314.012 of the Revised 39803  
Code, for each facility separately. The department shall make all 39804  
such calculations or computations for the school as a whole. 39805

(F)(1) In the case of a community school that exists prior to 39806  
the effective date of this amendment to which division (B)(3) of 39807  
this section applies, if only one of the school districts in which 39808  
the school is established was located in a challenged school 39809  
district prior to the effective date of this amendment, that 39810  
district continues to be considered the school's primary location 39811  
and the district in which the school is located for the purposes 39812  
of division (A)(19) of section 3314.03 and divisions (C) and (H) 39813  
of section 3314.06 of the Revised Code and for all other purposes 39814  
of this chapter unless and until the school's governing authority 39815  
designates a different school district as the school's primary 39816  
location in accordance with division (F)(2) of this section. If 39817  
both of the school districts in which the school is established 39818  
were challenged school districts on that date, and the primary 39819  
location was already designated by the school's governing 39820  
authority pursuant to the requirements of this section as it 39821  
existed prior to the effective date of this amendment, that 39822  
designation remains unless and until the school's governing 39823  
authority designates a different primary location. 39824

(2)(a) On and after the effective date of this amendment, 39825

when a new start-up community school is established in two school districts under the same contract, the school's governing authority shall designate one of those districts to be considered the school's primary location and the district in which the school is located for the purposes of division (A)(19) of section 3314.03 and divisions (C) and (H) of section 3314.06 of the Revised Code and for all other purposes of this chapter and shall notify the department of education of that designation.

(b) A community school governing authority that elects to modify a community school's primary location, whether in accordance with division (F)(1) of this section or otherwise, shall notify the department of that modification.

**Sec. 3314.06.** The governing authority of each community school established under this chapter shall adopt admission procedures that specify the following:

(A) That, except as otherwise provided in this section, admission to the school shall be open to any individual age five to twenty-two entitled to attend school pursuant to section 3313.64 or 3313.65 of the Revised Code in a school district in the state.

Additionally, except as otherwise provided in this section, admission to the school may be open on a tuition basis to any individual age five to twenty-two who is not a resident of this state. The school shall not receive state funds under section ~~3314.08~~ 3317.022 of the Revised Code for any student who is not a resident of this state.

An individual younger than five years of age may be admitted to the school in accordance with division (A)(2) of section 3321.01 of the Revised Code. The school shall receive funds for an individual admitted under that division in the manner provided under section ~~3314.08~~ 3317.022 of the Revised Code.

If the school operates a program that uses the Montessori 39857  
method endorsed by the American Montessori society, the Montessori 39858  
accreditation council for teacher education, or the association 39859  
Montessori internationale as its primary method of instruction, 39860  
admission to the school may be open to individuals younger than 39861  
five years of age. ~~The department of education shall pay the~~ 39862  
~~school an amount equal to the formula amount, as defined in~~ 39863  
~~section 3317.02 of the Revised Code, for each of these students~~ 39864  
~~younger than four years of age. However, but~~ the school shall not 39865  
receive ~~any other~~ funds under ~~this chapter~~ section 3317.022 of the 39866  
Revised Code for those individuals. Notwithstanding anything to 39867  
the contrary in this chapter, individuals younger than five years 39868  
of age who are enrolled in a Montessori program shall be offered 39869  
at least four hundred fifty-five hours of learning opportunities 39870  
per school year. 39871

If the school operates a preschool program that is licensed 39872  
by the department of education under sections 3301.52 to 3301.59 39873  
of the Revised Code, admission to the school may be open to 39874  
individuals who are younger than five years of age, but the school 39875  
shall not receive funds under this chapter for those individuals. 39876

(B)(1) That admission to the school may be limited to 39877  
students who have attained a specific grade level or are within a 39878  
specific age group; to students that meet a definition of 39879  
"at-risk," as defined in the contract; to residents of a specific 39880  
geographic area within the district, as defined in the contract; 39881  
or to separate groups of autistic students and nondisabled 39882  
students, as authorized in section 3314.061 of the Revised Code 39883  
and as defined in the contract. 39884

(2) For purposes of division (B)(1) of this section, 39885  
"at-risk" students may include those students identified as gifted 39886  
students under section 3324.03 of the Revised Code. 39887

(C) Whether enrollment is limited to students who reside in 39888

the district in which the school is located or is open to 39889  
residents of other districts, as provided in the policy adopted 39890  
pursuant to the contract. 39891

(D)(1) That there will be no discrimination in the admission 39892  
of students to the school on the basis of race, creed, color, 39893  
disability, or sex except that: 39894

(a) The governing authority may do either of the following 39895  
for the purpose described in division (G) of this section: 39896

(i) Establish a single-gender school for either sex; 39897

(ii) Establish single-gender schools for each sex under the 39898  
same contract, provided substantially equal facilities and 39899  
learning opportunities are offered for both boys and girls. Such 39900  
facilities and opportunities may be offered for each sex at 39901  
separate locations. 39902

(b) The governing authority may establish a school that 39903  
simultaneously serves a group of students identified as autistic 39904  
and a group of students who are not disabled, as authorized in 39905  
section 3314.061 of the Revised Code. However, unless the total 39906  
capacity established for the school has been filled, no student 39907  
with any disability shall be denied admission on the basis of that 39908  
disability. 39909

(2) That upon admission of any student with a disability, the 39910  
community school will comply with all federal and state laws 39911  
regarding the education of students with disabilities. 39912

(E) That the school may not limit admission to students on 39913  
the basis of intellectual ability, measures of achievement or 39914  
aptitude, or athletic ability, except that a school may limit its 39915  
enrollment to students as described in division (B) of this 39916  
section. 39917

(F) That the community school will admit the number of 39918

students that does not exceed the capacity of the school's 39919  
programs, classes, grade levels, or facilities. 39920

(G) That the purpose of single-gender schools that are 39921  
established shall be to take advantage of the academic benefits 39922  
some students realize from single-gender instruction and 39923  
facilities and to offer students and parents residing in the 39924  
district the option of a single-gender education. 39925

(H) That, except as otherwise provided under division (B) of 39926  
this section or section 3314.061 of the Revised Code, if the 39927  
number of applicants exceeds the capacity restrictions of division 39928  
(F) of this section, students shall be admitted by lot from all 39929  
those submitting applications, except preference shall be given to 39930  
students attending the school the previous year and to students 39931  
who reside in the district in which the school is located. 39932  
Preference may be given to siblings of students attending the 39933  
school the previous year. Preference also may be given to students 39934  
who are the children of full-time staff members employed by the 39935  
school, provided the total number of students receiving this 39936  
preference is less than five per cent of the school's total 39937  
enrollment. 39938

Notwithstanding divisions (A) to (H) of this section, in the 39939  
event the racial composition of the enrollment of the community 39940  
school is violative of a federal desegregation order, the 39941  
community school shall take any and all corrective measures to 39942  
comply with the desegregation order. 39943

**Sec. 3314.08.** (A) As used in this section: 39944

~~(1)(a) "Category one career technical education student" 39945  
means a student who is receiving the career technical education 39946  
services described in division (A) of section 3317.014 of the 39947  
Revised Code. 39948~~

~~(b) "Category two career technical student" means a student who is receiving the career technical education services described in division (B) of section 3317.014 of the Revised Code.~~ 39949  
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~~(c) "Category three career technical student" means a student who is receiving the career technical education services described in division (C) of section 3317.014 of the Revised Code.~~ 39952  
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~~(d) "Category four career technical student" means a student who is receiving the career technical education services described in division (D) of section 3317.014 of the Revised Code.~~ 39955  
39956  
39957

~~(e) "Category five career technical education student" means a student who is receiving the career technical education services described in division (E) of section 3317.014 of the Revised Code.~~ 39958  
39959  
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~~(2)(a) "Category one English learner" means an English learner described in division (A) of section 3317.016 of the Revised Code.~~ 39961  
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~~(b) "Category two English learner" means an English learner described in division (B) of section 3317.016 of the Revised Code.~~ 39964  
39965

~~(c) "Category three English learner" means an English learner described in division (C) of section 3317.016 of the Revised Code.~~ 39966  
39967

~~(3)(a) "Category one special education student" means a student who is receiving special education services for a disability specified in division (A) of section 3317.013 of the Revised Code.~~ 39968  
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~~(b) "Category two special education student" means a student who is receiving special education services for a disability specified in division (B) of section 3317.013 of the Revised Code.~~ 39972  
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~~(c) "Category three special education student" means a student who is receiving special education services for a disability specified in division (C) of section 3317.013 of the Revised Code.~~ 39975  
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|                                                                               |       |
|-------------------------------------------------------------------------------|-------|
| <del>(d) "Category four special education student" means a student</del>      | 39979 |
| <del>who is receiving special education services for a disability</del>       | 39980 |
| <del>specified in division (D) of section 3317.013 of the Revised Code.</del> | 39981 |
| <del>(e) "Category five special education student" means a student</del>      | 39982 |
| <del>who is receiving special education services for a disability</del>       | 39983 |
| <del>specified in division (E) of section 3317.013 of the Revised Code.</del> | 39984 |
| <del>(f) "Category six special education student" means a student</del>       | 39985 |
| <del>who is receiving special education services for a disability</del>       | 39986 |
| <del>specified in division (F) of section 3317.013 of the Revised Code.</del> | 39987 |
| <del>(4) "Formula amount" has the same meaning as in section</del>            | 39988 |
| <del>3317.02 of the Revised Code.</del>                                       | 39989 |
| <del>(5)(1) "IEP" has the same meaning as in section 3323.01 of</del>         | 39990 |
| <del>the Revised Code.</del>                                                  | 39991 |
| <del>(6)(2) "Resident district" means the school district in which</del>      | 39992 |
| <del>a student is entitled to attend school under section 3313.64 or</del>    | 39993 |
| <del>3313.65 of the Revised Code.</del>                                       | 39994 |
| <del>(7) "State education aid" has the same meaning as in section</del>       | 39995 |
| <del>5751.20 of the Revised Code.</del>                                       | 39996 |
| <del>(B) The state board of education shall adopt rules requiring</del>       | 39997 |
| <del>both of the following:</del>                                             | 39998 |
| <del>(1) The board of education of each city, exempted village,</del>         | 39999 |
| <del>and local school district to annually report the number of</del>         | 40000 |
| <del>students entitled to attend school in the district who are</del>         | 40001 |
| <del>enrolled in each grade kindergarten through twelve in a community</del>  | 40002 |
| <del>school established under this chapter, and for each child, the</del>     | 40003 |
| <del>community school in which the child is enrolled.</del>                   | 40004 |
| <del>(2) The <u>the</u> governing authority of each community school</del>    | 40005 |
| <del>established under this chapter to annually report all of the</del>       | 40006 |
| <del>following:</del>                                                         | 40007 |
| <del>(a)(1) The number of students enrolled in grades one through</del>       | 40008 |

twelve and the full-time equivalent number of students enrolled in 40009  
kindergarten in the school who are not receiving special education 40010  
and related services pursuant to an IEP; 40011

~~(b)~~(2) The number of enrolled students in grades one through 40012  
twelve and the full-time equivalent number of enrolled students in 40013  
kindergarten, who are receiving special education and related 40014  
services pursuant to an IEP; 40015

~~(e)~~(3) The number of students reported under division 40016  
~~(B)~~(2)~~(b)~~ (B)(2) of this section receiving special education and 40017  
related services pursuant to an IEP for a disability described in 40018  
each of divisions (A) to (F) of section 3317.013 of the Revised 40019  
Code; 40020

~~(d)~~(4) The full-time equivalent number of students reported 40021  
under divisions ~~(B)~~(2)~~(a)~~ (B)(1) and ~~(b)~~ (2) of this section who 40022  
are enrolled in career-technical education programs or classes 40023  
described in each of divisions (A)(1) to ~~(E)~~ (5) of section 40024  
3317.014 of the Revised Code that are provided by the community 40025  
school; 40026

~~(e)~~(5) The number of students reported under divisions 40027  
~~(B)~~(2)~~(a)~~ (B)(1) and ~~(b)~~ (2) of this section who are not reported 40028  
under division ~~(B)~~(2)~~(d)~~ (B)(4) of this section but who are 40029  
enrolled in career-technical education programs or classes 40030  
described in each of divisions (A)(1) to ~~(E)~~ (5) of section 40031  
3317.014 of the Revised Code at a joint vocational school district 40032  
or another district in the career-technical planning district to 40033  
which the school is assigned; 40034

~~(f)~~(6) The number of students reported under divisions 40035  
~~(B)~~(2)~~(a)~~ (B)(1) and ~~(b)~~ (2) of this section who are category one 40036  
to three English learners described in each of divisions (A) to 40037  
(C) of section 3317.016 of the Revised Code; 40038

~~(g)~~(7) The number of students reported under divisions 40039

~~(B)(2)(a)~~ (B)(1) and ~~(b)~~ (2) of this section who are economically 40040  
disadvantaged, as defined by the department. A student shall not 40041  
be categorically excluded from the number reported under division 40042  
~~(B)(2)(g)~~ (B)(7) of this section based on anything other than 40043  
family income. 40044

~~(h)~~(8) For each student, the city, exempted village, or local 40045  
school district in which the student is entitled to attend school 40046  
under section 3313.64 or 3313.65 of the Revised Code. 40047

~~(i)~~(9) The number of students enrolled in a preschool program 40048  
operated by the school that is licensed by the department of 40049  
education under sections 3301.52 to 3301.59 of the Revised Code 40050  
who are not receiving special education and related services 40051  
pursuant to an IEP. 40052

A school district board and a community school governing 40053  
authority shall include in their respective reports under division 40054  
(B) of this section any child admitted in accordance with division 40055  
(A)(2) of section 3321.01 of the Revised Code. 40056

A governing authority of a community school shall not include 40057  
in its report under divisions ~~(B)(2)(a)~~ (B)(1) to ~~(h)~~ (9) of this 40058  
section any student for whom tuition is charged under division (F) 40059  
of this section. 40060

~~(C)(1) Except as provided in division (C)(2) of this section,~~ 40061  
~~and subject to divisions (C)(3), (4), (5), (6), and (7) of this~~ 40062  
~~section, on a full-time equivalency basis, for each student~~ 40063  
~~enrolled in a community school established under this chapter, the~~ 40064  
~~department of education annually shall deduct from the state~~ 40065  
~~education aid of a student's resident district and, if necessary,~~ 40066  
~~from the payment made to the district under sections 321.24 and~~ 40067  
~~323.156 of the Revised Code and pay to the community school the~~ 40068  
~~sum of the following:~~ 40069

~~(a) An opportunity grant in an amount equal to the formula~~ 40070

|                                                                              |       |
|------------------------------------------------------------------------------|-------|
| amount;                                                                      | 40071 |
| <del>(b) The per pupil amount of targeted assistance funds</del>             | 40072 |
| <del>calculated under division (A) of section 3317.0217 of the Revised</del> | 40073 |
| <del>Code for the student's resident district, as determined by the</del>    | 40074 |
| <del>department, X 0.25;</del>                                               | 40075 |
| <del>(c) Additional state aid for special education and related</del>        | 40076 |
| <del>services provided under Chapter 3323. of the Revised Code as</del>      | 40077 |
| <del>follows:</del>                                                          | 40078 |
| <del>(i) If the student is a category one special education</del>            | 40079 |
| <del>student, the amount specified in division (A) of section 3317.013</del> | 40080 |
| <del>of the Revised Code;</del>                                              | 40081 |
| <del>(ii) If the student is a category two special education</del>           | 40082 |
| <del>student, the amount specified in division (B) of section 3317.013</del> | 40083 |
| <del>of the Revised Code;</del>                                              | 40084 |
| <del>(iii) If the student is a category three special education</del>        | 40085 |
| <del>student, the amount specified in division (C) of section 3317.013</del> | 40086 |
| <del>of the Revised Code;</del>                                              | 40087 |
| <del>(iv) If the student is a category four special education</del>          | 40088 |
| <del>student, the amount specified in division (D) of section 3317.013</del> | 40089 |
| <del>of the Revised Code;</del>                                              | 40090 |
| <del>(v) If the student is a category five special education</del>           | 40091 |
| <del>student, the amount specified in division (E) of section 3317.013</del> | 40092 |
| <del>of the Revised Code;</del>                                              | 40093 |
| <del>(vi) If the student is a category six special education</del>           | 40094 |
| <del>student, the amount specified in division (F) of section 3317.013</del> | 40095 |
| <del>of the Revised Code.</del>                                              | 40096 |
| <del>(d) If the student is in kindergarten through third grade, an</del>     | 40097 |
| <del>additional amount of \$320;</del>                                       | 40098 |
| <del>(e) If the student is economically disadvantaged, an</del>              | 40099 |
| <del>additional amount equal to the following:</del>                         | 40100 |

|                                                                               |       |
|-------------------------------------------------------------------------------|-------|
| <del>§272 X the resident district's economically disadvantaged</del>          | 40101 |
| <del>index</del>                                                              | 40102 |
| <del>(f) English learner funds as follows:</del>                              | 40103 |
| <del>(i) If the student is a category one English learner, the</del>          | 40104 |
| <del>amount specified in division (A) of section 3317.016 of the</del>        | 40105 |
| <del>Revised Code;</del>                                                      | 40106 |
| <del>(ii) If the student is a category two English learner, the</del>         | 40107 |
| <del>amount specified in division (B) of section 3317.016 of the</del>        | 40108 |
| <del>Revised Code;</del>                                                      | 40109 |
| <del>(iii) If the student is a category three English learner, the</del>      | 40110 |
| <del>amount specified in division (C) of section 3317.016 of the</del>        | 40111 |
| <del>Revised Code.</del>                                                      | 40112 |
| <del>(g) If the student is reported under division (B)(2)(d) of</del>         | 40113 |
| <del>this section, career technical education funds as follows:</del>         | 40114 |
| <del>(i) If the student is a category one career technical</del>              | 40115 |
| <del>education student, the amount specified in division (A) of section</del> | 40116 |
| <del>3317.014 of the Revised Code;</del>                                      | 40117 |
| <del>(ii) If the student is a category two career technical</del>             | 40118 |
| <del>education student, the amount specified in division (B) of section</del> | 40119 |
| <del>3317.014 of the Revised Code;</del>                                      | 40120 |
| <del>(iii) If the student is a category three career technical</del>          | 40121 |
| <del>education student, the amount specified in division (C) of section</del> | 40122 |
| <del>3317.014 of the Revised Code;</del>                                      | 40123 |
| <del>(iv) If the student is a category four career technical</del>            | 40124 |
| <del>education student, the amount specified in division (D) of section</del> | 40125 |
| <del>3317.014 of the Revised Code;</del>                                      | 40126 |
| <del>(v) If the student is a category five career technical</del>             | 40127 |
| <del>education student, the amount specified in division (E) of section</del> | 40128 |
| <del>3317.014 of the Revised Code.</del>                                      | 40129 |
| <del>Deduction and payment of funds under division (C)(1)(g) of</del>         | 40130 |

~~this section is subject to approval by the lead district of a 40131  
career technical planning district or the department of education 40132  
under section 3317.161 of the Revised Code. 40133~~

~~(2) When deducting from the state education aid of a 40134  
student's resident district for students enrolled in an internet- 40135  
or computer based community school and making payments to such 40136  
school under this section, the department shall make the 40137  
deductions and payments described in only divisions (C)(1)(a), 40138  
(c), and (g) of this section. 40139~~

~~No deductions or payments shall be made for a student 40140  
enrolled in such school under division (C)(1)(b), (d), (e), or (f) 40141  
of this section. 40142~~

~~(3)(a)(C)(1)(a) If a community school's costs for a fiscal 40143  
year for a student receiving special education and related 40144  
services pursuant to an IEP for a disability described in 40145  
divisions (B) to (F) of section 3317.013 of the Revised Code 40146  
exceed the threshold catastrophic cost for serving the student as 40147  
specified in division (B) of section 3317.0214 of the Revised 40148  
Code, the school may submit to the superintendent of public 40149  
instruction documentation, as prescribed by the superintendent, of 40150  
all its costs for that student. Upon submission of documentation 40151  
for a student of the type and in the manner prescribed, the 40152  
department shall pay to the community school an amount equal to 40153  
the school's costs for the student in excess of the threshold 40154  
catastrophic costs. 40155~~

~~(b) The community school shall report under division 40156  
(C)(3)(a) (C)(1)(a) of this section, and the department shall pay 40157  
for, only the costs of educational expenses and the related 40158  
services provided to the student in accordance with the student's 40159  
individualized education program. Any legal fees, court costs, or 40160  
other costs associated with any cause of action relating to the 40161  
student may not be included in the amount. 40162~~

~~(4)~~(2) In any fiscal year, a community school receiving funds 40163  
under ~~division (C)(1)(g)~~ division (A)(7) of ~~this~~ section 3317.022 40164  
of the Revised Code shall spend those funds only for the purposes 40165  
that the department designates as approved for career-technical 40166  
education expenses. Career-technical education expenses approved 40167  
by the department shall include only expenses connected to the 40168  
delivery of career-technical programming to career-technical 40169  
students. The department shall require the school to report data 40170  
annually so that the department may monitor the school's 40171  
compliance with the requirements regarding the manner in which 40172  
funding received under ~~division (C)(1)(g)~~ (A)(7) of ~~this~~ section 40173  
3317.022 of the Revised Code may be spent. 40174

~~(5)~~(3) Notwithstanding anything to the contrary in section 40175  
3313.90 of the Revised Code, except as provided in division ~~(C)(9)~~ 40176  
(C)(5) of this section, all funds received under ~~division~~ 40177  
~~(C)(1)(g)~~ division (A)(7) of ~~this~~ section 3317.022 of the Revised 40178  
Code shall be spent in the following manner: 40179

(a) At least seventy-five per cent of the funds shall be 40180  
spent on curriculum development, purchase, and implementation; 40181  
instructional resources and supplies; industry-based program 40182  
certification; student assessment, credentialing, and placement; 40183  
curriculum specific equipment purchases and leases; 40184  
career-technical student organization fees and expenses; home and 40185  
agency linkages; work-based learning experiences; professional 40186  
development; and other costs directly associated with 40187  
career-technical education programs including development of new 40188  
programs. 40189

(b) Not more than twenty-five per cent of the funds shall be 40190  
used for personnel expenditures. 40191

~~(6)~~(4) A community school shall spend the funds it receives 40192  
under division ~~(C)(1)(e)~~ (A)(4) of ~~this~~ section 3317.022 of the 40193  
Revised Code in accordance with section 3317.25 of the Revised 40194

Code. 40195

~~(7) If the sum of the payments computed under divisions (C)(1) and (8)(a) of this section for the students entitled to attend school in a particular school district under sections 3313.64 and 3313.65 of the Revised Code exceeds the sum of that district's state education aid and its payment under sections 321.24 and 323.156 of the Revised Code, the department shall calculate and apply a proration factor to the payments to all community schools under that division for the students entitled to attend school in that district.~~ 40196  
40197  
40198  
40199  
40200  
40201  
40202  
40203  
40204

~~(8)(a) Subject to division (C)(7) of this section, the department annually shall pay to each community school, including each internet or computer based community school, an amount equal to the following:~~ 40205  
40206  
40207  
40208

~~(The number of students reported by the community school under division (B)(2)(c) of this section X the formula amount X .20)~~ 40209  
40210  
40211

~~(b) For each payment made to a community school under division (C)(8)(a) of this section, the department shall deduct from the state education aid of each city, local, and exempted village school district and, if necessary, from the payment made to the district under sections 321.24 and 323.156 of the Revised Code an amount equal to the following:~~ 40212  
40213  
40214  
40215  
40216  
40217

~~(The number of the district's students reported by the community school under division (B)(2)(c) of this section X the formula amount X .20)~~ 40218  
40219  
40220

~~(9)(5)~~ (C)(3) The department may waive the requirement in division ~~(C)(5)~~ (C)(3) of this section for any community school that exclusively provides one or more career-technical workforce development programs in arts and communications that are not equipment-intensive, as determined by the department. 40221  
40222  
40223  
40224  
40225

(6) For fiscal years 2022 and 2023, a community school shall 40226  
spend the funds it receives under division (A)(5) of section 40227  
3317.022 of the Revised Code only for services for English 40228  
learners. 40229

(D) A board of education sponsoring a community school may 40230  
utilize local funds to make enhancement grants to the school or 40231  
may agree, either as part of the contract or separately, to 40232  
provide any specific services to the community school at no cost 40233  
to the school. 40234

(E) A community school may not levy taxes or issue bonds 40235  
secured by tax revenues. 40236

(F) No community school shall charge tuition for the 40237  
enrollment of any student who is a resident of this state. A 40238  
community school may charge tuition for the enrollment of any 40239  
student who is not a resident of this state. 40240

(G)(1)(a) A community school may borrow money to pay any 40241  
necessary and actual expenses of the school in anticipation of the 40242  
receipt of any portion of the payments to be received by the 40243  
school pursuant to ~~division (C) of this~~ section 3317.022 of the 40244  
Revised Code. The school may issue notes to evidence such 40245  
borrowing. The proceeds of the notes shall be used only for the 40246  
purposes for which the anticipated receipts may be lawfully 40247  
expended by the school. 40248

(b) A school may also borrow money for a term not to exceed 40249  
fifteen years for the purpose of acquiring facilities. 40250

(2) Except for any amount guaranteed under section 3318.50 of 40251  
the Revised Code, the state is not liable for debt incurred by the 40252  
governing authority of a community school. 40253

(H) The department of education shall adjust the amounts 40254  
~~subtracted and paid under division (C) of this~~ section 3317.022 of 40255  
the Revised Code to reflect any enrollment of students in 40256

community schools for less than the equivalent of a full school 40257  
year. The state board of education within ninety days after April 40258  
8, 2003, shall adopt in accordance with Chapter 119. of the 40259  
Revised Code rules governing the payments to community schools 40260  
under ~~this~~ section 3317.022 of the Revised Code including initial 40261  
payments in a school year and adjustments and reductions made in 40262  
subsequent periodic payments to community schools ~~and~~ 40263  
~~corresponding deductions from school district accounts~~ as provided 40264  
under ~~division (C) of this~~ section 3317.022 of the Revised Code. 40265  
For purposes of this ~~section~~ division: 40266

(1) A student shall be considered enrolled in the community 40267  
school for any portion of the school year the student is 40268  
participating at a college under Chapter 3365. of the Revised 40269  
Code. 40270

(2) A student shall be considered to be enrolled in a 40271  
community school for the period of time beginning on the later of 40272  
the date on which the school both has received documentation of 40273  
the student's enrollment from a parent and the student has 40274  
commenced participation in learning opportunities as defined in 40275  
the contract with the sponsor, or thirty days prior to the date on 40276  
which the student is entered into the education management 40277  
information system established under section 3301.0714 of the 40278  
Revised Code. For purposes of applying this division and divisions 40279  
(H)(3) and (4) of this section to a community school student, 40280  
"learning opportunities" shall be defined in the contract, which 40281  
shall describe both classroom-based and non-classroom-based 40282  
learning opportunities and shall be in compliance with criteria 40283  
and documentation requirements for student participation which 40284  
shall be established by the department. Any student's instruction 40285  
time in non-classroom-based learning opportunities shall be 40286  
certified by an employee of the community school. A student's 40287  
enrollment shall be considered to cease on the date on which any 40288

of the following occur: 40289

(a) The community school receives documentation from a parent 40290  
terminating enrollment of the student. 40291

(b) The community school is provided documentation of a 40292  
student's enrollment in another public or private school. 40293

(c) The community school ceases to offer learning 40294  
opportunities to the student pursuant to the terms of the contract 40295  
with the sponsor or the operation of any provision of this 40296  
chapter. 40297

Except as otherwise specified in this paragraph, beginning in 40298  
the 2011-2012 school year, any student who completed the prior 40299  
school year in an internet- or computer-based community school 40300  
shall be considered to be enrolled in the same school in the 40301  
subsequent school year until the student's enrollment has ceased 40302  
as specified in division (H)(2) of this section. The department 40303  
shall continue ~~subtracting and~~ paying amounts for the student 40304  
under ~~division (C) of this~~ section 3317.022 of the Revised Code 40305  
without interruption at the start of the subsequent school year. 40306  
However, if the student without a legitimate excuse fails to 40307  
participate in the first seventy-two consecutive hours of learning 40308  
opportunities offered to the student in that subsequent school 40309  
year, the student shall be considered not to have re-enrolled in 40310  
the school for that school year and the department shall 40311  
recalculate the payments to the school for that school year to 40312  
account for the fact that the student is not enrolled. 40313

(3) The department shall determine each community school 40314  
student's percentage of full-time equivalency based on the 40315  
percentage of learning opportunities offered by the community 40316  
school to that student, reported either as number of hours or 40317  
number of days, is of the total learning opportunities offered by 40318  
the community school to a student who attends for the school's 40319

entire school year. However, no internet- or computer-based 40320  
community school shall be credited for any time a student spends 40321  
participating in learning opportunities beyond ten hours within 40322  
any period of twenty-four consecutive hours. Whether it reports 40323  
hours or days of learning opportunities, each community school 40324  
shall offer not less than nine hundred twenty hours of learning 40325  
opportunities during the school year. 40326

(4) With respect to the calculation of full-time equivalency 40327  
under division (H)(3) of this section, the department shall waive 40328  
the number of hours or days of learning opportunities not offered 40329  
to a student because the community school was closed during the 40330  
school year due to disease epidemic, hazardous weather conditions, 40331  
law enforcement emergencies, inoperability of school buses or 40332  
other equipment necessary to the school's operation, damage to a 40333  
school building, or other temporary circumstances due to utility 40334  
failure rendering the school building unfit for school use, so 40335  
long as the school was actually open for instruction with students 40336  
in attendance during that school year for not less than the 40337  
minimum number of hours required by this chapter. The department 40338  
shall treat the school as if it were open for instruction with 40339  
students in attendance during the hours or days waived under this 40340  
division. 40341

(I) The department of education shall reduce the amounts paid 40342  
under ~~this~~ section 3317.022 of the Revised Code to reflect 40343  
payments made to colleges under section 3365.07 of the Revised 40344  
Code. 40345

(J)(1) No student shall be considered enrolled in any 40346  
internet- or computer-based community school or, if applicable to 40347  
the student, in any community school that is required to provide 40348  
the student with a computer pursuant to division (C) of section 40349  
3314.22 of the Revised Code, unless both of the following 40350  
conditions are satisfied: 40351

(a) The student possesses or has been provided with all 40352  
required hardware and software materials and all such materials 40353  
are operational so that the student is capable of fully 40354  
participating in the learning opportunities specified in the 40355  
contract between the school and the school's sponsor as required 40356  
by division (A)(23) of section 3314.03 of the Revised Code; 40357

(b) The school is in compliance with division (A) of section 40358  
3314.22 of the Revised Code, relative to such student. 40359

(2) In accordance with policies adopted by the superintendent 40360  
of public instruction, in consultation with the auditor of state, 40361  
the department shall reduce the amounts otherwise payable under 40362  
~~division (C) of this~~ section 3317.022 of the Revised Code to any 40363  
community school that includes in its program the provision of 40364  
computer hardware and software materials to any student, if such 40365  
hardware and software materials have not been delivered, 40366  
installed, and activated for each such student in a timely manner 40367  
or other educational materials or services have not been provided 40368  
according to the contract between the individual community school 40369  
and its sponsor. 40370

The superintendent of public instruction and the auditor of 40371  
state shall jointly establish a method for auditing any community 40372  
school to which this division pertains to ensure compliance with 40373  
this section. 40374

The superintendent, auditor of state, and the governor shall 40375  
jointly make recommendations to the general assembly for 40376  
legislative changes that may be required to assure fiscal and 40377  
academic accountability for such schools. 40378

(K)(1) If the department determines that a review of a 40379  
community school's enrollment is necessary, such review shall be 40380  
completed and written notice of the findings shall be provided to 40381  
the governing authority of the community school and its sponsor 40382

within ninety days of the end of the community school's fiscal 40383  
year, unless extended for a period not to exceed thirty additional 40384  
days for one of the following reasons: 40385

(a) The department and the community school mutually agree to 40386  
the extension. 40387

(b) Delays in data submission caused by either a community 40388  
school or its sponsor. 40389

(2) If the review results in a finding that additional 40390  
funding is owed to the school, such payment shall be made within 40391  
thirty days of the written notice. If the review results in a 40392  
finding that the community school owes moneys to the state, the 40393  
following procedure shall apply: 40394

(a) Within ten business days of the receipt of the notice of 40395  
findings, the community school may appeal the department's 40396  
determination to the state board of education or its designee. 40397

(b) The board or its designee shall conduct an informal 40398  
hearing on the matter within thirty days of receipt of such an 40399  
appeal and shall issue a decision within fifteen days of the 40400  
conclusion of the hearing. 40401

(c) If the board has enlisted a designee to conduct the 40402  
hearing, the designee shall certify its decision to the board. The 40403  
board may accept the decision of the designee or may reject the 40404  
decision of the designee and issue its own decision on the matter. 40405

(d) Any decision made by the board under this division is 40406  
final. 40407

(3) If it is decided that the community school owes moneys to 40408  
the state, the department shall deduct such amount from the 40409  
school's future payments in accordance with guidelines issued by 40410  
the superintendent of public instruction. 40411

(L) The department ~~shall not subtract from a school~~ 40412

~~district's state aid account and shall not pay to a community~~ 40413  
~~school under division (C) of this section~~ 3317.022 of the Revised 40414  
Code any amount for any of the following: 40415

(1) Any student who has graduated from the twelfth grade of a 40416  
public or nonpublic high school; 40417

(2) Any student who is not a resident of the state; 40418

(3) Any student who was enrolled in the community school 40419  
during the previous school year when assessments were administered 40420  
under section 3301.0711 of the Revised Code but did not take one 40421  
or more of the assessments required by that section and was not 40422  
excused pursuant to division (C)(1) or (3) of that section, unless 40423  
the superintendent of public instruction grants the student a 40424  
waiver from the requirement to take the assessment and a parent is 40425  
not paying tuition for the student pursuant to section 3314.26 of 40426  
the Revised Code. The superintendent may grant a waiver only for 40427  
good cause in accordance with rules adopted by the state board of 40428  
education. 40429

(4) Any student who has attained the age of twenty-two years, 40430  
except for veterans of the armed services whose attendance was 40431  
interrupted before completing the recognized twelve-year course of 40432  
the public schools by reason of induction or enlistment in the 40433  
armed forces and who apply for enrollment in a community school 40434  
not later than four years after termination of war or their 40435  
honorable discharge. If, however, any such veteran elects to 40436  
enroll in special courses organized for veterans for whom tuition 40437  
is paid under federal law, or otherwise, the department ~~shall not~~ 40438  
~~subtract from a school district's state aid account and shall not~~ 40439  
pay to a community school under ~~division (C) of this section~~ 40440  
3317.022 of the Revised Code any amount for that veteran. 40441

**Sec. 3314.083.** If the department of education pays a joint 40442  
vocational school district under division (C)(3) of section 40443

3317.16 of the Revised Code for excess costs of providing special 40444  
education and related services to a student with a disability who 40445  
is enrolled in a community school, as calculated under division 40446  
(C)(1) of that section, the department shall deduct the amount of 40447  
that payment from the amount calculated for payment to the 40448  
community school under section ~~3314.08~~ 3317.022 of the Revised 40449  
Code. 40450

**Sec. 3314.084.** (A) As used in this section: 40451

(1) "Formula ADM" has the same meaning as in section 3317.03 40452  
of the Revised Code. 40453

(2) "Home" has the same meaning as in section 3313.64 of the 40454  
Revised Code. 40455

(3) "School district of residence" has the same meaning as in 40456  
section 3323.01 of the Revised Code; however, a community school 40457  
established under this chapter is not a "school district of 40458  
residence" for purposes of this section. 40459

(B) Notwithstanding anything to the contrary in section 40460  
3314.08 or 3317.03 of the Revised Code, all of the following apply 40461  
in the case of a child who is enrolled in a community school and 40462  
is also living in a home: 40463

~~(1) For purposes of the report required under division (B)(1) 40464  
of section 3314.08 of the Revised Code, the child's school 40465  
district of residence, and not the school district in which the 40466  
home that the child is living in is located, shall be considered 40467  
to be the school district in which the child is entitled to attend 40468  
school. That school district of residence, therefore, shall make 40469  
the report required under division (B)(1) of section 3314.08 of 40470  
the Revised Code with respect to the child. 40471~~

~~(2)~~ For purposes of the report required under division ~~(B)(2)~~ 40472  
(B) of section 3314.08 of the Revised Code, the community school 40473

shall report the name of the child's school district of residence. 40474

~~(3)~~(2) The child's school district of residence shall count 40475  
the child in that district's formula ADM. 40476

~~(4)~~(3) The school district in which the home that the child 40477  
is living in is located shall not count the child in that 40478  
district's formula ADM. 40479

~~(5) The department of education shall deduct the applicable 40480  
amounts prescribed under division (C) of section 3314.08 of the 40481  
Revised Code from the child's school district of residence and 40482  
shall not deduct those amounts from the school district in which 40483  
the home that the child is living in is located. 40484~~

~~(6)~~(4) The department shall make the payments prescribed in 40485  
division ~~(C)~~ of section ~~3314.08~~ 3317.022 of the Revised Code, as 40486  
applicable, to the community school. 40487

**Sec. 3314.086.** A community school established under this 40488  
chapter, including an internet- or computer-based community 40489  
school, may provide career-technical education in the manner 40490  
prescribed by section 3313.90 of the Revised Code. The community 40491  
school may contract with any public agency, board, or bureau or 40492  
with any private individual or firm for the purchase of any 40493  
career-technical education or vocational rehabilitation service 40494  
for any student enrolled in the community school and may pay for 40495  
such services with funds received under section ~~3314.08~~ 3317.022 40496  
of the Revised Code. 40497

**Sec. 3314.087.** (A) As used in this section: 40498

(1) "Career-technical program" means career-technical 40499  
programs or classes described in division (A)(1), ~~(B)~~ (2), ~~(C)~~ 40500  
(3), ~~(D)~~ (4), or ~~(E)~~ (5) of section 3317.014 of the Revised Code 40501  
in which a student is enrolled. 40502

(2) ~~"Formula ADM," "category~~ "Category one through five 40503  
career-technical education ADM," and "FTE basis" have the same 40504  
meanings as in section 3317.02 of the Revised Code. 40505

(3) "Resident school district" means the city, exempted 40506  
village, or local school district in which a student is entitled 40507  
to attend school under section 3313.64 or 3313.65 of the Revised 40508  
Code. 40509

(B) Notwithstanding anything to the contrary in this chapter 40510  
or Chapter 3317. of the Revised Code, a student enrolled in a 40511  
community school may simultaneously enroll in the career-technical 40512  
program operated by the career-technical planning district to 40513  
which the student's resident district belongs. On an FTE basis, 40514  
the student's resident school district shall count the student in 40515  
the category one through five career-technical education ADM for 40516  
the proportion of the time the student is enrolled in a 40517  
career-technical program of the career-technical planning district 40518  
to which the student's resident district belongs and, accordingly, 40519  
the department of education shall calculate funds under Chapter 40520  
3317. for the resident district attributable to the student for 40521  
the proportion of time the student attends the career-technical 40522  
program. The community school shall count the student in its 40523  
enrollment report under section 3314.08 of the Revised Code and 40524  
shall report to the department the proportion of time that the 40525  
student attends classes at the community school. The department 40526  
shall pay the community school ~~and deduct from the student's~~ 40527  
~~resident school district~~ the amount computed for the student under 40528  
section ~~3314.08~~ 3317.022 of the Revised Code in proportion to the 40529  
fraction of the time on an FTE basis that the student attends 40530  
classes at the community school. "Full-time equivalency" for a 40531  
community school student, as defined in division (H) of section 40532  
3314.08 of the Revised Code, does not apply to the student. 40533

Sec. 3314.089. (A) In any fiscal year, a community school 40534  
receiving funds calculated under division (A)(8) of section 40535  
3317.022 of the Revised Code shall spend those funds only for the 40536  
purposes that the department designates as approved for 40537  
career-technical education expenses. Career-technical education 40538  
expenses approved by the department shall include only expenses 40539  
connected to the delivery of career-technical programming to 40540  
career-technical students. The department shall require the school 40541  
to report data annually so that the department may monitor the 40542  
school's compliance with the requirements regarding the manner in 40543  
which funding received under division (A)(8) of section 3317.022 40544  
of the Revised Code may be spent. 40545

(B) Except as provided in division (C) of this section, all 40546  
funds received under division (A)(8) of section 3317.022 of the 40547  
Revised Code shall be spent in the following manner: 40548

(1) At least seventy-five per cent of the funds shall be 40549  
spent on curriculum development, purchase, and implementation; 40550  
instructional resources and supplies; industry-based program 40551  
certification; student assessment, credentialing, and placement; 40552  
curriculum specific equipment purchases and leases; 40553  
career-technical student organization fees and expenses; home and 40554  
agency linkages; work-based learning experiences; professional 40555  
development; and other costs directly associated with 40556  
career-technical education programs including development of new 40557  
programs. 40558

(2) Not more than twenty-five per cent of the funds shall be 40559  
used for personnel expenditures. 40560

(C) The department may waive the requirements in division (B) 40561  
of this section for any community school that exclusively provides 40562  
one or more career-technical workforce development programs in 40563  
arts and communications that are not equipment-intensive, as 40564

determined by the department. 40565

(D) In any fiscal year, a community school receiving funds 40566  
under division (H) of section 3317.014 of the Revised Code shall 40567  
spend those funds only on the following purposes: 40568

(1) Delivery of career awareness programs to students 40569  
enrolled in grades kindergarten through twelve; 40570

(2) Provision of a common, consistent curriculum to students 40571  
throughout their primary and secondary education; 40572

(3) Assistance to teachers in providing a career development 40573  
curriculum to students; 40574

(4) Development of a career development plan for each student 40575  
that stays with that student for the duration of the student's 40576  
primary and secondary education; 40577

(5) Provision of opportunities for students to engage in 40578  
activities, such as career fairs, hands-on experiences, and job 40579  
shadowing, across all career pathways at each grade level. 40580

The department may deny payment under division (E) of section 40581  
3317.014 of the Revised Code to any school that the department 40582  
determines is using funds paid under division (H) of section 40583  
3317.014 of the Revised Code for other purposes. 40584

**Sec. 3314.091.** (A) A school district is not required to 40585  
provide transportation for any native student enrolled in a 40586  
community school if the district board of education has entered 40587  
into an agreement with the community school's governing authority 40588  
that designates the community school as responsible for providing 40589  
or arranging for the transportation of the district's native 40590  
students to and from the community school. For any such agreement 40591  
to be effective, it must be certified by the superintendent of 40592  
public instruction as having met all of the following 40593  
requirements: 40594

(1) It is submitted to the department of education by a 40595  
deadline which shall be established by the department. 40596

(2) In accordance with divisions (C)(1) and (2) of this 40597  
section, it specifies qualifications, such as residing a minimum 40598  
distance from the school, for students to have their 40599  
transportation provided or arranged. 40600

(3) The transportation provided by the community school is 40601  
subject to all provisions of the Revised Code and all rules 40602  
adopted under the Revised Code pertaining to pupil transportation. 40603

(4) The sponsor of the community school also has signed the 40604  
agreement. 40605

(B)(1) For the school year that begins on July 1, 2007, a 40606  
school district is not required to provide transportation for any 40607  
native student enrolled in a community school, if the community 40608  
school during the previous school year transported the students 40609  
enrolled in the school or arranged for the students' 40610  
transportation, even if that arrangement consisted of having 40611  
parents transport their children to and from the school, but did 40612  
not enter into an agreement to transport or arrange for 40613  
transportation for those students under division (A) of this 40614  
section, and if the governing authority of the community school by 40615  
July 15, 2007, submits written notification to the district board 40616  
of education stating that the governing authority is accepting 40617  
responsibility for providing or arranging for the transportation 40618  
of the district's native students to and from the community 40619  
school. 40620

(2) Except as provided in division (B)(4) of this section, 40621  
for any school year subsequent to the school year that begins on 40622  
July 1, 2007, a school district is not required to provide 40623  
transportation for any native student enrolled in a community 40624  
school if the governing authority of the community school, by the 40625

~~thirty-first~~ first day of January of the previous school year 40626  
August, submits written notification to the district board of 40627  
education stating that the governing authority is accepting 40628  
responsibility for providing or arranging for the transportation 40629  
of the district's native students to and from the community 40630  
school. If the governing authority of the community school has 40631  
previously accepted responsibility for providing or arranging for 40632  
the transportation of a district's native students to and from the 40633  
community school, under division (B)(1) or (2) of this section, 40634  
and has since relinquished that responsibility under division 40635  
(B)(3) of this section, the governing authority shall not accept 40636  
that responsibility again unless the district board consents to 40637  
the governing authority's acceptance of that responsibility. 40638

(3) A governing authority's acceptance of responsibility 40639  
under division (B)(1) or (2) of this section shall cover an entire 40640  
school year, and shall remain in effect for subsequent school 40641  
years unless the governing authority submits written notification 40642  
to the district board that the governing authority is 40643  
relinquishing the responsibility. However, a governing authority 40644  
shall not relinquish responsibility for transportation before the 40645  
end of a school year, and shall submit the notice relinquishing 40646  
responsibility by the thirty-first day of January, in order to 40647  
allow the school district reasonable time to prepare 40648  
transportation for its native students enrolled in the school. 40649

(4)(a) For any school year that begins on or after July 1, 40650  
2014, a school district is not required to provide transportation 40651  
for any native student enrolled in a community school scheduled to 40652  
open for operation in the current school year, if the governing 40653  
authority of the community school, by the fifteenth day of April 40654  
of the previous school year, submits written notification to the 40655  
district board of education stating that the governing authority 40656  
is accepting responsibility for providing or arranging for the 40657

transportation of the district's native students to and from the 40658  
community school. 40659

(b) The governing authority of a community school that 40660  
accepts responsibility for transporting its students under 40661  
division (B)(4)(a) of this section shall comply with divisions 40662  
(B)(2) and (3) of this section to renew or relinquish that 40663  
authority for subsequent school years. 40664

(C)(1) A community school governing authority that enters 40665  
into an agreement under division (A) of this section, or that 40666  
accepts responsibility under division (B) of this section, shall 40667  
provide or arrange transportation free of any charge for each of 40668  
its enrolled students who is required to be transported under 40669  
section 3327.01 of the Revised Code. The governing authority shall 40670  
report to the department of education the number of students 40671  
transported or for whom transportation is arranged under this 40672  
section in accordance with rules adopted by the state board of 40673  
education. 40674

(2) The governing authority may provide or arrange 40675  
transportation for any other enrolled student who is not eligible 40676  
for transportation in accordance with division (C)(1) of this 40677  
section and may charge a fee for such service up to the actual 40678  
cost of the service. 40679

(3) Notwithstanding anything to the contrary in division 40680  
(C)(1) or (2) of this section, a community school governing 40681  
authority shall provide or arrange transportation free of any 40682  
charge for any disabled student enrolled in the school for whom 40683  
the student's individualized education program developed under 40684  
Chapter 3323. of the Revised Code specifies transportation. 40685

~~(D)(1) If a school district board and a community school 40686  
governing authority elect to enter into an agreement under 40687  
division (A) of this section, the department of education shall 40688~~

~~make payments to the community school according to the terms of 40689  
the agreement for each student actually transported under division 40690  
(C)(1) of this section. 40691~~

~~If a community school governing authority accepts 40692  
transportation responsibility under division (B) of this section, 40693  
the department shall make payments to the community school for 40694  
each student actually transported or for whom transportation is 40695  
arranged by the community school under division (C)(1) of this 40696  
section, calculated as follows: 40697~~

~~(a) For any fiscal year which the general assembly has 40698  
specified that transportation payments to school districts be 40699  
based on an across the board percentage of the district's payment 40700  
for the previous school year, the per pupil payment to the 40701  
community school shall be the following quotient: 40702~~

~~(i) The total amount calculated for the school district in 40703  
which the child is entitled to attend school for student 40704  
transportation other than transportation of children with 40705  
disabilities; divided by 40706~~

~~(ii) The number of students included in the district's 40707  
transportation ADM for the current fiscal year, as calculated 40708  
under section 3317.03 of the Revised Code, plus the number of 40709  
students enrolled in the community school not counted in the 40710  
district's transportation ADM who are transported under division 40711  
(B)(1) or (2) of this section. 40712~~

~~(b) For any fiscal year which the general assembly has 40713  
specified that the transportation payments to school districts be 40714  
calculated in accordance with section 3317.0212 of the Revised 40715  
Code and any rules of the state board of education implementing 40716  
that section, the payment to the community school shall be the 40717  
amount so calculated on a per rider basis that otherwise would be 40718  
paid to the school district in which the student is entitled to 40719~~

~~attend school by the method of transportation the district would 40720  
have used. The community school, however, is not required to use 40721  
the same method to transport that student. 40722~~

~~(c) Divisions (D)(1)(a) and (b) of this section do not apply 40723  
to fiscal years 2012 and 2013. Rather, for each of those fiscal 40724  
years, the per pupil payment to a community school for 40725  
transporting a student shall be the total amount paid under former 40726  
section 3306.12 of the Revised Code for fiscal year 2011 to the 40727  
school district in which the child is entitled to attend school 40728  
divided by that district's "qualifying ridership," as defined in 40729  
that section for fiscal year 2011. 40730~~

~~As used in this division "entitled to attend school" means 40731  
entitled to attend school under section 3313.64 or 3313.65 of the 40732  
Revised Code. 40733~~

~~(2) The department shall deduct the payment under division 40734  
(D)(1) of this section from the state education aid, as defined in 40735  
section 3314.08 of the Revised Code, and, if necessary, the 40736  
payment under sections 321.14 and 323.156 of the Revised Code, 40737  
that is otherwise paid to the school district in which the student 40738  
enrolled in the community school is entitled to attend school. The 40739  
department shall include the number of the district's native 40740  
students for whom payment is made to a community school under 40741  
division (D)(1) of this section in the calculation of the 40742  
district's transportation payment under section 3317.0212 of the 40743  
Revised Code and the operating appropriations act. 40744~~

~~(3) A community school shall be paid under division (D)(1) of 40745  
this section only for students who are eligible as specified in 40746  
section 3327.01 of the Revised Code and division (C)(1) of this 40747  
section, and whose transportation to and from school is actually 40748  
provided, who actually utilized transportation arranged, or for 40749  
whom a payment in lieu of transportation is made by the community 40750  
school's governing authority. To qualify for the payments, the 40751~~

~~community school shall report to the department, in the form and manner required by the department, data on the number of students transported or whose transportation is arranged, the number of miles traveled, cost to transport, and any other information requested by the department.~~

(4) A community school shall use payments received under ~~this~~ division (H) of section 3317.0212 of the Revised Code solely to pay the costs of providing or arranging for the transportation of students who are eligible as specified in section 3327.01 of the Revised Code and division (C)(1) of this section, which may include payments to a parent, guardian, or other person in charge of a child in lieu of transportation.

(E) Except when arranged through payment to a parent, guardian, or person in charge of a child, transportation provided or arranged for by a community school pursuant to an agreement under this section is subject to all provisions of the Revised Code, and all rules adopted under the Revised Code, pertaining to the construction, design, equipment, and operation of school buses and other vehicles transporting students to and from school. The drivers and mechanics of the vehicles are subject to all provisions of the Revised Code, and all rules adopted under the Revised Code, pertaining to drivers and mechanics of such vehicles. The community school also shall comply with sections 3313.201, 3327.09, and 3327.10 of the Revised Code, division (B) of section 3327.16 of the Revised Code and, subject to division (C)(1) of this section, sections 3327.01 and 3327.02 of the Revised Code, as if it were a school district.

**Sec. 3314.11.** (A) The governing authority of each community school established under this chapter monthly shall review the residency records of students enrolled in that community school. Upon the enrollment of each student and on an annual basis, the

governing authority shall verify to the department of education 40783  
the school district in which the student is entitled to attend 40784  
school under section 3313.64 or 3313.65 of the Revised Code. 40785

The school district may review the determination made by the 40786  
community school under division (A) of this section. 40787

(B)(1) For purposes of its initial reporting of the school 40788  
districts in which its students are entitled to attend school, the 40789  
governing authority of a community school shall adopt a policy 40790  
that prescribes the number of documents listed in division (E) of 40791  
this section required to verify a student's residency. This policy 40792  
shall supersede any policy concerning the number of documents for 40793  
initial residency verification adopted by the district the student 40794  
is entitled to attend. 40795

(2) For purposes of the annual reporting of the school 40796  
districts in which its students are entitled to attend school, the 40797  
governing authority of a community school shall adopt a policy 40798  
that prescribes the information required to verify a student's 40799  
residency. This information may be obtained through any type of 40800  
document, including any of the documents listed in division (E) of 40801  
this section, or any type of communication with a government 40802  
official authorized to provide such information. 40803

(C) For purposes of making the determinations required under 40804  
this section, the school district in which a parent or child 40805  
resides is the location the parent or student has established as 40806  
the primary residence and where substantial family activity takes 40807  
place. 40808

(D) If a community school's determination under division (A) 40809  
of this section of the school district a student is entitled to 40810  
attend under section 3313.64 or 3313.65 of the Revised Code 40811  
differs from a district's determination, the community school that 40812  
made the determination under division (A) of this section shall 40813

provide the school district with documentation of the student's 40814  
residency and shall make a good faith effort to accurately 40815  
identify the correct residence of the student. 40816

(E) For purposes of this section, the following documents may 40817  
serve as evidence of primary residence: 40818

(1) A deed, mortgage, lease, current home owner's or renter's 40819  
insurance declaration page, or current real property tax bill; 40820

(2) A utility bill or receipt of utility installation issued 40821  
within ninety days of enrollment; 40822

(3) A paycheck or paystub issued to the parent or student 40823  
within ninety days of the date of enrollment that includes the 40824  
address of the parent's or student's primary residence; 40825

(4) The most current available bank statement issued to the 40826  
parent or student that includes the address of the parent's or 40827  
student's primary residence; 40828

(5) Any other official document issued to the parent or 40829  
student that includes the address of the parent's or student's 40830  
primary residence. The superintendent of public instruction shall 40831  
develop guidelines for determining what qualifies as an "official 40832  
document" under this division. 40833

(F) When a student loses permanent housing and becomes a 40834  
homeless child or youth, as defined in 42 U.S.C. 11434a, or when a 40835  
child who is such a homeless child or youth changes temporary 40836  
living arrangements, the district in which the student is entitled 40837  
to attend school shall be determined in accordance with division 40838  
(F)(13) of section 3313.64 of the Revised Code and the 40839  
"McKinney-Vento Homeless Assistance Act," 42 U.S.C. 11431 et seq. 40840

(G) In the event of a disagreement as to which school 40841  
district a student is entitled to attend, the community school, 40842  
after complying with division (D) of this section, but not more 40843

than sixty days after the monthly deadline established by the 40844  
department of education for reporting of community school 40845  
enrollment, may present the matter to the superintendent of public 40846  
instruction. Not later than thirty days after the community school 40847  
presents the matter, the state superintendent, or the state 40848  
superintendent's designee, shall determine which district the 40849  
student is entitled to attend and shall direct any necessary 40850  
adjustments to payments ~~and deductions~~ under section ~~3314.08~~ 40851  
3317.022 of the Revised Code based on that determination. 40852

**Sec. 3314.191.** Notwithstanding any provision to the contrary 40853  
in the Revised Code, the department of education shall make no 40854  
payment under section ~~3314.08~~ 3317.022 of the Revised Code to a 40855  
community school opening for its first year of operation until the 40856  
sponsor of that school confirms all of the following: 40857

(A) The school is in compliance with the provisions described 40858  
in divisions (A), (H), (I), and (J)(3) of section 3314.19 of the 40859  
Revised Code. 40860

(B) The sponsor has approved the financial controls required 40861  
by the comprehensive plan for the school under division (B)(5) of 40862  
section 3314.03 of the Revised Code. 40863

(C) The school facilities will be ready and open for use by 40864  
the date prescribed in the contract entered into under section 40865  
3314.03 of the Revised Code, and the sponsor has reviewed any 40866  
lease, purchase agreement, permits required by statute or 40867  
contract, and construction plans. 40868

(D) The chief administrator of the community school actively 40869  
is managing daily operations at the school. 40870

(E) The projected enrollment reported to the department is 40871  
accurate. 40872

**Sec. 3314.20.** (A) As used in this section: 40873

|                                                                   |       |
|-------------------------------------------------------------------|-------|
| (1) "Base enrollment" for an internet- or computer-based          | 40874 |
| community school means either of the following:                   | 40875 |
| (a) If the school was open for instruction on the effective       | 40876 |
| date of this section, the number of students enrolled in the      | 40877 |
| school at the end of the 2012-2013 school year;                   | 40878 |
| (b) If the school opens for instruction after the effective       | 40879 |
| date of this section, one thousand students.                      | 40880 |
| (2) "Enrollment limit" for an internet- or computer-based         | 40881 |
| community school means the following:                             | 40882 |
| (a) For the 2014-2015 school year, the base enrollment            | 40883 |
| increased by the prescribed annual rate of growth, as calculated  | 40884 |
| by the department of education.                                   | 40885 |
| (b) For the 2015-2016 school year and each school year            | 40886 |
| thereafter, the previous school year's enrollment limit increased | 40887 |
| by the prescribed annual rate of growth, as calculated by the     | 40888 |
| department.                                                       | 40889 |
| (3) "Prescribed annual rate of growth" for an internet- or        | 40890 |
| computer-based community school means either of the following:    | 40891 |
| (a) For a school with an enrollment limit equal to or greater     | 40892 |
| than three thousand students, fifteen per cent.                   | 40893 |
| (b) For a school with an enrollment limit of less than three      | 40894 |
| thousand students, twenty-five per cent.                          | 40895 |
| (B) Beginning in the 2014-2015 school year, no internet- or       | 40896 |
| computer-based community school shall enroll more students than   | 40897 |
| the number permitted by its enrollment limit.                     | 40898 |
| (C) If, in any school year, an internet- or computer-based        | 40899 |
| community school enrolls more students than permitted under the   | 40900 |
| enrollment limit, the department shall deduct from the community  | 40901 |
| school the amount of state funds credited to the community school | 40902 |
| attributable to each student enrolled in excess of the enrollment | 40903 |

limit, as determined by the department. ~~The department shall~~ 40904  
~~distribute the deducted amounts to the school districts to which~~ 40905  
~~the students enrolled in the community school are entitled to~~ 40906  
~~attend school under section 3313.64 or 3313.65 of the Revised~~ 40907  
~~Code. Such amounts shall be distributed on a pro rata basis~~ 40908  
~~according to each district's share of the total enrollment in the~~ 40909  
~~community school.~~ 40910

**Sec. 3314.24.** (A) On or after July 1, 2004, no internet- or 40911  
computer-based community school shall enter into a contract with a 40912  
nonpublic school to use or rent any facility space at the 40913  
nonpublic school for the provision of instructional services to 40914  
students enrolled in the internet- or computer-based community 40915  
school. 40916

(B) ~~If, on or after July 1, 2004,~~ an internet- or 40917  
computer-based community school has a contract with a nonpublic 40918  
school as described in division (A) of this section, the 40919  
department of education shall not make any payments under section 40920  
~~3314.08~~ 3317.022 of the Revised Code to the internet- or 40921  
computer-based community school for any student who is enrolled in 40922  
the internet- or computer-based community school and receives any 40923  
instructional services from the internet- or computer-based 40924  
community school at the nonpublic school. 40925

**Sec. 3314.261.** This section shall not apply to an internet- 40926  
or computer-based community school in which a majority of the 40927  
students are enrolled in a dropout prevention and recovery 40928  
program. 40929

(A) For purposes of this section, "instructional activities" 40930  
means the following classroom-based or nonclassroom-based 40931  
activities that a student is expected to complete, participate in, 40932  
or attend during any given school day: 40933

|                                                                                                                                                                                                                                                                                                                     |                                           |
|---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-------------------------------------------|
| (1) Online logins to curriculum or programs;                                                                                                                                                                                                                                                                        | 40934                                     |
| (2) Offline activities;                                                                                                                                                                                                                                                                                             | 40935                                     |
| (3) Completed assignments within a particular program,<br>curriculum, or class;                                                                                                                                                                                                                                     | 40936<br>40937                            |
| (4) Testing;                                                                                                                                                                                                                                                                                                        | 40938                                     |
| (5) Face-to-face communications or meetings with school staff<br>or service providers;                                                                                                                                                                                                                              | 40939<br>40940                            |
| (6) Telephone or video conferences with school staff or<br>service providers;                                                                                                                                                                                                                                       | 40941<br>40942                            |
| (7) Other documented communication with school staff or<br>service providers related to school curriculum or programs.                                                                                                                                                                                              | 40943<br>40944                            |
| (B)(1) Each internet- or computer-based community school's<br>attendance policy adopted in accordance with division (A)(6)(b) of<br>section 3314.03 of the Revised Code shall specify that a student<br>is considered in attendance at the school when the student<br>satisfies either of the following conditions: | 40945<br>40946<br>40947<br>40948<br>40949 |
| (a) The student participates in at least ninety per cent of<br>the hours of instructional activities offered by the school in<br>that school year;                                                                                                                                                                  | 40950<br>40951<br>40952                   |
| (b) The student is on pace for on-time completion of any<br>course in which the student is enrolled. The school's attendance<br>policy shall define "on pace for on-time completion" for purposes<br>of division (B)(1)(b) of this section.                                                                         | 40953<br>40954<br>40955<br>40956          |
| (2) If a student is not considered in attendance under<br>division (B)(1) of this section, the student shall be considered<br>absent for those hours of instructional activities offered by the<br>school in that school year in which the student does not<br>participate.                                         | 40957<br>40958<br>40959<br>40960<br>40961 |
| (3) In the event that a student has thirty or more hours of<br>unexcused absences in any semester, the internet- or                                                                                                                                                                                                 | 40962<br>40963                            |

computer-based community school in which the student is enrolled 40964  
shall submit a written report to the student's parent, guardian, 40965  
or custodian. 40966

(C) Notwithstanding section 3321.191 of the Revised Code, 40967  
each internet- or computer-based community school shall develop 40968  
and adopt a policy regarding failure to participate in 40969  
instructional activities. The policy shall state that a student 40970  
shall become subject to certain consequences, including 40971  
disenrollment from the school, if both of the following conditions 40972  
are satisfied: 40973

(1) After the student's parent, guardian, or custodian 40974  
receives a written report under division (B)(2) of this section, 40975  
the student fails to comply with the policy adopted under division 40976  
(C) of this section within a reasonable period of time specified 40977  
by the school; 40978

(2) Other intervention strategies contained in the policy 40979  
adopted under division (C) of this section fail to cause a 40980  
student's attendance to comply with the policy. 40981

(D) If an internet- or computer-based community school 40982  
disenrolled a student pursuant to a policy adopted under division 40983  
(C) of this section, the student shall not be eligible to ~~enroll~~ 40984  
re-enroll in that school ~~or another internet- or computer-based~~ 40985  
~~community school~~ for ~~one~~ the remainder of the school year ~~from the~~ 40986  
~~date of the student's disenrollment~~ in which the student is 40987  
disenrolled. This division does not prohibit a disenrolled student 40988  
from enrolling in another internet- or computer-based community 40989  
school ~~if a majority of the students of that school are enrolled~~ 40990  
~~in a dropout prevention and recovery program.~~ 40991

(E) If an internet- or computer-based community school 40992  
disenrolls a student pursuant to a policy adopted under division 40993  
(C) of this section, the school shall do both of the following: 40994

(1) Provide the student's parent, guardian, or custodian with a list of alternative educational options available to the student;

(2) Within forty-eight hours of the student's disenrollment, notify the student's resident school district in writing.

(F) Nothing in this section shall be construed to affect the procedure for automatically withdrawing a student from school that must be adopted as part of a school's attendance policy in accordance with division (A)(6)(b) of section 3314.03 of the Revised Code.

Sec. 3314.262. Notwithstanding anything to the contrary in section 3314.26 of the Revised Code, no student enrolled in an internet- or computer-based community school shall be subject to automatic withdrawal who, in any school year prior to the 2020-2021 school year, failed to participate in the spring administration of any assessment prescribed under section 3301.0710 or 3301.0712 of the Revised Code for the student's grade level and was not excused from the assessment pursuant to division (C)(1) or (3) of section 3301.0711 of the Revised Code, regardless of whether a waiver was granted for the student under division (E) of section 3317.03 of the Revised Code. Accordingly, the 2020-2021 school year shall begin a new starting point for automatic withdrawal of students enrolled in internet- or computer-based schools under section 3314.26 of the Revised Code.

~~each~~ Each year, the department of education shall publish separate lists of the following:

(A) Community schools that have become subject to permanent closure under section 3314.35 or 3314.351 of the Revised Code;

(B) Community schools that are at risk of becoming subject to permanent closure under section 3314.35 or 3314.351 of the Revised

Code if their academic performance, as prescribed in those 41025  
sections, does not improve on the next state report cards issued 41026  
under section 3302.03 or 3314.017 of the Revised Code. 41027

~~(C) All "challenged school districts" in which new start-up 41028  
community schools may be located, as prescribed in section 3314.02 41029  
of the Revised Code. 41030~~

On and after the effective date of this amendment, the 41031  
department of education shall not adopt any rules, enforce any 41032  
procedures or policies, or otherwise restrict the establishment or 41033  
sponsorship of a new start-up community school based upon whether 41034  
the school's proposed location is in a challenged school district. 41035

Sec. 3314.355. No community school shall be subject to 41036  
closure under section 3314.35 or 3314.351 of the Revised Code 41037  
based on any report card issued for that school for the 2019-2020, 41038  
2020-2021, or 2021-2022 school years. Furthermore, the report card 41039  
ratings of any previous years shall not be considered in 41040  
determining whether a community school is subject to automatic 41041  
closure under section 3314.35 or 3314.351 of the Revised Code. 41042  
Accordingly, the 2022-2023 school year shall begin a new starting 41043  
point for automatic closure of community schools under either of 41044  
those sections. 41045

Sec. 3315.18. (A) The board of education of each city, 41046  
exempted village, local, and joint vocational school district 41047  
shall establish a capital and maintenance fund. Each board 41048  
annually shall deposit into that fund an amount derived from 41049  
revenues received by the district that would otherwise have been 41050  
deposited in the general fund that is equal to three per cent of 41051  
the ~~formula amount~~ statewide average base cost per pupil for the 41052  
preceding fiscal year, as defined in section 3317.02 of the 41053  
Revised Code, or another percentage if established by the auditor 41054

of state under division (B) of this section, multiplied by the 41055  
district's student population for the preceding fiscal year, 41056  
except that money received from a permanent improvement levy 41057  
authorized by section 5705.21 of the Revised Code may replace 41058  
general revenue moneys in meeting the requirements of this 41059  
section. Money in the fund shall be used solely for acquisition, 41060  
replacement, enhancement, maintenance, or repair of permanent 41061  
improvements, as that term is defined in section 5705.01 of the 41062  
Revised Code. Any money in the fund that is not used in any fiscal 41063  
year shall carry forward to the next fiscal year. 41064

(B) The state superintendent of public instruction and the 41065  
auditor of state jointly shall adopt rules in accordance with 41066  
Chapter 119. of the Revised Code defining what constitutes 41067  
expenditures permitted by division (A) of this section. The 41068  
auditor of state may designate a percentage, other than three per 41069  
cent, of the ~~formula amount~~ statewide average base cost per pupil 41070  
multiplied by the district's student population that must be 41071  
deposited into the fund. 41072

(C) Within its capital and maintenance fund, a school 41073  
district board of education may establish a separate account 41074  
solely for the purpose of depositing funds transferred from the 41075  
district's reserve balance account established under former 41076  
division (H) of section 5705.29 of the Revised Code. After April 41077  
10, 2001, a board may deposit all or part of the funds formerly 41078  
included in such reserve balance account in the separate account 41079  
established under this section. Funds deposited in this separate 41080  
account and interest on such funds shall be utilized solely for 41081  
the purpose of providing the district's portion of the basic 41082  
project costs of any project undertaken in accordance with Chapter 41083  
3318. of the Revised Code. 41084

(D)(1) Notwithstanding division (A) of this section, in any 41085  
year a district is in fiscal emergency status as declared pursuant 41086

to section 3316.03 of the Revised Code, the district may deposit 41087  
an amount less than required by division (A) of this section, or 41088  
make no deposit, into the district capital and maintenance fund 41089  
for that year. 41090

(2) Notwithstanding division (A) of this section, in any 41091  
fiscal year that a school district is either in fiscal watch 41092  
status, as declared pursuant to section 3316.03 of the Revised 41093  
Code, or in fiscal caution status, as declared pursuant to section 41094  
3316.031 of the Revised Code, the district may apply to the 41095  
superintendent of public instruction for a waiver from the 41096  
requirements of division (A) of this section, under which the 41097  
district may be permitted to deposit an amount less than required 41098  
by that division or permitted to make no deposit into the district 41099  
capital and maintenance fund for that year. The superintendent may 41100  
grant a waiver under division (D)(2) of this section if the 41101  
district demonstrates to the satisfaction of the superintendent 41102  
that compliance with division (A) of this section that year will 41103  
create an undue financial hardship on the district. 41104

(3) Notwithstanding division (A) of this section, not more 41105  
often than one fiscal year in every three consecutive fiscal 41106  
years, any school district that does not satisfy the conditions 41107  
for the exemption described in division (D)(1) of this section or 41108  
the conditions to apply for the waiver described in division 41109  
(D)(2) of this section may apply to the superintendent of public 41110  
instruction for a waiver from the requirements of division (A) of 41111  
this section, under which the district may be permitted to deposit 41112  
an amount less than required by that division or permitted to make 41113  
no deposit into the district capital and maintenance fund for that 41114  
year. The superintendent may grant a waiver under division (D)(3) 41115  
of this section if the district demonstrates to the satisfaction 41116  
of the superintendent that compliance with division (A) of this 41117  
section that year will necessitate the reduction or elimination of 41118

a program currently offered by the district that is critical to 41119  
the academic success of students of the district and that no 41120  
reasonable alternatives exist for spending reductions in other 41121  
areas of operation within the district that negate the necessity 41122  
of the reduction or elimination of that program. 41123

(E) Notwithstanding any provision to the contrary in Chapter 41124  
4117. of the Revised Code, the requirements of this section 41125  
prevail over any conflicting provisions of agreements between 41126  
employee organizations and public employers entered into after 41127  
November 21, 1997. 41128

(F) As used in this section, "student population" means the 41129  
average, daily, full-time equivalent number of students in 41130  
kindergarten through twelfth grade receiving any educational 41131  
services from the school district during the first full school 41132  
week in October, excluding students enrolled in adult education 41133  
classes, but including all of the following: 41134

(1) Adjacent or other district students enrolled in the 41135  
district under an open enrollment policy pursuant to section 41136  
3313.98 of the Revised Code; 41137

(2) Students receiving services in the district pursuant to a 41138  
compact, cooperative education agreement, or a contract, but who 41139  
are entitled to attend school in another district pursuant to 41140  
section 3313.64 or 3313.65 of the Revised Code; 41141

(3) Students for whom tuition is payable pursuant to sections 41142  
3317.081 and 3323.141 of the Revised Code. 41143

The department of education shall determine a district's 41144  
student population using data reported to it under section 3317.03 41145  
of the Revised Code for the applicable fiscal year. 41146

Sec. 3317.011. This section shall apply only for fiscal years 41147  
2022 and 2023. 41148

|                                                                           |       |
|---------------------------------------------------------------------------|-------|
| <u>(A) As used in this section:</u>                                       | 41149 |
| <u>(1) "Average administrative assistant salary" means the</u>            | 41150 |
| <u>average salary of administrative assistants employed by city,</u>      | 41151 |
| <u>local, and exempted village school districts in this state with</u>    | 41152 |
| <u>salaries greater than \$20,000 but less than \$65,000 for the most</u> | 41153 |
| <u>recent fiscal year for which data is available, as determined by</u>   | 41154 |
| <u>the department of education.</u>                                       | 41155 |
| <u>(2) "Average bookkeeping and accounting employee salary"</u>           | 41156 |
| <u>means the average salary of bookkeeping employees and accounting</u>   | 41157 |
| <u>employees employed by city, local, and exempted village school</u>     | 41158 |
| <u>districts in this state with salaries greater than \$20,000 but</u>    | 41159 |
| <u>less than \$80,000 for the most recent fiscal year for which data</u>  | 41160 |
| <u>is available, as determined by the department.</u>                     | 41161 |
| <u>(3) "Average clerical staff salary" means the average salary</u>       | 41162 |
| <u>of clerical staff employed by city, local, and exempted village</u>    | 41163 |
| <u>school districts in this state with salaries greater than \$15,000</u> | 41164 |
| <u>but less than \$50,000 for the most recent fiscal year for which</u>   | 41165 |
| <u>data is available, as determined by the department.</u>                | 41166 |
| <u>(4) "Average counselor salary" means the average salary of</u>         | 41167 |
| <u>counselors employed by city, local, and exempted village school</u>    | 41168 |
| <u>districts in this state with salaries greater than \$30,000 but</u>    | 41169 |
| <u>less than \$95,000 for the most recent fiscal year for which data</u>  | 41170 |
| <u>is available, as determined by the department.</u>                     | 41171 |
| <u>(5) "Average education management information system support</u>       | 41172 |
| <u>employee salary" means the average salary of accounting employees</u>  | 41173 |
| <u>employed by city, local, and exempted village school districts in</u>  | 41174 |
| <u>this state with salaries greater than \$30,000 but less than</u>       | 41175 |
| <u>\$90,000 for the most recent fiscal year for which data is</u>         | 41176 |
| <u>available, as determined by the department.</u>                        | 41177 |
| <u>(6) "Average librarian and media staff salary" means the</u>           | 41178 |
| <u>average salary of librarians and media staff employed by city,</u>     | 41179 |

local, and exempted village school districts in this state with 41180  
salaries greater than \$30,000 but less than \$95,000 for the most 41181  
recent fiscal year for which data is available, as determined by 41182  
the department. 41183

(7) "Average other district administrator salary" means the 41184  
average salary of all assistant superintendents and directors 41185  
employed by city, local, and exempted village school districts in 41186  
this state with salaries greater than \$50,000 but less than 41187  
\$135,000 for the most recent fiscal year for which data is 41188  
available, as determined by the department. 41189

(8) "Average principal salary" means the average salary of 41190  
all principals employed by city, local, and exempted village 41191  
school districts in this state with salaries greater than \$50,000 41192  
but less than \$120,000 for the most recent fiscal year for which 41193  
data is available, as determined by the department. 41194

(9) "Average superintendent salary" means the average salary 41195  
of all superintendents employed by city, local, and exempted 41196  
village school districts in this state with salaries greater than 41197  
\$60,000 but less than \$180,000 for the most recent fiscal year for 41198  
which data is available, as determined by the department. 41199

(10) "Average teacher cost" for a fiscal year is equal to the 41200  
sum of the following: 41201

(a) The average salary of teachers employed by city, local, 41202  
and exempted village school districts in this state with salaries 41203  
greater than \$30,000 but less than \$95,000 for the most recent 41204  
fiscal year for which data is available, as determined by the 41205  
department; 41206

(b) An amount for teacher benefits equal to 0.16 times the 41207  
average salary calculated under division (A)(10)(a) of this 41208  
section; 41209

(c) An amount for district-paid insurance costs equal to the 41210

|                                                                           |       |
|---------------------------------------------------------------------------|-------|
| <u>following product:</u>                                                 | 41211 |
| <u>The statewide weighted average employer-paid monthly premium based</u> | 41212 |
| <u>on data reported by city, local, and exempted village school</u>       | 41213 |
| <u>districts to the state employment relations board for the health</u>   | 41214 |
| <u>insurance survey conducted in accordance with divisions (K)(5) and</u> | 41215 |
| <u>(6) of section 4117.02 of the Revised Code for the most recent</u>     | 41216 |
| <u>fiscal year for which data is available X 12</u>                       | 41217 |
| <u>(11) "Eligible school district" means a city, local, or</u>            | 41218 |
| <u>exempted village school district that satisfies one of the</u>         | 41219 |
| <u>following:</u>                                                         | 41220 |
| <u>(a) The district is a member of an organization that</u>               | 41221 |
| <u>regulates interscholastic athletics.</u>                               | 41222 |
| <u>(b) The district has teams in at least three different sports</u>      | 41223 |
| <u>that participate in an interscholastic league.</u>                     | 41224 |
| <u>(B) When calculating a district's aggregate base cost under</u>        | 41225 |
| <u>this section, the department shall use data from fiscal year 2018</u>  | 41226 |
| <u>for all of the following:</u>                                          | 41227 |
| <u>(1) The average salaries determined under divisions (A)(1),</u>        | 41228 |
| <u>(2), (3), (4), (5), (6), (7), (8), (9), and (10)(a) of this</u>        | 41229 |
| <u>section;</u>                                                           | 41230 |
| <u>(2) The amount for teacher benefits determined under division</u>      | 41231 |
| <u>(A)(10)(b) of this section;</u>                                        | 41232 |
| <u>(3) The district-paid insurance costs determined under</u>             | 41233 |
| <u>division (A)(10)(c) of this section;</u>                               | 41234 |
| <u>(4) The spending determined under divisions (E)(4)(a),</u>             | 41235 |
| <u>(E)(5)(a), (E)(6)(a), and (H)(1) of this section and the</u>           | 41236 |
| <u>corresponding student counts determined under divisions (E)(4)(b),</u> | 41237 |
| <u>(E)(5)(b), (E)(6)(b), and (H)(2) of this section;</u>                  | 41238 |
| <u>(5) The information determined under division (G)(3) of this</u>       | 41239 |
| <u>section.</u>                                                           | 41240 |

(C) A city, local, or exempted village school district's 41241  
aggregate base cost for a fiscal year shall be equal to the 41242  
following sum: 41243

(The district's teacher base cost for that fiscal year computed 41244  
under division (D) of this section) + (the district's student 41245  
support base cost for that fiscal year computed under division (E) 41246  
of this section) + (the district's leadership and accountability 41247  
base cost for that fiscal year computed under division (F) of this 41248  
section) + (the district's building leadership and operations base 41249  
cost for that fiscal year computed under division (G) of this 41250  
section) + (the athletic co-curricular activities base cost for 41251  
that fiscal year computed under division (H) of this section, if 41252  
the district is an eligible school district) 41253

(D) The department of education shall compute a district's 41254  
teacher base cost for a fiscal year as follows: 41255

(1) Calculate the district's classroom teacher cost for that 41256  
fiscal year as follows: 41257

(a) Determine the full-time equivalency of students in the 41258  
district's base cost enrolled ADM for that fiscal year that are 41259  
enrolled in kindergarten and divide that number by 20; 41260

(b) Determine the full-time equivalency of students in the 41261  
district's base cost enrolled ADM for that fiscal year that are 41262  
enrolled in grades one through three and divide that number by 23; 41263

(c) Determine the full-time equivalency of students in the 41264  
district's base cost enrolled ADM for that fiscal year that are 41265  
enrolled in grades four through eight but are not enrolled in a 41266  
career-technical education program or class described under 41267  
section 3317.014 of the Revised Code and divide that number by 25; 41268

(d) Determine the full-time equivalency of students in the 41269  
district's base cost enrolled ADM for that fiscal year that are 41270  
enrolled in grades nine through twelve but are not enrolled in a 41271

|                                                                           |       |
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| <u>career-technical education program or class described under</u>        | 41272 |
| <u>section 3317.014 of the Revised Code and divide that number by 27;</u> | 41273 |
| <u>(e) Determine the full-time equivalency of students in the</u>         | 41274 |
| <u>district's base cost enrolled ADM for that fiscal year that are</u>    | 41275 |
| <u>enrolled in a career-technical education program or class, as</u>      | 41276 |
| <u>certified under divisions (B)(11), (12), (13), (14), and (15) of</u>   | 41277 |
| <u>section 3317.03 of the Revised Code, and divide that number by 18;</u> | 41278 |
| <u>(f) Compute the sum of the quotients obtained under divisions</u>      | 41279 |
| <u>(D)(1)(a), (b), (c), (d), and (e) of this section;</u>                 | 41280 |
| <u>(g) Compute the classroom teacher cost by multiplying the</u>          | 41281 |
| <u>average teacher cost for that fiscal year by the sum computed</u>      | 41282 |
| <u>under division (D)(1)(f) of this section.</u>                          | 41283 |
| <u>(2) Calculate the district's special teacher cost for that</u>         | 41284 |
| <u>fiscal year as follows:</u>                                            | 41285 |
| <u>(a) Divide the district's base cost enrolled ADM for that</u>          | 41286 |
| <u>fiscal year by 150;</u>                                                | 41287 |
| <u>(b) If the quotient obtained under division (D)(2)(a) of this</u>      | 41288 |
| <u>section is greater than 6, the special teacher cost shall be equal</u> | 41289 |
| <u>to that quotient multiplied by the average teacher cost for that</u>   | 41290 |
| <u>fiscal year.</u>                                                       | 41291 |
| <u>(c) If the quotient obtained under division (D)(2)(a) of this</u>      | 41292 |
| <u>section is less than or equal to 6, the special teacher cost shall</u> | 41293 |
| <u>be equal to 6 multiplied by the average teacher cost for that</u>      | 41294 |
| <u>fiscal year.</u>                                                       | 41295 |
| <u>(3) Calculate the district's substitute teacher cost for that</u>      | 41296 |
| <u>fiscal year in accordance with the following formula:</u>              | 41297 |
| <u>(a) Compute the substitute teacher daily rate with benefits</u>        | 41298 |
| <u>by multiplying the substitute teacher daily rate of \$90 by 1.16;</u>  | 41299 |
| <u>(b) Compute the substitute teacher cost in accordance with</u>         | 41300 |
| <u>the following formula:</u>                                             | 41301 |

[The sum computed under division (D)(1)(f) of this section + (the 41302  
greater of the quotient obtained under division (D)(2)(a) of this 41303  
section and 6)] X the amount computed under division (D)(3)(a) of 41304  
this section X 5 41305

(4) Calculate the district's professional development cost 41306  
for that fiscal year in accordance with the following formula: 41307

[The sum computed under division (D)(1)(f) of this section + (the 41308  
greater of the quotient obtained under division (D)(2)(a) of this 41309  
section and 6)] X [(the sum of divisions (A)(10)(a) and (b) of 41310  
this section for that fiscal year)/180] X 4 41311

(5) Calculate the district's teacher base cost for that 41312  
fiscal year, which equals the sum of divisions (D)(1), (2), (3), 41313  
and (4) of this section. 41314

(E) The department shall compute a district's student support 41315  
base cost for a fiscal year as follows: 41316

(1) Calculate the district's guidance counselor cost for that 41317  
fiscal year as follows: 41318

(a) Determine the number of students in the district's base 41319  
cost enrolled ADM for that fiscal year that are enrolled in grades 41320  
nine through twelve and divide that number by 360; 41321

(b) Compute the counselor cost in accordance with the 41322  
following formula: 41323

(The greater of the quotient obtained under division (E)(1)(a) of 41324  
this section and 1) X [(the average counselor salary for that 41325  
fiscal year X 1.16) + the amount specified under division 41326  
(A)(10)(c) of this section for that fiscal year] 41327

(2) Calculate the district's librarian and media staff cost 41328  
for that fiscal year as follows: 41329

(a) Divide the district's base cost enrolled ADM for that 41330  
fiscal year by 1,000; 41331

|                                                                           |       |
|---------------------------------------------------------------------------|-------|
| <u>(b) Compute the librarian and media staff cost in accordance</u>       | 41332 |
| <u>with the following formula:</u>                                        | 41333 |
| <u>The quotient obtained under division (E)(2)(a) of this section X</u>   | 41334 |
| <u>[(the average librarian and media staff salary for that fiscal</u>     | 41335 |
| <u>year X 1.16) + the amount specified under division (A)(10)(c) of</u>   | 41336 |
| <u>this section for that fiscal year]</u>                                 | 41337 |
| <u>(3) Calculate the district's staffing cost for student</u>             | 41338 |
| <u>wellness and success for that fiscal year as follows:</u>              | 41339 |
| <u>(a) Divide the district's base cost enrolled ADM for that</u>          | 41340 |
| <u>fiscal year by 250;</u>                                                | 41341 |
| <u>(b) Compute the staffing cost for student wellness and</u>             | 41342 |
| <u>success in accordance with the following formula:</u>                  | 41343 |
| <u>(The greater of the quotient obtained under division (E)(3)(a) of</u>  | 41344 |
| <u>this section and 5) X [(the average counselor salary for that</u>      | 41345 |
| <u>fiscal year X 1.16) + the amount specified under division</u>          | 41346 |
| <u>(A)(10)(c) of this section for that fiscal year]</u>                   | 41347 |
| <u>(4) Calculate the district's academic co-curricular</u>                | 41348 |
| <u>activities cost for that fiscal year as follows:</u>                   | 41349 |
| <u>(a) Determine the total amount of spending for academic</u>            | 41350 |
| <u>co-curricular activities reported by city, local, and exempted</u>     | 41351 |
| <u>village school districts to the department for the most recent</u>     | 41352 |
| <u>fiscal year for which data is available;</u>                           | 41353 |
| <u>(b) Determine the sum of the enrolled ADM of every school</u>          | 41354 |
| <u>district in the state for the most recent fiscal year for which</u>    | 41355 |
| <u>the data specified under division (E)(4)(a) of this section is</u>     | 41356 |
| <u>available;</u>                                                         | 41357 |
| <u>(c) Compute the academic co-curricular activities cost in</u>          | 41358 |
| <u>accordance with the following formula:</u>                             | 41359 |
| <u>(The amount determined under division (E)(4)(a) of this section /</u>  | 41360 |
| <u>the sum determined under division (E)(4)(b) of this section) X the</u> | 41361 |

|                                                                           |       |
|---------------------------------------------------------------------------|-------|
| <u>district's base cost enrolled ADM for the fiscal year for which</u>    | 41362 |
| <u>the academic co-curricular activities cost is computed</u>             | 41363 |
| <u>(5) Calculate the district's building safety and security</u>          | 41364 |
| <u>cost for that fiscal year as follows:</u>                              | 41365 |
| <u>(a) Determine the total amount of spending for building</u>            | 41366 |
| <u>safety and security reported by city, local, and exempted village</u>  | 41367 |
| <u>school districts to the department for the most recent fiscal year</u> | 41368 |
| <u>for which data is available;</u>                                       | 41369 |
| <u>(b) Determine the sum of the enrolled ADM of every school</u>          | 41370 |
| <u>district in the state that reported the data specified under</u>       | 41371 |
| <u>division (E)(5)(a) of this section for the most recent fiscal year</u> | 41372 |
| <u>for which the data is available;</u>                                   | 41373 |
| <u>(c) Compute the building safety and security cost in</u>               | 41374 |
| <u>accordance with the following formula:</u>                             | 41375 |
| <u>(The amount determined under division (E)(5)(a) of this section /</u>  | 41376 |
| <u>the sum determined under division (E)(5)(a) of this section) X the</u> | 41377 |
| <u>district's base cost enrolled ADM for the fiscal year for which</u>    | 41378 |
| <u>the building safety and security cost is computed</u>                  | 41379 |
| <u>(6) Calculate the district's supplies and academic content</u>         | 41380 |
| <u>cost for that fiscal year as follows:</u>                              | 41381 |
| <u>(a) Determine the total amount of spending for supplies and</u>        | 41382 |
| <u>academic content, excluding supplies for transportation and</u>        | 41383 |
| <u>maintenance, reported by city, local, and exempted village school</u>  | 41384 |
| <u>districts to the department for the most recent fiscal year for</u>    | 41385 |
| <u>which data is available;</u>                                           | 41386 |
| <u>(b) Determine the sum of the enrolled ADM of every school</u>          | 41387 |
| <u>district in the state for the most recent fiscal year for which</u>    | 41388 |
| <u>the data specified under division (E)(6)(a) of this section is</u>     | 41389 |
| <u>available;</u>                                                         | 41390 |
| <u>(c) Compute the supplies and academic content cost in</u>              | 41391 |
| <u>accordance with the following formula:</u>                             | 41392 |

(The amount determined under division (E)(6)(a) of this section / 41393  
the sum determined under division (E)(6)(b) of this section) X the 41394  
district's base cost enrolled ADM for the fiscal year for which 41395  
the supplies and academic content cost is computed 41396

(7) Calculate the district's technology cost for that fiscal 41397  
year in accordance with the following formula: 41398

\$37.50 X the district's base cost enrolled ADM for that fiscal 41399  
year 41400

(8) Calculate the district's student support base cost for 41401  
that fiscal year, which equals the sum of divisions (E)(1), (2), 41402  
(3), (4), (5), (6), and (7) of this section. 41403

(F) The department shall compute a district's leadership and 41404  
accountability base cost for a fiscal year as follows: 41405

(1) Calculate the district's superintendent cost for that 41406  
fiscal year as follows: 41407

(a) If the district's base cost enrolled ADM for that fiscal 41408  
year is greater than 4,000, then the district's superintendent 41409  
cost shall be equal to [(\$160,000 X 1.16) + the amount specified 41410  
under division (A)(10)(c) of this section for that fiscal year]. 41411

(b) If the district's base cost enrolled ADM for that fiscal 41412  
year is less than or equal to 4,000 but greater than or equal to 41413  
500, the district's superintendent cost shall be equal to the sum 41414  
of the following: 41415

(i) (The district's base cost enrolled ADM for that fiscal 41416  
year - 500) X {[((\$160,000 X 1.16) - (\$80,000 X 1.16)]/3500}; 41417

(ii) (\$80,000 X 1.16) + the amount specified under division 41418  
(A)(10)(c) of this section for that fiscal year. 41419

(c) If the district's base cost enrolled ADM is less than 41420  
500, then the district's superintendent cost shall be equal to 41421  
[((\$80,000 X 1.16) + the amount specified under division (A)(10)(c) 41422

of this section for that fiscal year]. 41423

(2) Calculate the district's treasurer cost for that fiscal year as follows: 41424

(a) If the district's base cost enrolled ADM for that fiscal year is greater than 4,000, then the district's treasurer cost shall be equal to [(\$130,000 X 1.16) + the amount specified under division (A)(10)(c) of this section for that fiscal year]. 41426

(b) If the district's base cost enrolled ADM for that fiscal year is less than or equal to 4,000 but greater than or equal to 500, the district's treasurer cost shall be equal to the sum of the following: 41430

(i) (The district's base cost enrolled ADM for that fiscal year - 500) X {[((\$130,000 X 1.16) - (\$60,000 X 1.16))/3500]; 41434

(ii) (\$60,000 X 1.16) + the amount specified under division (A)(10)(c) of this section for that fiscal year. 41436

(c) If the district's base cost enrolled ADM is less than 500, then the district's treasurer cost shall be equal to [(\$60,000 X 1.16) + the amount specified under division (A)(10)(c) of this section for that fiscal year]. 41438

(3) Calculate the district's other district administrator cost for that fiscal year as follows: 41442

(a) Divide the average other district administrator salary for that fiscal year by the average superintendent salary for that fiscal year; 41444

(b) Divide the district's base cost enrolled ADM for that fiscal year by 750; 41447

(c) Compute the other district administrator cost in accordance with the following formula: 41449

{[(The district's superintendent cost for that fiscal year calculated under division (F)(1) of this section - the amount 41451

41452

specified under division (A)(10)(c) of this section for that 41453  
fiscal year) X the quotient obtained under division (F)(3)(a) of 41454  
this section] + the amount specified under division (A)(10)(c) of 41455  
this section} X (the greater of the quotient obtained under 41456  
division (F)(3)(b) of this section and 2) 41457

(4) Calculate the district's fiscal support cost for that 41458  
fiscal year as follows: 41459

(a) Divide the district's base cost enrolled ADM for that 41460  
fiscal year by 850; 41461

(b) Determine the lesser of the following: 41462

(i) The maximum of the quotient obtained under division 41463  
(F)(4)(a) of this section and 2; 41464

(ii) 35. 41465

(c) Compute the fiscal support cost in accordance with the 41466  
following formula: 41467

The number obtained under division (F)(4)(b) of this section X 41468  
[(the average bookkeeping and accounting employee salary for that 41469  
fiscal year X 1.16) + the amount specified under division 41470  
(A)(10)(c) of this section for that fiscal year] 41471

(5) Calculate the district's education management information 41472  
system support cost for that fiscal year as follows: 41473

(a) Divide the district's base cost enrolled ADM for that 41474  
fiscal year by 5,000; 41475

(b) Compute the education management information system 41476  
support cost in accordance with the following formula: 41477

(The greater of the quotient obtained under division (F)(5)(a) of 41478  
this section and 1) X [(the average education management 41479  
information system support employee salary for that fiscal year X 41480  
1.16) + the amount specified under division (A)(10)(c) of this 41481  
section for that fiscal year] 41482

|                                                                           |       |
|---------------------------------------------------------------------------|-------|
| <u>(6) Calculate the district's leadership support cost for that</u>      | 41483 |
| <u>fiscal year as follows:</u>                                            | 41484 |
| <u>(a) Determine the greater of the quotient obtained under</u>           | 41485 |
| <u>division (F)(3)(b) of this section and 2, and add 1 to that</u>        | 41486 |
| <u>number;</u>                                                            | 41487 |
| <u>(b) Divide the number obtained under division (F)(6)(a) of</u>         | 41488 |
| <u>this section by 3;</u>                                                 | 41489 |
| <u>(c) Compute the leadership support cost in accordance with</u>         | 41490 |
| <u>the following formula:</u>                                             | 41491 |
| <u>(The greater of the quotient obtained under division (F)(6)(b) of</u>  | 41492 |
| <u>this section and 1) X [(the average administrative assistant</u>       | 41493 |
| <u>salary for that fiscal year X 1.16) + the amount specified under</u>   | 41494 |
| <u>division (A)(10)(c) of this section for that fiscal year]</u>          | 41495 |
| <u>(7) Calculate the district's information technology center</u>         | 41496 |
| <u>support cost for that fiscal year in accordance with the following</u> | 41497 |
| <u>formula:</u>                                                           | 41498 |
| <u>\$31 X the district's base cost enrolled ADM for that fiscal year</u>  | 41499 |
| <u>(8) Calculate the district's district leadership and</u>               | 41500 |
| <u>accountability base cost for that fiscal year, which equals the</u>    | 41501 |
| <u>sum of divisions (F)(1), (2), (3), (4), (5), (6), and (7) of this</u>  | 41502 |
| <u>section.</u>                                                           | 41503 |
| <u>(G) The department shall compute a district's building</u>             | 41504 |
| <u>leadership and operations base cost for a fiscal year as follows:</u>  | 41505 |
| <u>(1) Calculate the district's building leadership cost for</u>          | 41506 |
| <u>that fiscal year as follows:</u>                                       | 41507 |
| <u>(a) Divide the average principal salary for that fiscal year</u>       | 41508 |
| <u>by the average superintendent salary for that fiscal year;</u>         | 41509 |
| <u>(b) Divide the district's base cost enrolled ADM for that</u>          | 41510 |
| <u>fiscal year by 450;</u>                                                | 41511 |
| <u>(c) Compute the building leadership cost in accordance with</u>        | 41512 |

the following formula: 41513

{[(The district's superintendent cost for that fiscal year 41514  
calculated under division (F)(1) of this section - the amount 41515  
specified under division (A)(10)(c) of this section for that 41516  
fiscal year) X the quotient obtained under division (G)(1)(a) of 41517  
this section] + the amount specified under division (A)(10)(c) of 41518  
this section for that fiscal year} X the quotient obtained under 41519  
division (G)(1)(b) of this section 41520

(2) Calculate the district's building leadership support cost 41521  
for that fiscal year as follows: 41522

(a) Divide the district's base cost enrolled ADM for that 41523  
fiscal year by 400; 41524

(b) Determine the number of school buildings in the district 41525  
for that fiscal year; 41526

(c) Compute the building leadership support cost in 41527  
accordance with the following formula: 41528

(i) If the quotient obtained under division (G)(2)(a) of this 41529  
section is less than the number obtained under division (G)(2)(b) 41530  
of this section, then the district's building leadership support 41531  
cost shall be equal to {the number obtained under division 41532  
(G)(2)(b) of this section for that fiscal year X [(the average 41533  
clerical staff salary for that fiscal year X 1.16) + the amount 41534  
specified under division (A)(10)(c) of this section for that 41535  
fiscal year]}. 41536

(ii) If the quotient obtained under division (G)(2)(a) of 41537  
this section is greater than or equal to the number obtained under 41538  
division (G)(2)(b) of this section, then the district's building 41539  
leadership support cost shall be equal to {[the lesser of (the 41540  
number obtained under division (G)(2)(b) of this section X 3) and 41541  
the quotient obtained under division (G)(2)(a) of this section] X 41542  
[(the average clerical staff salary for that fiscal year X 1.16) + 41543

the amount specified under division (A)(10)(c) of this section for that fiscal year}]. 41544  
41545

(3) Calculate the district's building operations cost for that fiscal year as follows: 41546  
41547

(a) Using data for the six most recent fiscal years for which data is available, determine both of the following: 41548  
41549

(i) The six-year average of the average building square feet per pupil for all city, local, and exempted village school district buildings in the state; 41550  
41551  
41552

(ii) The six-year average cost per square foot for all city, local, and exempted village school district buildings in the state. 41553  
41554  
41555

(b) Compute the building operations cost in accordance with the following formula: 41556  
41557

The district's base cost enrolled ADM for that fiscal year X [(the number determined under division (G)(3)(a)(i) of this section X the number determined under division (G)(3)(a)(ii) of this section) - (the amount determined under division (E)(6)(a) of this section for that fiscal year/ the sum determined under division (E)(6)(b) of this section for that fiscal year)] 41558  
41559  
41560  
41561  
41562  
41563

(4) Calculate the district's building leadership and operations base cost for that fiscal year, which equals the sum of divisions (G)(1), (2), and (3) of this section. 41564  
41565  
41566

(H) If a district is an eligible school district, the department shall compute the district's athletic co-curricular activities base cost for a fiscal year as follows: 41567  
41568  
41569

(1) Determine the total amount of spending for athletic co-curricular activities reported by city, local, and exempted village school districts to the department for that fiscal year; 41570  
41571  
41572

(2) Determine the sum of the enrolled ADM of every school 41573

|                                                                           |       |
|---------------------------------------------------------------------------|-------|
| <u>district in the state for that fiscal year;</u>                        | 41574 |
| <u>(3) Compute the district's athletic co-curricular activities</u>       | 41575 |
| <u>base cost in accordance with the following formula:</u>                | 41576 |
| <u>(The amount determined under division (H)(1) of this section / the</u> | 41577 |
| <u>sum determined under division (H)(2) of this section) X the</u>        | 41578 |
| <u>district's base cost enrolled ADM for the fiscal year for which</u>    | 41579 |
| <u>the funds for athletic co-curricular activities are computed</u>       | 41580 |
| <br>                                                                      |       |
| <u>Sec. 3317.012. This section shall apply only for fiscal years</u>      | 41581 |
| <u>2022 and 2023.</u>                                                     | 41582 |
| <br>                                                                      |       |
| <u>(A) As used in this section, "average administrative</u>               | 41583 |
| <u>assistant salary," "average bookkeeping and accounting employee</u>    | 41584 |
| <u>salary," "average clerical staff salary," "average counselor</u>       | 41585 |
| <u>salary," "average education management information system support</u>  | 41586 |
| <u>employee salary," "average librarian and media staff salary,"</u>      | 41587 |
| <u>"average other district administrator salary," "average principal</u>  | 41588 |
| <u>salary," "average superintendent salary," and "average teacher</u>     | 41589 |
| <u>cost" have the same meanings as in section 3317.011 of the Revised</u> | 41590 |
| <u>Code.</u>                                                              | 41591 |
| <br>                                                                      |       |
| <u>(B) When calculating a district's aggregate base cost under</u>        | 41592 |
| <u>this section, the department shall use data from fiscal year 2018</u>  | 41593 |
| <u>for all of the following:</u>                                          | 41594 |
| <br>                                                                      |       |
| <u>(1) The average salaries determined under divisions (A)(1),</u>        | 41595 |
| <u>(2), (3), (4), (5), (6), (7), (8), (9), and (10)(a) of section</u>     | 41596 |
| <u>3317.011 of the Revised Code;</u>                                      | 41597 |
| <br>                                                                      |       |
| <u>(2) The amount for teacher benefits determined under division</u>      | 41598 |
| <u>(A)(10)(b) of section 3317.011 of the Revised Code;</u>                | 41599 |
| <br>                                                                      |       |
| <u>(3) The district-paid insurance costs determined under</u>             | 41600 |
| <u>division (A)(10)(c) of section 3317.011 of the Revised Code;</u>       | 41601 |
| <br>                                                                      |       |
| <u>(4) Spending determined under divisions (E)(4)(a), (E)(5)(a),</u>      | 41602 |
| <u>and (H)(1) of section 3317.011 of the Revised Code and the</u>         | 41603 |

corresponding student counts determined under divisions (E)(4)(b), 41604  
(E)(5)(b), and (H)(2) of that section; 41605

(5) The information determined under division (G)(3) of 41606  
section 3317.011 of the Revised Code. 41607

(C) A joint vocational school district's aggregate base cost 41608  
for a fiscal year shall be equal to the following sum: 41609

The district's teacher base cost for that fiscal year computed 41610  
under division (D) of this section + the district's student 41611  
support base cost for that fiscal year computed under division (E) 41612  
of this section + the district's leadership and accountability 41613  
base cost for that fiscal year computed under division (F) of this 41614  
section + the district's building leadership and operations base 41615  
cost for that fiscal year computed under division (G) of this 41616  
section 41617

(D) The department of education shall compute a district's 41618  
teacher base cost for a fiscal year as follows: 41619

(1) Calculate the district's classroom teacher cost for that 41620  
fiscal year as follows: 41621

(a) Determine the full-time equivalency of students in the 41622  
district's base cost enrolled ADM for that fiscal year that are 41623  
enrolled in a career-technical education program or class, as 41624  
certified under divisions (D)(2)(h), (i), (j), (k), and (l) of 41625  
section 3317.03 of the Revised Code, and divide that number by 18; 41626

(b) Determine the full-time equivalency of students in the 41627  
district's base cost enrolled ADM for that fiscal year that are 41628  
enrolled in grades six through eight but are not enrolled in a 41629  
career-technical education program or class described under 41630  
section 3317.014 of the Revised Code and divide that number by 25; 41631

(c) Determine the full-time equivalency of students in the 41632  
district's base cost enrolled ADM for that fiscal year that are 41633  
enrolled in grades nine through twelve but are not enrolled in a 41634

career-technical education program or class described under 41635  
section 3317.014 of the Revised Code and divide that number by 27; 41636

(d) Compute the sum of the quotients obtained under divisions 41637  
(D)(1)(a), (b), and (c) of this section; 41638

(e) Compute the classroom teacher base cost by multiplying 41639  
the average teacher cost for that fiscal year by the sum computed 41640  
under division (D)(1)(d) of this section. 41641

(2) Calculate the district's cost for that fiscal year for 41642  
teachers providing health and physical education, instruction 41643  
regarding employability and soft skills, development and 41644  
coordination of internships and job placements, career-technical 41645  
student organization activities, pre-apprenticeship and 41646  
apprenticeship coordination, and any assessment related to 41647  
career-technical education, including any nationally recognized 41648  
job skills or end-of-course assessment, as follows: 41649

(a) Divide the district's base cost enrolled ADM for that 41650  
fiscal year by 150; 41651

(b) If the quotient obtained under division (D)(2)(a) of this 41652  
section is greater than 6, the teacher cost shall be equal to that 41653  
quotient multiplied by the average teacher cost for that fiscal 41654  
year. 41655

(c) If the quotient obtained under division (D)(2)(a) of this 41656  
section is less than or equal to 6, the teacher cost shall be 41657  
equal to 6 multiplied by the average teacher cost for that fiscal 41658  
year. 41659

(3) Calculate the district's substitute teacher cost for that 41660  
fiscal year in accordance with the following formula: 41661

(a) Compute the substitute teacher daily rate with benefits 41662  
by multiplying the substitute teacher daily rate of \$90 by 1.16; 41663

(b) Compute the substitute teacher cost in accordance with 41664

the following formula: 41665

[The sum computed under division (D)(1)(d) of this section + (the 41666  
greater of the quotient obtained under division (D)(2)(a) of this 41667  
section and 6)] X the amount computed under division (D)(3)(a) of 41668  
this section X 5 41669

(4) Calculate the district's professional development cost 41670  
for that fiscal year in accordance with the following formula: 41671

[The sum computed under division (D)(1)(d) of this section + (the 41672  
greater of the quotient obtained under division (D)(2)(a) of this 41673  
section and 6)] X [(the sum of divisions (A)(10)(a) and (b) of 41674  
section 3317.011 of the Revised Code for that fiscal year)/180] X 41675  
4 41676

(5) Calculate the district's teacher base cost for that 41677  
fiscal year, which equals the sum of divisions (D)(1), (2), (3), 41678  
and (4) of this section. 41679

(E) The department shall compute a district's student support 41680  
base cost for a fiscal year as follows: 41681

(1) Calculate the district's guidance counselor cost for that 41682  
fiscal year as follows: 41683

(a) Determine the number of students in the district's base 41684  
cost enrolled ADM for that fiscal year that are enrolled in grades 41685  
nine through twelve and divide that number by 360; 41686

(b) Compute the counselor cost in accordance with the 41687  
following formula: 41688

(The greater of the quotient obtained under division (E)(1)(a) of 41689  
this section and 1) X [(the average counselor salary for that 41690  
fiscal year X 1.16) + the amount specified under division 41691  
(A)(10)(c) of section 3317.011 of the Revised Code for that fiscal 41692  
year] 41693

(2) Calculate the district's librarian and media staff cost 41694  
for that fiscal year as follows: 41695

|                                                                          |       |
|--------------------------------------------------------------------------|-------|
| <u>(a) Divide the district's base cost enrolled ADM for that</u>         | 41696 |
| <u>fiscal year by 1,000;</u>                                             | 41697 |
| <u>(b) Compute the librarian and media staff cost in accordance</u>      | 41698 |
| <u>with the following formula:</u>                                       | 41699 |
| <u>The quotient obtained under division (E)(2)(a) of this section X</u>  | 41700 |
| <u>[(the average librarian and media staff salary for that fiscal</u>    | 41701 |
| <u>year X 1.16) + the amount specified under division (A)(10)(c) of</u>  | 41702 |
| <u>section 3317.011 of the Revised Code for that fiscal year]</u>        | 41703 |
| <u>(3) Calculate the district's staffing cost for student</u>            | 41704 |
| <u>wellness and success for that fiscal year as follows:</u>             | 41705 |
| <u>(a) Divide the district's base cost enrolled ADM for that</u>         | 41706 |
| <u>fiscal year by 250;</u>                                               | 41707 |
| <u>(b) Compute the staffing cost for student wellness and</u>            | 41708 |
| <u>success in accordance with the following formula:</u>                 | 41709 |
| <u>The quotient obtained under division (E)(3)(a) of this section X</u>  | 41710 |
| <u>[(the average counselor salary for that fiscal year X 1.16) + the</u> | 41711 |
| <u>amount specified under division (A)(10)(c) of section 3317.011 of</u> | 41712 |
| <u>the Revised Code for that fiscal year]</u>                            | 41713 |
| <u>(4) Calculate the district's cost for that fiscal year for</u>        | 41714 |
| <u>career-technical curriculum specialists and coordinators, career</u>  | 41715 |
| <u>assessment and program placement, recruitment and orientation,</u>    | 41716 |
| <u>student success coordination, analysis of test results,</u>           | 41717 |
| <u>development of intervention and remediation plans and monitoring</u>  | 41718 |
| <u>of those plans, and satellite program coordination in accordance</u>  | 41719 |
| <u>with the following formula:</u>                                       | 41720 |
| <u>[(The amount determined under division (E)(4)(a) of section</u>       | 41721 |
| <u>3317.011 of the Revised Code for that fiscal year / the sum</u>       | 41722 |
| <u>determined under division (E)(4)(b) of section 3317.011 of the</u>    | 41723 |
| <u>Revised Code) + (the amount determined under division (H)(1) of</u>   | 41724 |
| <u>section 3317.011 of the Revised Code for that fiscal year / the</u>   | 41725 |
| <u>sum determined under division (H)(2) of section 3317.011 of the</u>   | 41726 |

Revised Code)] X the district's base cost enrolled ADM for the 41727  
fiscal year for which the district's cost under this division is 41728  
computed 41729

(5) Compute the district's building safety and security cost 41730  
for that fiscal year in accordance with the following formula: 41731  
(The amount determined under division (E)(5)(a) of section 41732  
3317.011 of the Revised Code for that fiscal year / the sum 41733  
determined under division (E)(5)(b) of section 3317.011 of the 41734  
Revised Code) X the district's base cost enrolled ADM for the 41735  
fiscal year for which the building safety and security cost is 41736  
computed 41737

(6) Compute the district's supplies and academic content cost 41738  
for that fiscal year in accordance with the following formula: 41739  
(The amount determined under division (E)(6)(a) of section 41740  
3317.011 of the Revised Code for that fiscal year / the sum 41741  
determined under division (E)(6)(b) of section 3317.011 of the 41742  
Revised Code) X the district's base cost enrolled ADM for the 41743  
fiscal year for which the supplies and academic content cost is 41744  
computed 41745

(7) Calculate the district's technology cost for that fiscal 41746  
year in accordance with the following formula: 41747  
\$37.50 X the district's base cost enrolled ADM for that fiscal 41748  
year 41749

(8) Calculate the district's student support base cost for 41750  
that fiscal year, which equals the sum of divisions (E)(1), (2), 41751  
(3), (4), (5), (6), and (7) of this section. 41752

(F) The department shall compute a district's leadership and 41753  
accountability base cost for a fiscal year as follows: 41754

(1) Calculate the district's superintendent cost for that 41755  
fiscal year as follows: 41756

(a) If the district's base cost enrolled ADM for that fiscal 41757

year is greater than 4,000, then the district's superintendent cost shall be equal to [(\$160,000 X 1.16) + the amount specified under division (A)(10)(c) of section 3317.011 of the Revised Code for that fiscal year]. 41758  
41759  
41760  
41761

(b) If the district's base cost enrolled ADM for that fiscal year is less than or equal to 4,000 but greater than or equal to 500, the district's superintendent cost shall be equal to the sum of the following: 41762  
41763  
41764  
41765

(i) (The district's base cost enrolled ADM for that fiscal year - 500) X {[(\$160,000 X 1.16) - (\$80,000 X 1.16)]/3500}; 41766  
41767

(ii) (\$80,000 X 1.16) + the amount specified under division (A)(10)(c) of section 3317.011 of the Revised Code for that fiscal year. 41768  
41769  
41770

(c) If the district's base cost enrolled ADM is less than 500, then the district's superintendent cost shall be equal to [(\$80,000 X 1.16) + the amount specified under division (A)(10)(c) of section 3317.011 of the Revised Code for that fiscal year]. 41771  
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(2) Calculate the district's treasurer cost for that fiscal year as follows: 41775  
41776

(a) If the district's base cost enrolled ADM for that fiscal year is greater than 4,000, then the district's treasurer cost shall be equal to [(\$130,000 X 1.16) + the amount specified under division (A)(10)(c) of section 3317.011 of the Revised Code for that fiscal year]. 41777  
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(b) If the district's base cost enrolled ADM for that fiscal year is less than or equal to 4,000 but greater than or equal to 500, the district's treasurer cost shall be equal to the sum of the following: 41782  
41783  
41784  
41785

(i) (The district's base cost enrolled ADM for that fiscal year - 500) X {[(\$130,000 X 1.16) - (\$60,000 X 1.16)]/3500}; 41786  
41787

|                                                                             |       |
|-----------------------------------------------------------------------------|-------|
| <u>(ii) (\$60,000 X 1.16) + the amount specified under division</u>         | 41788 |
| <u>(A)(10)(c) of section 3317.011 of the Revised Code for that fiscal</u>   | 41789 |
| <u>year.</u>                                                                | 41790 |
| <u>(c) If the district's base cost enrolled ADM is less than</u>            | 41791 |
| <u>500, then the district's treasurer cost shall be equal to</u>            | 41792 |
| <u>[((\$60,000 X 1.16) + the amount specified under division (A)(10)(c)</u> | 41793 |
| <u>of section 3317.011 of the Revised Code for that fiscal year].</u>       | 41794 |
| <u>(3) Calculate the district's other district administrator</u>            | 41795 |
| <u>cost for that fiscal year as follows:</u>                                | 41796 |
| <u>(a) Divide the average other district administrator salary</u>           | 41797 |
| <u>for that fiscal year by the average superintendent salary for that</u>   | 41798 |
| <u>fiscal year;</u>                                                         | 41799 |
| <u>(b) Divide the district's base cost enrolled ADM for that</u>            | 41800 |
| <u>fiscal year by 750;</u>                                                  | 41801 |
| <u>(c) Compute the other district administrator cost in</u>                 | 41802 |
| <u>accordance with the following formula:</u>                               | 41803 |
| <u>{[(The district's superintendent cost for that fiscal year</u>           | 41804 |
| <u>calculated under division (F)(1) of this section - the amount</u>        | 41805 |
| <u>specified under division (A)(10)(c) of section 3317.011 of the</u>       | 41806 |
| <u>Revised Code for that fiscal year) X the quotient obtained under</u>     | 41807 |
| <u>division (F)(3)(a) of this section] + the amount specified under</u>     | 41808 |
| <u>division (A)(10)(c) of section 3317.011 of the Revised Code} X</u>       | 41809 |
| <u>(the greater of the quotient obtained under division (F)(3)(b) of</u>    | 41810 |
| <u>this section and 2)</u>                                                  | 41811 |
| <u>(4) Calculate the district's fiscal support cost for that</u>            | 41812 |
| <u>fiscal year as follows:</u>                                              | 41813 |
| <u>(a) Divide the district's base cost enrolled ADM for that</u>            | 41814 |
| <u>fiscal year by 850;</u>                                                  | 41815 |
| <u>(b) Determine the lesser of the following:</u>                           | 41816 |
| <u>(i) The maximum of the quotient obtained under division</u>              | 41817 |

|                                                                           |       |
|---------------------------------------------------------------------------|-------|
| <u>(F)(4)(a) of this section and 2;</u>                                   | 41818 |
| (ii) 35.                                                                  | 41819 |
| (c) <u>Compute the fiscal support cost in accordance with the</u>         | 41820 |
| <u>following formula:</u>                                                 | 41821 |
| <u>The number obtained under division (F)(4)(b) of this section X</u>     | 41822 |
| <u>[(the average bookkeeping and accounting employee salary for that</u>  | 41823 |
| <u>fiscal year X 1.16) + the amount specified under division</u>          | 41824 |
| <u>(A)(10)(c) of section 3317.011 of the Revised Code for that fiscal</u> | 41825 |
| <u>year]</u>                                                              | 41826 |
| (5) <u>Calculate the district's education management information</u>      | 41827 |
| <u>system support cost for that fiscal year as follows:</u>               | 41828 |
| (a) <u>Divide the district's base cost enrolled ADM for that</u>          | 41829 |
| <u>fiscal year by 5,000;</u>                                              | 41830 |
| (b) <u>Compute the education management information system</u>            | 41831 |
| <u>support cost in accordance with the following formula:</u>             | 41832 |
| <u>(The greater of the quotient obtained under division (F)(5)(a) of</u>  | 41833 |
| <u>this section and 1) X [(the average education management</u>           | 41834 |
| <u>information system support employee salary for that fiscal year X</u>  | 41835 |
| <u>1.16) + the amount specified under division (A)(10)(c) of section</u>  | 41836 |
| <u>3317.011 of the Revised Code for that fiscal year]</u>                 | 41837 |
| (6) <u>Calculate the district's leadership support cost for that</u>      | 41838 |
| <u>fiscal year as follows:</u>                                            | 41839 |
| (a) <u>Determine the greater of the quotient obtained under</u>           | 41840 |
| <u>division (F)(3)(b) of this section and 2 and add 1 to that number;</u> | 41841 |
| (b) <u>Divide the number obtained under division (F)(6)(a) of</u>         | 41842 |
| <u>this section by 3;</u>                                                 | 41843 |
| (c) <u>Compute the leadership support cost in accordance with</u>         | 41844 |
| <u>the following formula:</u>                                             | 41845 |
| <u>(The greater of the quotient obtained under division (F)(6)(b) of</u>  | 41846 |
| <u>this section and 1) X [(the average administrative assistant</u>       | 41847 |

salary for that fiscal year X 1.16) + the amount specified under 41848  
division (A)(10)(c) of section 3317.011 of the Revised Code for 41849  
that fiscal year] 41850

(7) Calculate the district's information technology center 41851  
support cost for that fiscal year in accordance with the following 41852  
formula: 41853

\$31 X the district's base cost enrolled ADM for that fiscal year 41854

(8) Calculate the district's district leadership and 41855  
accountability base cost for that fiscal year, which equals the 41856  
sum of divisions (F)(1), (2), (3), (4), (5), (6), and (7) of this 41857  
section; 41858

(G) The department shall compute a district's building 41859  
leadership and operations base cost for a fiscal year as follows: 41860

(1) Calculate the district's building leadership cost for 41861  
that fiscal year as follows: 41862

(a) Divide the average principal salary for that fiscal year 41863  
by the average superintendent salary for that fiscal year; 41864

(b) Divide the district's base cost enrolled ADM for that 41865  
fiscal year by 450; 41866

(c) Compute the building leadership cost in accordance with 41867  
the following formula: 41868

{[(The district's superintendent cost for that fiscal year 41869  
calculated under division (F)(1) of this section - the amount 41870  
specified under division (A)(10)(c) of section 3317.011 of the 41871  
Revised Code for that fiscal year) X the quotient obtained under 41872  
division (G)(1)(a) of this section] + the amount specified under 41873  
division (A)(10)(c) of section 3317.011 of the Revised Code for 41874  
that fiscal year} X the quotient obtained under division (G)(1)(b) 41875  
of this section 41876

(2) Calculate the district's building leadership support cost 41877  
for that fiscal year as follows: 41878

(a) Divide the district's base cost enrolled ADM for that fiscal year by 400; 41879  
41880

(b) Determine the number of school buildings in the district for that fiscal year; 41881  
41882

(c) Compute the building leadership support cost in accordance with the following formula: 41883  
41884

(i) If the quotient obtained under division (G)(2)(a) of this section is less than the number obtained under division (G)(2)(b) of this section, then the district's building leadership support cost shall be equal to {the number obtained under division (G)(2)(b) of this section X [(the average clerical staff salary X 1.16) + the amount specified under division (A)(10)(c) of section 3317.011 of the Revised Code for that fiscal year]}. 41885  
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(ii) If the quotient obtained under division (G)(2)(a) of this section is greater than or equal to the number obtained under division (G)(2)(b) of this section, then the district's building leadership support cost shall be equal to {[the lesser of (the number obtained under division (G)(2)(b) of this section X 3) and the quotient obtained under division (G)(2)(a) of this section] X [(the average clerical staff salary for that fiscal year X 1.16) + the amount specified under division (A)(10)(c) of section 3317.011 of the Revised Code for that fiscal year]}. 41892  
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(3) Compute the district's building operations cost for that fiscal year in accordance with the following formula: 41901  
41902

The district's base cost enrolled ADM for that fiscal year X [(the number determined under division (G)(3)(a)(i) of section 3317.011 of the Revised Code X the number determined under division (G)(3)(a)(ii) of section 3317.011 of the Revised Code) - (the amount determined under division (E)(5)(a) of section 3317.011 of the Revised Code for that fiscal year / the sum determined under division (E)(5)(b) of section 3317.011 of the Revised Code for 41903  
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|                                                                                             |       |
|---------------------------------------------------------------------------------------------|-------|
| <u>that fiscal year)]</u>                                                                   | 41910 |
| <u>(4) Calculate the district's building leadership and</u>                                 | 41911 |
| <u>operations base cost for that fiscal year, which equals the sum of</u>                   | 41912 |
| <u>divisions (G)(1), (2), and (3) of this section.</u>                                      | 41913 |
| <br>                                                                                        |       |
| <b>Sec. 3317.013.</b> The <del>amounts</del> <u>multiplies</u> for the following            | 41914 |
| categories of special education programs, as these programs are                             | 41915 |
| defined for purposes of Chapter 3323. of the Revised Code, are as                           | 41916 |
| follows:                                                                                    | 41917 |
| <br>                                                                                        |       |
| (A) <del>An amount of \$1,578</del> <u>A multiple of 0.2435</u> for each <del>student</del> | 41918 |
| <u>students</u> whose primary or only identified disability is a speech                     | 41919 |
| and language disability, as this term is defined pursuant to                                | 41920 |
| Chapter 3323. of the Revised Code;                                                          | 41921 |
| <br>                                                                                        |       |
| (B) <del>An amount of \$4,005</del> <u>A multiple of 0.6179</u> for each <del>student</del> | 41922 |
| <u>students</u> identified as specific learning disabled or                                 | 41923 |
| developmentally disabled, as these terms are defined pursuant to                            | 41924 |
| Chapter 3323. of the Revised Code, identified as having an other                            | 41925 |
| health impairment-minor, or identified as a preschool child who is                          | 41926 |
| developmentally delayed;                                                                    | 41927 |
| <br>                                                                                        |       |
| (C) <del>An amount of \$9,622</del> <u>A multiple of 1.4845</u> for each <del>student</del> | 41928 |
| <u>students</u> identified as hearing disabled or severe behavior                           | 41929 |
| disabled, as these terms are defined pursuant to Chapter 3323. of                           | 41930 |
| the Revised Code;                                                                           | 41931 |
| <br>                                                                                        |       |
| (D) <del>An amount of \$12,841</del> <u>A multiple of 1.9812</u> for each                   | 41932 |
| <del>student</del> <u>students</u> identified as vision impaired, as this term is           | 41933 |
| defined pursuant to Chapter 3323. of the Revised Code, or as                                | 41934 |
| having an other health impairment-major;                                                    | 41935 |
| <br>                                                                                        |       |
| (E) <del>An amount of \$17,390</del> <u>A multiple of 2.6830</u> for each                   | 41936 |
| <del>student</del> <u>students</u> identified as orthopedically disabled or as              | 41937 |
| having multiple disabilities, as these terms are defined pursuant                           | 41938 |
| to Chapter 3323. of the Revised Code;                                                       | 41939 |

(F) ~~An amount of \$25,637~~ A multiple of 3.9554 for each 41940  
~~student~~ students identified as autistic, having traumatic brain 41941  
injuries, or as both visually and hearing impaired, as these terms 41942  
are defined pursuant to Chapter 3323. of the Revised Code. 41943

**Sec. 3317.014.** ~~(A) The career technical education additional~~ 41944  
~~amount per pupil for each student enrolled in~~ multiples for the 41945  
following categories of career-technical education programs 41946  
approved by the department of education under section 3317.161 of 41947  
the Revised Code shall be as follows: 41948

~~(A) An amount of \$5,192~~ (1) A multiple of 0.6230 for each 41949  
~~student~~ students enrolled in career-technical education workforce 41950  
development programs in agricultural and environmental systems, 41951  
construction technologies, engineering and science technologies, 41952  
finance, health science, information technology, and manufacturing 41953  
technologies, each of which shall be defined by the department in 41954  
consultation with the governor's office of workforce 41955  
transformation; 41956

~~(B) An amount of \$4,921~~ (2) A multiple of 0.5905 for each 41957  
~~student~~ students enrolled in workforce development programs in 41958  
business and administration, hospitality and tourism, human 41959  
services, law and public safety, transportation systems, and arts 41960  
and communications, each of which shall be defined by the 41961  
department in consultation with the governor's office of workforce 41962  
transformation; 41963

~~(C) An amount of \$1,795~~ (3) A multiple of 0.2154 for students 41964  
enrolled in career-based intervention programs, which shall be 41965  
defined by the department in consultation with the governor's 41966  
office of workforce transformation; 41967

~~(D) An amount of \$1,525~~ (4) A multiple of 0.1830 for students 41968  
enrolled in workforce development programs in education and 41969  
training, marketing, workforce development academics, public 41970

administration, and career development, each of which shall be 41971  
defined by the department of education in consultation with the 41972  
governor's office of workforce transformation; 41973

~~(E) An amount of \$1,308~~ (5) A multiple of 0.1570 for students 41974  
enrolled in family and consumer science programs, which shall be 41975  
defined by the department of education in consultation with the 41976  
governor's office of workforce transformation. 41977

(B) The amount multiple for career-technical education 41978  
associated services, as defined by the department, shall be ~~\$245~~ 41979  
0.0294. 41980

(C) The department of education shall calculate 41981  
career-technical education funds for each funding unit that is a 41982  
city, local, exempted village, or joint vocational school district 41983  
or the community and STEM school unit as follows: 41984

(1) For fiscal years 2022 and 2023, the sum of the following: 41985

(a) The funding unit's category one career-technical 41986  
education ADM X the multiple specified in division (A)(1) of this 41987  
section X the statewide average career-technical base cost per 41988  
pupil for that fiscal year X if the funding unit is a city, local, 41989  
exempted village, or joint vocational school district, the 41990  
district's state share percentage; 41991

(b) The funding unit's category two career-technical 41992  
education ADM X the multiple specified in division (A)(2) of this 41993  
section X the statewide average career-technical base cost per 41994  
pupil for that fiscal year X if the funding unit is a city, local, 41995  
exempted village, or joint vocational school district, the 41996  
district's state share percentage; 41997

(c) The funding unit's category three career-technical 41998  
education ADM X the multiple specified in division (A)(3) of this 41999  
section X the statewide average career-technical base cost per 42000  
pupil for that fiscal year X if the funding unit is a city, local, 42001

exempted village, or joint vocational school district, the 42002  
district's state share percentage; 42003

(d) The funding unit's category four career-technical 42004  
education ADM X the multiple specified in division (A)(4) of this 42005  
section X the statewide average career-technical base cost per 42006  
pupil for that fiscal year X if the funding unit is a city, local, 42007  
exempted village, or joint vocational school district, the 42008  
district's state share percentage; 42009

(e) The funding unit's category five career-technical 42010  
education ADM X the multiple specified in division (A)(5) of this 42011  
section X the statewide average career-technical base cost per 42012  
pupil for that fiscal year X if the funding unit is a city, local, 42013  
exempted village, or joint vocational school district, the 42014  
district's state share percentage. 42015

(2) For fiscal year 2024 and each fiscal year thereafter, the 42016  
sum of the following: 42017

(a) An amount calculated in a manner determined by the 42018  
general assembly times the funding unit's category one 42019  
career-technical education ADM; 42020

(b) An amount calculated in a manner determined by the 42021  
general assembly times the funding unit's category two 42022  
career-technical education ADM; 42023

(c) An amount calculated in a manner determined by the 42024  
general assembly times the funding unit's category three 42025  
career-technical education ADM; 42026

(d) An amount calculated in a manner determined by the 42027  
general assembly times the funding unit's category four 42028  
career-technical education ADM; 42029

(e) An amount calculated in a manner determined by the 42030  
general assembly times the funding unit's category five 42031

career-technical education ADM. 42032

(3) Payment of funds calculated under division (C) of this section is subject to approval under section 3317.161 of the Revised Code. 42033  
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(D) Subject to division (I) of section 3317.023 of the Revised Code, the department shall calculate career-technical associated services funds for each funding unit that is a city, local, exempted village, or joint vocational school district or the community and STEM school unit as follows: 42036  
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(1) For fiscal years 2022 and 2023, the following product: If the funding unit is a city, local, exempted village, or joint vocational school district, the funding unit's state share percentage X the multiple for career-technical education associated services specified under division (B) of this section X the statewide average career-technical base cost per pupil for that fiscal year X the sum of the funding unit's categories one through five career-technical education ADM 42041  
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(2) For fiscal year 2024 and each fiscal year thereafter, an amount calculated in a manner determined by the general assembly times the funding unit's categories one through five career-technical education ADM. 42049  
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(E) Subject to division (I) of section 3317.023 of the Revised Code, the department shall pay career awareness and exploration funds to each city, local, exempted village, and joint vocational school district, community school established under Chapter 3314. of the Revised Code, and STEM school established under Chapter 3326. of the Revised Code as follows: 42053  
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(1) For fiscal years 2022 and 2023, an amount equal to the following product: 42059  
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The district's or school's enrolled ADM X \$2.50, for fiscal year 2022, or \$5, for fiscal year 2023 42061  
42062

(2) For fiscal year 2024 and each fiscal year thereafter, an amount calculated in a manner determined by the general assembly, if the general assembly authorizes such a payment to city, local, exempted village, and joint vocational school districts, community schools, and STEM schools. 42063  
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(F)(1) In any fiscal year, a school district receiving funds calculated under division (C) of this section shall spend those funds only for the purposes that the department designates as approved for career-technical education expenses. Career-technical education expenses approved by the department shall include only expenses connected to the delivery of career-technical programming to career-technical students. The department shall require the school district to report data annually so that the department may monitor the district's compliance with the requirements regarding the manner in which funding calculated under division (C) of this section may be spent. 42068  
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(2) All funds received under division (C) of this section shall be spent in the following manner: 42079  
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(a) At least seventy-five per cent of the funds shall be spent on curriculum development, purchase, and implementation; instructional resources and supplies; industry-based program certification; student assessment, credentialing, and placement; curriculum specific equipment purchases and leases; career-technical student organization fees and expenses; home and agency linkages; work-based learning experiences; professional development; and other costs directly associated with career-technical education programs including development of new programs. 42081  
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(b) Not more than twenty-five per cent of the funds shall be used for personnel expenditures. 42091  
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(G) In any fiscal year, a school district receiving funds 42093

calculated under division (D) of this section, or through a 42094  
transfer of funds pursuant to division (I) of section 3317.023 of 42095  
the Revised Code, shall spend those funds only for the purposes 42096  
that the department designates as approved for career-technical 42097  
education associated services expenses, which may include such 42098  
purposes as apprenticeship coordinators, coordinators for other 42099  
career-technical education services, career-technical evaluation, 42100  
and other purposes designated by the department. The department 42101  
may deny payment of funds calculated under division (D) of this 42102  
section to any district that the department determines is not 42103  
operating those services or is using funds calculated under 42104  
division (D) of this section, or through a transfer of funds 42105  
pursuant to division (I) of section 3317.023 of the Revised Code, 42106  
for other purposes. 42107

(H) In any fiscal year, a lead district of a career-technical 42108  
planning district receiving funds under division (E) of this 42109  
section, or through a transfer of funds pursuant to division (I) 42110  
of section 3317.023 of the Revised Code, shall disperse those 42111  
funds to school districts, community schools, and STEM schools 42112  
receiving services from that district that provide plans for the 42113  
use of those funds that are consistent with the career-technical 42114  
planning district's plan that is on file with the department of 42115  
education. A district or school that receives funds under this 42116  
division shall spend those funds only for the following purposes: 42117

(1) Delivery of career awareness programs to students 42118  
enrolled in grades kindergarten through twelve; 42119

(2) Provision of a common, consistent curriculum to students 42120  
throughout their primary and secondary education; 42121

(3) Assistance to teachers in providing a career development 42122  
curriculum to students; 42123

(4) Development of a career development plan for each student 42124

that stays with that student for the duration of the student's 42125  
primary and secondary education; 42126

(5) Provision of opportunities for students to engage in 42127  
activities, such as career fairs, hands-on experiences, and job 42128  
shadowing, across all career pathways at each grade level. 42129

The department may deny payment under this division to any 42130  
district or school that the department determines is using funds 42131  
paid under this division for other purposes. 42132

**Sec. 3317.016.** ~~The amounts~~ multiples for English learners 42133  
shall be as follows: 42134

(A) ~~An amount of \$1,515~~ A multiple of 0.2104 for each student 42135  
who has been enrolled in schools in the United States for 180 42136  
school days or less and was not previously exempted from taking 42137  
the spring administration of either of the state's English 42138  
language arts assessments prescribed by section 3301.0710 of the 42139  
Revised Code (reading or writing). 42140

(B) ~~An amount of \$1,136~~ A multiple of 0.1577 for each student 42141  
who, for fiscal years 2022 and 2023 has been enrolled in schools 42142  
in the United States for more than 180 school days ~~or was~~ 42143  
~~previously exempted from taking~~ until the student achieves a score 42144  
on the spring administration of either of the state's English 42145  
language arts assessments prescribed by section 3301.0710 of the 42146  
Revised Code (reading or writing) that falls within the levels of 42147  
achievement specified in divisions (A)(2)(a) to (c) of that 42148  
section or who, for fiscal year 2024 and each fiscal year 42149  
thereafter, satisfies criteria specified by the general assembly 42150  
for purposes of this division. 42151

(C) ~~An amount of \$758~~ A multiple of 0.1053 for each student 42152  
who ~~does not qualify for inclusion under division (A) or (B) of~~ 42153  
~~this section and is in a trial-mainstream period, as defined by~~ 42154

the department, for fiscal years 2022 and 2023, achieves a score 42155  
on the spring administration of either of the state's English 42156  
language arts assessments prescribed by section 3301.0710 of the 42157  
Revised Code (reading or writing) that falls within the levels of 42158  
achievement specified in divisions (A)(2)(a) to (c) of that 42159  
section, for the two school years following the school year in 42160  
which the student achieved that level of achievement or who, for 42161  
fiscal year 2024 and each fiscal year thereafter, satisfies 42162  
criteria specified by the general assembly for purposes of this 42163  
division. 42164

Sec. 3317.017. This section shall apply only for fiscal years 42165  
2022 and 2023. 42166

(A) The department of education shall compute a city, local, 42167  
or exempted village school district's per-pupil local capacity 42168  
amount for a fiscal year as follows: 42169

(1) Calculate the district's valuation per pupil for that 42170  
fiscal year as follows: 42171

(a) Determine the minimum of the district's three-year 42172  
average valuation for the fiscal year for which the calculation is 42173  
made and the district's taxable value for the most recent tax year 42174  
for which data is available; 42175

(b) Divide the amount determined under division (A)(1)(a) of 42176  
this section by the district's base cost enrolled ADM for the 42177  
fiscal year for which the calculation is made. 42178

(2) Calculate the district's local share federal adjusted 42179  
gross income per pupil for that fiscal year as follows: 42180

(a) Determine the minimum of the following: 42181

(i) The average of the total federal adjusted gross income of 42182  
the district's residents for the three most recent tax years for 42183  
which data is available, as certified under section 3317.021 of 42184

|                                                                         |       |
|-------------------------------------------------------------------------|-------|
| <u>the Revised Code;</u>                                                | 42185 |
| <u>(ii) The total federal adjusted gross income of the</u>              | 42186 |
| <u>district's residents for the most recent tax year for which data</u> | 42187 |
| <u>is available, as certified under section 3317.021 of the Revised</u> | 42188 |
| <u>Code.</u>                                                            | 42189 |
| <u>(b) Divide the amount determined under division (A)(2)(a) of</u>     | 42190 |
| <u>this section by the district's base cost enrolled ADM for the</u>    | 42191 |
| <u>fiscal year for which the calculation is made.</u>                   | 42192 |
| <u>(3) Calculate the district's adjusted local share federal</u>        | 42193 |
| <u>adjusted gross income per pupil for that fiscal year as follows:</u> | 42194 |
| <u>(a) Determine both of the following:</u>                             | 42195 |
| <u>(i) The median federal adjusted gross income of the</u>              | 42196 |
| <u>district's residents for the most recent tax year for which data</u> | 42197 |
| <u>is available, as certified under section 3317.021 of the Revised</u> | 42198 |
| <u>Code;</u>                                                            | 42199 |
| <u>(ii) The number of state tax returns filed by taxpayers</u>          | 42200 |
| <u>residing in the district for the most recent tax year for which</u>  | 42201 |
| <u>data is available, as certified under section 3317.021 of the</u>    | 42202 |
| <u>Revised Code.</u>                                                    | 42203 |
| <u>(b) Compute the product of divisions (A)(3)(a)(i) and (ii) of</u>    | 42204 |
| <u>this section;</u>                                                    | 42205 |
| <u>(c) Divide the amount determined under division (A)(3)(b) of</u>     | 42206 |
| <u>this section by the district's base cost enrolled ADM for the</u>    | 42207 |
| <u>fiscal year for which the calculation is made.</u>                   | 42208 |
| <u>(4) Calculate the district's per-pupil local capacity</u>            | 42209 |
| <u>percentage as follows:</u>                                           | 42210 |
| <u>(a) Determine the median of the median federal adjusted gross</u>    | 42211 |
| <u>incomes determined for all districts statewide under division</u>    | 42212 |
| <u>(A)(3)(a)(i) of this section for that fiscal year;</u>               | 42213 |
| <u>(b) Divide the district's median federal adjusted gross</u>          | 42214 |

income for that fiscal year determined under division (A)(3)(a)(i) 42215  
of this section by the median federal adjusted gross income for 42216  
all districts statewide determined under division (A)(4)(a) of 42217  
this section; 42218

(c) Rank all school districts in order of the ratios 42219  
calculated under division (A)(4)(b) of this section, from the 42220  
district with the highest ratio calculated under division 42221  
(A)(4)(b) of this section to the district with the lowest ratio 42222  
calculated under division (A)(4)(b) of this section; 42223

(d) Determine the district's per-pupil local capacity 42224  
percentage as follows: 42225

(i) If the ratio calculated for the district under division 42226  
(A)(4)(b) of this section is greater than or equal to the ratio 42227  
calculated under division (A)(4)(b) of this section for the 42228  
district with the fortieth highest ratio as determined under 42229  
division (A)(4)(c) of this section, the district's per-pupil local 42230  
capacity percentage shall be equal to 0.025. 42231

(ii) If the ratio calculated for the district under division 42232  
(A)(4)(b) of this section is less than the ratio calculated under 42233  
division (A)(4)(b) of this section for the district with the 42234  
fortieth highest ratio as determined under division (A)(4)(c) of 42235  
this section but greater than 1.0, the district's per-pupil local 42236  
capacity percentage shall be equal to an amount calculated as 42237  
follows: 42238

{[(The ratio calculated for the district under division 42239  
(A)(4)(b) of this section - 1) X 0.0025]/ (the ratio calculated 42240  
under division (A)(4)(b) of this section for the district with the 42241  
fortieth highest ratio as determined under division (A)(4)(c) of 42242  
this section - 1)] + 0.0225 42243

(iii) If the ratio calculated for the district under division 42244  
(A)(4)(b) of this section is less than or equal to 1.0, the 42245

district's per-pupil local capacity percentage shall be equal to 42246  
the amount calculated under division (A)(4)(b) of this section 42247  
times 0.0225. 42248

(5) Calculate the district's per-pupil local capacity amount 42249  
for that fiscal year as follows: 42250

(The district's valuation per pupil calculated under division 42251  
(A)(1) of this section for that fiscal year X the district's 42252  
per-pupil local capacity percentage calculated under division 42253  
(A)(4) of this section X 0.60) + (the district's local share 42254  
adjusted federal gross income per pupil calculated under division 42255  
(A)(2) of this section for that fiscal year X the district's 42256  
per-pupil local capacity percentage calculated under division 42257  
(A)(4) of this section X 0.20) + (the district's adjusted local 42258  
share federal adjusted gross income per pupil calculated under 42259  
division (A)(3) of this section for that fiscal year X the 42260  
district's per-pupil local capacity percentage calculated under 42261  
division (A)(4) of this section X 0.20) 42262

(B) The department shall compute a city, local, or exempted 42263  
village school district's state share for a fiscal year as 42264  
follows: 42265

(1) If the district's per-pupil local capacity amount for 42266  
that fiscal year divided by the district's base cost per pupil for 42267  
that fiscal year is greater than 0.95, then the district's state 42268  
share shall be equal to (the district's base cost per pupil for 42269  
that fiscal year X 0.05 X the district's enrolled ADM for that 42270  
fiscal year). 42271

(2) If the district's per-pupil local capacity amount for 42272  
that fiscal year divided by the district's base cost per pupil for 42273  
that fiscal year is less than or equal to 0.95, then the 42274  
district's state share for that fiscal year shall be equal to 42275  
[(the district's base cost per pupil for that fiscal year - the 42276  
district's per-pupil local capacity amount for that fiscal year) X 42277

the district's enrolled ADM for that fiscal year]. 42278

(C) The department shall compute a city, local, or exempted 42279  
village school district's state share percentage for a fiscal year 42280  
as follows: 42281

The district's state share calculated under division (B) of this 42282  
section for that fiscal year/ the aggregate base cost calculated 42283  
for the district for that fiscal year under section 3317.011 of 42284  
the Revised Code 42285

**Sec. 3317.018.** (A) The statewide average base cost per pupil 42286  
shall be determined as follows: 42287

(1) For fiscal year 2022, the statewide average base cost per 42288  
pupil shall be equal to the sum of the aggregate base cost 42289  
calculated for all city, local, and exempted village school 42290  
districts in the state for that fiscal year under section 3317.011 42291  
of the Revised Code divided by the sum of the base cost enrolled 42292  
ADMs of all of the city, local, and exempted village school 42293  
districts in the state for that fiscal year. 42294

(2) For fiscal year 2023, the statewide average base cost per 42295  
pupil shall be equal to the amount calculated under division 42296  
(A)(1) of this section. 42297

(B) The statewide average career-technical base cost per 42298  
pupil shall be determined as follows: 42299

(1) For fiscal year 2022, the statewide average 42300  
career-technical base cost per pupil shall be equal to the sum of 42301  
the aggregate base cost calculated for all joint vocational school 42302  
districts in the state for that fiscal year under section 3317.012 42303  
of the Revised Code divided by the sum of the base cost enrolled 42304  
ADMs of all of the joint vocational school districts in the state 42305  
for that fiscal year. 42306

(2) For fiscal year 2023, the statewide average 42307

career-technical base cost per pupil shall be equal to the amount 42308  
calculated under division (B)(1) of this section. 42309

Sec. 3317.019. (A)(1) Subject to division (D) of this 42310  
section, for fiscal years 2022 and 2023, the department of 42311  
education shall pay temporary transitional aid to each city, 42312  
local, and exempted village school district according to the 42313  
following formula: 42314

(The district's funding base, as that term is defined in section 42315  
3317.02 of the Revised Code) - (the district's payment under 42316  
section 3317.022 of the Revised Code for the fiscal year for which 42317  
the payment is computed) 42318

If the computation made under division (A)(1) of this section 42319  
results in a negative number, the district's funding under 42320  
division (A)(1) of this section shall be zero. 42321

(2) For fiscal years 2022 and 2023, the department shall pay 42322  
temporary transitional transportation aid to that district 42323  
according to the following formula: 42324

(The amount calculated for the district for fiscal year 2020 under 42325  
division (A)(2) of Section 265.220 of H.B. 166 of the 133rd 42326  
general assembly, prior to any funding reductions authorized by 42327  
Executive Order 2020-19D, "Implementing Additional Spending 42328  
Controls to Balance the State Budget" issued on May 7, 2020) - 42329  
(the district's payment for fiscal year 2019 under division (D)(2) 42330  
of section 3314.091 of the Revised Code as that division existed 42331  
prior to the effective date of this amendment) - (the district's 42332  
payment under section 3317.0212 of the Revised Code for the fiscal 42333  
year for which the payment is computed) 42334

If the computation made under division (A)(2) of this section 42335  
results in a negative number, the district's funding under 42336  
division (A)(2) of this section shall be zero. 42337

(B) If a local school district participates in the 42338

establishment of a joint vocational school district that begins 42339  
receiving payments under section 3317.16 of the Revised Code for 42340  
fiscal year 2022 or fiscal year 2023, but does not receive 42341  
payments for the fiscal year immediately preceding that fiscal 42342  
year, the department shall adjust, as necessary, the district's 42343  
funding base, as that term is defined in section 3317.02 of the 42344  
Revised Code, according to the amounts received by the district in 42345  
the immediately preceding fiscal year for career-technical 42346  
education students who attend the newly established joint 42347  
vocational school district. 42348

(C)(1) For purposes of division (C) of this section, a 42349  
district's "decrease threshold" for a fiscal year is the greater 42350  
of the following: 42351

(a) Twenty; 42352

(b) Ten per cent of the number of the district's students 42353  
counted under division (A)(1)(b) of section 3317.03 of the Revised 42354  
Code for the previous fiscal year. 42355

(2) For fiscal years 2022 and 2023, if a district has fewer 42356  
students counted under division (A)(1)(b) of section 3317.03 of 42357  
the Revised Code for that fiscal year than for the previous fiscal 42358  
year and the positive difference between those two student counts 42359  
is greater than or equal to the district's decrease threshold for 42360  
that fiscal year, the amount paid to the district under division 42361  
(A) of this section shall be reduced by the following amount: 42362

The statewide average base cost per pupil X [(the positive 42363  
difference between the number of the district's students counted 42364  
under division (A)(1)(b) of section 3317.03 of the Revised Code 42365  
for that fiscal year and the number of the district's students 42366  
counted under that division for the previous fiscal year) - the 42367  
district's decrease threshold for that fiscal year] 42368

At no time, however, shall the amount paid to a district 42369

|                                                                           |       |
|---------------------------------------------------------------------------|-------|
| <u>under division (A) of this section be less than zero.</u>              | 42370 |
| <u>Sec. 3317.0110. This section shall apply only for fiscal</u>           | 42371 |
| <u>years 2022 and 2023.</u>                                               | 42372 |
| <u>(A) As used in this section:</u>                                       | 42373 |
| <u>(1) "Average teacher cost" for a fiscal year has the same</u>          | 42374 |
| <u>meaning as in section 3317.011 of the Revised Code.</u>                | 42375 |
| <u>(2) "Eligible community or STEM school" means a community or</u>       | 42376 |
| <u>STEM school that satisfies one of the following:</u>                   | 42377 |
| <u>(a) The school is a member of an organization that regulates</u>       | 42378 |
| <u>interscholastic athletics.</u>                                         | 42379 |
| <u>(b) The school has teams in at least three different sports</u>        | 42380 |
| <u>that participate in an interscholastic league.</u>                     | 42381 |
| <u>(B) When calculating a community or STEM school's aggregate</u>        | 42382 |
| <u>base cost under this section, the department shall use data from</u>   | 42383 |
| <u>fiscal year 2018 for the average teacher cost.</u>                     | 42384 |
| <u>(C) A community or STEM school's aggregate base cost for a</u>         | 42385 |
| <u>fiscal year shall be equal to the following sum:</u>                   | 42386 |
| <u>(The school's teacher base cost for that fiscal year computed</u>      | 42387 |
| <u>under division (D) of this section) + (the school's student</u>        | 42388 |
| <u>support base cost for that fiscal year computed under division (E)</u> | 42389 |
| <u>of this section) + (the school's leadership and accountability</u>     | 42390 |
| <u>base cost for that fiscal year computed under division (F) of this</u> | 42391 |
| <u>section) + (the school's building leadership and operations base</u>   | 42392 |
| <u>cost for that fiscal year computed under division (G) of this</u>      | 42393 |
| <u>section) + (the school's athletic co-curricular activities base</u>    | 42394 |
| <u>cost for that fiscal year computed under division (H) of this</u>      | 42395 |
| <u>section, if the school is an eligible community or STEM school)</u>    | 42396 |
| <u>(D) The department of education shall compute a community or</u>       | 42397 |
| <u>STEM school's teacher base cost for a fiscal year as follows:</u>      | 42398 |

|                                                                           |       |
|---------------------------------------------------------------------------|-------|
| <u>(1) Calculate the school's classroom teacher cost for that</u>         | 42399 |
| <u>fiscal year as follows:</u>                                            | 42400 |
| <u>(a) Determine the full-time equivalency of students enrolled</u>       | 42401 |
| <u>in the school for that fiscal year that are enrolled in</u>            | 42402 |
| <u>kindergarten and divide that number by 20;</u>                         | 42403 |
| <u>(b) Determine the full-time equivalency of students enrolled</u>       | 42404 |
| <u>in the school for that fiscal year that are enrolled in grades one</u> | 42405 |
| <u>through three and divide that number by 23;</u>                        | 42406 |
| <u>(c) Determine the full-time equivalency of students enrolled</u>       | 42407 |
| <u>in the school for that fiscal year that are enrolled in grades</u>     | 42408 |
| <u>four through eight but are not enrolled in a career-technical</u>      | 42409 |
| <u>education program or class described under section 3317.014 of the</u> | 42410 |
| <u>Revised Code and divide that number by 25;</u>                         | 42411 |
| <u>(d) Determine the full-time equivalency of students enrolled</u>       | 42412 |
| <u>in the school for that fiscal year that are enrolled in grades</u>     | 42413 |
| <u>nine through twelve but are not enrolled in a career-technical</u>     | 42414 |
| <u>education program or class described under section 3317.014 of the</u> | 42415 |
| <u>Revised Code and divide that number by 27;</u>                         | 42416 |
| <u>(e) Determine the full-time equivalency of students enrolled</u>       | 42417 |
| <u>in the school for that fiscal year that are enrolled in a</u>          | 42418 |
| <u>career-technical education program or class, as reported under</u>     | 42419 |
| <u>division (B)(2)(d) of section 3314.08 of the Revised Code, and</u>     | 42420 |
| <u>divide that number by 18;</u>                                          | 42421 |
| <u>(f) Compute the sum of the quotients obtained under divisions</u>      | 42422 |
| <u>(D)(1)(a), (b), (c), (d), and (e) of this section;</u>                 | 42423 |
| <u>(g) Compute the classroom teacher cost by multiplying the</u>          | 42424 |
| <u>average teacher cost for that fiscal year by the sum computed</u>      | 42425 |
| <u>under division (D)(1)(f) of this section.</u>                          | 42426 |
| <u>(2) Calculate the school's special teacher cost for that</u>           | 42427 |
| <u>fiscal year as follows:</u>                                            | 42428 |

|                                                                                                                                                                                                                                                                                                                                               |       |
|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-------|
| <u>(a) Divide the number of students enrolled in the school for that fiscal year by 150;</u>                                                                                                                                                                                                                                                  | 42429 |
|                                                                                                                                                                                                                                                                                                                                               | 42430 |
| <u>(b) Compute the special teacher cost by multiplying the quotient obtained under division (D)(2)(a) of this section by the average teacher cost for that fiscal year.</u>                                                                                                                                                                   | 42431 |
|                                                                                                                                                                                                                                                                                                                                               | 42432 |
|                                                                                                                                                                                                                                                                                                                                               | 42433 |
| <u>(3) Calculate the school's substitute teacher cost for that fiscal year in accordance with the following formula:</u>                                                                                                                                                                                                                      | 42434 |
|                                                                                                                                                                                                                                                                                                                                               | 42435 |
| <u>(a) Compute the substitute teacher daily rate with benefits by multiplying the substitute teacher daily rate of \$90 by 1.16;</u>                                                                                                                                                                                                          | 42436 |
|                                                                                                                                                                                                                                                                                                                                               | 42437 |
| <u>(b) Compute the substitute teacher cost in accordance with the following formula:</u>                                                                                                                                                                                                                                                      | 42438 |
|                                                                                                                                                                                                                                                                                                                                               | 42439 |
| <u>(The sum computed under division (D)(1)(f) of this section + the quotient obtained under division (D)(2)(a) of this section) X the amount computed under division (D)(3)(a) of this section X 5</u>                                                                                                                                        | 42440 |
|                                                                                                                                                                                                                                                                                                                                               | 42441 |
|                                                                                                                                                                                                                                                                                                                                               | 42442 |
| <u>(4) Calculate the school's professional development cost for that fiscal year in accordance with the following formula:</u>                                                                                                                                                                                                                | 42443 |
|                                                                                                                                                                                                                                                                                                                                               | 42444 |
| <u>(The sum computed under division (D)(1)(f) of this section + the quotient obtained under division (D)(2)(a) of this section) X [(the sum of divisions (A)(10)(a) and (b) of section 3317.011 of the Revised Code for that fiscal year)/180] X 4</u>                                                                                        | 42445 |
|                                                                                                                                                                                                                                                                                                                                               | 42446 |
|                                                                                                                                                                                                                                                                                                                                               | 42447 |
|                                                                                                                                                                                                                                                                                                                                               | 42448 |
| <u>(5) Calculate the school's teacher base cost for that fiscal year, which equals the sum of divisions (D)(1), (2), (3), and (4) of this section.</u>                                                                                                                                                                                        | 42449 |
|                                                                                                                                                                                                                                                                                                                                               | 42450 |
|                                                                                                                                                                                                                                                                                                                                               | 42451 |
| <u>(E) The department shall compute a community or STEM school's student support base cost for a fiscal year as follows:</u>                                                                                                                                                                                                                  | 42452 |
|                                                                                                                                                                                                                                                                                                                                               | 42453 |
| <u>The number of students enrolled in the school for that fiscal year X [(the sum of the student support base cost calculated for all city, local, and exempted village school districts in the state for that fiscal year under division (E) of section 3317.011 of the Revised Code) / the sum of the base cost enrolled ADMs of all of</u> | 42454 |
|                                                                                                                                                                                                                                                                                                                                               | 42455 |
|                                                                                                                                                                                                                                                                                                                                               | 42456 |
|                                                                                                                                                                                                                                                                                                                                               | 42457 |
|                                                                                                                                                                                                                                                                                                                                               | 42458 |

the city, local, and exempted village school districts in the 42459  
state for that fiscal year] 42460

(F) The department shall compute a community or STEM school's 42461  
leadership and accountability base cost for a fiscal year as 42462  
follows: 42463

The number of students enrolled in the school for that fiscal year 42464  
X (the sum of the leadership and accountability base cost 42465  
calculated for all city, local, and exempted village school 42466  
districts in the state for that fiscal year under division (F) of 42467  
section 3317.011 of the Revised Code / the sum of the base cost 42468  
enrolled ADMs of all of the city, local, and exempted village 42469  
school districts in the state for that fiscal year) 42470

(G) The department shall compute a community or STEM school's 42471  
building leadership and operations base cost for a fiscal year as 42472  
follows: 42473

The number of students enrolled in the school for that fiscal year 42474  
X (the sum of the building leadership and accountability base cost 42475  
calculated for all city, local, and exempted village school 42476  
districts in the state for that fiscal year under division (G) of 42477  
section 3317.011 of the Revised Code / the sum of the base cost 42478  
enrolled ADMs of all of the city, local, and exempted village 42479  
school districts in the state for that fiscal year) 42480

(H) If a community or STEM school is an eligible community or 42481  
STEM school, the department shall compute the school's athletic 42482  
co-curricular activities base cost for a fiscal year as follows: 42483

The number of students enrolled in the school for that fiscal year 42484  
X (the sum of the athletic co-curricular activities base cost 42485  
calculated for all city, local, and exempted village school 42486  
districts in the state for that fiscal year under division (H) of 42487  
section 3317.011 of the Revised Code / the sum of the base cost 42488  
enrolled ADMs of all of the city, local, and exempted village 42489  
school districts in the state for that fiscal year) 42490

|                                                                                                                                                                                                                                        |                                  |
|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|----------------------------------|
| Sec. 3317.02. As used in this chapter:                                                                                                                                                                                                 | 42491                            |
| (A) <del>(1)</del> <u>"Alternative school" has the same meaning as in section 3313.974 of the Revised Code.</u>                                                                                                                        | 42492<br>42493                   |
| (B) <u>"Autism scholarship unit" means a unit that consists of all of the students for whom autism scholarships are awarded under section 3310.41 of the Revised Code.</u>                                                             | 42494<br>42495<br>42496          |
| (C) <u>For fiscal years 2022 and 2023, a district's "base cost enrolled ADM" for a fiscal year means the greater of the following:</u>                                                                                                 | 42497<br>42498<br>42499          |
| (1) <u>The district's enrolled ADM for the previous fiscal year;</u>                                                                                                                                                                   | 42500                            |
| (2) <u>The average of the district's enrolled ADM for the previous three fiscal years.</u>                                                                                                                                             | 42501<br>42502                   |
| (D)(1) <u>"Base cost per pupil" means the following for a city, local, or exempted village school district:</u>                                                                                                                        | 42503<br>42504                   |
| (a) <u>For fiscal years 2022 and 2023, the aggregate base cost calculated for that district for that fiscal year under section 3317.011 of the Revised Code divided by the district's base cost enrolled ADM for that fiscal year;</u> | 42505<br>42506<br>42507<br>42508 |
| (b) <u>For fiscal year 2024 and each fiscal year thereafter, an amount calculated in a manner determined by the general assembly.</u>                                                                                                  | 42509<br>42510                   |
| (2) <u>"Base cost per pupil" means the following for a joint vocational school district:</u>                                                                                                                                           | 42511<br>42512                   |
| (a) <u>For fiscal years 2022 and 2023, the aggregate base cost calculated for that district for that fiscal year under section 3317.012 of the Revised Code divided by the district's base cost enrolled ADM for that fiscal year;</u> | 42513<br>42514<br>42515<br>42516 |
| (b) <u>For fiscal year 2024 and each fiscal year thereafter, an amount calculated in a manner determined by the general assembly.</u>                                                                                                  | 42517<br>42518                   |
| (E)(1) <u>"Category one career-technical education ADM" means</u>                                                                                                                                                                      | 42519                            |

the enrollment of students during the school year on a full-time 42520  
equivalency basis in career-technical education programs described 42521  
in division (A)(1) of section 3317.014 of the Revised Code and, in 42522  
the case of a funding unit that is a city, local, exempted 42523  
village, or joint vocational school district, certified under 42524  
division (B)(11) or (D)(2)(h) of section 3317.03 of the Revised 42525  
Code or, in the case of the community and STEM school unit, 42526  
reported by all community and STEM schools statewide under 42527  
divisions (B)(4) and (5) of section 3314.08 of the Revised Code 42528  
and division (D) of section 3326.32 of the Revised Code. 42529

(2) "Category two career-technical education ADM" means the 42530  
enrollment of students during the school year on a full-time 42531  
equivalency basis in career-technical education programs described 42532  
in division ~~(B)~~(A)(2) of section 3317.014 of the Revised Code and, 42533  
in the case of a funding unit that is a city, local, exempted 42534  
village, or joint vocational school district, certified under 42535  
division (B)(12) or (D)(2)(i) of section 3317.03 of the Revised 42536  
Code or, in the case of the community and STEM school unit, 42537  
reported by all community and STEM schools statewide under 42538  
divisions (B)(4) and (5) of section 3314.08 of the Revised Code 42539  
and division (D) of section 3326.32 of the Revised Code. 42540

(3) "Category three career-technical education ADM" means the 42541  
enrollment of students during the school year on a full-time 42542  
equivalency basis in career-technical education programs described 42543  
in division ~~(C)~~(A)(3) of section 3317.014 of the Revised Code and, 42544  
in the case of a funding unit that is a city, local, exempted 42545  
village, or joint vocational school district, certified under 42546  
division (B)(13) or (D)(2)(j) of section 3317.03 of the Revised 42547  
Code or, in the case of the community and STEM school unit, 42548  
reported by all community and STEM schools statewide under 42549  
divisions (B)(4) and (5) of section 3314.08 of the Revised Code 42550  
and division (D) of section 3326.32 of the Revised Code. 42551

(4) "Category four career-technical education ADM" means the enrollment of students during the school year on a full-time equivalency basis in career-technical education programs described in division ~~(D)~~(A)(4) of section 3317.014 of the Revised Code and, in the case of a funding unit that is a city, local, exempted village, or joint vocational school district, certified under division (B)(14) or (D)(2)(k) of section 3317.03 of the Revised Code or, in the case of the community and STEM school unit, reported by all community and STEM schools statewide under divisions (B)(4) and (5) of section 3314.08 of the Revised Code and division (D) of section 3326.32 of the Revised Code.

(5) "Category five career-technical education ADM" means the enrollment of students during the school year on a full-time equivalency basis in career-technical education programs described in division ~~(E)~~(A)(5) of section 3317.014 of the Revised Code and, in the case of a funding unit that is a city, local, exempted village, or joint vocational school district, certified under division (B)(15) or (D)(2)(l) of section 3317.03 of the Revised Code or, in the case of the community and STEM school unit, reported by all community and STEM schools statewide under divisions (B)(4) and (5) of section 3314.08 of the Revised Code and division (D) of section 3326.32 of the Revised Code.

~~(B)(1)~~(F)(1) "Category one English learner ADM" means the full-time equivalent number of English learners described in division (A) of section 3317.016 of the Revised Code and, in the case of a funding unit that is a city, local, exempted village, or joint vocational school district, certified under division (B)(16) or (D)(2)(m) of section 3317.03 of the Revised Code or, in the case of the community and STEM school unit, reported by all community and STEM schools statewide under division (B)(6) of section 3314.08 of the Revised Code and division (E) of section 3326.32 of the Revised Code.

(2) "Category two English learner ADM" means the full-time 42584  
equivalent number of English learners described in division (B) of 42585  
section 3317.016 of the Revised Code and, in the case of a funding 42586  
unit that is a city, local, exempted village, or joint vocational 42587  
school district, certified under division (B)(17) or (D)(2)(n) of 42588  
section 3317.03 of the Revised Code or, in the case of the 42589  
community and STEM school unit, reported by all community and STEM 42590  
schools statewide under division (B)(6) of section 3314.08 of the 42591  
Revised Code and division (E) of section 3326.32 of the Revised 42592  
Code. 42593

(3) "Category three English learner ADM" means the full-time 42594  
equivalent number of English learners described in division (C) of 42595  
section 3317.016 of the Revised Code and, in the case of a funding 42596  
unit that is a city, local, exempted village, or joint vocational 42597  
school district, certified under division (B)(18) or (D)(2)(o) of 42598  
section 3317.03 of the Revised Code or, in the case of the 42599  
community and STEM school unit, reported by all community and STEM 42600  
schools statewide under division (B)(6) of section 3314.08 of the 42601  
Revised Code and division (E) of section 3326.32 of the Revised 42602  
Code. 42603

~~(C)(1)~~(G)(1) "Category one special education ADM" means the 42604  
full-time equivalent number of children with disabilities 42605  
receiving special education services for the disability specified 42606  
in division (A) of section 3317.013 of the Revised Code and, in 42607  
the case of a funding unit that is a city, local, exempted 42608  
village, or joint vocational school district, certified under 42609  
division (B)(5) or (D)(2)(b) of section 3317.03 of the Revised 42610  
Code or, in the case of the community and STEM school unit, 42611  
reported by all community and STEM schools statewide under 42612  
division (B)(3) of section 3314.08 of the Revised Code and 42613  
division (C) of section 3326.32 of the Revised Code. 42614

(2) "Category two special education ADM" means the full-time 42615

equivalent number of children with disabilities receiving special 42616  
education services for those disabilities specified in division 42617  
(B) of section 3317.013 of the Revised Code and, in the case of a 42618  
funding unit that is a city, local, exempted village, or joint 42619  
vocational school district, certified under division (B)(6) or 42620  
(D)(2)(c) of section 3317.03 of the Revised Code or, in the case 42621  
of the community and STEM school unit, reported by all community 42622  
and STEM schools statewide under division (B)(3) of section 42623  
3314.08 of the Revised Code and division (C) of section 3326.32 of 42624  
the Revised Code. 42625

(3) "Category three special education ADM" means the 42626  
full-time equivalent number of students receiving special 42627  
education services for those disabilities specified in division 42628  
(C) of section 3317.013 of the Revised Code, and, in the case of a 42629  
funding unit that is a city, local, exempted village, or joint 42630  
vocational school district, certified under division (B)(7) or 42631  
(D)(2)(d) of section 3317.03 of the Revised Code or, in the case 42632  
of the community and STEM school unit, reported by all community 42633  
and STEM schools statewide under division (B)(3) of section 42634  
3314.08 of the Revised Code and division (C) of section 3326.32 of 42635  
the Revised Code. 42636

(4) "Category four special education ADM" means the full-time 42637  
equivalent number of students receiving special education services 42638  
for those disabilities specified in division (D) of section 42639  
3317.013 of the Revised Code and, in the case of a funding unit 42640  
that is a city, local, exempted village, or joint vocational 42641  
school district, certified under division (B)(8) or (D)(2)(e) of 42642  
section 3317.03 of the Revised Code or, in the case of the 42643  
community and STEM school unit, reported by all community and STEM 42644  
schools statewide under division (B)(3) of section 3314.08 of the 42645  
Revised Code and division (C) of section 3326.32 of the Revised 42646  
Code. 42647

(5) "Category five special education ADM" means the full-time equivalent number of students receiving special education services for the disabilities specified in division (E) of section 3317.013 of the Revised Code and, in the case of a funding unit that is a city, local, exempted village, or joint vocational school district, certified under division (B)(9) or (D)(2)(f) of section 3317.03 of the Revised Code or, in the case of the community and STEM school unit, reported by all community and STEM schools statewide under division (B)(3) of section 3314.08 of the Revised Code and division (C) of section 3326.32 of the Revised Code.

(6) "Category six special education ADM" means the full-time equivalent number of students receiving special education services for the disabilities specified in division (F) of section 3317.013 of the Revised Code and, in the case of a funding unit that is a city, local, exempted village, or joint vocational school district certified under division (B)(10) or (D)(2)(g) of section 3317.03 of the Revised Code or, in the case of the community and STEM school unit, reported by all community and STEM schools statewide under division (B)(3) of section 3314.08 of the Revised Code and division (C) of section 3326.32 of the Revised Code.

~~(D)~~(H) "Community and STEM school unit" means a unit that consists of all of the students enrolled in community schools established under Chapter 3314. of the Revised Code and science, technology, engineering, and mathematics schools established under Chapter 3326. of the Revised Code.

(I)(1) "Economically disadvantaged index for a school district" means the following:

(a) For fiscal years 2022 and 2023, the square of the quotient of that district's percentage of students in its total enrolled ADM who are identified as economically disadvantaged as defined by the department of education, divided by the percentage of students in the statewide total ADM identified as economically

disadvantaged. For purposes of this calculation: 42680

~~(1)~~(i) For a city, local, or exempted village school 42681  
district, the "statewide ~~total~~ ADM" equals the sum of the ~~total~~ 42682  
following: 42683

(I) The enrolled ADM for all city, local, and exempted 42684  
village school districts combined; 42685

(II) The statewide enrollment of students in community 42686  
schools established under Chapter 3314. of the Revised Code; 42687

(III) The statewide enrollment of students in science, 42688  
technology, engineering, and mathematics schools established under 42689  
Chapter 3326. of the Revised Code. 42690

~~(2)~~(ii) For a joint vocational school district, the 42691  
"statewide ~~total~~ ADM" equals the sum of the ~~formula~~ enrolled ADM 42692  
for all joint vocational school districts combined. 42693

(b) For fiscal year 2024 and each fiscal year thereafter, an 42694  
index calculated in a manner determined by the general assembly. 42695

(2) "Economically disadvantaged index for a community or STEM 42696  
school" means the following: 42697

(a) For fiscal years 2022 and 2023, the square of the 42698  
quotient of the percentage of students enrolled in the school who 42699  
are identified as economically disadvantaged as defined by the 42700  
department of education, divided by the percentage of students in 42701  
the statewide ADM identified as economically disadvantaged. For 42702  
purposes of this calculation, the "statewide ADM" equals the 42703  
"statewide ADM" for city, local, and exempted village school 42704  
districts described in division (I)(1)(a)(i) of this section. 42705

(b) For fiscal year 2024 and each fiscal year thereafter, an 42706  
index calculated in a manner determined by the general assembly. 42707

~~(E)~~(1)(J) "Educational choice scholarship unit" means a unit 42708  
that consists of all of the students for whom educational choice 42709

scholarships are awarded under sections 3310.03 and 3310.032 of 42710  
the Revised Code. 42711

(K) "Enrolled ADM" means the following: 42712

(1) For a city, local, or exempted village school district, 42713  
the enrollment reported under division (A) of section 3317.03 of 42714  
the Revised Code, as verified by the superintendent of public 42715  
instruction and adjusted if so ordered under division (K) of that 42716  
section, and as further adjusted by the department of education, 42717  
as follows: 42718

(a) Add the students described in division (A)(1)(b) of 42719  
section 3317.03 of the Revised Code; 42720

(b) Subtract the students counted under divisions (A)(2)(a), 42721  
(b), (d), (g), (h), (i), and (j) of section 3317.03 of the Revised 42722  
Code; 42723

(c) Count only twenty per cent of the number of joint 42724  
vocational school district students counted under division (A)(3) 42725  
of section 3317.03 of the Revised Code; 42726

(d) Add twenty per cent of the number of students who are 42727  
entitled to attend school in the district under section 3313.64 or 42728  
3313.65 of the Revised Code and are enrolled in another school 42729  
district under a career-technical education compact. 42730

(2) For a joint vocational school district, the final number 42731  
verified by the superintendent of public instruction, based on the 42732  
enrollment reported and certified under division (D) of section 42733  
3317.03 of the Revised Code, as adjusted, if so ordered, under 42734  
division (K) of that section, and as further adjusted by the 42735  
department of education by adding the students described in 42736  
division (D)(1)(b) of section 3317.03 of the Revised Code; 42737

(3) For the community and STEM school unit, the sum of the 42738  
number of students reported as enrolled in community schools under 42739

divisions (B)(1) and (2) of section 3314.08 of the Revised Code 42740  
and the number of students reported as enrolled in STEM schools 42741  
under division (A) of section 3326.32 of the Revised Code; 42742

(4) For the educational choice scholarship unit, the number 42743  
of students for whom educational choice scholarships are awarded 42744  
under sections 3310.03 and 3310.032 of the Revised Code as 42745  
reported under division (A)(2)(g) of section 3317.03 of the 42746  
Revised Code; 42747

(5) For the pilot project scholarship unit, the number of 42748  
students for whom pilot project scholarships are awarded under 42749  
sections 3313.974 to 3313.979 of the Revised Code as reported 42750  
under division (A)(2)(b) of section 3317.03 of the Revised Code; 42751

(6) For the autism scholarship unit, the number of students 42752  
for whom autism scholarships are awarded under section 3310.41 of 42753  
the Revised Code as reported under division (A)(2)(h) of section 42754  
3317.03 of the Revised Code; 42755

(7) For the Jon Peterson special needs scholarship unit, the 42756  
number of students for whom Jon Peterson special needs 42757  
scholarships are awarded under sections 3310.51 to 3310.64 of the 42758  
Revised Code as reported under division (A)(2)(h) of section 42759  
3317.03 of the Revised Code. 42760

(L)(1) "Formula ADM" means, for a city, local, or exempted 42761  
village school district, the enrollment reported under division 42762  
(A) of section 3317.03 of the Revised Code, as verified by the 42763  
superintendent of public instruction and adjusted if so ordered 42764  
under division (K) of that section, and as further adjusted by the 42765  
department of education, as follows: 42766

(a) Count only twenty per cent of the number of joint 42767  
vocational school district students counted under division (A)(3) 42768  
of section 3317.03 of the Revised Code; 42769

(b) Add twenty per cent of the number of students who are 42770

entitled to attend school in the district under section 3313.64 or 42771  
3313.65 of the Revised Code and are enrolled in another school 42772  
district under a career-technical education compact. 42773

(2) "Formula ADM" means, for a joint vocational school 42774  
district, the final number verified by the superintendent of 42775  
public instruction, based on the enrollment reported and certified 42776  
under division (D) of section 3317.03 of the Revised Code, as 42777  
adjusted, if so ordered, under division (K) of that section. 42778

~~(F) "Formula amount" means \$6,010, for fiscal year 2018, and 42779  
\$6,020, for fiscal year 2019. 42780~~

~~(G)~~ (M) "FTE basis" means a count of students based on 42781  
full-time equivalency, in accordance with rules adopted by the 42782  
department of education pursuant to section 3317.03 of the Revised 42783  
Code. In adopting its rules under this division, the department 42784  
shall provide for counting any student in category one, two, 42785  
three, four, five, or six special education ADM or in category 42786  
one, two, three, four, or five career-technical education ADM in 42787  
the same proportion the student is counted in enrolled ADM and 42788  
formula ADM. 42789

~~(H)~~(N) For fiscal years 2022 and 2023, "funding base" means, 42790  
for a city, local, or exempted village school district, the sum of 42791  
the following as calculated by the department: 42792

(1) The district's "general funding base," which equals the 42793  
amount calculated as follows: 42794

(a) Compute the sum of the following: 42795

(i) The amount calculated for the district for fiscal year 42796  
2020 under division (A)(1) of Section 265.220 of H.B. 166 of the 42797  
133rd general assembly after any adjustments required under 42798  
Section 265.227 of H.B. 166 of the 133rd general assembly and 42799  
prior to any funding reductions authorized by Executive Order 42800  
2020-19D, "Implementing Additional Spending Controls to Balance 42801

the State Budget" issued on May 7, 2020; 42802

(ii) The district's payments for fiscal year 2020 under 42803  
divisions (C)(1), (2), (3), and (4) of section 3313.981 of the 42804  
Revised Code as those divisions existed prior to the effective 42805  
date of this amendment. 42806

(b) Subtract from the amount calculated in division (J)(1) of 42807  
this section the sum of the following: 42808

(i) The following difference: 42809

(The amount paid to the district under division (A)(5) of section 42810  
3317.022 of the Revised Code, as that division existed prior to 42811  
the effective date of this amendment, for fiscal year 2019) - (the 42812  
amounts deducted from the district and paid to a community school 42813  
under division (C)(1)(e) of section 3314.08 of the Revised Code or 42814  
a science, technology, engineering, and mathematics school under 42815  
division (E) of section 3326.33 of the Revised Code as those 42816  
divisions existed prior to the effective date of this amendment 42817  
for fiscal year 2020 in accordance with division (A) of Section 42818  
265.235 of H.B. 166 of the 133rd general assembly) 42819

(ii) The payments deducted from the district and paid to a 42820  
community school for fiscal year 2020 under divisions (C)(1)(a), 42821  
(b), (c), (d), (e), (f), and (g) of section 3314.08 of the Revised 42822  
Code as those divisions existed prior to the effective date of 42823  
this amendment in accordance with division (A) of Section 265.230 42824  
of H.B. 166 of the 133rd general assembly; 42825

(iii) The payments deducted from the district and paid to a 42826  
science, technology, engineering, and mathematics school for 42827  
fiscal year 2020 under divisions (A), (B), (C), (D), (E), (F), and 42828  
(G) of section 3326.33 of the Revised Code as those divisions 42829  
existed prior to the effective date of this amendment in 42830  
accordance with division (A) of Section 265.235 of H.B. 166 of the 42831  
133rd general assembly; 42832

(iv) The payments deducted from the district under division (C) of section 3310.08 of the Revised Code as that division existed prior to the effective date of this amendment, division (C)(2) of section 3310.41 of the Revised Code as that division existed prior to the effective date of this amendment, and former section 3310.55 of the Revised Code for fiscal year 2020 and, in the case of a pilot project school district as defined in section 3313.975 of the Revised Code, the funds deducted from the district under Section 265.210 of H.B. 166 of the 133rd general assembly to operate the pilot project scholarship program for fiscal year 2020 under sections 3313.974 to 3313.979 of the Revised Code;

(v) The payments subtracted from the district for fiscal year 2020 under divisions (B)(1), (2), and (3) of section 3313.981 of the Revised Code as those divisions existed prior to the effective date of this amendment.

(2) The district's "disadvantaged pupil impact aid funding base," which equals the following difference:

(The amount paid to the district under division (A)(5) of section 3317.022 of the Revised Code, as that division existed prior to the effective date of this amendment, for fiscal year 2019) - (the amounts deducted from the district and paid to a community school under division (C)(1)(e) of section 3314.08 of the Revised Code or a science, technology, engineering, and mathematics school under division (E) of section 3326.33 of the Revised Code as those divisions existed prior to the effective date of this amendment for fiscal year 2020 in accordance with division (A) of Section 265.235 of H.B. 166 of the 133rd general assembly)

(O) For fiscal years 2022 and 2023, "funding base" means, for a joint vocational school district, the sum of the following as calculated by the department:

(1) The district's "general funding base," which equals the amount calculated as follows:

|                                                                           |       |
|---------------------------------------------------------------------------|-------|
| <u>(a) Compute the sum of the following:</u>                              | 42865 |
| <u>(i) The district's payments for fiscal year 2020 under</u>             | 42866 |
| <u>Section 265.225 of H.B. 166 of the 133rd general assembly after</u>    | 42867 |
| <u>any adjustments required under Section 265.227 of H.B. 166 of the</u>  | 42868 |
| <u>133rd general assembly;</u>                                            | 42869 |
| <u>(ii) The district's payments for fiscal year 2020 under</u>            | 42870 |
| <u>divisions (D)(1), (2), and (E)(3) of section 3313.981 of the</u>       | 42871 |
| <u>Revised Code as those divisions existed prior to the effective</u>     | 42872 |
| <u>date of this amendment.</u>                                            | 42873 |
| <u>(b) Subtract from the amount paid to the district under</u>            | 42874 |
| <u>division (A)(3) of section 3317.16 of the Revised Code, as that</u>    | 42875 |
| <u>division existed prior to the effective date of this amendment,</u>    | 42876 |
| <u>for fiscal year 2019.</u>                                              | 42877 |
| <u>(2) The district's "disadvantaged pupil impact aid funding</u>         | 42878 |
| <u>base," which equals the amount paid to the district under division</u> | 42879 |
| <u>(A)(3) of section 3317.16 of the Revised Code, as that division</u>    | 42880 |
| <u>existed prior to the effective date of this amendment, for fiscal</u>  | 42881 |
| <u>year 2019.</u>                                                         | 42882 |
| <u>(P) For fiscal years 2022 and 2023, "funding base" for a</u>           | 42883 |
| <u>community school means the following:</u>                              | 42884 |
| <u>(1) For a community school that was in operation for the</u>           | 42885 |
| <u>entirety of fiscal year 2020, the amount paid to the school for</u>    | 42886 |
| <u>that fiscal year under division (C)(1) of section 3314.08 of the</u>   | 42887 |
| <u>Revised Code as that division existed prior to the effective date</u>  | 42888 |
| <u>of this amendment in accordance with division (A) of Section</u>       | 42889 |
| <u>265.230 of H.B. 166 of the 133rd general assembly and the amount,</u>  | 42890 |
| <u>if any, paid to the school for that fiscal year under section</u>      | 42891 |
| <u>3314.085 of the Revised Code in accordance with division (B) of</u>    | 42892 |
| <u>Section 265.230 of H.B. 166 of the 133rd general assembly;</u>         | 42893 |
| <u>(2) For a community school that was in operation for part of</u>       | 42894 |
| <u>fiscal year 2020, the amount that would have been paid to the</u>      | 42895 |

school for that fiscal year under division (C)(1) of section 42896  
3314.08 of the Revised Code as that division existed prior to the 42897  
effective date of this amendment in accordance with division (A) 42898  
of Section 265.230 of H.B. 166 of the 133rd general assembly if 42899  
the school had been in operation for the entirety of that fiscal 42900  
year, as calculated by the department, and the amount that would 42901  
have been paid to the school for that fiscal year under section 42902  
3314.085 of the Revised Code in accordance with division (B) of 42903  
Section 265.230 of H.B. 166 of the 133rd general assembly, if any, 42904  
if the school had been in operation for the entirety of that 42905  
fiscal year, as calculated by the department; 42906

(3) For a community school that was not in operation for 42907  
fiscal year 2020, the amount that would have been paid to the 42908  
school if it was in operation for that school year under division 42909  
(C)(1) of section 3314.08 of the Revised Code as that division 42910  
existed prior to the effective date of this amendment in 42911  
accordance with division (A) of Section 265.230 of H.B. 166 of the 42912  
133rd general assembly if the school had been in operation for the 42913  
entirety of that fiscal year, as calculated by the department, and 42914  
the amount that would have been paid to the school for that fiscal 42915  
year under section 3314.085 of the Revised Code in accordance with 42916  
division (B) of Section 265.230 of H.B. 166 of the 133rd general 42917  
assembly, if any, if the school had been in operation for the 42918  
entirety of that fiscal year, as calculated by the department. 42919

(Q) For fiscal years 2022 and 2023, "funding base" for a STEM 42920  
school means the following: 42921

(1) For a science, technology, engineering, and mathematics 42922  
school that was in operation for the entirety of fiscal year 2020, 42923  
the amount paid to the school for that fiscal year under section 42924  
3326.33 of the Revised Code as that section existed prior to the 42925  
effective date of this amendment in accordance with division (A) 42926  
of Section 265.235 of H.B. 166 of the 133rd general assembly and 42927

the amount, if any, paid to the school for that fiscal year under 42928  
section 3326.41 of the Revised Code in accordance with division 42929  
(B) of Section 265.235 of H.B. 166 of the 133rd general assembly; 42930

(2) For a science, technology, engineering, and mathematics 42931  
school that was in operation for part of fiscal year 2020, the 42932  
amount that would have been paid to the school for that fiscal 42933  
year under section 3326.33 of the Revised Code as that section 42934  
existed prior to the effective date of this amendment in 42935  
accordance with division (A) of Section 265.235 of H.B. 166 of the 42936  
133rd general assembly if the school had been in operation for the 42937  
entirety of that fiscal year, as calculated by the department, and 42938  
the amount that would have been paid to the school for that fiscal 42939  
year under section 3326.41 of the Revised Code in accordance with 42940  
division (B) of Section 265.235 of H.B. 166 of the 133rd general 42941  
assembly, if any, if the school had been in operation for the 42942  
entirety of that fiscal year, as calculated by the department; 42943

(3) For a science, technology, engineering, and mathematics 42944  
school that was not in operation for fiscal year 2020, the amount 42945  
that would have been paid to the school if it was in operation for 42946  
that school year under section 3326.33 of the Revised Code as that 42947  
section existed prior to the effective date of this amendment in 42948  
accordance with division (A) of Section 265.235 of H.B. 166 of the 42949  
133rd general assembly if the school had been in operation for the 42950  
entirety of that fiscal year, as calculated by the department, and 42951  
the amount that would have been paid to the school for that fiscal 42952  
year under section 3326.41 of the Revised Code in accordance with 42953  
division (B) of Section 265.235 of H.B. 166 of the 133rd general 42954  
assembly, if any, if the school had been in operation for the 42955  
entirety of that fiscal year, as calculated by the department. 42956

(R) "Funding unit" means any of the following: 42957

(1) A city, local, exempted village, or joint vocational 42958  
school district; 42959

|                                                                                  |       |
|----------------------------------------------------------------------------------|-------|
| <u>(2) The community and STEM school unit;</u>                                   | 42960 |
| <u>(3) The educational choice scholarship unit;</u>                              | 42961 |
| <u>(4) The pilot project scholarship unit;</u>                                   | 42962 |
| <u>(5) The autism scholarship unit;</u>                                          | 42963 |
| <u>(6) The Jon Peterson special needs scholarship unit.</u>                      | 42964 |
| <u>(S) "Jon Peterson special needs scholarship unit" means a</u>                 | 42965 |
| <u>unit that consists of all of the students for whom Jon Peterson</u>           | 42966 |
| <u>scholarships are awarded under sections 3310.51 to 3310.64 of the</u>         | 42967 |
| <u>Revised Code.</u>                                                             | 42968 |
| <u>(T) "Internet- or computer-based community school" has the</u>                | 42969 |
| <u>same meaning as in section 3314.02 of the Revised Code.</u>                   | 42970 |
| <u>(U) "LRE student with a disability" means a child with a</u>                  | 42971 |
| <u>disability who has an individualized education program providing</u>          | 42972 |
| <u>for the student to spend more than half of each school day in a</u>           | 42973 |
| <u>regular school setting with nondisabled students. For purposes of</u>         | 42974 |
| <u>this division, "individualized education program" and "child with</u>         | 42975 |
| <u>a disability" have the same meanings as in section 3323.01 of the</u>         | 42976 |
| <u>Revised Code, and "LRE" is an abbreviation for "least restrictive</u>         | 42977 |
| <u>environment."</u>                                                             | 42978 |
| <del>(I)</del> <u>(V) "Medically fragile child" means a child to whom all of</u> | 42979 |
| <u>the following apply:</u>                                                      | 42980 |
| <u>(1) The child requires the services of a doctor of medicine</u>               | 42981 |
| <u>or osteopathic medicine at least once a week due to the</u>                   | 42982 |
| <u>instability of the child's medical condition.</u>                             | 42983 |
| <u>(2) The child requires the services of a registered nurse on</u>              | 42984 |
| <u>a daily basis.</u>                                                            | 42985 |
| <u>(3) The child is at risk of institutionalization in a</u>                     | 42986 |
| <u>hospital, skilled nursing facility, or intermediate care facility</u>         | 42987 |
| <u>for individuals with intellectual disabilities.</u>                           | 42988 |

~~(J)(1)(W)(1)~~ A child may be identified as having an "other health impairment-major" if the child's condition meets the definition of "other health impaired" established in rules previously adopted by the state board of education and if either of the following apply:

(a) The child is identified as having a medical condition that is among those listed by the superintendent of public instruction as conditions where a substantial majority of cases fall within the definition of "medically fragile child."

(b) The child is determined by the superintendent of public instruction to be a medically fragile child. A school district superintendent may petition the superintendent of public instruction for a determination that a child is a medically fragile child.

(2) A child may be identified as having an "other health impairment-minor" if the child's condition meets the definition of "other health impaired" established in rules previously adopted by the state board of education but the child's condition does not meet either of the conditions specified in division ~~(J)(1)(a)~~ (W)(1)(a) or (b) of this section.

~~(K)(X)(1)~~ For fiscal years 2022 and 2023, a city, local, exempted village, or joint vocational school district's, community school's, or STEM school's "general phase-in percentage" is equal to the percentage for that fiscal year that is determined by the general assembly.

(2) For fiscal years 2022 and 2023, a city, local, exempted village, or joint vocational school district's "phase-in percentage for disadvantaged pupil impact aid" is equal to the percentage for that fiscal year that is determined by the general assembly.

(Y) "Pilot project scholarship unit" means a unit that

consists of all of the students for whom pilot project 43020  
scholarships are awarded under sections 3313.974 to 3313.979 of 43021  
the Revised Code. 43022

(Z) "Preschool child with a disability" means a child with a 43023  
disability, as defined in section 3323.01 of the Revised Code, who 43024  
is at least age three but is not of compulsory school age, as 43025  
defined in section 3321.01 of the Revised Code, and who is not 43026  
currently enrolled in kindergarten. 43027

~~(L) "Preschool scholarship ADM" means the number of preschool~~ 43028  
~~children with disabilities certified under division (B)(3)(h) of~~ 43029  
~~section 3317.03 of the Revised Code.~~ 43030

~~(M)(AA)~~ "Related services" includes: 43031

(1) Child study, special education supervisors and 43032  
coordinators, speech and hearing services, adaptive physical 43033  
development services, occupational or physical therapy, teacher 43034  
assistants for children with disabilities whose disabilities are 43035  
described in division (B) of section 3317.013 or division ~~(B)(3)~~ 43036  
(G)(3) of this section, behavioral intervention, interpreter 43037  
services, work study, nursing services, and specialized 43038  
integrative services as those terms are defined by the department; 43039

(2) Speech and language services provided to any student with 43040  
a disability, including any student whose primary or only 43041  
disability is a speech and language disability; 43042

(3) Any related service not specifically covered by other 43043  
state funds but specified in federal law, including but not 43044  
limited to, audiology and school psychological services; 43045

(4) Any service included in units funded under former 43046  
division (O)(1) of section 3317.024 of the Revised Code; 43047

(5) Any other related service needed by children with 43048  
disabilities in accordance with their individualized education 43049

programs. 43050

~~(N)~~(BB) "School district," unless otherwise specified, means 43051  
city, local, and exempted village school districts. 43052

(CC) "Separately educated student with a disability" has the 43053  
same meaning as in section 3313.974 of the Revised Code. 43054

~~(O)~~(DD) "State education aid" has the same meaning as in 43055  
section 5751.20 of the Revised Code. 43056

~~(P)~~(EE)(1) "State share ~~index~~ percentage" means the following 43057  
for a city, local, or exempted village school district: 43058

(a) For fiscal years 2022 and 2023, the state share ~~index~~ 43059  
~~percentage~~ calculated ~~for a district~~ under section 3317.017 of the 43060  
Revised Code; 43061

(b) For fiscal year 2024 and each fiscal year thereafter, a 43062  
~~percentage~~ calculated in a manner determined by the general 43063  
assembly. 43064

~~(Q)~~(2) "State share percentage" means the following for a 43065  
joint vocational school district: 43066

(a) For fiscal years 2022 and 2023, the percentage calculated 43067  
in accordance with the following formula: 43068

The amount computed for the district under division (A)(1) of 43069  
section 3317.16 of the Revised Code for that fiscal year / the 43070  
aggregate base cost calculated for the district for that fiscal 43071  
year under section 3317.012 of the Revised Code 43072

(b) For fiscal year 2024 and each fiscal year thereafter, a 43073  
~~percentage~~ calculated in a manner determined by the general 43074  
assembly. 43075

(FF) "Statewide average base cost per pupil" means the 43076  
following: 43077

(1) For fiscal years 2022 and 2023, the statewide average 43078  
base cost per pupil calculated under division (A) of section 43079

|                                                                                                                                                                                                                                                                                                                                                                                                              |                                                    |
|--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|----------------------------------------------------|
| <u>3317.018 of the Revised Code;</u>                                                                                                                                                                                                                                                                                                                                                                         | 43080                                              |
| <u>(2) For fiscal year 2024 and each fiscal year thereafter, an amount calculated in a manner determined by the general assembly.</u>                                                                                                                                                                                                                                                                        | 43081<br>43082                                     |
| <u>(GG) "Statewide average career-technical base cost per pupil" means the following:</u>                                                                                                                                                                                                                                                                                                                    | 43083<br>43084                                     |
| <u>(1) For fiscal years 2022 and 2023, the statewide average career-technical base cost per pupil calculated under division (B) of section 3317.018 of the Revised Code;</u>                                                                                                                                                                                                                                 | 43085<br>43086<br>43087                            |
| <u>(2) For fiscal year 2024 and each fiscal year thereafter, an amount calculated in a manner determined by the general assembly.</u>                                                                                                                                                                                                                                                                        | 43088<br>43089                                     |
| <u>(HH) "STEM school" means a science, technology, engineering, and mathematics school established under Chapter 3326. of the Revised Code.</u>                                                                                                                                                                                                                                                              | 43090<br>43091<br>43092                            |
| <u>(II) "Taxes charged and payable" means the taxes charged and payable against real and public utility property after making the reduction required by section 319.301 of the Revised Code, plus the taxes levied against tangible personal property.</u>                                                                                                                                                   | 43093<br>43094<br>43095<br>43096                   |
| <u><del>(R)(1)(JJ)</del> For purposes of <del>section</del> <u>sections</u> 3317.017 <u>and</u> 3317.16 of the Revised Code, "three-year average valuation" <u>for a fiscal year</u> means the average of total taxable value for <del>tax years</del> 2014, 2015, and 2016 <u>the three most recent tax years for which data is available, as certified under section 3317.021 of the Revised Code.</u></u> | 43097<br>43098<br>43099<br>43100<br>43101<br>43102 |
| <u><del>(2) For purposes of sections 3317.0217, 3317.0218, and 3317.16 of the Revised Code, "three year average valuation" means the following:</del></u>                                                                                                                                                                                                                                                    | 43103<br>43104<br>43105                            |
| <u><del>(a) For fiscal year 2018, the average of total taxable value for tax years 2014, 2015, and 2016;</del></u>                                                                                                                                                                                                                                                                                           | 43106<br>43107                                     |
| <u><del>(b) For fiscal year 2019, the average of total taxable value for tax years 2015, 2016, and 2017.</del></u>                                                                                                                                                                                                                                                                                           | 43108<br>43109                                     |

~~(S)~~(KK) "Total ADM" means, for a city, local, or exempted village school district, the enrollment reported under division (A) of section 3317.03 of the Revised Code minus the enrollment reported under divisions (A)(2)(a), (b), (g), (h), and (i) of that section, as verified by the superintendent of public instruction and adjusted if so ordered under division (K) of that section.

~~(T)~~(LL) "Total special education ADM" means the sum of categories one through six special education ADM.

~~(U)~~(MM) "Total taxable value" means the sum of the amounts certified for a city, local, exempted village, or joint vocational school district under divisions (A)(1) and (2) of section 3317.021 of the Revised Code.

(NN) "Tuition discount" means any deduction from the base tuition amount per student charged by a chartered nonpublic school, to which the student's family is entitled due to one or more of the following conditions:

(1) The student's family has multiple children enrolled in the same school.

(2) The student's family is a member of or affiliated with a religious or secular organization that provides oversight of the school or from which the school has agreed to enroll students.

(3) The student's parent is an employee of the school.

(4) Some other qualification not based on the income of the student's family or the student's athletic or academic ability and for which all students in the school may qualify.

**Sec. 3317.021.** (A) On or before the first day of June of each year, the tax commissioner shall certify to the department of education and the office of budget and management the information described in divisions (A)(1) to (5) of this section for each city, exempted village, and local school district, and the

information required by divisions (A)(1) and (2) of this section 43140  
for each joint vocational school district, and it shall be used, 43141  
along with the information certified under division (B) of this 43142  
section, in making the computations for the district under this 43143  
chapter. 43144

(1) The taxable value of real and public utility real 43145  
property in the school district subject to taxation in the 43146  
preceding tax year, by class and by county of location. 43147

(2) The taxable value of tangible personal property, 43148  
including public utility personal property, subject to taxation by 43149  
the district for the preceding tax year. 43150

(3)(a) The total property tax rate and total taxes charged 43151  
and payable for the current expenses for the preceding tax year 43152  
and the total property tax rate and the total taxes charged and 43153  
payable to a joint vocational district for the preceding tax year 43154  
that are limited to or to the extent apportioned to current 43155  
expenses. 43156

(b) The portion of the amount of taxes charged and payable 43157  
reported for each city, local, and exempted village school 43158  
district under division (A)(3)(a) of this section attributable to 43159  
a joint vocational school district. 43160

(4) The value of all real and public utility real property in 43161  
the school district exempted from taxation minus both of the 43162  
following: 43163

(a) The value of real and public utility real property in the 43164  
district owned by the United States government and used 43165  
exclusively for a public purpose; 43166

(b) The value of real and public utility real property in the 43167  
district exempted from taxation under Chapter 725. or 1728. or 43168  
section 3735.67, 5709.40, 5709.41, 5709.45, 5709.57, 5709.62, 43169

5709.63, 5709.632, 5709.73, or 5709.78 of the Revised Code. 43170

(5) The total federal adjusted gross income of the residents 43171  
of the school district, based on tax returns filed by the 43172  
residents of the district, for the most recent year for which this 43173  
information is available, and the median Ohio adjusted gross 43174  
income of the residents of the school district determined on the 43175  
basis of tax returns filed for the second preceding tax year by 43176  
the residents of the district. 43177

(6) For fiscal years 2022 and 2023, the number of state tax 43178  
returns filed by the residents of the district for the most recent 43179  
year for which this information is available. 43180

(B) On or before the first day of May each year, the tax 43181  
commissioner shall certify to the department of education and the 43182  
office of budget and management the total taxable real property 43183  
value of railroads and, separately, the total taxable tangible 43184  
personal property value of all public utilities for the preceding 43185  
tax year, by school district and by county of location. 43186

(C) If on the basis of the information certified under 43187  
division (A) of this section, the department determines that any 43188  
district fails in any year to meet the qualification requirement 43189  
specified in division (A) of section 3317.01 of the Revised Code, 43190  
the department shall immediately request the tax commissioner to 43191  
determine the extent to which any school district income tax 43192  
levied by the district under Chapter 5748. of the Revised Code 43193  
shall be included in meeting that requirement. Within five days of 43194  
receiving such a request from the department, the tax commissioner 43195  
shall make the determination required by this division and report 43196  
the quotient obtained under division (C)(3) of this section to the 43197  
department and the office of budget and management. This quotient 43198  
represents the number of mills that the department shall include 43199  
in determining whether the district meets the qualification 43200  
requirement of division (A) of section 3317.01 of the Revised 43201

Code. 43202

The tax commissioner shall make the determination required by 43203  
this division as follows: 43204

(1) Multiply one mill times the total taxable value of the 43205  
district as determined in divisions (A)(1) and (2) of this 43206  
section; 43207

(2) Estimate the total amount of tax liability for the 43208  
current tax year under taxes levied by Chapter 5748. of the 43209  
Revised Code that are apportioned to current operating expenses of 43210  
the district, excluding any income tax receipts allocated for the 43211  
project cost, debt service, or maintenance set-aside associated 43212  
with a state-assisted classroom facilities project as authorized 43213  
by section 3318.052 of the Revised Code; 43214

(3) Divide the amount estimated under division (C)(2) of this 43215  
section by the product obtained under division (C)(1) of this 43216  
section. 43217

**Sec. 3317.022.** ~~(A)~~ The department of education shall compute 43218  
and distribute state core foundation funding to each eligible 43219  
funding unit that is a city, local, or exempted village school 43220  
district, the community and STEM school unit, the educational 43221  
choice scholarship unit, the pilot project scholarship unit, the 43222  
autism scholarship unit, and the Jon Peterson special needs 43223  
scholarship unit for the fiscal year, using the information 43224  
obtained under section 3317.021 of the Revised Code in the 43225  
calendar year in which the fiscal year begins, ~~as prescribed in~~ 43226  
~~the following divisions~~ in accordance with the following: 43227

For fiscal years 2022 and 2023, for a funding unit that is a 43228  
city, local, or exempted village school district: 43229

The district's funding base + [(the district's state core 43230  
foundation funding components for that fiscal year calculated 43231

under divisions (A)(1), (2), (3), (5), (6), (7), and (8) of this 43232  
section - the district's general funding base calculated in 43233  
accordance with division (N)(1) of section 3317.02 of the Revised 43234  
Code) X the district's general phase-in percentage for that fiscal 43235  
year] + [(the district's disadvantaged pupil impact aid for that 43236  
fiscal year calculated under division (A)(4) of this section - the 43237  
district's disadvantaged pupil impact aid funding base calculated 43238  
in accordance with division (N)(2) of section 3317.02 of the 43239  
Revised Code) X the district's phase-in percentage for 43240  
disadvantaged pupil impact aid for that fiscal year] + the 43241  
district's supplemental targeted assistance funds calculated under 43242  
section 3317.0218 of the Revised Code 43243

For fiscal year 2024 and each fiscal year thereafter, for a 43244  
funding unit that is a city, local, or exempted village school 43245  
district, the sum of the district's state core foundation funding 43246  
components for that fiscal year calculated under divisions (A)(1), 43247  
(2), (3), (4), (5), (6), (7), and (8) of this section and the 43248  
district's supplemental targeted assistance funds calculated under 43249  
section 3317.0218 of the Revised Code, if the general assembly 43250  
authorizes such payments to these funding units. 43251

For fiscal years 2022 and 2023, for the community and STEM 43252  
school unit, an amount calculated in accordance with section 43253  
3317.026 of the Revised Code. 43254

For fiscal years 2024 and each fiscal year thereafter, for 43255  
the community and STEM school unit, an amount calculated in 43256  
accordance with divisions (A)(1), (3), (4), (5), (7), (8), and (9) 43257  
of this section, if the general assembly authorizes such payments 43258  
to these funding units. 43259

For the educational choice scholarship unit, the amount 43260  
calculated under division (A)(10) of this section. 43261

For the pilot project scholarship unit, the amount calculated 43262  
under division (A)(11) of this section. 43263

For the autism scholarship unit, the amount calculated under 43264  
division (A)(12) of this section. 43265

For the Jon Peterson special needs scholarship unit, the 43266  
amount calculated under division (A)(13) of this section. 43267

(A) A funding unit's state core foundation funding components 43268  
shall be the following: 43269

(1) ~~An~~(a) If the funding unit is a city, local, or exempted 43270  
village school district, ~~opportunity grant calculated according to~~ 43271  
the following formula: 43272

The ~~formula amount X (formula ADM + preschool scholarship ADM) X~~ 43273  
the district's state share index 43274

the district's state share, which is equal to the following: 43275

(i) For fiscal years 2022 and 2023, the amount calculated 43276  
under division (B) of section 3317.017 of the Revised Code; 43277

(ii) For fiscal year 2024 and each fiscal year thereafter, an 43278  
amount calculated in a manner determined by the general assembly. 43279

(b) If the funding unit is the community and STEM school 43280  
unit, the aggregate base cost for all schools in that unit, which 43281  
is equal to the following: 43282

(i) For fiscal years 2022 and 2023, the amount calculated 43283  
under section 3317.0110 of the Revised Code; 43284

(ii) For fiscal year 2024 and each fiscal year thereafter, an 43285  
amount calculated in a manner determined by the general assembly. 43286

(2) ~~Targeted~~ If the funding unit is a city, local, or 43287  
exempted village school district, ~~targeted~~ assistance funds ~~equal~~ 43288  
to the following: 43289

(a) For fiscal years 2022 and 2023, an amount calculated 43290  
under ~~divisions (A) and (B) of~~ section 3317.0217 of the Revised 43291  
Code; 43292

(b) For fiscal year 2024 and each fiscal year thereafter, an amount calculated in a manner determined by the general assembly. 43293  
43294

(3) Additional If the funding unit is a city, local, or exempted village school district or the community and STEM school unit, additional state aid for special education and related services provided under Chapter 3323. of the Revised Code calculated as follows: 43295  
43296  
43297  
43298  
43299

(a) For fiscal years 2022 and 2023, the sum of the following: 43300

(a)(i) The district's funding unit's category one special education ADM X the amount multiple specified in division (A) of section 3317.013 of the Revised Code X the statewide average base cost per pupil for that fiscal year X if the funding unit is a city, local, or exempted village school district, the district's state share index percentage; 43301  
43302  
43303  
43304  
43305  
43306

(b)(ii) The district's funding unit's category two special education ADM X the amount multiple specified in division (B) of section 3317.013 of the Revised Code X the statewide average base cost per pupil for that fiscal year X if the funding unit is a city, local, or exempted village school district, the district's state share index percentage; 43307  
43308  
43309  
43310  
43311  
43312

(c)(iii) The district's funding unit's category three special education ADM X the amount multiple specified in division (C) of section 3317.013 of the Revised Code X the statewide average base cost per pupil for that fiscal year X if the funding unit is a city, local, or exempted village school district, the district's state share index percentage; 43313  
43314  
43315  
43316  
43317  
43318

(d)(iv) The district's funding unit's category four special education ADM X the amount multiple specified in division (D) of section 3317.013 of the Revised Code X the statewide average base cost per pupil for that fiscal year X if the funding unit is a city, local, or exempted village school district, the district's 43319  
43320  
43321  
43322  
43323

state share ~~index~~ percentage; 43324

~~(e)~~(v) The ~~district's~~ funding unit's category five special 43325  
education ADM X the ~~amount~~ multiple specified in division (E) of 43326  
section 3317.013 of the Revised Code X the statewide average base 43327  
cost per pupil for that fiscal year X if the funding unit is a 43328  
city, local, or exempted village school district, the district's 43329  
state share ~~index~~ percentage; 43330

~~(f)~~(vi) The ~~district's~~ funding unit's category six special 43331  
education ADM X the ~~amount~~ multiple specified in division (F) of 43332  
section 3317.013 of the Revised Code X the statewide average base 43333  
cost per pupil for that fiscal year X if the funding unit is a 43334  
city, local, or exempted village school district, the district's 43335  
state share ~~index~~ percentage. 43336

(b) For fiscal year 2024 and each fiscal year thereafter, the 43337  
sum of the following: 43338

(i) An amount calculated in a manner determined by the 43339  
general assembly times the funding unit's category one special 43340  
education ADM; 43341

(ii) An amount calculated in a manner determined by the 43342  
general assembly times the funding unit's category two special 43343  
education ADM; 43344

(iii) An amount calculated in a manner determined by the 43345  
general assembly times the funding unit's category three special 43346  
education ADM; 43347

(iv) An amount calculated in a manner determined by the 43348  
general assembly times the funding unit's category four special 43349  
education ADM; 43350

(v) An amount calculated in a manner determined by the 43351  
general assembly times the funding unit's category five special 43352  
education ADM; 43353

(vi) An amount calculated in a manner determined by the 43354  
general assembly times the funding unit's category six special 43355  
education ADM. 43356

~~(4) Kindergarten through third grade literacy funds~~ 43357  
~~calculated according to the following formula:~~ 43358

~~(\$193 X formula ADM for grades kindergarten through three X~~ 43359  
~~the district's state share index) + (\$127 X formula ADM for grades~~ 43360  
~~kindergarten through three)~~ 43361

~~For purposes of this calculation, the department shall~~ 43362  
~~subtract from a district's formula ADM for grades kindergarten~~ 43363  
~~through three the number of students reported under division~~ 43364  
~~(B)(3)(e) of section 3317.03 of the Revised Code as enrolled in an~~ 43365  
~~internet or computer based community school who are in grades~~ 43366  
~~kindergarten through three.~~ 43367

~~(5) Economically~~ If the funding unit is a city, local, or 43368  
exempted village school district or the community and STEM school 43369  
unit, disadvantaged funds pupil impact aid calculated according to 43370  
the following formula: 43371

(a) If the funding unit is a city, local, or exempted village 43372  
school district, an amount equal to the following: 43373

(i) For fiscal years 2022 and 2023, the following product: 43374  
~~\$272~~ \$422 X (the district's economically disadvantaged index) X 43375  
the number of students who are economically disadvantaged as 43376  
certified under division (B)(21) of section 3317.03 of the Revised 43377  
Code 43378

(ii) For fiscal year 2024 and each fiscal year thereafter, an 43379  
amount calculated in a manner determined by the general assembly. 43380

(b) If the funding unit is the community and STEM school 43381  
unit, an amount equal to the following: 43382

(i) For fiscal years 2022 and 2023, an amount calculated as 43383

follows: 43384

(I) For each student in the funding unit's enrolled ADM who is economically disadvantaged and is not enrolled in an internet- or computer-based community school, multiply \$422 by the economically disadvantaged index of the school in which the student is enrolled; 43385  
43386  
43387  
43388  
43389

(II) Compute the funding unit's disadvantaged pupil impact aid by calculating the sum of the amounts determined under division (A)(4)(b)(i)(I) of this section. 43390  
43391  
43392

(ii) For fiscal year 2024 and each fiscal year thereafter, an amount calculated as follows: 43393  
43394

(I) For each student in the funding unit's enrolled ADM who is economically disadvantaged and is not enrolled in an internet- or computer-based community school, calculate an amount in the manner determined by the general assembly; 43395  
43396  
43397  
43398

(II) Compute the funding unit's disadvantaged pupil impact aid by calculating the sum of the amounts determined under division (A)(4)(b)(ii)(I) of this section. 43399  
43400  
43401

~~(6)~~(5) If the funding unit is a city, local, or exempted village school district or the community and STEM school unit, English learner funds calculated as follows: 43402  
43403  
43404

(a) For fiscal years 2022 and 2023, the sum of the following: 43405

~~(a)~~(i) The ~~district's~~ funding unit's category one English learner ADM X the ~~amount~~ multiple specified in division (A) of section 3317.016 of the Revised Code X the statewide average base cost per pupil for that fiscal year X if the funding unit is a city, local, or exempted village school district, the district's state share index percentage; 43406  
43407  
43408  
43409  
43410  
43411

~~(b)~~(ii) The ~~district's~~ funding unit's category two English learner ADM X the ~~amount~~ multiple specified in division (B) of 43412  
43413

section 3317.016 of the Revised Code X the statewide average base 43414  
cost per pupil for that fiscal year X if the funding unit is a 43415  
city, local, or exempted village school district, the district's 43416  
state share ~~index~~ percentage; 43417

~~(e)~~(iii) The district's funding unit's category three English 43418  
learner ADM X the ~~amount~~ multiple specified in division (C) of 43419  
section 3317.016 of the Revised Code X the statewide average base 43420  
cost per pupil for that fiscal year X if the funding unit is a 43421  
city, local, or exempted village school district, the district's 43422  
state share ~~index~~ percentage. 43423

(b) For fiscal year 2024 and each fiscal year thereafter, the 43424  
sum of the following: 43425

(i) An amount calculated in a manner determined by the 43426  
general assembly times the funding unit's category one English 43427  
learner ADM; 43428

(ii) An amount calculated in a manner determined by the 43429  
general assembly times the funding unit's category two English 43430  
learner ADM; 43431

(iii) An amount calculated in a manner determined by the 43432  
general assembly times the funding unit's category three English 43433  
learner ADM. 43434

~~(7)~~(a)(6)(a) For fiscal years 2022 and 2023, if the funding 43435  
unit is a city, local, or exempted village school district, all of 43436  
the following: 43437

(i) Gifted identification funds calculated according to the 43438  
following formula: 43439

\$5.05 \$24 X the district's ~~formula~~ enrolled ADM for grades 43440  
kindergarten through six X the district's state share percentage 43441

~~(b)~~(ii) Gifted referral funds calculated according to the 43442  
following formula: 43443

|                                                                                  |       |
|----------------------------------------------------------------------------------|-------|
| <u>\$2.50 X the district's enrolled ADM X the district's state share</u>         | 43444 |
| <u>percentage</u>                                                                | 43445 |
| <u>(iii) Gifted professional development funds calculated</u>                    | 43446 |
| <u>according to the following formula:</u>                                       | 43447 |
| <u>(The greater of the number of gifted students enrolled in the</u>             | 43448 |
| <u>district as certified under division (B)(22) of section 3317.03 of</u>        | 43449 |
| <u>the Revised Code and ten per cent of the district's enrolled ADM)</u>         | 43450 |
| <u>X the district's state share percentage X \$7, for fiscal year</u>            | 43451 |
| <u>2022, or \$14, for fiscal year 2023</u>                                       | 43452 |
| <u>(iv) Gifted unit funding calculated under section 3317.051 of</u>             | 43453 |
| <u>the Revised Code.</u>                                                         | 43454 |
| <u>(b) For fiscal year 2024 and each fiscal year thereafter, all</u>             | 43455 |
| <u>of the following:</u>                                                         | 43456 |
| <u>(i) Gifted identification funds calculated in a manner</u>                    | 43457 |
| <u>determined by the general assembly;</u>                                       | 43458 |
| <u>(ii) Gifted referral funds calculated in a manner determined</u>              | 43459 |
| <u>by the general assembly, if the general assembly authorizes such a</u>        | 43460 |
| <u>payment;</u>                                                                  | 43461 |
| <u>(iii) Gifted professional development funds calculated in a</u>               | 43462 |
| <u>manner determined by the general assembly, if the general assembly</u>        | 43463 |
| <u>authorizes such a payment;</u>                                                | 43464 |
| <u>(iv) Gifted unit funding calculated in an amount determined</u>               | 43465 |
| <u>by the general assembly.</u>                                                  | 43466 |
| <del>(8) Career technical</del> <u>(7) If the funding unit is a city, local,</u> | 43467 |
| <del>or exempted village school district or the community and STEM</del>         | 43468 |
| <del>school unit, career-technical</del> education funds calculated as the       | 43469 |
| <del>sum of the following:</del>                                                 | 43470 |
| <del>(a) The district's category one career technical education</del>            | 43471 |
| <del>ADM X the amount specified in division (A) of section 3317.014 of</del>     | 43472 |
| <del>the Revised Code X the district's state share index;</del>                  | 43473 |

~~(b) The district's category two career technical education 43474  
ADM X the amount specified in division (B) of section 3317.014 of 43475  
the Revised Code X the district's state share index; 43476~~

~~(c) The district's category three career technical education 43477  
ADM X the amount specified in division (C) of section 3317.014 of 43478  
the Revised Code X the district's state share index; 43479~~

~~(d) The district's category four career technical education 43480  
ADM X the amount specified in division (D) of section 3317.014 of 43481  
the Revised Code X the district's state share index; 43482~~

~~(e) The district's category five career technical education 43483  
ADM X the amount specified in division (E) of section 3317.014 of 43484  
the Revised Code X the district's state share index. 43485~~

~~Payment of funds under division (A)(8) of this section is 43486  
subject to approval under section 3317.161 of the Revised Code. 43487~~

~~(9) Career technical under division (C) of section 3317.014 43488  
of the Revised Code. 43489~~

~~(8) If the funding unit is a city, local, or exempted village 43490  
school district or the community and STEM school unit, 43491  
career-technical education associated services funds calculated 43492  
according to the following formula: 43493  
The district's state share index X the amount for career technical 43494  
education associated services specified in section 3317.014 of the 43495  
Revised Code X the sum of categories one through five 43496  
career technical education ADM 43497~~

~~(10) Capacity aid funds calculated under section 3317.0218 of 43498  
the Revised Code; 43499~~

~~(11) A graduation bonus calculated under section 3317.0215 of 43500  
the Revised Code; 43501~~

~~(12) A third grade reading bonus calculated under section 43502  
3317.0216 of the Revised Code under division (D) of section 43503~~

3317.014 of the Revised Code. 43504

(9) If the funding unit is the community and STEM school unit, an amount calculated as follows: 43505

(a) For fiscal years 2022 and 2023, an amount equal to the following: 43507

(The number of students in the funding unit's enrolled ADM who are reported under division (B)(5) of section 3314.08 of the Revised Code X (the aggregate base cost calculated for all schools in the funding unit for that fiscal year under section 3317.0110 of the Revised Code / the funding unit's enrolled ADM) X .20) 43508

(b) For fiscal year 2024 and each fiscal year thereafter, an amount calculated in a manner determined by the general assembly. 43509

(10) If the funding unit is the educational choice scholarship unit, an amount calculated as follows: 43510

(a) For each student in the funding unit's enrolled ADM, determine the lesser of the following: 43511

(i) The base tuition of the chartered nonpublic school in which the student is enrolled minus the total amount of any applicable tuition discounts for which the student qualifies; 43512

(ii) \$5,500, if the student is in grades kindergarten through eight, or \$7,500, if the student is in grades nine through twelve. 43513

The amounts specified in division (A)(10)(a)(ii) of this section shall increase in future fiscal years by the same percentage that the statewide average base cost per pupil increases in future fiscal years. 43514

(b) Compute the sum of the amounts calculated under division (A)(10)(a) of this section. 43515

(11) If the funding unit is the pilot project scholarship unit, an amount calculated as follows: 43516

(a) For each student in the funding unit's enrolled ADM, 43517

determine the lesser of the following: 43534

(i) The net tuition charges of the student's alternative school; 43535  
43536

(ii) \$5,500, if the student is in grades kindergarten through eight, or \$7,500, if the student is in grades nine through twelve. 43537  
43538

The amounts specified in division (A)(11)(a)(ii) of this section shall increase in future fiscal years by the same percentage that the base cost per pupil increases in future fiscal years. 43539  
43540  
43541  
43542

For purposes of division (A)(11)(a) of this section, the net tuition and fees charged to a student shall be the tuition amount specified by the alternative school minus all other financial aid, discounts, and adjustments received for the student. In cases where discounts are offered for multiple students from the same family, and not all students in the same family are scholarship recipients, the net tuition amount attributable to the scholarship recipient shall be the lowest net tuition to which the family is entitled. 43543  
43544  
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The department shall provide for an increase in the amount determined for any student who is an LRE student with a disability and shall further increase such amount in the case of any separately educated student with a disability, as that term is defined in section 3313.974 of the Revised Code. Such increases shall take into account the instruction, related services, and transportation costs of educating such students. 43552  
43553  
43554  
43555  
43556  
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43558

(b) Compute the sum of the amounts calculated under division (A)(17)(a) of this section. 43559  
43560

(12) If the funding unit is the autism scholarship unit, an amount calculated as follows: 43561  
43562

(a) For each student in the funding unit's enrolled ADM, 43563

|                                                                                                                                                                                                                           |                                  |
|---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|----------------------------------|
| <u>determine the lesser of the following:</u>                                                                                                                                                                             | 43564                            |
| <u>(i) The tuition charged for the student's special education program, as that term is defined in section 3310.41 of the Revised Code;</u>                                                                               | 43565<br>43566<br>43567          |
| <u>(ii) \$31,500, for fiscal year 2022, and \$32,445, for fiscal year 2023 and each fiscal year thereafter.</u>                                                                                                           | 43568<br>43569                   |
| <u>(b) Compute the sum of the amounts calculated under division (A)(12)(a) of this section.</u>                                                                                                                           | 43570<br>43571                   |
| <u>(13) If the funding unit is the Jon Peterson special needs scholarship unit, an amount calculated as follows:</u>                                                                                                      | 43572<br>43573                   |
| <u>(a) For each student in the funding unit's enrolled ADM, determine the least of the following:</u>                                                                                                                     | 43574<br>43575                   |
| <u>(i) The amount of fees charged for that school year by the student's alternative public provider or registered private provider, as those terms are defined in section 3310.51 of the Revised Code;</u>                | 43576<br>43577<br>43578<br>43579 |
| <u>(ii) \$6,217, for fiscal year 2022, and \$6,414, for fiscal year 2023, plus an amount determined as follows:</u>                                                                                                       | 43580<br>43581                   |
| <u>(I) If the student is receiving special education services for a disability specified in division (A) of section 3317.013 of the Revised Code, \$1,514, for fiscal year 2022, and \$1,562, for fiscal year 2023;</u>   | 43582<br>43583<br>43584<br>43585 |
| <u>(II) If the student is receiving special education services for a disability specified in division (B) of section 3317.013 of the Revised Code, \$3,841, for fiscal year 2022, and \$3,963, for fiscal year 2023;</u>  | 43586<br>43587<br>43588<br>43589 |
| <u>(III) If the student is receiving special education services for a disability specified in division (C) of section 3317.013 of the Revised Code, \$9,465, for fiscal year 2022, and \$9,522, for fiscal year 2023;</u> | 43590<br>43591<br>43592<br>43593 |

(IV) If the student is receiving special education services for a disability specified in division (D) of section 3317.013 of the Revised Code, \$12,644, for fiscal year 2022, and \$12,707, for fiscal year 2023; 43594  
43595  
43596  
43597

(V) If the student is receiving special education services for a disability specified in division (E) of section 3317.013 of the Revised Code, \$17,193, for fiscal year 2022, and \$17,209, for fiscal year 2023; 43598  
43599  
43600  
43601

(VI) If the student is receiving special education services for a disability specified in division (F) of section 3317.013 of the Revised Code, \$24,591, for fiscal year 2022, and \$25,370, for fiscal year 2023. 43602  
43603  
43604  
43605

(iii) \$27,000. 43606

The amount specified for fiscal year 2023 in division (A)(13)(a)(ii) of this section shall increase in future fiscal years by the same percentage that the statewide average base cost per pupil increases in future fiscal years. 43607  
43608  
43609  
43610

The amounts specified for fiscal year 2023 in divisions (A)(13)(a)(ii)(I) to (VI) of this section shall increase in future fiscal years by the same percentage that the amounts calculated by the general assembly for those categories of special education services under division (A)(3) of this section increase in future fiscal years. 43611  
43612  
43613  
43614  
43615  
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(b) Compute the sum of the amounts calculated under division (A)(13)(a) of this section. 43617  
43618

(B) In any fiscal year, a funding unit that is a city, local, or exempted village school district shall spend for purposes that the department designates as approved for special education and related services expenses at least the amount calculated as follows: 43619  
43620  
43621  
43622  
43623

(The ~~formula amount~~ base cost per pupil calculated for the 43624  
district for that fiscal year X the total special education ADM) + 43625  
(the district's category one special education ADM X the ~~amount~~ 43626  
multiple specified in division (A) of section 3317.013 of the 43627  
Revised Code X the statewide average base cost per pupil) + (the 43628  
district's category two special education ADM X the ~~amount~~ 43629  
multiple specified in division (B) of section 3317.013 of the 43630  
Revised Code X the statewide average base cost per pupil) + (the 43631  
district's category three special education ADM X the ~~amount~~ 43632  
multiple specified in division (C) of section 3317.013 of the 43633  
Revised Code X the statewide average base cost per pupil) + (the 43634  
district's category four special education ADM X the ~~amount~~ 43635  
multiple specified in division (D) of section 3317.013 of the 43636  
Revised Code X the statewide average base cost per pupil) + (the 43637  
district's category five special education ADM X the ~~amount~~ 43638  
multiple specified in division (E) of section 3317.013 of the 43639  
Revised Code X the statewide average base cost per pupil) + (the 43640  
district's category six special education ADM X the ~~amount~~ 43641  
multiple specified in division (F) of section 3317.013 of the 43642  
Revised Code X the statewide average base cost per pupil) 43643

The purposes approved by the department for special education 43644  
expenses shall include, but shall not be limited to, 43645  
identification of children with disabilities, compliance with 43646  
state rules governing the education of children with disabilities 43647  
and prescribing the continuum of program options for children with 43648  
disabilities, provision of speech language pathology services, and 43649  
the portion of the school district's overall administrative and 43650  
overhead costs that are attributable to the district's special 43651  
education student population. 43652

~~The scholarships deducted from the school district's account~~ 43653  
~~under sections 3310.41 and 3310.55 of the Revised Code shall be~~ 43654  
~~considered to be an approved special education and related~~ 43655  
~~services expense for the purpose of the school district's~~ 43656

~~compliance with this division.~~ 43657

~~(C) In any fiscal year, a school district receiving funds 43658  
under division (A)(8) of this section shall spend those funds only 43659  
for the purposes that the department designates as approved for 43660  
career technical education expenses. Career technical education 43661  
expenses approved by the department shall include only expenses 43662  
connected to the delivery of career technical programming to 43663  
career technical students. The department shall require the school 43664  
district to report data annually so that the department may 43665  
monitor the district's compliance with the requirements regarding 43666  
the manner in which funding received under division (A)(8) of this 43667  
section may be spent.~~ 43668

~~(D) In any fiscal year, a school district receiving funds 43669  
under division (A)(9) of this section, or through a transfer of 43670  
funds pursuant to division (I) of section 3317.023 of the Revised 43671  
Code, shall spend those funds only for the purposes that the 43672  
department designates as approved for career technical education 43673  
associated services expenses, which may include such purposes as 43674  
apprenticeship coordinators, coordinators for other 43675  
career technical education services, career technical evaluation, 43676  
and other purposes designated by the department. The department 43677  
may deny payment under division (A)(9) of this section to any 43678  
district that the department determines is not operating those 43679  
services or is using funds paid under division (A)(9) of this 43680  
section, or through a transfer of funds pursuant to division (I) 43681  
of section 3317.023 of the Revised Code, for other purposes.~~ 43682

~~(E) All funds received under division (A)(8) of this section 43683  
shall be spent in the following manner:~~ 43684

~~(1) At least seventy five per cent of the funds shall be 43685  
spent on curriculum development, purchase, and implementation; 43686  
instructional resources and supplies; industry based program 43687  
certification; student assessment, credentialing, and placement;~~ 43688

~~curriculum specific equipment purchases and leases; 43689  
career technical student organization fees and expenses; home and 43690  
agency linkages; work based learning experiences; professional 43691  
development; and other costs directly associated with 43692  
career technical education programs including development of new 43693  
programs. 43694~~

~~(2) Not more than twenty five per cent of the funds shall be 43695  
used for personnel expenditures. 43696~~

~~(F) A funding unit that is a city, local, or exempted village 43697  
school district shall spend the funds it receives under division 43698  
(A)(5) (A)(4) of this section in accordance with section 3317.25 43699  
of the Revised Code. 43700~~

~~(D)(1) Except as provided in division (B) of section 3317.026 43701  
of the Revised Code, the department shall distribute to each 43702  
community school established under Chapter 3314. of the Revised 43703  
Code and to each STEM school established under Chapter 3326. of 43704  
the Revised Code, from the funds paid to the community and STEM 43705  
school unit under this section, an amount for each student 43706  
enrolled in the school equal to the sum of the following: 43707~~

~~(a) The school's base cost per pupil for that fiscal year, 43708  
calculated as follows: 43709~~

~~(i) For fiscal years 2022 and 2023: 43710~~

~~The aggregate base cost calculated for the school for that fiscal 43711  
year under section 3317.0110 of the Revised Code / the number of 43712  
students enrolled in the school for that fiscal year 43713~~

~~(ii) For fiscal year 2024 and each fiscal year thereafter, an 43714  
amount determined by the general assembly under division 43715  
(A)(1)(b)(ii) of this section divided by the number of students 43716  
enrolled in the school for that fiscal year. 43717~~

~~(b) If the student is a special education student: 43718~~

|                                                                           |       |
|---------------------------------------------------------------------------|-------|
| <u>(i) For fiscal years 2022 and 2023, the multiple specified</u>         | 43719 |
| <u>for the student's special education category under section</u>         | 43720 |
| <u>3317.013 of the Revised Code times the statewide average base cost</u> | 43721 |
| <u>per pupil;</u>                                                         | 43722 |
| <u>(ii) For fiscal year 2024 and each fiscal year thereafter,</u>         | 43723 |
| <u>the amount calculated for the student's special education category</u> | 43724 |
| <u>in a manner determined by the general assembly under division</u>      | 43725 |
| <u>(A)(3)(b) of this section.</u>                                         | 43726 |
| <u>(c) If the school is not an internet- or computer-based</u>            | 43727 |
| <u>community school and the student is economically disadvantaged:</u>    | 43728 |
| <u>(i) For fiscal years 2022 and 2023, the amount calculated for</u>      | 43729 |
| <u>the student under division (A)(4)(b)(i)(I) of this section;</u>        | 43730 |
| <u>(ii) For fiscal year 2024 and each fiscal year thereafter, an</u>      | 43731 |
| <u>amount calculated for the student in the manner determined by the</u>  | 43732 |
| <u>general assembly under division (A)(4)(b)(ii)(I) of this section.</u>  | 43733 |
| <u>(d) If the school is not an internet- or computer-based</u>            | 43734 |
| <u>community school and the student is an English learner:</u>            | 43735 |
| <u>(i) For fiscal years 2022 and 2023, the multiple specified</u>         | 43736 |
| <u>for the student's English learner category under section 3317.016</u>  | 43737 |
| <u>of the Revised Code times the statewide average base cost per</u>      | 43738 |
| <u>pupil;</u>                                                             | 43739 |
| <u>(ii) For fiscal year 2024 and each fiscal year thereafter,</u>         | 43740 |
| <u>the amount calculated for the student's special education category</u> | 43741 |
| <u>in a manner determined by the general assembly under division</u>      | 43742 |
| <u>(A)(5)(b) of this section.</u>                                         | 43743 |
| <u>(e) If the student is a career-technical education student:</u>        | 43744 |
| <u>(i) For fiscal years 2022 and 2023, the multiple specified</u>         | 43745 |
| <u>for the student's career-technical education category under</u>        | 43746 |
| <u>section 3317.014 of the Revised Code times the statewide average</u>   | 43747 |
| <u>career-technical base cost per pupil;</u>                              | 43748 |

(ii) For fiscal year 2024 and each fiscal year thereafter, 43749  
the amount calculated for the student's career-technical education 43750  
category in a manner determined by the general assembly under 43751  
section 3317.014 of the Revised Code. 43752

(f) If the student is a career-technical education student: 43753

(i) For fiscal years 2022 and 2023, the multiple for 43754  
career-technical associated services specified under section 43755  
3317.014 of the Revised Code times the statewide average 43756  
career-technical base cost per pupil; 43757

(ii) For fiscal year 2024 and each fiscal year thereafter, 43758  
the amount calculated for career-technical associated services in 43759  
a manner determined by the general assembly under section 3317.014 43760  
of the Revised Code. 43761

(2) The department shall distribute to each community school 43762  
established under Chapter 3314. of the Revised Code and to each 43763  
STEM school established under Chapter 3326. of the Revised Code, 43764  
from the funds paid to the community and STEM school unit under 43765  
this section, an amount equal to the amount calculated for the 43766  
school under division (A)(9) of this section. 43767

(E) The department shall distribute to the parent of each 43768  
student for whom an educational choice scholarship is awarded 43769  
under section 3310.03 or 3310.032 of the Revised Code, or to the 43770  
student if at least eighteen years of age, from the funds paid to 43771  
the educational choice scholarship unit under this section, a 43772  
scholarship equal to the amount calculated for the student under 43773  
division (A)(10)(a) of this section. The scholarship shall be 43774  
distributed in monthly partial payments, and the department shall 43775  
proportionately reduce or terminate the payments for any student 43776  
who withdraws from a chartered nonpublic school prior to the end 43777  
of the school year. 43778

(F) If a student is awarded a pilot project scholarship under 43779

sections 3313.974 to 3313.979 of the Revised Code, the department 43780  
shall distribute to the parent of the student, if the student is 43781  
attending a registered private school as defined in section 43782  
3313.974 of the Revised Code, or the student's school district of 43783  
attendance, if the scholarship is to be used for payments to a 43784  
public school in a school district adjacent to the pilot project 43785  
school district pursuant to section 3327.06 of the Revised Code, a 43786  
scholarship from the funds paid to the pilot project scholarship 43787  
unit under this section that is equal to the amount calculated for 43788  
the student under division (A)(11)(a) of this section. 43789

In the case of a scholarship distributed to a student's 43790  
parent, the scholarship shall be distributed from time to time in 43791  
partial payments. The scholarship amount shall be proportionately 43792  
reduced in the case of any such student who is not enrolled in a 43793  
registered private school, as that term is defined in section 43794  
3313.974 of the Revised Code, for the entire school year. The 43795  
first payment shall be made by the last day of November and shall 43796  
equal one-third of the estimated total amount that will be due to 43797  
the parent for the school year. 43798

In the case of a scholarship distributed to a student's 43799  
school district of attendance, the department shall, on behalf of 43800  
the student's parents, use the scholarship to make the tuition 43801  
payments required by section 3327.06 of the Revised Code to the 43802  
student's school district of attendance, except that, 43803  
notwithstanding sections 3323.13, 3323.14, and 3327.06 of the 43804  
Revised Code, the total payments in any school year shall not 43805  
exceed the scholarship amount calculated for the student under 43806  
division (A)(11)(a) of this section. 43807

(G) The department shall distribute to the parent of each 43808  
student for whom an autism scholarship is awarded under section 43809  
3310.41 of the Revised Code, from the funds paid to the autism 43810  
scholarship unit under this section, a scholarship equal to the 43811

amount calculated for the student under division (A)(12)(a) of 43812  
this section. The scholarship shall be distributed from time to 43813  
time in partial payments. The scholarship amount shall be 43814  
proportionately reduced in the case of any student who is not 43815  
enrolled in the special education program for which a scholarship 43816  
was awarded under section 3310.41 of the Revised Code for the 43817  
entire school year. The department shall make no payments to the 43818  
parent of a student while any administrative or judicial mediation 43819  
or proceedings with respect to the content of the student's 43820  
individualized education program are pending. 43821

(H) The department shall distribute to the parent of each 43822  
student for whom a Jon Peterson special needs scholarship is 43823  
awarded under sections 3310.51 to 3310.64 of the Revised Code, 43824  
from the funds paid to the Jon Peterson special needs scholarship 43825  
unit under this section, a scholarship equal to the amount 43826  
calculated for the student under division (A)(13)(a) of this 43827  
section. The scholarship shall be distributed in periodic 43828  
payments, and the department shall proportionately reduce or 43829  
terminate the payments for any student who is not enrolled in the 43830  
special education program of an alternative public provider or a 43831  
registered private provider, as those terms are defined in section 43832  
3310.51 of the Revised Code, for the entire school year. 43833

(I) For fiscal years 2022 and 2023, a school district shall 43834  
spend the funds it receives under division (A)(5) of this section 43835  
only for services for English learners. 43836

(J) For fiscal years 2022 and 2023, a school district shall 43837  
spend the funds it receives under division (A)(6) of this section 43838  
only for the identification of gifted students, gifted coordinator 43839  
services, gifted intervention specialist services, other service 43840  
providers approved by the department of education, and gifted 43841  
professional development. For fiscal years 2022 and 2023, if the 43842  
department determines that a district is not in compliance with 43843

this division, it shall reduce the district's payments for that 43844  
fiscal year under this chapter by an amount equal to the amount 43845  
paid to the district for that fiscal year under division (A)(6) of 43846  
this section that was not spent in accordance with this division. 43847

**Sec. 3317.023.** (A) The amounts required to be paid to a 43848  
district under this chapter shall be adjusted by the amount of the 43849  
computations made under divisions (B) to (K) of this section. 43850

As used in this section: 43851

(1) "Career-technical planning district" or "CTPD" means a 43852  
school district or group of school districts designated by the 43853  
department of education as being responsible for the planning for 43854  
and provision of career-technical education services to students 43855  
within the district or group. A community school established under 43856  
Chapter 3314. of the Revised Code or a STEM school established 43857  
under Chapter 3326. of the Revised Code that is serving students 43858  
in any of grades seven through twelve shall be assigned to a 43859  
career-technical planning district by the department. 43860

(2) "Lead district" means a school district, including a 43861  
joint vocational school district, designated by the department as 43862  
a CTPD, or designated to provide primary career-technical 43863  
education leadership within a CTPD composed of a group of 43864  
districts, community schools assigned to the CTPD, and STEM 43865  
schools assigned to the CTPD. 43866

(B) If a local, city, or exempted village school district to 43867  
which a governing board of an educational service center provides 43868  
services pursuant to an agreement entered into under section 43869  
3313.843 of the Revised Code, deduct the amount of the payment 43870  
required for the reimbursement of the governing board under that 43871  
section. 43872

(C)(1) If the district is required to pay to or entitled to 43873

receive tuition from another school district under division (C)(2) 43874  
or (3) of section 3313.64 or section 3313.65 of the Revised Code, 43875  
or if the superintendent of public instruction is required to 43876  
determine the correct amount of tuition and make a deduction or 43877  
credit under section 3317.08 of the Revised Code, deduct and 43878  
credit such amounts as provided in division (J) of section 3313.64 43879  
or section 3317.08 of the Revised Code. 43880

(2) For each child for whom the district is responsible for 43881  
tuition or payment under division (A)(1) of section 3317.082 or 43882  
section 3323.091 of the Revised Code, deduct the amount of tuition 43883  
or payment for which the district is responsible. 43884

(D) If the district has been certified by the superintendent 43885  
of public instruction under section 3313.90 of the Revised Code as 43886  
not in compliance with the requirements of that section, deduct an 43887  
amount equal to ten per cent of the amount computed for the 43888  
district under this chapter. 43889

(E) If the district has received a loan from a commercial 43890  
lending institution for which payments are made by the 43891  
superintendent of public instruction pursuant to division (E)(3) 43892  
of section 3313.483 of the Revised Code, deduct an amount equal to 43893  
such payments. 43894

(F)(1) If the district is a party to an agreement entered 43895  
into under division (D), (E), or (F) of section 3311.06 or 43896  
division (B) of section 3311.24 of the Revised Code and is 43897  
obligated to make payments to another district under such an 43898  
agreement, deduct an amount equal to such payments if the district 43899  
school board notifies the department in writing that it wishes to 43900  
have such payments deducted. 43901

(2) If the district is entitled to receive payments from 43902  
another district that has notified the department to deduct such 43903  
payments under division (F)(1) of this section, add the amount of 43904

such payments. 43905

(G) If the district is required to pay an amount of funds to 43906  
a cooperative education district pursuant to a provision described 43907  
by division (B)(4) of section 3311.52 or division (B)(8) of 43908  
section 3311.521 of the Revised Code, deduct such amounts as 43909  
provided under that provision and credit those amounts to the 43910  
cooperative education district for payment to the district under 43911  
division (B)(1) of section 3317.19 of the Revised Code. 43912

(H)(1) If a district is educating a student entitled to 43913  
attend school in another district pursuant to a shared education 43914  
contract, compact, or cooperative education agreement other than 43915  
an agreement entered into pursuant to section 3313.842 of the 43916  
Revised Code, credit to that educating district on an FTE basis 43917  
both of the following: 43918

(a) An amount equal to the ~~formula amount~~ statewide average 43919  
base cost per pupil. 43920

(b) Any amount applicable to the student pursuant to section 43921  
3317.013 or 3317.014 of the Revised Code. 43922

(2) Deduct any amount credited pursuant to division (H)(1) of 43923  
this section from amounts paid to the school district in which the 43924  
student is entitled to attend school pursuant to section 3313.64 43925  
or 3313.65 of the Revised Code. 43926

(3) If the district is required by a shared education 43927  
contract, compact, or cooperative education agreement to make 43928  
payments to an educational service center, deduct the amounts from 43929  
payments to the district and add them to the amounts paid to the 43930  
service center. 43931

(I)(1) If a district, including a joint vocational school 43932  
district, is a lead district of a CTPD, credit to that district 43933  
the amount calculated for each school district within that CTPD 43934  
under ~~division (A)(9)~~ divisions (D) and (E) of section ~~3317.022~~ 43935

3317.014 of the Revised Code ~~or division (A)(6) of section 3317.16~~ 43936  
~~of the Revised Code, as applicable and for each community school~~ 43937  
~~and STEM school assigned to the CTPD under divisions (D) and (E)~~ 43938  
of section 3317.014 of the Revised Code. 43939

(2) Deduct from each appropriate district that is not a lead 43940  
district, or from the appropriate community school or STEM school, 43941  
the amount attributable to that district or school that is 43942  
credited to a lead district under division (I)(1) of this section. 43943

(J) If the department pays a joint vocational school district 43944  
under division (C)(3) of section 3317.16 of the Revised Code for 43945  
excess costs of providing special education and related services 43946  
to a student with a disability, as calculated under division 43947  
(C)(1) of that section, the department shall deduct the amount of 43948  
that payment from the city, local, or exempted village school 43949  
district that is responsible as specified in that section for the 43950  
excess costs. 43951

(K)(1) If the district reports an amount of excess cost for 43952  
special education services for a child under division (C) of 43953  
section 3323.14 of the Revised Code, the department shall pay that 43954  
amount to the district. 43955

(2) If the district reports an amount of excess cost for 43956  
special education services for a child under division (C) of 43957  
section 3323.14 of the Revised Code, the department shall deduct 43958  
that amount from the district of residence of that child. 43959

**Sec. 3317.024.** The following shall be distributed monthly, 43960  
quarterly, or annually as may be determined by the state board of 43961  
education: 43962

(A) An amount for each island school district and each joint 43963  
state school district for the operation of each high school and 43964  
each elementary school maintained within such district and for 43965

capital improvements for such schools. Such amounts shall be 43966  
determined on the basis of standards adopted by the state board of 43967  
education. However, for fiscal years 2012 and 2013, an island 43968  
district shall receive the lesser of its actual cost of operation, 43969  
as certified to the department of education, or ninety-three per 43970  
cent of the amount the district received in state operating 43971  
funding for fiscal year 2011. If an island district received no 43972  
funding for fiscal year 2011, it shall receive no funding for 43973  
either of fiscal year 2012 or 2013. 43974

(B) An amount for each school district required to pay 43975  
tuition for a child in an institution maintained by the department 43976  
of youth services pursuant to section 3317.082 of the Revised 43977  
Code, provided the child was not included in the calculation of 43978  
the district's formula ADM, as that term is defined in section 43979  
3317.02 of the Revised Code, for the preceding school year. 43980

(C) An amount for the approved cost of transporting eligible 43981  
pupils with disabilities attending a special education program 43982  
approved by the department of education whom it is impossible or 43983  
impractical to transport by regular school bus in the course of 43984  
regular route transportation provided by the school district or 43985  
educational service center. For fiscal years 2022 and 2023, in the 43986  
case of a school district, this amount shall be equal to the 43987  
actual costs incurred by the district when transporting those 43988  
students, as reported to the department, times the percentage 43989  
determined for the district for that fiscal year under divisions 43990

(E)(3)(a) to (f) of section 3317.0212 of the Revised Code. No 43991  
district or service center is eligible to receive a payment under 43992  
this division for the cost of transporting any pupil whom it 43993  
transports by regular school bus and who is included in the 43994  
district's transportation ADM. The state board of education shall 43995  
establish standards and guidelines for use by the department of 43996  
education in determining the approved cost of such transportation 43997

for each ~~district or~~ service center. For fiscal years 2022 and 43998  
2023, the state board shall also establish the deadline for each 43999  
district to report its actual costs for transporting these 44000  
students. For fiscal years 2022 and 2023, costs reported by each 44001  
district under this division shall be subject to periodic, random 44002  
audits by the department. 44003

(D) An amount to each school district, including each 44004  
cooperative education school district, pursuant to section 3313.81 44005  
of the Revised Code to assist in providing free lunches to needy 44006  
children. The amounts shall be determined on the basis of rules 44007  
adopted by the state board of education. 44008

(E)(1) An amount for auxiliary services to each school 44009  
district, for each pupil attending a chartered nonpublic 44010  
elementary or high school within the district that ~~is either of~~ 44011  
~~the following:~~ 44012

~~(a) A school affiliated with a religious order, sect, church,~~ 44013  
~~or denomination or has a curriculum or mission that contains~~ 44014  
~~religious content, religious courses, devotional exercises,~~ 44015  
~~religious training, or any other religious activity;~~ 44016

~~(b) A school not described in division (E)(1)(a) of this~~ 44017  
~~section that~~ has not elected to receive funds under division 44018  
(E)(2) of this section. 44019

(2)(a) An amount for auxiliary services paid directly to each 44020  
chartered nonpublic school that has elected to receive funds under 44021  
division (E)(2) of this section for each pupil attending the 44022  
school. To elect to receive funds under division (E)(2) of this 44023  
section, a school, by the first day of April of each odd-numbered 44024  
year, shall notify the department and the school district in which 44025  
the school is located of the election and shall submit to the 44026  
department an affidavit certifying that the school ~~is not~~ 44027  
~~affiliated with a religious order, sect, church, or denomination~~ 44028

~~and does not have a curriculum or mission that contains religious content, religious courses, devotional exercises, religious training, or any other religious activity shall expend the funds in the manner outlined in section 3317.062 of the Revised Code.~~ 44029  
44030  
44031  
44032  
The election shall take effect the following first day of July, 44033  
~~unless the department determines that the school meets the criteria in division (E)(1)(a) of this section.~~ 44034  
The school 44035  
subsequently may rescind its election, but it may do so only in an 44036  
odd-numbered year by notifying the department and the school 44037  
district in which the school is located of the rescission not 44038  
later than the first day of April of that year. Beginning the 44039  
following first day of July after the rescission, the school shall 44040  
receive funds under division (E)(1) of this section. 44041

(b) A chartered nonpublic school that elects to receive auxiliary services funds under division (E)(2) of this section may designate an organization that oversees one or more nonpublic schools to receive those funds on its behalf. 44042  
44043  
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44045

(i) Each chartered nonpublic school that designates an organization to receive auxiliary services funds on its behalf shall notify the department of education of the organization's name not later than the first day of April of each odd-numbered year. 44046  
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(ii) A school may rescind its decision, but may do so only in each odd-numbered year by notifying the department of that rescission not later than the first day of April of that year. A rescission submitted in compliance with this division takes effect on the following first day of July, and the school district may elect to then begin receiving auxiliary services funds directly or as specified under division (E)(1) of this section. 44051  
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44053  
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(iii) An organization shall disburse the auxiliary services funds of all chartered nonpublic schools that have designated the organization to receive funds on their behalf in accordance with 44058  
44059  
44060

division (E)(2)(b) of this section. If multiple chartered 44061  
nonpublic schools designate the same organization to receive 44062  
auxiliary services funds on their behalf, that organization may 44063  
use one or more accounts for the purposes of managing the funds. 44064  
The organization shall maintain appropriate accounting and 44065  
reporting standards and ensure that each chartered nonpublic 44066  
school receives the auxiliary services funds to which the school 44067  
is entitled. 44068

(iv) Each chartered nonpublic school that elects to receive 44069  
funds directly in accordance with division (E)(2) of this section 44070  
or the organization designated to receive and disburse auxiliary 44071  
services funds on behalf of a chartered nonpublic school shall 44072  
maintain records of receipt and expenditures of the funds in a 44073  
manner that conforms with generally accepted accounting 44074  
principles. 44075

(v) The department of education shall create and disseminate 44076  
a standardized reporting form that chartered nonpublic schools and 44077  
organizations designated to receive funds in accordance with 44078  
division (E)(2)(b) of this section may use to comply with division 44079  
(E)(2)(b)(iv) of this section. However, the department shall not 44080  
require schools to use that form. 44081

(vi) An organization that manages a school's auxiliary 44082  
services funds pursuant to a designation made in accordance with 44083  
division (E)(2)(b) of this section may require the school's 44084  
governing authority to pay a fee for that service that does not 44085  
exceed four per cent of the total amount of payments for auxiliary 44086  
services that the school receives from the state. A school may pay 44087  
any fee assessed pursuant to division (E)(2)(b)(vi) of this 44088  
section using auxiliary services funds. 44089

(c) The amount paid under divisions (E)(1) and (2) of this 44090  
section shall equal the total amount appropriated for the 44091  
implementation of sections 3317.06 and 3317.062 of the Revised 44092

Code divided by the average daily membership in grades 44093  
kindergarten through twelve in chartered nonpublic elementary and 44094  
high schools within the state as determined as of the last day of 44095  
October of each school year. 44096

(F) An amount for each county board of developmental 44097  
disabilities, distributed on the basis of standards adopted by the 44098  
state board of education, for the approved cost of transportation 44099  
required for children attending special education programs 44100  
operated by the county board under section 3323.09 of the Revised 44101  
Code; 44102

(G) An amount to each institution defined under section 44103  
3317.082 of the Revised Code providing elementary or secondary 44104  
education to children other than children receiving special 44105  
education under section 3323.091 of the Revised Code. This amount 44106  
for any institution in any fiscal year shall equal the total of 44107  
all tuition amounts required to be paid to the institution under 44108  
division (A)(1) of section 3317.082 of the Revised Code. 44109

The state board of education or any other board of education 44110  
or governing board may provide for any resident of a district or 44111  
educational service center territory any educational service for 44112  
which funds are made available to the board by the United States 44113  
under the authority of public law, whether such funds come 44114  
directly or indirectly from the United States or any agency or 44115  
department thereof or through the state or any agency, department, 44116  
or political subdivision thereof. 44117

Sec. 3317.026. This section shall apply only for fiscal years 44118  
2022 and 2023. 44119

(A) For each fiscal year, the department of education shall 44120  
calculate an amount for the community and STEM school unit as 44121  
follows: 44122

|                                                                          |       |
|--------------------------------------------------------------------------|-------|
| <u>(1) For each community school and STEM school, determine the</u>      | 44123 |
| <u>sum of the following:</u>                                             | 44124 |
| <u>(a) The aggregate base cost calculated for the school for</u>         | 44125 |
| <u>that fiscal year under section 3317.0110 of the Revised Code;</u>     | 44126 |
| <u>(b) The sum of the following:</u>                                     | 44127 |
| <u>(i) The school's category one special education ADM X the</u>         | 44128 |
| <u>multiple specified in division (A) of section 3317.013 of the</u>     | 44129 |
| <u>Revised Code X the statewide average base cost per pupil for that</u> | 44130 |
| <u>fiscal year;</u>                                                      | 44131 |
| <u>(ii) The school's category two special education ADM X the</u>        | 44132 |
| <u>multiple specified in division (B) of section 3317.013 of the</u>     | 44133 |
| <u>Revised Code X the statewide average base cost per pupil for that</u> | 44134 |
| <u>fiscal year;</u>                                                      | 44135 |
| <u>(iii) The school's category three special education ADM X the</u>     | 44136 |
| <u>multiple specified in division (C) of section 3317.013 of the</u>     | 44137 |
| <u>Revised Code X the statewide average base cost per pupil for that</u> | 44138 |
| <u>fiscal year;</u>                                                      | 44139 |
| <u>(iv) The school's category four special education ADM X the</u>       | 44140 |
| <u>multiple specified in division (D) of section 3317.013 of the</u>     | 44141 |
| <u>Revised Code X the statewide average base cost per pupil for that</u> | 44142 |
| <u>fiscal year;</u>                                                      | 44143 |
| <u>(v) The school's category five special education ADM X the</u>        | 44144 |
| <u>multiple specified in division (E) of section 3317.013 of the</u>     | 44145 |
| <u>Revised Code X the statewide average base cost per pupil for that</u> | 44146 |
| <u>fiscal year;</u>                                                      | 44147 |
| <u>(vi) The school's category six special education ADM X the</u>        | 44148 |
| <u>multiple specified in division (F) of section 3317.013 of the</u>     | 44149 |
| <u>Revised Code X the statewide average base cost per pupil for that</u> | 44150 |
| <u>fiscal year.</u>                                                      | 44151 |
| <u>(c) If the school is not an internet- or computer-based</u>           | 44152 |

|                                                                           |       |
|---------------------------------------------------------------------------|-------|
| <u>community school, an amount of disadvantaged pupil impact aid</u>      | 44153 |
| <u>equal to the following:</u>                                            | 44154 |
| <u>\$422 X the school's economically disadvantaged index X the number</u> | 44155 |
| <u>of students in the school's enrolled ADM who are economically</u>      | 44156 |
| <u>disadvantaged</u>                                                      | 44157 |
| <u>(d) If the school is not an internet- or computer-based</u>            | 44158 |
| <u>community school, the sum of the following:</u>                        | 44159 |
| <u>(i) The school's category one English learner ADM X the</u>            | 44160 |
| <u>multiple specified in division (A) of section 3317.016 of the</u>      | 44161 |
| <u>Revised Code X the statewide average base cost per pupil for that</u>  | 44162 |
| <u>fiscal year;</u>                                                       | 44163 |
| <u>(ii) The school's category two English learner ADM X the</u>           | 44164 |
| <u>multiple specified in division (B) of section 3317.016 of the</u>      | 44165 |
| <u>Revised Code X the statewide average base cost per pupil for that</u>  | 44166 |
| <u>fiscal year;</u>                                                       | 44167 |
| <u>(iii) The school's category three English learner ADM X the</u>        | 44168 |
| <u>multiple specified in division (C) of section 3317.016 of the</u>      | 44169 |
| <u>Revised Code X the statewide average base cost per pupil for that</u>  | 44170 |
| <u>fiscal year.</u>                                                       | 44171 |
| <u>(e) The sum of the following:</u>                                      | 44172 |
| <u>(i) The school's category one career-technical education ADM</u>       | 44173 |
| <u>X the multiple specified under division (A)(1) of section 3317.014</u> | 44174 |
| <u>of the Revised Code X the statewide average career-technical base</u>  | 44175 |
| <u>cost per pupil for that fiscal year;</u>                               | 44176 |
| <u>(ii) The school's category two career-technical education ADM</u>      | 44177 |
| <u>X the multiple specified under division (A)(2) of section 3317.014</u> | 44178 |
| <u>of the Revised Code X the statewide average career-technical base</u>  | 44179 |
| <u>cost per pupil for that fiscal year;</u>                               | 44180 |
| <u>(iii) The school's category three career-technical education</u>       | 44181 |
| <u>ADM X the multiple specified under division (A)(3) of section</u>      | 44182 |

|                                                                           |       |
|---------------------------------------------------------------------------|-------|
| <u>3317.014 of the Revised Code X the statewide average</u>               | 44183 |
| <u>career-technical base cost per pupil for that fiscal year;</u>         | 44184 |
| <u>(iv) The school's category four career-technical education</u>         | 44185 |
| <u>ADM X the multiple specified under division (A)(4) of section</u>      | 44186 |
| <u>3317.014 of the Revised Code X the statewide average</u>               | 44187 |
| <u>career-technical base cost per pupil for that fiscal year;</u>         | 44188 |
| <u>(v) The school's category five career-technical education ADM</u>      | 44189 |
| <u>X the multiple specified under division (A)(5) of section 3317.014</u> | 44190 |
| <u>of the Revised Code X the statewide average career-technical base</u>  | 44191 |
| <u>cost per pupil for that fiscal year.</u>                               | 44192 |
| <u>(f) An amount equal to the following:</u>                              | 44193 |
| <u>The multiple for career-technical associated services specified</u>    | 44194 |
| <u>under division (B) of section 3317.014 of the Revised Code X the</u>   | 44195 |
| <u>statewide average career-technical base cost per pupil for that</u>    | 44196 |
| <u>fiscal year X the sum of the school's categories one through five</u>  | 44197 |
| <u>career-technical education ADM</u>                                     | 44198 |
| <u>(g) If the school is a community school, an amount equal to</u>        | 44199 |
| <u>the following:</u>                                                     | 44200 |
| <u>The number of students reported by the community school under</u>      | 44201 |
| <u>division (B)(5) of section 3314.08 of the Revised Code X (the</u>      | 44202 |
| <u>aggregate base cost calculated for the school for that fiscal year</u> | 44203 |
| <u>under section 3317.0110 of the Revised Code / the school's</u>         | 44204 |
| <u>enrolled ADM) X 0.20</u>                                               | 44205 |
| <u>(2) For each community and STEM school, determine the lesser</u>       | 44206 |
| <u>of the following:</u>                                                  | 44207 |
| <u>(a) The following sum:</u>                                             | 44208 |
| <u>The school's funding base + [(the sum calculated for the school</u>    | 44209 |
| <u>under division (A) of this section) - the school's funding base] X</u> | 44210 |
| <u>the school's general phase-in percentage for that fiscal year}</u>     | 44211 |
| <u>(b) The sum of the amounts calculated for the school for that</u>      | 44212 |
| <u>fiscal year under division (A) of this section.</u>                    | 44213 |

|                                                                           |       |
|---------------------------------------------------------------------------|-------|
| <u>(3) Compute the sum of the amounts determined under division</u>       | 44214 |
| <u>(B) of this section to determine the amount calculated for the</u>     | 44215 |
| <u>community and STEM school unit.</u>                                    | 44216 |
| <u>(B) Notwithstanding division (D) of section 3317.022 of the</u>        | 44217 |
| <u>Revised Code, for each fiscal year, the department shall</u>           | 44218 |
| <u>distribute to each community school and each STEM school, from the</u> | 44219 |
| <u>funds paid to the community and STEM school unit under section</u>     | 44220 |
| <u>3317.022 of the Revised Code, an amount equal to the amount</u>        | 44221 |
| <u>determined for that school under division (A)(2) of this section.</u>  | 44222 |
| <br>                                                                      |       |
| <b>Sec. 3317.028.</b> (A) On or before May 15, 2007, and the              | 44223 |
| fifteenth day of May in each calendar year thereafter, the tax            | 44224 |
| commissioner shall determine for each school district whether the         | 44225 |
| taxable value of all utility tangible personal property subject to        | 44226 |
| taxation by the district in the preceding tax year was less than          | 44227 |
| the taxable value of such property during the second preceding tax        | 44228 |
| year. If any decrease exceeds ten per cent of the district's              | 44229 |
| tangible personal property taxable value included in the total            | 44230 |
| taxable value used in the district's state aid computation for the        | 44231 |
| fiscal year that ends in the current calendar year, the tax               | 44232 |
| commissioner shall certify all of the following to the department         | 44233 |
| of education and the office of budget and management:                     | 44234 |
| <br>                                                                      |       |
| (1) The district's total taxable value for the preceding tax              | 44235 |
| year;                                                                     | 44236 |
| <br>                                                                      |       |
| (2) The change in taxes charged and payable on the district's             | 44237 |
| total taxable value for the preceding tax year and the second             | 44238 |
| preceding tax year;                                                       | 44239 |
| <br>                                                                      |       |
| (3) The taxable value of the utility tangible personal                    | 44240 |
| property decrease, which shall be considered a change in                  | 44241 |
| valuation;                                                                | 44242 |
| <br>                                                                      |       |
| (4) The change in taxes charged and payable on such change in             | 44243 |

taxable value calculated in the same manner as in division (A)(3) 44244  
of section 3317.021 of the Revised Code. 44245

(B) Upon receipt of a certification specified in this 44246  
section, the department of education shall replace the three-year 44247  
average valuations that were used in computing the district's 44248  
state education aid for the fiscal year that ends in the current 44249  
calendar year with the taxable value certified under division 44250  
(A)(1) of this section and shall recompute the state education aid 44251  
for such fiscal year without applying any funding limitations 44252  
enacted by the general assembly to the computation, if applicable. 44253  
The department shall pay to the district an amount equal to the 44254  
lesser of the following: 44255

(1) The positive difference between the district's state 44256  
education aid prior to the recomputation under this section and 44257  
the district's recomputed state education aid; 44258

(2) The absolute value of the amount certified under division 44259  
(A)(2) of this section. 44260

The payment date shall be determined by the director of 44261  
budget and management. The director shall select a payment date 44262  
that is not earlier than the first day of June of the current 44263  
fiscal year and not later than the thirty-first day of July of the 44264  
following fiscal year. The department of education shall not pay 44265  
the district under this section prior to approval by the director 44266  
of budget and management to make that payment. 44267

(C) If a school district received a grant from the 44268  
catastrophic expenditures account pursuant to division (C) of 44269  
section 3316.20 of the Revised Code on the basis of the same 44270  
circumstances for which a recomputation is made under this 44271  
section, the amount of the recomputation shall be reduced and 44272  
transferred in accordance with division (C) of section 3316.20 of 44273  
the Revised Code. 44274

|                                                                                                                                                                                                                                                                                                                                                                                                                                                                          |                                                                      |
|--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|----------------------------------------------------------------------|
| Sec. 3317.0212. (A) As used in this section:                                                                                                                                                                                                                                                                                                                                                                                                                             | 44275                                                                |
| (1) <u>For fiscal years 2022 and 2023, "assigned bus" means a school bus used to transport qualifying riders.</u>                                                                                                                                                                                                                                                                                                                                                        | 44276<br>44277                                                       |
| (2) <u>For fiscal years 2022 and 2023, "density" means the total riders per square mile of a school district.</u>                                                                                                                                                                                                                                                                                                                                                        | 44278<br>44279                                                       |
| (3) <u>For fiscal years 2022 and 2023, "nontraditional ridership" means the average number of qualifying riders who are enrolled in a community school established under Chapter 3314. of the Revised Code, in a STEM school established under Chapter 3326. of the Revised Code, or in a nonpublic school and are provided school bus service by a school district during the first full week of October.</u>                                                           | 44280<br>44281<br>44282<br>44283<br>44284<br>44285<br>44286          |
| (4) "Qualifying riders" means <u>the following:</u>                                                                                                                                                                                                                                                                                                                                                                                                                      | 44287                                                                |
| (a) <u>For fiscal years 2022 and 2023, resident students enrolled in preschool and regular education in grades kindergarten to twelve who are provided school bus service by a school district and who live more than one mile from the school they attend, including students with dual enrollment in a joint vocational school district or a cooperative education school district, and students enrolled in a community school, STEM school, or nonpublic school;</u> | 44288<br>44289<br>44290<br>44291<br>44292<br>44293<br>44294<br>44295 |
| (b) <u>For fiscal year 2024 and each fiscal year thereafter, students specified by the general assembly.</u>                                                                                                                                                                                                                                                                                                                                                             | 44296<br>44297                                                       |
| <del>(2)</del> (5) "Qualifying ridership" means <u>the following:</u>                                                                                                                                                                                                                                                                                                                                                                                                    | 44298                                                                |
| (a) <u>For fiscal years 2022 and 2023, the greater of the average number of qualifying riders counted in the morning or counted in the afternoon who are provided school bus service by a school district during the first full week of October;</u>                                                                                                                                                                                                                     | 44299<br>44300<br>44301<br>44302                                     |
| (b) <u>For fiscal year 2024 and each fiscal year thereafter, a ridership determined in a manner specified by the general</u>                                                                                                                                                                                                                                                                                                                                             | 44303<br>44304                                                       |

assembly. 44305

~~(3)(6)~~ "Rider density" means the ~~total ADM per square mile of~~ 44306  
~~a school district.~~ following: 44307

(a) For fiscal years 2022 and 2023, the following quotient: 44308  
A school district's total number of qualifying riders/ the number 44309  
of square miles in the district 44310

(b) For fiscal year 2024 and each fiscal year thereafter, a 44311  
number calculated in a manner determined by the general assembly. 44312

~~(4)(7)~~ For fiscal years 2022 and 2023, "riders" means 44313  
students enrolled in regular and special education in grades 44314  
kindergarten through twelve who are provided school bus service by 44315  
a school district, including students with dual enrollment in a 44316  
joint vocational school district or a cooperative education school 44317  
district, and students enrolled in a community school, STEM 44318  
school, or nonpublic school. 44319

(8) "School bus service" means a school district's 44320  
transportation of qualifying riders in any of the following types 44321  
of vehicles: 44322

(a) School buses owned or leased by the district; 44323

(b) School buses operated by a private contractor hired by 44324  
the district; 44325

(c) School buses operated by another school district or 44326  
entity with which the district has contracted, either as part of a 44327  
consortium for the provision of transportation or otherwise. 44328

(B) Not later than the ~~fifteenth day of October~~ first day of 44329  
November, for fiscal years 2022 and 2023, or a date determined by 44330  
the general assembly, for fiscal year 2024 and each fiscal year 44331  
thereafter, of each year, each city, local, and exempted village 44332  
school district shall report to the department of education its 44333  
qualifying ridership and any other information requested by the 44334

department. Subsequent adjustments to the reported numbers shall 44335  
be made only in accordance with rules adopted by the department. 44336

(C) The department shall calculate the statewide 44337  
transportation cost per student as follows: 44338

(1) Determine each city, local, and exempted village school 44339  
district's transportation cost per student by dividing the 44340  
district's total costs for school bus service in the previous 44341  
fiscal year by its qualifying ridership in the previous fiscal 44342  
year. 44343

(2) After excluding districts that do not provide school bus 44344  
service and the ten districts with the highest transportation 44345  
costs per student and the ten districts with the lowest 44346  
transportation costs per student, divide the aggregate cost for 44347  
school bus service for the remaining districts in the previous 44348  
fiscal year by the aggregate qualifying ridership of those 44349  
districts in the previous fiscal year. 44350

(D) The department shall calculate the statewide 44351  
transportation cost per mile as follows: 44352

(1) Determine each city, local, and exempted village school 44353  
district's transportation cost per mile by dividing the district's 44354  
total costs for school bus service in the previous fiscal year by 44355  
its total number of miles driven for school bus service in the 44356  
previous fiscal year. 44357

(2) After excluding districts that do not provide school bus 44358  
service and the ten districts with the highest transportation 44359  
costs per mile and the ten districts with the lowest 44360  
transportation costs per mile, divide the aggregate cost for 44361  
school bus service for the remaining districts in the previous 44362  
fiscal year by the aggregate miles driven for school bus service 44363  
in those districts in the previous fiscal year. 44364

(E) The department shall calculate each city, local, and 44365

exempted village school district's transportation base payment as 44366  
follows: 44367

(1) ~~Multiply~~ For fiscal years 2022 and 2023: 44368

(a) Calculate the sum of the following: 44369

(i) The product of the statewide transportation cost per 44370  
student ~~by~~ and the number of students counted in the district's 44371  
qualifying ridership for the current fiscal year who are enrolled 44372  
in the district; 44373

(ii) 1.5 times the statewide transportation cost per student 44374  
times the number of students counted in the district's qualifying 44375  
ridership for the current fiscal year who are enrolled in 44376  
community schools established under Chapter 3314. of the Revised 44377  
Code or STEM schools established under Chapter 3326. of the 44378  
Revised Code; 44379

(iii) 2.0 times the statewide transportation cost per student 44380  
times the number of students counted in the district's qualifying 44381  
ridership for the current fiscal year who are enrolled in 44382  
nonpublic schools. 44383

~~(2)~~(b) Multiply the statewide transportation cost per mile by 44384  
the district's total number of miles driven for school bus service 44385  
in the current fiscal year. 44386

~~(3)~~(c) Multiply the greater of the amounts calculated under 44387  
divisions (E)(1)(a) and ~~(2)~~(b) of this section by the following: 44388

~~(a)~~(i) For fiscal year ~~2018~~ 2022, the greater of ~~thirty-seven 44389  
and one-half~~ twenty-nine and one-sixth per cent or the district's 44390  
state share ~~index~~ percentage, as defined in section 3317.02 of the 44391  
Revised Code; 44392

~~(b)~~(ii) For fiscal year ~~2019~~ 2023, the greater of ~~twenty-five 44393  
thirty-three and one-third~~ per cent or the district's state share 44394  
~~index~~ percentage. 44395

(2) For fiscal year 2024 and each fiscal year thereafter, an amount determined by the general assembly. 44396  
44397

(F) For fiscal years 2022 and 2023, the department shall pay a district's efficiency adjustment payment in accordance with divisions (F)(1) to (3) of this section. For fiscal year 2024 and each fiscal year thereafter, the department shall pay a district's efficiency adjustment payment in a manner determined by the general assembly, if the general assembly authorizes such a payment to districts. 44398  
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(1) The department annually shall establish a target number of qualifying riders per assigned bus for each city, local, and exempted village school district. The department shall use the most recently available data in establishing the target number. The target number shall be based on the statewide median number of riders per assigned bus as adjusted to reflect the district's density in comparison to the density of all other districts. The department shall post on the department's web site each district's target number of riders per assigned bus and a description of how the target number was determined. 44405  
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(2) The department shall determine each school district's efficiency index by dividing the district's number of riders per assigned bus by its target number of riders per assigned bus. 44415  
44416  
44417

(3) The department shall determine each city, local, and exempted village school district's efficiency adjustment payment as follows: 44418  
44419  
44420

(a) If the district's efficiency index is equal to or greater than 1.5, the efficiency adjustment payment shall be calculated according to the following formula: 44421  
44422  
44423

0.15 X the district's transportation base payment calculated under division (E) of this section 44424  
44425

(b) If the district's efficiency index is less than 1.5 but 44426

greater than or equal to 1.0, the efficiency adjustment payment shall be calculated according to the following formula: 44427  
44428  
{[(The district's efficiency index - 1) X 0.15]/0.5} X the 44429  
district's transportation base payment calculated under division 44430  
(E) of this section 44431

(c) If the district's efficiency index is less than 1.0, the efficiency adjustment payment shall be zero. 44432  
44433

(G) In addition to funds paid under ~~division (E)~~ divisions (E), (F), and (H) of this section, each city, local, and exempted village district shall receive in accordance with rules adopted by the state board of education a payment for students transported by means other than school bus service and whose transportation is not funded under division (C) of section 3317.024 of the Revised Code. The rules shall include provisions for school district reporting of such students. 44434  
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44441

~~(G)(1)~~(H)(1) For purposes of division ~~(G)~~(H) of this section, a school district's "transportation supplement percentage" means the following: 44442  
44443  
44444

(a) For fiscal years 2022 and 2023, the following quotient: 44445  
(5028 - the district's rider density) / 100 44446

If the result of the calculation for a district under division ~~(G)(1)~~(H)(1)(a) of this section is less than zero, the district's transportation supplement percentage shall be zero. 44447  
44448  
44449

(b) For fiscal year 2024 and each fiscal year thereafter, a percentage calculated in a manner determined by the general assembly. 44450  
44451  
44452

(2) The department shall pay each district a transportation supplement calculated according to the following formula: 44453  
44454  
The district's transportation supplement percentage X the amount calculated for the district under division (E)(2) of this section 44455  
44456

X 0.55

44457

(I)(1) If a school district board and a community school governing authority elect to enter into an agreement under division (A) of section 3314.091 of the Revised Code, the department shall make payments to the community school according to the terms of the agreement for each student actually transported under division (C)(1) of that section. If a community school governing authority accepts transportation responsibility under division (B) of that section, the department shall make payments to the community school for each student actually transported or for whom transportation is arranged by the community school under division (C)(1) of that section, calculated as follows:

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(a) For any fiscal year which the general assembly has specified that transportation payments to school districts be based on an across-the-board percentage of the district's payment for the previous school year, the per pupil payment to the community school shall be the following quotient:

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(i) The total amount calculated for the school district in which the child is entitled to attend school for student transportation other than transportation of children with disabilities; divided by

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(ii) The number of students included in the district's transportation ADM for the current fiscal year, as calculated under section 3317.03 of the Revised Code, plus the number of students enrolled in the community school not counted in the district's transportation ADM who are transported under division (B)(1) or (2) of section 3314.091 of the Revised Code.

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(b) For any fiscal year which the general assembly has specified that the transportation payments to school districts be calculated in accordance with this section and any rules of the state board of education implementing this section, the payment to

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the community school shall be the following: 44489

(i) For fiscal years 2022 and 2023, either of the following: 44490

(I) If the school district in which the student is entitled 44491  
to attend school would have used a method of transportation for 44492  
the student for which payments are computed and paid under 44493  
division (E) of this section, 1.0 times the statewide 44494  
transportation cost per student, as calculated in division (C) of 44495  
this section; 44496

(II) If the school district in which the student is entitled 44497  
to attend school would have used a method of transportation for 44498  
the student for which payments are computed and paid in a manner 44499  
not described in division (H)(1)(b)(i) of this section, the amount 44500  
that would otherwise be computed for and paid to the district. 44501

(ii) For fiscal year 2024 and each fiscal year thereafter, an 44502  
amount calculated in a manner determined by the general assembly. 44503

The community school, however, is not required to use the 44504  
same method to transport the student. 44505

As used in this division, "entitled to attend school" means 44506  
entitled to attend school under section 3313.64 or 3313.65 of the 44507  
Revised Code. 44508

(2) A community school shall be paid under division (H)(1) of 44509  
this section only for students who are eligible as specified in 44510  
section 3327.01 of the Revised Code and division (C)(1) of section 44511  
3314.091 of the Revised Code, and whose transportation to and from 44512  
school is actually provided, who actually utilized transportation 44513  
arranged, or for whom a payment in lieu of transportation is made 44514  
by the community school's governing authority. To qualify for the 44515  
payments, the community school shall report to the department, in 44516  
the form and manner required by the department, data on the number 44517  
of students transported or whose transportation is arranged, the 44518  
number of miles traveled, cost to transport, and any other 44519

information requested by the department. 44520

**Sec. 3317.0213.** (A) The department of education shall compute 44521  
and pay in accordance with this section additional state aid for 44522  
preschool children with disabilities to each city, local, and 44523  
exempted village school district and to each institution, as 44524  
defined in section 3323.091 of the Revised Code. Funding shall be 44525  
provided for children who are not enrolled in kindergarten and who 44526  
are under age six on the thirtieth day of September of the 44527  
academic year, or on the first day of August of the academic year 44528  
if the school district in which the child is enrolled has adopted 44529  
a resolution under division (A)(3) of section 3321.01 of the 44530  
Revised Code, but not less than age three on the first day of 44531  
December of the academic year. 44532

The For fiscal years 2022 and 2023, the additional state aid 44533  
shall be calculated under the following formula: 44534

(\$4,000 X the number of students who are preschool children 44535  
with disabilities) + the sum of the following: 44536

(1) The district's or institution's category one special 44537  
education students who are preschool children with disabilities X 44538  
the ~~amount~~ multiple specified in division (A) of section 3317.013 44539  
of the Revised Code X the statewide average base cost per pupil 44540  
for that fiscal year X the district's state share ~~index~~ percentage 44541  
X 0.50; 44542

(2) The district's or institution's category two special 44543  
education students who are preschool children with disabilities X 44544  
the ~~amount~~ multiple specified in division (B) of section 3317.013 44545  
of the Revised Code X the statewide average base cost per pupil 44546  
for that fiscal year X the district's state share ~~index~~ percentage 44547  
X 0.50; 44548

(3) The district's or institution's category three special 44549

education students who are preschool children with disabilities X 44550  
the ~~amount~~ multiple specified in division (C) of section 3317.013 44551  
of the Revised Code X the statewide average base cost per pupil 44552  
for that fiscal year X the district's state share ~~index~~ percentage 44553  
X 0.50; 44554

(4) The district's or institution's category four special 44555  
education students who are preschool children with disabilities X 44556  
the ~~amount~~ multiple specified in division (D) of section 3317.013 44557  
of the Revised Code X the statewide average base cost per pupil 44558  
for that fiscal year X the district's state share ~~index~~ percentage 44559  
X 0.50; 44560

(5) The district's or institution's category five special 44561  
education students who are preschool children with disabilities X 44562  
the ~~amount~~ multiple specified in division (E) of section 3317.013 44563  
of the Revised Code X the statewide average base cost per pupil 44564  
for that fiscal year X the district's state share ~~index~~ percentage 44565  
X 0.50; 44566

(6) The district's or institution's category six special 44567  
education students who are preschool children with disabilities X 44568  
the ~~amount~~ multiple specified in division (F) of section 3317.013 44569  
of the Revised Code X the statewide average base cost per pupil 44570  
for that fiscal year X the district's state share ~~index~~ percentage 44571  
X 0.50. 44572

For fiscal year 2024 and each fiscal year thereafter, the 44573  
additional state aid shall be calculated for each category of 44574  
special education students who are preschool children with 44575  
disabilities using a formula specified by the general assembly. 44576

The special education disability categories for preschool 44577  
children used in this section are the same categories prescribed 44578  
in section 3317.013 of the Revised Code. 44579

As used in division (A) of this section, the state share 44580

~~index~~ percentage of a student enrolled in an institution is the 44581  
state share ~~index~~ percentage of the school district in which the 44582  
student is entitled to attend school under section 3313.64 or 44583  
3313.65 of the Revised Code. 44584

(B) If an educational service center is providing services to 44585  
students who are preschool children with disabilities under 44586  
agreement with the city, local, or exempted village school 44587  
district in which the students are entitled to attend school, that 44588  
district may authorize the department to transfer funds computed 44589  
under this section to the service center providing those services. 44590

(C) If a county DD board is providing services to students 44591  
who are preschool children with disabilities under agreement with 44592  
the city, local, or exempted village school district in which the 44593  
students are entitled to attend school, the department shall 44594  
deduct from the district's payment computed under division (A) of 44595  
this section the total amount of those funds that are attributable 44596  
to the students served by the county DD board and pay that amount 44597  
to that board. 44598

**Sec. 3317.0214.** (A) The department shall compute and pay in 44599  
accordance with this section additional state aid to school 44600  
districts for students in categories two through six special 44601  
education ADM. If a district's costs for the fiscal year for a 44602  
student in its categories two through six special education ADM 44603  
exceed the threshold catastrophic cost for serving the student, 44604  
the district may submit to the superintendent of public 44605  
instruction documentation, as prescribed by the superintendent, of 44606  
all its costs for that student. Upon submission of documentation 44607  
for a student of the type and in the manner prescribed, the 44608  
department shall pay to the district an amount equal to the sum of 44609  
the following: 44610

(1) One-half of the district's costs for the student in 44611

excess of the threshold catastrophic cost; 44612

(2) The product of one-half of the district's costs for the 44613  
student in excess of the threshold catastrophic cost multiplied by 44614  
the district's state share ~~index~~ percentage. 44615

(B) For purposes of division (A) of this section, the 44616  
threshold catastrophic cost for serving a student equals: 44617

(1) For a student in the school district's category two, 44618  
three, four, or five special education ADM, twenty-seven thousand 44619  
three hundred seventy-five dollars; 44620

(2) For a student in the district's category six special 44621  
education ADM, thirty-two thousand eight hundred fifty dollars. 44622

(C) The district shall report under division (A) of this 44623  
section, and the department shall pay for, only the costs of 44624  
educational expenses and the related services provided to the 44625  
student in accordance with the student's individualized education 44626  
program. Any legal fees, court costs, or other costs associated 44627  
with any cause of action relating to the student may not be 44628  
included in the amount. 44629

Sec. 3317.0215. (A)(1) For fiscal years 2022 and 2023, the 44630  
department of education shall withhold from the aggregate amount 44631  
paid for a fiscal year to each city, local, exempted village, and 44632  
joint vocational school district, community school established 44633  
under Chapter 3314. of the Revised Code, and science, technology, 44634  
engineering, and mathematics school established under Chapter 44635  
3326. of the Revised Code an amount equal to the following: 44636

(a) In the case of a city, local, exempted village, or joint 44637  
vocational school district, an amount calculated as follows: 44638

0.10 X [(the district's category one special education ADM X the 44639  
multiple specified in division (A) of section 3317.013 of the 44640  
Revised Code X the statewide average base cost per pupil for that 44641

fiscal year X the district's state share percentage) + (the 44642  
district's category two special education ADM X the multiple 44643  
specified in division (B) of section 3317.013 of the Revised Code 44644  
X the statewide average base cost per pupil for that fiscal year X 44645  
the district's state share percentage) + (the district's category 44646  
three special education ADM X the multiple specified in division 44647  
(C) of section 3317.013 of the Revised Code X the statewide 44648  
average base cost per pupil for that fiscal year X the district's 44649  
state share percentage) + (the district's category four special 44650  
education ADM X the multiple specified in division (D) of section 44651  
3317.013 of the Revised Code X the statewide average base cost per 44652  
pupil for that fiscal year X the district's state share 44653  
percentage) + (the district's category five special education ADM 44654  
X the multiple specified in division (E) of section 3317.013 of 44655  
the Revised Code X the statewide average base cost per pupil for 44656  
that fiscal year X the district's state share percentage) + (the 44657  
district's category six special education ADM X the multiple 44658  
specified in division (F) of section 3317.013 of the Revised Code 44659  
X the statewide average base cost per pupil for that fiscal year X 44660  
the district's state share percentage)] 44661

(b) In the case of a community school, the aggregate amount 44662  
of special education funding paid to the school under section 44663  
3317.022 of the Revised Code times 0.10. 44664

(c) In the case of a science, technology, engineering, or 44665  
mathematics school, the aggregate amount of special education 44666  
funding paid to the school under section 3317.022 of the Revised 44667  
Code times 0.10. 44668

(2) For fiscal year 2024 and each fiscal year thereafter, the 44669  
department of education shall withhold from the aggregate amount 44670  
paid for a fiscal year to each city, local, exempted village, and 44671  
joint vocational school district, community school, and science, 44672  
technology, engineering, and mathematics school an amount 44673

determined by the general assembly, if any, for purposes of this section. 44674  
44675

(B) For fiscal years 2022 and 2023, the department shall use the amount of funds withheld under division (A) of this section for purposes of division (C)(1) of section 3314.08 of the Revised Code, section 3317.0214 of the Revised Code, division (B) of section 3317.16 of the Revised Code, and section 3326.34 of the Revised Code. 44676  
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For fiscal year 2024 and each fiscal year thereafter, the department shall use the amount of funds withheld under division (A) of this section, if any, for purposes determined by the general assembly. 44682  
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Sec. 3317.0217. This section shall apply only for fiscal years 2022 and 2023. 44686  
44687

Payment of the amount calculated for a school district under this section shall be made under division (A) of section 3317.022 of the Revised Code. 44688  
44689  
44690

(A) For each fiscal year, the department of education shall compute targeted assistance funds for city, local, and exempted village school districts, in accordance with the following formula: 44691  
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44693  
44694

A district's capacity amount for that fiscal year calculated under division (B) of this section + a district's wealth amount for that fiscal year calculated under division (C) of this section 44695  
44696  
44697

(B) The department shall calculate each district's capacity amount for a fiscal year as follows: 44698  
44699

(1) Calculate each district's weighted wealth for that fiscal year, which equals the following sum: 44700  
44701

(The amount determined for the district for that fiscal year under division (A)(1)(a) of section 3317.017 of the Revised Code X 0.6) 44702  
44703

+ (the amount determined for the district for that fiscal year 44704  
under division (A)(2)(a) of section 3317.017 of the Revised Code X 44705  
0.4) 44706

(2) Determine the median weighted wealth of all school 44707  
districts in this state for that fiscal year; 44708

(3) Compute each district's capacity index for that fiscal 44709  
year by dividing the median weighted wealth of all school 44710  
districts in this state for that fiscal year by the district's 44711  
weighted wealth for that fiscal year; 44712

(4) Compute each district's capacity amount for that fiscal 44713  
year as follows: 44714

(a) The district's capacity amount shall be zero if the 44715  
district satisfies either of the following criteria for that 44716  
fiscal year: 44717

(i) The district's capacity index is less than 1. 44718

(ii) The district's enrolled ADM is less than 200. 44719

(b) If the district does not satisfy either of the criteria 44720  
specified in division (B)(4)(a) of this section for that fiscal 44721  
year, the district's capacity amount for that fiscal year shall be 44722  
calculated as follows: 44723

(i) Compute the following amount for the district: 44724  
(The median weighted wealth of all school districts in this state 44725  
for that fiscal year X 0.008) - (the district's weighted wealth 44726  
for that fiscal year X 0.008) 44727

(ii) If the district's enrolled ADM for that fiscal year is 44728  
greater than or equal to 200 but less than or equal to 400, the 44729  
district's capacity amount for that fiscal year shall be equal to 44730  
0.05 X the amount computed under division (B)(4)(b)(i) of this 44731  
section. 44732

(iii) If the district's enrolled ADM for that fiscal year is 44733

greater than 400 and less than 600, the district's capacity amount 44734  
for that fiscal year shall be calculated in accordance with the 44735  
following formula: 44736

{[0.95 X (the district's enrolled ADM for that fiscal year - 44737  
400)/200] + 0.05} X the amount computed under division 44738  
(B)(4)(b)(i) of this section 44739

(iv) If the district's enrolled ADM for that fiscal year is 44740  
greater than or equal to 600, the district's capacity amount for 44741  
that fiscal year shall be equal to the amount computed under 44742  
division (B)(4)(b)(i) of this section. 44743

(C) The department shall calculate each district's wealth 44744  
amount for a fiscal year as follows: 44745

(1) Calculate each district's weighted wealth per pupil for 44746  
that fiscal year, which equals the following quotient: 44747

The district's weighted wealth for that fiscal year calculated 44748  
under division (B)(1) of this section/ (the district's enrolled 44749  
ADM for that fiscal year - the students described in division 44750  
(A)(1)(b) of section 3317.03 of the Revised Code + the students 44751  
described in division (A)(2)(d) of section 3317.03 of the Revised 44752  
Code) 44753

(2) Determine the median weighted wealth per pupil of all 44754  
school districts in this state for that fiscal year; 44755

(3) Compute each district's wealth index for that fiscal year 44756  
by dividing the median weighted wealth per pupil of all school 44757  
districts in this state for that fiscal year by the district's 44758  
weighted wealth per pupil for that fiscal year; 44759

(4) Compute each district's wealth amount for that fiscal 44760  
year, as follows: 44761

(a) If the district's wealth index computed under division 44762  
(C)(3) of this section for that fiscal year is less than 0.8, the 44763  
district's wealth amount for that fiscal year shall be zero. 44764

(b) If the district's wealth index computed under division (C)(3) of this section for that fiscal year is greater than or equal to 0.8, the district's wealth amount for that fiscal year shall be calculated in accordance with the following formula: 44765  
[(The median weighted wealth per pupil of all school districts in this state for that fiscal year X 0.014) - (the district's weighted wealth per pupil for that fiscal year X 0.0112)] X the district's enrolled ADM for that fiscal year 44766  
44767  
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44771  
44772

**Sec. 3317.0218.** This section shall apply only for fiscal years 2022 and 2023. 44773  
44774

For each fiscal year, the department of education shall compute supplemental targeted assistance for each city, local, and exempted village school district as follows: 44775  
44776  
44777

(A) Determine if the district satisfies both of the following criteria: 44778  
44779

(1) The wealth index calculated for the district for fiscal year 2019 under division (A)(4) of former section 3317.0217 of the Revised Code as it existed prior to the effective date of this section is greater than 1.6; 44780  
44781  
44782  
44783

(2) The district's enrolled ADM for fiscal year 2019 is less than eighty-eight per cent of the district's total ADM for fiscal year 2019. 44784  
44785  
44786

(B) Determine the maximum of the wealth indices calculated under division (A)(4) of former section 3317.0217 of the Revised Code as it existed prior to the effective date of this section for all districts that satisfy both of the criteria specified under division (A) of this section; 44787  
44788  
44789  
44790  
44791

(C) If the district satisfies both of the criteria specified under division (A) of this section, compute the district's supplemental amount as the product of the following: 44792  
44793  
44794

(1) {[(The number specified under division (A)(1) of this section - 1.6)/ (the number determined under division (B) of this section - 1.6)] X 675} + 75; 44795  
44796  
44797

(2) The district's enrolled ADM. 44798

(D) If the district does not satisfy both of the criteria specified under division (A) of this section, the district's supplemental amount shall be equal to zero. 44799  
44800  
44801

**Sec. 3317.03.** (A) The superintendent of each city, local, and 44802  
exempted village school district shall report to the state board 44803  
of education as of the last day of October, March, and June of 44804  
each year the enrollment of students receiving services from 44805  
schools under the superintendent's supervision, and the numbers of 44806  
other students entitled to attend school in the district under 44807  
section 3313.64 or 3313.65 of the Revised Code the superintendent 44808  
is required to report under this section, so that the department 44809  
of education can calculate the district's enrolled ADM, formula 44810  
ADM, total ADM, category one through five career-technical 44811  
education ADM, category one through three English learner ADM, 44812  
category one through six special education ADM, ~~preschool~~ 44813  
~~scholarship~~ ADM, transportation ADM, and, for purposes of 44814  
provisions of law outside of Chapter 3317. of the Revised Code, 44815  
average daily membership. 44816

(1) The enrollment reported by the superintendent during the 44817  
reporting period shall consist of the number of students in grades 44818  
kindergarten through twelve receiving any educational services 44819  
from the district, except that the following categories of 44820  
students shall not be included in the determination: 44821

(a) Students enrolled in adult education classes; 44822

(b) Adjacent or other district students enrolled in the 44823  
district under an open enrollment policy pursuant to section 44824

|                                                                                                                                                                                                                                                                                                                                                                                                                |                                                             |
|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-------------------------------------------------------------|
| 3313.98 of the Revised Code;                                                                                                                                                                                                                                                                                                                                                                                   | 44825                                                       |
| (c) Students receiving services in the district pursuant to a compact, cooperative education agreement, or a contract, but who are entitled to attend school in another district pursuant to section 3313.64 or 3313.65 of the Revised Code;                                                                                                                                                                   | 44826<br>44827<br>44828<br>44829                            |
| (d) Students for whom tuition is payable pursuant to sections 3317.081 and 3323.141 of the Revised Code;                                                                                                                                                                                                                                                                                                       | 44830<br>44831                                              |
| (e) Students receiving services in the district through a scholarship awarded under either section 3310.41 or sections 3310.51 to 3310.64 of the Revised Code.                                                                                                                                                                                                                                                 | 44832<br>44833<br>44834                                     |
| When reporting students under division (A)(1) of this section, the superintendent also shall report the district where each student is entitled to attend school pursuant to sections 3313.64 and 3313.65 of the Revised Code.                                                                                                                                                                                 | 44835<br>44836<br>44837<br>44838                            |
| (2) The department of education shall compile a list of all students reported to be enrolled in a district under division (A)(1) of this section and of the students entitled to attend school in the district pursuant to section 3313.64 or 3313.65 of the Revised Code on an FTE basis but receiving educational services in grades kindergarten through twelve from one or more of the following entities: | 44839<br>44840<br>44841<br>44842<br>44843<br>44844<br>44845 |
| (a) A community school pursuant to Chapter 3314. of the Revised Code, including any participation in a college pursuant to Chapter 3365. of the Revised Code while enrolled in such community school;                                                                                                                                                                                                          | 44846<br>44847<br>44848<br>44849                            |
| (b) An alternative school pursuant to sections 3313.974 to 3313.979 of the Revised Code <del>as described in division (I)(2)(a) or (b) of this section;</del>                                                                                                                                                                                                                                                  | 44850<br>44851<br>44852                                     |
| (c) A college pursuant to Chapter 3365. of the Revised Code, except when the student is enrolled in the college while also                                                                                                                                                                                                                                                                                     | 44853<br>44854                                              |

enrolled in a community school pursuant to Chapter 3314., a 44855  
science, technology, engineering, and mathematics school 44856  
established under Chapter 3326., or a college-preparatory boarding 44857  
school established under Chapter 3328. of the Revised Code; 44858

(d) An adjacent or other school district under an open 44859  
enrollment policy adopted pursuant to section 3313.98 of the 44860  
Revised Code; 44861

(e) An educational service center or cooperative education 44862  
district; 44863

(f) Another school district under a cooperative education 44864  
agreement, compact, or contract; 44865

(g) A chartered nonpublic school with a scholarship paid 44866  
under section ~~3310.08~~ 3317.022 of the Revised Code, if the 44867  
students qualified for the scholarship under section 3310.03 or 44868  
3310.032 of the Revised Code; 44869

(h) An alternative public provider or a registered private 44870  
provider with a scholarship awarded under either section 3310.41 44871  
or sections 3310.51 to 3310.64 of the Revised Code. 44872

As used in this section, "alternative public provider" and 44873  
"registered private provider" have the same meanings as in section 44874  
3310.41 or 3310.51 of the Revised Code, as applicable. 44875

(i) A science, technology, engineering, and mathematics 44876  
school established under Chapter 3326. of the Revised Code, 44877  
including any participation in a college pursuant to Chapter 3365. 44878  
of the Revised Code while enrolled in the school; 44879

(j) A college-preparatory boarding school established under 44880  
Chapter 3328. of the Revised Code, including any participation in 44881  
a college pursuant to Chapter 3365. of the Revised Code while 44882  
enrolled in the school. 44883

(3) The department also shall compile a list of the students 44884

entitled to attend school in the district under section 3313.64 or 44885  
3313.65 of the Revised Code who are enrolled in a joint vocational 44886  
school district or under a career-technical education compact, 44887  
excluding any students so entitled to attend school in the 44888  
district who are enrolled in another school district through an 44889  
open enrollment policy as reported under division (A)(2)(d) of 44890  
this section and then enroll in a joint vocational school district 44891  
or under a career-technical education compact. 44892

The department shall provide each city, local, and exempted 44893  
village school district with an opportunity to review the list of 44894  
students compiled under divisions (A)(2) and (3) of this section 44895  
to ensure that the students reported accurately reflect the 44896  
enrollment of students in the district. 44897

(B) To enable the department of education to obtain the data 44898  
needed to complete the calculation of payments pursuant to this 44899  
chapter, each superintendent shall certify from the reports 44900  
provided by the department under division (A) of this section all 44901  
of the following: 44902

(1) The total student enrollment in regular learning day 44903  
classes included in the report under division (A)(1) or (2), 44904  
including any student described in division (A)(1)(b) of this 44905  
section and excluding any student reported under divisions 44906  
(A)(2)(a), (b), (d), (g), (h), (i), and (j) of this section, of 44907  
this section for each of the individual grades kindergarten 44908  
through twelve in schools under the superintendent's supervision; 44909

(2) The unduplicated count of the number of preschool 44910  
children with disabilities enrolled in the district for whom the 44911  
district is eligible to receive funding under section 3317.0213 of 44912  
the Revised Code adjusted for the portion of the year each child 44913  
is so enrolled, in accordance with the disability categories 44914  
prescribed in section 3317.013 of the Revised Code; 44915

(3) The number of children entitled to attend school in the district pursuant to section 3313.64 or 3313.65 of the Revised Code who are:

~~(a) Participating in a pilot project scholarship program established under sections 3313.974 to 3313.979 of the Revised Code as described in division (I)(2)(a) or (b) of this section;~~

~~(b) Enrolled in a college under Chapter 3365. of the Revised Code, except when the student is enrolled in the college while also enrolled in a community school pursuant to Chapter 3314. of the Revised Code, a science, technology, engineering, and mathematics school established under Chapter 3326., or a college-preparatory boarding school established under Chapter 3328. of the Revised Code;~~

~~(c) Enrolled in an adjacent or other school district under section 3313.98 of the Revised Code;~~

~~(d) Enrolled in a community school established under Chapter 3314. of the Revised Code that is not an internet or computer based community school as defined in section 3314.02 of the Revised Code, including any participation in a college pursuant to Chapter 3365. of the Revised Code while enrolled in such community school;~~

~~(e) Enrolled in an internet or computer based community school, as defined in section 3314.02 of the Revised Code, including any participation in a college pursuant to Chapter 3365. of the Revised Code while enrolled in the school;~~

~~(f) Enrolled in a chartered nonpublic school with a scholarship paid under section 3310.08 of the Revised Code and who qualified for the scholarship under section 3310.03 of the Revised Code;~~

~~(g) Enrolled in kindergarten through grade twelve in an alternative public provider or a registered private provider with~~

~~a scholarship awarded under section 3310.41 of the Revised Code;~~ 44947

~~(h) Enrolled as a preschool child with a disability in an 44948  
alternative public provider or a registered private provider with 44949  
a scholarship awarded under section 3310.41 of the Revised Code;~~ 44950

~~(i)(b) Participating in a program operated by a county board 44951  
of developmental disabilities or a state institution;~~ 44952

~~(j) Enrolled in a science, technology, engineering, and 44953  
mathematics school established under Chapter 3326. of the Revised 44954  
Code, including any participation in a college pursuant to Chapter 44955  
3365. of the Revised Code while enrolled in the school;~~ 44956

~~(k) Enrolled in a college preparatory boarding school 44957  
established under Chapter 3328. of the Revised Code, including any 44958  
participation in a college pursuant to Chapter 3365. of the 44959  
Revised Code while enrolled in the school;~~ 44960

~~(l) Enrolled in an alternative public provider or a 44961  
registered private provider with a scholarship awarded under 44962  
sections 3310.51 to 3310.64 of the Revised Code.~~ 44963

(4) The total enrollment of pupils in joint vocational 44964  
schools; 44965

(5) The combined enrollment of children with disabilities 44966  
reported under division (A)(1) or (2) of this section, including 44967  
any student described in division (A)(1)(b) of this section and 44968  
excluding any student reported under divisions (A)(2)(a), (b), 44969  
(d), (g), (h), (i), and (j) of this section, receiving special 44970  
education services for the category one disability described in 44971  
division (A) of section 3317.013 of the Revised Code, including 44972  
children attending a special education program operated by an 44973  
alternative public provider or a registered private provider with 44974  
a scholarship awarded under sections 3310.51 to 3310.64 of the 44975  
Revised Code; 44976

(6) The combined enrollment of children with disabilities 44977  
reported under division (A)(1) or (2) of this section, including 44978  
any student described in division (A)(1)(b) of this section and 44979  
excluding any student reported under divisions (A)(2)(a), (b), 44980  
(d), (g), (h), (i), and (j) of this section, receiving special 44981  
education services for category two disabilities described in 44982  
division (B) of section 3317.013 of the Revised Code, including 44983  
children attending a special education program operated by an 44984  
alternative public provider or a registered private provider with 44985  
a scholarship awarded under sections 3310.51 to 3310.64 of the 44986  
Revised Code; 44987

(7) The combined enrollment of children with disabilities 44988  
reported under division (A)(1) or (2) of this section, including 44989  
any student described in division (A)(1)(b) of this section and 44990  
excluding any student reported under divisions (A)(2)(a), (b), 44991  
(d), (g), (h), (i), and (j) of this section, receiving special 44992  
education services for category three disabilities described in 44993  
division (C) of section 3317.013 of the Revised Code, including 44994  
children attending a special education program operated by an 44995  
alternative public provider or a registered private provider with 44996  
a scholarship awarded under sections 3310.51 to 3310.64 of the 44997  
Revised Code; 44998

(8) The combined enrollment of children with disabilities 44999  
reported under division (A)(1) or (2) of this section, including 45000  
any student described in division (A)(1)(b) of this section and 45001  
excluding any student reported under divisions (A)(2)(a), (b), 45002  
(d), (g), (h), (i), and (j) of this section, receiving special 45003  
education services for category four disabilities described in 45004  
division (D) of section 3317.013 of the Revised Code, including 45005  
children attending a special education program operated by an 45006  
alternative public provider or a registered private provider with 45007  
a scholarship awarded under sections 3310.51 to 3310.64 of the 45008

Revised Code; 45009

(9) The combined enrollment of children with disabilities 45010  
reported under division (A)(1) or (2) of this section, including 45011  
any student described in division (A)(1)(b) of this section and 45012  
excluding any student reported under divisions (A)(2)(a), (b), 45013  
(d), (g), (h), (i), and (j) of this section, receiving special 45014  
education services for the category five disabilities described in 45015  
division (E) of section 3317.013 of the Revised Code, including 45016  
children attending a special education program operated by an 45017  
alternative public provider or a registered private provider with 45018  
a scholarship awarded under sections 3310.51 to 3310.64 of the 45019  
Revised Code; 45020

(10) The combined enrollment of children with disabilities 45021  
reported under division (A)(1) or (2) ~~and under division (B)(3)(h)~~ 45022  
of this section, including any student described in division 45023  
(A)(1)(b) of this section and excluding any student reported under 45024  
divisions (A)(2)(a), (b), (d), (g), (h), (i), and (j) of this 45025  
section, receiving special education services for category six 45026  
disabilities described in division (F) of section 3317.013 of the 45027  
Revised Code, including children attending a special education 45028  
program operated by an alternative public provider or a registered 45029  
private provider with a scholarship awarded under either section 45030  
3310.41 or sections 3310.51 to 3310.64 of the Revised Code; 45031

(11) The enrollment of pupils reported under division (A)(1) 45032  
or (2) of this section on a full-time equivalency basis, including 45033  
any student described in division (A)(1)(b) of this section and 45034  
excluding any student reported under divisions (A)(2)(a), (b), 45035  
(d), (g), (h), (i), and (j) of this section, in category one 45036  
career-technical education programs or classes, described in 45037  
division (A)(1) of section 3317.014 of the Revised Code, operated 45038  
by the school district or by another district that is a member of 45039  
the district's career-technical planning district, other than a 45040

joint vocational school district, or by an educational service 45041  
center, notwithstanding division ~~(G)~~(M) of section 3317.02 of the 45042  
Revised Code and division (C)(3) of this section; 45043

(12) The enrollment of pupils reported under division (A)(1) 45044  
or (2) of this section on a full-time equivalency basis, including 45045  
any student described in division (A)(1)(b) of this section and 45046  
excluding any student reported under divisions (A)(2)(a), (b), 45047  
(d), (g), (h), (i), and (j) of this section, in category two 45048  
career-technical education programs or services, described in 45049  
division ~~(B)~~(A)(2) of section 3317.014 of the Revised Code, 45050  
operated by the school district or another school district that is 45051  
a member of the district's career-technical planning district, 45052  
other than a joint vocational school district, or by an 45053  
educational service center, notwithstanding division ~~(G)~~(M) of 45054  
section 3317.02 of the Revised Code and division (C)(3) of this 45055  
section; 45056

(13) The enrollment of pupils reported under division (A)(1) 45057  
or (2) of this section on a full-time equivalency basis, including 45058  
any student described in division (A)(1)(b) of this section and 45059  
excluding any student reported under divisions (A)(2)(a), (b), 45060  
(d), (g), (h), (i), and (j) of this section, in category three 45061  
career-technical education programs or services, described in 45062  
division ~~(C)~~(A)(3) of section 3317.014 of the Revised Code, 45063  
operated by the school district or another school district that is 45064  
a member of the district's career-technical planning district, 45065  
other than a joint vocational school district, or by an 45066  
educational service center, notwithstanding division ~~(G)~~(M) of 45067  
section 3317.02 of the Revised Code and division (C)(3) of this 45068  
section; 45069

(14) The enrollment of pupils reported under division (A)(1) 45070  
or (2) of this section on a full-time equivalency basis, including 45071  
any student described in division (A)(1)(b) of this section and 45072

excluding any student reported under divisions (A)(2)(a), (b), (d), (g), (h), (i), and (j) of this section, 45073  
in category four 45074  
career-technical education programs or services, described in 45075  
division ~~(D)~~(A)(4) of section 3317.014 of the Revised Code, 45076  
operated by the school district or another school district that is 45077  
a member of the district's career-technical planning district, 45078  
other than a joint vocational school district, or by an 45079  
educational service center, notwithstanding division ~~(G)~~(M) of 45080  
section 3317.02 of the Revised Code and division (C)(3) of this 45081  
section; 45082

(15) The enrollment of pupils reported under division (A)(1) 45083  
or (2) of this section on a full-time equivalency basis, including 45084  
any student described in division (A)(1)(b) of this section and 45085  
excluding any student reported under divisions (A)(2)(a), (b), 45086  
(d), (g), (h), (i), and (j) of this section, in category five 45087  
career-technical education programs or services, described in 45088  
division ~~(E)~~(A)(5) of section 3317.014 of the Revised Code, 45089  
operated by the school district or another school district that is 45090  
a member of the district's career-technical planning district, 45091  
other than a joint vocational school district, or by an 45092  
educational service center, notwithstanding division ~~(G)~~(M) of 45093  
section 3317.02 of the Revised Code and division (C)(3) of this 45094  
section; 45095

(16) The enrollment of pupils reported under division (A)(1) 45096  
or (2) of this section who are English learners described in 45097  
division (A) of section 3317.016 of the Revised Code, including 45098  
any student described in division (A)(1)(b) of this section and 45099  
excluding any student reported under ~~division (B)(3)(e)~~ divisions 45100  
(A)(2)(a), (b), (d), (g), (h), (i), and (j) of this section as 45101  
~~enrolled in an internet or computer based community school;~~ 45102

(17) The enrollment of pupils reported under division (A)(1) 45103  
or (2) of this section who are English learners described in 45104

division (B) of section 3317.016 of the Revised Code, including 45105  
any student described in division (A)(1)(b) of this section and 45106  
excluding any student reported under ~~division (B)(3)(e) divisions~~ 45107  
(A)(2)(a), (b), (d), (g), (h), (i), and (j) of this section as 45108  
~~enrolled in an internet or computer based community school;~~ 45109

(18) The enrollment of pupils reported under division (A)(1) 45110  
or (2) of this section who are English learners described in 45111  
division (C) of section 3317.016 of the Revised Code, including 45112  
any student described in division (A)(1)(b) of this section and 45113  
excluding any student reported under ~~division (B)(3)(e) divisions~~ 45114  
(A)(2)(a), (b), (d), (g), (h), (i), and (j) of this section as 45115  
~~enrolled in an internet or computer based community school;~~ 45116

(19) The average number of children transported during the 45117  
reporting period by the school district on board-owned or 45118  
contractor-owned and -operated buses, reported in accordance with 45119  
rules adopted by the department of education; 45120

(20)(a) The number of children, other than preschool children 45121  
with disabilities, the district placed with a county board of 45122  
developmental disabilities in fiscal year 1998. Division 45123  
(B)(20)(a) of this section does not apply after fiscal year 2013. 45124

(b) The number of children with disabilities, other than 45125  
preschool children with disabilities, placed with a county board 45126  
of developmental disabilities in the current fiscal year to 45127  
receive special education services for the category one disability 45128  
described in division (A) of section 3317.013 of the Revised Code; 45129

(c) The number of children with disabilities, other than 45130  
preschool children with disabilities, placed with a county board 45131  
of developmental disabilities in the current fiscal year to 45132  
receive special education services for category two disabilities 45133  
described in division (B) of section 3317.013 of the Revised Code; 45134

(d) The number of children with disabilities, other than 45135

preschool children with disabilities, placed with a county board 45136  
of developmental disabilities in the current fiscal year to 45137  
receive special education services for category three disabilities 45138  
described in division (C) of section 3317.013 of the Revised Code; 45139

(e) The number of children with disabilities, other than 45140  
preschool children with disabilities, placed with a county board 45141  
of developmental disabilities in the current fiscal year to 45142  
receive special education services for category four disabilities 45143  
described in division (D) of section 3317.013 of the Revised Code; 45144

(f) The number of children with disabilities, other than 45145  
preschool children with disabilities, placed with a county board 45146  
of developmental disabilities in the current fiscal year to 45147  
receive special education services for the category five 45148  
disabilities described in division (E) of section 3317.013 of the 45149  
Revised Code; 45150

(g) The number of children with disabilities, other than 45151  
preschool children with disabilities, placed with a county board 45152  
of developmental disabilities in the current fiscal year to 45153  
receive special education services for category six disabilities 45154  
described in division (F) of section 3317.013 of the Revised Code. 45155

(21) The enrollment of students who are economically 45156  
disadvantaged, as defined by the department, including any student 45157  
described in divisions (A)(1)(b) of this section and excluding any 45158  
student reported under ~~division (B)(3)(e)~~ divisions (A)(2)(a), 45159  
(b), (d), (g), (h), (i), and (j) of this section ~~as enrolled in an~~ 45160  
~~internet or computer based community school~~. A student shall not 45161  
be categorically excluded from the number reported under division 45162  
(B)(21) of this section based on anything other than family 45163  
income. 45164

(22) The enrollment of students identified as gifted under 45165  
division (A), (B), (C), or (D) of section 3324.03 of the Revised 45166

Code. 45167

(C)(1) The state board of education shall adopt rules 45168  
necessary for implementing divisions (A), (B), and (D) of this 45169  
section. 45170

(2) A student enrolled in a community school established 45171  
under Chapter 3314., a science, technology, engineering, and 45172  
mathematics school established under Chapter 3326., or a 45173  
college-preparatory boarding school established under Chapter 45174  
3328. of the Revised Code shall be counted in the formula ADM ~~and,~~ 45175  
~~if applicable, the category one, two, three, four, five, or six~~ 45176  
~~special education ADM~~ of the school district in which the student 45177  
is entitled to attend school under section 3313.64 or 3313.65 of 45178  
the Revised Code for the same proportion of the school year that 45179  
the student is counted in the enrollment of the community school, 45180  
the science, technology, engineering, and mathematics school, or 45181  
the college-preparatory boarding school for purposes of section 45182  
~~3314.08, 3326.33, 3317.022~~ or 3328.24 of the Revised Code. 45183  
Notwithstanding the enrollment of students ~~certified~~ reported 45184  
pursuant to division ~~(B)(3)(d)~~ (A)(2)(a), ~~(e)~~ (i), or (j), ~~or (k)~~ 45185  
of this section, the department may adjust the formula ADM of a 45186  
school district to account for students entitled to attend school 45187  
in the district under section 3313.64 or 3313.65 of the Revised 45188  
Code who are enrolled in a community school, a science, 45189  
technology, engineering, and mathematics school, or a 45190  
college-preparatory boarding school for only a portion of the 45191  
school year. 45192

(3) No child shall be counted as more than a total of one 45193  
child in the sum of the enrollment of students of a school 45194  
district under division (A), divisions (B)(1) to (22), or division 45195  
(D) of this section, except as follows: 45196

(a)(i) A child with a disability described in section 45197  
3317.013 of the Revised Code may be counted both in formula ADM 45198

and in category one, two, three, four, five, or six special 45199  
education ADM and, if applicable, in category one, two, three, 45200  
four, or five career-technical education ADM. As provided in 45201  
division ~~(G)~~(M) of section 3317.02 of the Revised Code, such a 45202  
child shall be counted in category one, two, three, four, five, or 45203  
six special education ADM in the same proportion that the child is 45204  
counted in formula ADM. 45205

(ii) A child with a disability described in section 3317.013 45206  
of the Revised Code may be counted both in enrolled ADM and in 45207  
category one, two, three, four, five, or six special education ADM 45208  
and, if applicable, in category one, two, three, four, or five 45209  
career-technical education ADM. As provided in division (M) of 45210  
section 3317.02 of the Revised Code, such a child shall be counted 45211  
in category one, two, three, four, five, or six special education 45212  
ADM in the same proportion that the child is counted in enrolled 45213  
ADM. 45214

(b)(i) A child enrolled in career-technical education 45215  
programs or classes described in section 3317.014 of the Revised 45216  
Code may be counted both in formula ADM and category one, two, 45217  
three, four, or five career-technical education ADM and, if 45218  
applicable, in category one, two, three, four, five, or six 45219  
special education ADM. Such a child shall be counted in category 45220  
one, two, three, four, or five career-technical education ADM in 45221  
the same proportion as the percentage of time that the child 45222  
spends in the career-technical education programs or classes. 45223

(ii) A child enrolled in career-technical education programs 45224  
or classes described in section 3317.014 of the Revised Code may 45225  
be counted both in enrolled ADM and category one, two, three, 45226  
four, or five career-technical education ADM and, if applicable, 45227  
in category one, two, three, four, five, or six special education 45228  
ADM. Such a child shall be counted in category one, two, three, 45229  
four, or five career-technical education ADM in the same 45230

proportion as the percentage of time that the child spends in the 45231  
career-technical education programs or classes. 45232

(4) Based on the information reported under this section, the 45233  
department of education shall determine the total student count, 45234  
as defined in section 3301.011 of the Revised Code, for each 45235  
school district. 45236

(D)(1) The superintendent of each joint vocational school 45237  
district shall report and certify to the superintendent of public 45238  
instruction as of the last day of October, March, and June of each 45239  
year the enrollment of students receiving services from schools 45240  
under the superintendent's supervision so that the department can 45241  
calculate the district's enrolled ADM, formula ADM, total ADM, 45242  
category one through five career-technical education ADM, category 45243  
one through three English learner ADM, category one through six 45244  
special education ADM, and for purposes of provisions of law 45245  
outside of Chapter 3317. of the Revised Code, average daily 45246  
membership. 45247

The enrollment reported and certified by the superintendent, 45248  
except as otherwise provided in this division, shall consist of 45249  
the number of students in grades six through twelve receiving any 45250  
educational services from the district, except that the following 45251  
categories of students shall not be included in the determination: 45252

(a) Students enrolled in adult education classes; 45253

(b) Adjacent or other district joint vocational students 45254  
enrolled in the district under an open enrollment policy pursuant 45255  
to section 3313.98 of the Revised Code; 45256

(c) Students receiving services in the district pursuant to a 45257  
compact, cooperative education agreement, or a contract, but who 45258  
are entitled to attend school in a city, local, or exempted 45259  
village school district whose territory is not part of the 45260  
territory of the joint vocational district; 45261

|                                                                                                                                                                                                                                                                                                         |                                           |
|---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-------------------------------------------|
| (d) Students for whom tuition is payable pursuant to sections 3317.081 and 3323.141 of the Revised Code.                                                                                                                                                                                                | 45262<br>45263                            |
| (2) To enable the department of education to obtain the data needed to complete the calculation of payments pursuant to this chapter, each superintendent shall certify from the report provided under division (D)(1) of this section the enrollment for each of the following categories of students: | 45264<br>45265<br>45266<br>45267<br>45268 |
| (a) Students enrolled in each individual grade included in the joint vocational district schools, <u>including any student described in division (D)(1)(b) of this section;</u>                                                                                                                         | 45269<br>45270<br>45271                   |
| (b) Children with disabilities receiving special education services for the category one disability described in division (A) of section 3317.013 of the Revised Code, <u>including any student described in division (D)(1)(b) of this section;</u>                                                    | 45272<br>45273<br>45274<br>45275          |
| (c) Children with disabilities receiving special education services for the category two disabilities described in division (B) of section 3317.013 of the Revised Code, <u>including any student described in division (D)(1)(b) of this section;</u>                                                  | 45276<br>45277<br>45278<br>45279          |
| (d) Children with disabilities receiving special education services for category three disabilities described in division (C) of section 3317.013 of the Revised Code, <u>including any student described in division (D)(1)(b) of this section;</u>                                                    | 45280<br>45281<br>45282<br>45283          |
| (e) Children with disabilities receiving special education services for category four disabilities described in division (D) of section 3317.013 of the Revised Code, <u>including any student described in division (D)(1)(b) of this section;</u>                                                     | 45284<br>45285<br>45286<br>45287          |
| (f) Children with disabilities receiving special education services for the category five disabilities described in division (E) of section 3317.013 of the Revised Code, <u>including any student described in division (D)(1)(b) of this section;</u>                                                 | 45288<br>45289<br>45290<br>45291          |

|                                                                                                                                                                                                                                                    |                                  |
|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|----------------------------------|
| (g) Children with disabilities receiving special education services for category six disabilities described in division (F) of section 3317.013 of the Revised Code, <u>including any student described in division (D)(1)(b) of this section;</u> | 45292<br>45293<br>45294<br>45295 |
| (h) Students receiving category one career-technical education services, described in division (A)(1) of section 3317.014 of the Revised Code, <u>including any student described in division (D)(1)(b) of this section;</u>                       | 45296<br>45297<br>45298<br>45299 |
| (i) Students receiving category two career-technical education services, described in division <del>(B)</del> (A)(2) of section 3317.014 of the Revised Code, <u>including any student described in division (D)(1)(b) of this section;</u>        | 45300<br>45301<br>45302<br>45303 |
| (j) Students receiving category three career-technical education services, described in division <del>(C)</del> (A)(3) of section 3317.014 of the Revised Code, <u>including any student described in division (D)(1)(b) of this section;</u>      | 45304<br>45305<br>45306<br>45307 |
| (k) Students receiving category four career-technical education services, described in division <del>(D)</del> (A)(4) of section 3317.014 of the Revised Code, <u>including any student described in division (D)(1)(b) of this section;</u>       | 45308<br>45309<br>45310<br>45311 |
| (l) Students receiving category five career-technical education services, described in division <del>(E)</del> (A)(5) of section 3317.014 of the Revised Code, <u>including any student described in division (D)(1)(b) of this section;</u>       | 45312<br>45313<br>45314<br>45315 |
| (m) English learners described in division (A) of section 3317.016 of the Revised Code, <u>including any student described in division (D)(1)(b) of this section;</u>                                                                              | 45316<br>45317<br>45318          |
| (n) English learners described in division (B) of section 3317.016 of the Revised Code, <u>including any student described in division (D)(1)(b) of this section;</u>                                                                              | 45319<br>45320<br>45321          |

(o) English learners described in division (C) of section 45322  
3317.016 of the Revised Code, including any student described in 45323  
division (D)(1)(b) of this section; 45324

(p) Students who are economically disadvantaged, as defined 45325  
by the department, including any student described in division 45326  
(D)(1)(b) of this section. A student shall not be categorically 45327  
excluded from the number reported under division (D)(2)(p) of this 45328  
section based on anything other than family income. 45329

The superintendent of each joint vocational school district 45330  
shall also indicate the city, local, or exempted village school 45331  
district in which each joint vocational district pupil is entitled 45332  
to attend school pursuant to section 3313.64 or 3313.65 of the 45333  
Revised Code. 45334

(E) In each school of each city, local, exempted village, 45335  
joint vocational, and cooperative education school district there 45336  
shall be maintained a record of school enrollment, which record 45337  
shall accurately show, for each day the school is in session, the 45338  
actual enrollment in regular day classes. For the purpose of 45339  
determining the enrollment of students, the enrollment figure of 45340  
any school shall not include any pupils except those pupils 45341  
described by division (A) or (D) of this section. The record of 45342  
enrollment for each school shall be maintained in such manner that 45343  
no pupil shall be counted as enrolled prior to the actual date of 45344  
entry in the school and also in such manner that where for any 45345  
cause a pupil permanently withdraws from the school that pupil 45346  
shall not be counted as enrolled from and after the date of such 45347  
withdrawal. There shall not be included in the enrollment of any 45348  
school any of the following: 45349

(1) Any pupil who has graduated from the twelfth grade of a 45350  
public or nonpublic high school; 45351

(2) Any pupil who is not a resident of the state; 45352

(3) Any pupil who was enrolled in the schools of the district 45353  
during the previous school year when assessments were administered 45354  
under section 3301.0711 of the Revised Code but did not take one 45355  
or more of the assessments required by that section and was not 45356  
excused pursuant to division (C)(1) or (3) of that section; 45357

(4) Any pupil who has attained the age of twenty-two years, 45358  
except for veterans of the armed services whose attendance was 45359  
interrupted before completing the recognized twelve-year course of 45360  
the public schools by reason of induction or enlistment in the 45361  
armed forces and who apply for reenrollment in the public school 45362  
system of their residence not later than four years after 45363  
termination of war or their honorable discharge; 45364

(5) Any pupil who has a certificate of high school 45365  
equivalence as defined in section 5107.40 of the Revised Code. 45366

If, however, any veteran described by division (E)(4) of this 45367  
section elects to enroll in special courses organized for veterans 45368  
for whom tuition is paid under the provisions of federal laws, or 45369  
otherwise, that veteran shall not be included in the enrollment of 45370  
students determined under this section. 45371

Notwithstanding division (E)(3) of this section, the 45372  
enrollment of any school may include a pupil who did not take an 45373  
assessment required by section 3301.0711 of the Revised Code if 45374  
the superintendent of public instruction grants a waiver from the 45375  
requirement to take the assessment to the specific pupil and a 45376  
parent is not paying tuition for the pupil pursuant to section 45377  
3313.6410 of the Revised Code. The superintendent may grant such a 45378  
waiver only for good cause in accordance with rules adopted by the 45379  
state board of education. 45380

The enrolled ADM, formula ADM, total ADM, category one 45381  
through five career-technical education ADM, category one through 45382  
three English learner ADM, category one through six special 45383

education ADM, ~~preschool scholarship ADM,~~ transportation ADM, and, 45384  
for purposes of provisions of law outside of Chapter 3317. of the 45385  
Revised Code, average daily membership of any school district 45386  
shall be determined in accordance with rules adopted by the state 45387  
board of education. 45388

(F)(1) If a student attending a community school under 45389  
Chapter 3314., a science, technology, engineering, and mathematics 45390  
school established under Chapter 3326., or a college-preparatory 45391  
boarding school established under Chapter 3328. of the Revised 45392  
Code is not included in the formula ADM calculated for the school 45393  
district in which the student is entitled to attend school under 45394  
section 3313.64 or 3313.65 of the Revised Code, the department of 45395  
education shall adjust the formula ADM of that school district to 45396  
include the student in accordance with division (C)(2) of this 45397  
section, ~~and shall recalculate the school district's payments~~ 45398  
~~under this chapter for the entire fiscal year on the basis of that~~ 45399  
~~adjusted formula ADM.~~ 45400

(2) If a student awarded an educational choice scholarship is 45401  
not included in the formula ADM of the school district ~~from in~~ 45402  
which the ~~department deducts funds for the scholarship under~~ 45403  
~~section 3310.08 of the Revised Code~~ student resides, the 45404  
department shall adjust the formula ADM of that school district to 45405  
include the student ~~to the extent necessary to account for the~~ 45406  
~~deduction, and shall recalculate the school district's payments~~ 45407  
~~under this chapter for the entire fiscal year on the basis of that~~ 45408  
~~adjusted formula ADM.~~ 45409

(3) If a student awarded a scholarship under the Jon Peterson 45410  
special needs scholarship program is not included in the formula 45411  
ADM of the school district ~~from in~~ which the ~~department deducts~~ 45412  
~~funds for the scholarship under section 3310.55 of the Revised~~ 45413  
~~Code~~ student resides, the department shall adjust the formula ADM 45414  
of that school district to include the student ~~to the extent~~ 45415

~~necessary to account for the deduction, and shall recalculate the 45416  
school district's payments under this chapter for the entire 45417  
fiscal year on the basis of that adjusted formula ADM. 45418~~

(G)(1)(a) The superintendent of an institution operating a 45419  
special education program pursuant to section 3323.091 of the 45420  
Revised Code shall, for the programs under such superintendent's 45421  
supervision, certify to the state board of education, in the 45422  
manner prescribed by the superintendent of public instruction, 45423  
both of the following: 45424

(i) The unduplicated count of the number of all children with 45425  
disabilities other than preschool children with disabilities 45426  
receiving services at the institution for each category of 45427  
disability described in divisions (A) to (F) of section 3317.013 45428  
of the Revised Code adjusted for the portion of the year each 45429  
child is so enrolled; 45430

(ii) The unduplicated count of the number of all preschool 45431  
children with disabilities in classes or programs for whom the 45432  
district is eligible to receive funding under section 3317.0213 of 45433  
the Revised Code adjusted for the portion of the year each child 45434  
is so enrolled, reported according to the categories prescribed in 45435  
section 3317.013 of the Revised Code. 45436

(b) The superintendent of an institution with 45437  
career-technical education units approved under section 3317.05 of 45438  
the Revised Code shall, for the units under the superintendent's 45439  
supervision, certify to the state board of education the 45440  
enrollment in those units, in the manner prescribed by the 45441  
superintendent of public instruction. 45442

(2) The superintendent of each county board of developmental 45443  
disabilities that maintains special education classes under 45444  
section 3317.20 of the Revised Code or provides services to 45445  
preschool children with disabilities pursuant to an agreement 45446

between the county board and the appropriate school district shall 45447  
do both of the following: 45448

(a) Certify to the state board, in the manner prescribed by 45449  
the board, the enrollment in classes under section 3317.20 of the 45450  
Revised Code for each school district that has placed children in 45451  
the classes; 45452

(b) Certify to the state board, in the manner prescribed by 45453  
the board, the unduplicated count of the number of all preschool 45454  
children with disabilities enrolled in classes for which the board 45455  
is eligible to receive funding under section 3317.0213 of the 45456  
Revised Code adjusted for the portion of the year each child is so 45457  
enrolled, reported according to the categories prescribed in 45458  
section 3317.013 of the Revised Code, and the number of those 45459  
classes. 45460

(H) Except as provided in division (I) of this section, when 45461  
any city, local, or exempted village school district provides 45462  
instruction for a nonresident pupil whose attendance is 45463  
unauthorized attendance as defined in section 3327.06 of the 45464  
Revised Code, that pupil's enrollment shall not be included in 45465  
that district's enrollment figure used in calculating the 45466  
district's payments under this chapter. The reporting official 45467  
shall report separately the enrollment of all pupils whose 45468  
attendance in the district is unauthorized attendance, and the 45469  
enrollment of each such pupil shall be credited to the school 45470  
district in which the pupil is entitled to attend school under 45471  
division (B) of section 3313.64 or section 3313.65 of the Revised 45472  
Code as determined by the department of education. 45473

(I)~~(1)~~ This division shall not apply on or after the 45474  
effective date of this amendment. 45475

(1) A city, local, exempted village, or joint vocational 45476  
school district admitting a scholarship student of a pilot project 45477

district pursuant to division (C) of section 3313.976 of the Revised Code may count such student in its enrollment.

(2) In any year for which funds are appropriated for pilot project scholarship programs, a school district implementing a state-sponsored pilot project scholarship program that year pursuant to sections 3313.974 to 3313.979 of the Revised Code may count in its enrollment:

(a) All children residing in the district and utilizing a scholarship to attend kindergarten in any alternative school, as defined in section 3313.974 of the Revised Code;

(b) All children who were enrolled in the district in the preceding year who are utilizing a scholarship to attend an alternative school.

(J) The superintendent of each cooperative education school district shall certify to the superintendent of public instruction, in a manner prescribed by the state board of education, the applicable enrollments for all students in the cooperative education district, also indicating the city, local, or exempted village district where each pupil is entitled to attend school under section 3313.64 or 3313.65 of the Revised Code.

(K) If the superintendent of public instruction determines that a component of the enrollment certified or reported by a district superintendent, or other reporting entity, is not correct, the superintendent of public instruction may order that the ~~formula ADM used for the purposes of payments under any section of Title XXXIII of the Revised Code~~ district's enrolled ADM, formula ADM, or both be adjusted in the amount of the error.

**Sec. 3317.051.** (A) ~~As used in this section, "gifted unit ADM" means a school district's formula ADM minus the number of students~~

~~reported by a district under divisions (A)(2)(a) and (i) of  
section 3317.03 of the Revised Code.~~ 45508  
45509

~~(B)~~ The department of education shall compute and pay to a 45510  
school district funds based on units for services to students 45511  
identified as gifted under Chapter 3324. of the Revised Code as 45512  
prescribed by this section. 45513

~~(C)~~(B) The department shall allocate gifted units for a 45514  
school district as follows: 45515

(1) For fiscal years 2022 and 2023: 45516

(a) One gifted coordinator unit shall be allocated for every 45517  
3,300 students in a district's ~~gifted unit~~ enrolled ADM, with a 45518  
minimum of 0.5 units and a maximum of 8 units allocated for the 45519  
district. 45520

~~(2)~~(b) One kindergarten through eighth grade gifted 45521  
intervention specialist unit shall be allocated for every ~~1,100~~ 45522  
140 gifted students in a district's ~~gifted unit~~ enrolled in 45523  
grades kindergarten through eight in the district, as certified 45524  
under division (B)(22) of section 3317.03 of the Revised Code, 45525  
with a minimum of 0.3 units allocated for the district. 45526

~~(D)~~(c) One ninth through twelfth grade gifted intervention 45527  
specialist unit shall be allocated for every 140 gifted students 45528  
enrolled in grades nine through twelve in the district, as 45529  
certified under division (B)(22) of section 3317.03 of the Revised 45530  
Code, with a minimum of 0.3 units allocated for the district. 45531

(2) For fiscal year 2024 and each fiscal year thereafter, in 45532  
the manner prescribed by the general assembly. 45533

(C) The department shall pay ~~the following~~ an amount to a 45534  
school district for gifted units as follows: 45535

(a) For fiscal years 2022 and 2023, an amount equal to the 45536  
following sum: 45537

~~\$37,370 multiplied by (\$85,776 X the number of units allocated to~~ 45538  
a school district under division ~~(C)~~ (B)(1) of this section X the 45539  
district's state share percentage) + (\$89,378 X the number of 45540  
units allocated to a school district under division (B)(2) of this 45541  
section X the district's state share percentage) + (\$80,974 X the 45542  
number of units allocated to a school district under division 45543  
(B)(3) of this section X the district's state share percentage) 45544

(b) For fiscal year 2024 and each fiscal year thereafter, an 45545  
amount calculated in a manner determined by the general assembly. 45546

~~(E)~~(D) A school district may assign gifted unit funding that 45547  
it receives under division ~~(D)~~(C) of this section to another 45548  
school district, an educational service center, a community 45549  
school, or a STEM school as part of an arrangement to provide 45550  
services to the district. 45551

**Sec. 3317.062.** (A) Moneys paid to chartered nonpublic schools 45552  
under division (E)(2) of section 3317.024 of the Revised Code 45553  
shall be used for one or more of the following purposes: 45554

(1) To purchase secular textbooks or digital texts, as 45555  
defined in divisions (A)(1) and (2) of section 3317.06 of the 45556  
Revised Code, as have been approved by the superintendent of 45557  
public instruction for use in public schools in the state. 45558  
Textbooks purchased in accordance with this division may be 45559  
disposed of four years after the date of purchase; 45560

(2) To provide the services described in divisions (B), (C), 45561  
(D), and (Q) of section 3317.06 of the Revised Code; 45562

(3) To provide the services described in divisions (E), (F), 45563  
(G), and (I) of section 3317.06 of the Revised Code. If such 45564  
services are provided in public schools or in public centers, 45565  
transportation to and from such facilities shall be provided by 45566  
the nonpublic school. 45567

(4) To supply for use by pupils attending the school such standardized tests and scoring services as are in use in the public schools of the state;

(5) To hire clerical personnel to assist in the administration of divisions (A)(2), (3), and (4) of this section and to hire supervisory personnel to supervise the providing of services and textbooks pursuant to this section. These personnel shall perform their services in the public schools, in nonpublic schools, public centers, or mobile units where the services are provided to the nonpublic school pupil, except that such personnel may accompany pupils to and from the service sites when necessary to ensure the safety of the children receiving the services. All services provided pursuant to this section may be provided under contract with school districts, educational service centers, the department of health, city or general health districts, or private agencies whose personnel are properly licensed by an appropriate state board or agency.

(6) To purchase any of the materials described in division (K) of section 3317.06 of the Revised Code;

(7) To purchase any of the equipment described in division (L) of section 3317.06 of the Revised Code;

(8) To purchase mobile units to be used for the provision of services pursuant to division (A)(3) of this section and to pay for necessary repairs and operating costs associated with these units;

(9) To purchase the equipment described in division (O) of section 3317.06 of the Revised Code;

(10) To procure and pay for security services described in division (P) of section 3317.06 of the Revised Code.

(B) Materials, equipment, computer hardware and software, textbooks, digital texts, and health and remedial services

provided pursuant to this section and the admission of pupils to 45599  
nonpublic schools shall be provided without distinction as to 45600  
race, creed, color, or national origin of such pupils or of their 45601  
teachers. 45602

(C) Any interest earned by a chartered nonpublic school on 45603  
moneys paid to it under division (E)(2) of section 3317.024 of the 45604  
Revised Code shall be used by the school for the same purposes and 45605  
in the same manner as the payments may be used under this section. 45606

(D) The department of education shall adopt guidelines and 45607  
procedures regarding both of the following: 45608

(1) The expenditure of moneys under this section; 45609

(2) The audit of nonpublic schools receiving funds under this 45610  
section to ensure the appropriate use of funds. 45611

(E) The department shall adopt a rule specifying the party 45612  
that owns any property purchased by a chartered nonpublic school 45613  
with moneys paid under division (E)(2) of section 3317.024 of the 45614  
Revised Code. The rule shall include procedures for disposal of 45615  
the property by the designated owner when appropriate. 45616

(F) Within thirty days after the end of each biennium, each 45617  
chartered nonpublic school shall remit to the department all 45618  
moneys paid to it under division (E)(2) of section 3317.024 of the 45619  
Revised Code and any interest earned on those moneys that are not 45620  
required to pay expenses incurred under this section during the 45621  
biennium for which the moneys were appropriated and during which 45622  
the interest was earned. If a school subsequently determines that 45623  
the remittal of moneys leaves the school with insufficient money 45624  
to pay all valid expenses incurred under this section during the 45625  
biennium for which the remitted moneys were appropriated, the 45626  
school may apply to the department for a refund of money, not to 45627  
exceed the amount of the insufficiency. If the department 45628  
determines the expenses were lawfully incurred and would have been 45629

lawful expenditures of the refunded money, the department shall 45630  
make a refund in the necessary amount. 45631

(G) All services provided and purchases made pursuant to this 45632  
section may be acquired under contract with school districts, 45633  
educational service centers, the department of health, city or 45634  
general health districts, or private entities. 45635

(H) When a chartered nonpublic school has materials or 45636  
equipment purchased in accordance with division (A)(6) or (7) of 45637  
this section that are no longer needed for school use, are 45638  
obsolete, are unfit for the use for which they were acquired, or 45639  
have been in the school's possession for at least four years, the 45640  
school may dispose of that property in accordance with the 45641  
school's disposal procedures, which may include donation, sale, 45642  
trade, or permanent disposal. The school shall remit to the state 45643  
treasury the proceeds from any sale made in accordance with this 45644  
division. 45645

**Sec. 3317.063.** The superintendent of public instruction, in 45646  
accordance with rules adopted by the department of education, 45647  
shall annually reimburse each chartered nonpublic school for the 45648  
actual mandated service administrative and clerical costs incurred 45649  
by such school during the preceding school year in preparing, 45650  
maintaining, and filing reports, forms, and records, and in 45651  
providing such other administrative and clerical services that are 45652  
not an integral part of the teaching process as may be required by 45653  
state law or rule or by requirements duly promulgated by city, 45654  
exempted village, or local school districts. The mandated service 45655  
costs reimbursed pursuant to this section shall include, but are 45656  
not limited to, the preparation, filing and maintenance of forms, 45657  
reports, or records and other clerical and administrative services 45658  
relating to state chartering or approval of the nonpublic school, 45659  
pupil attendance, pupil health and health testing, transportation 45660

of pupils, federally funded education programs, pupil appraisal, 45661  
pupil progress, educator licensure, unemployment and workers' 45662  
compensation, transfer of pupils, and such other education related 45663  
data which are now or hereafter shall be required of such 45664  
nonpublic school by state law or rule, or by requirements of the 45665  
state department of education, other state agencies, or city, 45666  
exempted village, or local school districts. 45667

The reimbursement required by this section shall be for 45668  
school years beginning on or after July 1, 1981. 45669

Each nonpublic school which seeks reimbursement pursuant to 45670  
this section shall submit to the superintendent of public 45671  
instruction an application together with such additional reports 45672  
and documents as the department of education may require. Such 45673  
application, reports, and documents shall contain such information 45674  
as the department of education may prescribe in order to carry out 45675  
the purposes of this section. No payment shall be made until the 45676  
superintendent of public instruction has approved such 45677  
application. 45678

Each nonpublic school which applies for reimbursement 45679  
pursuant to this section shall maintain a separate account or 45680  
system of accounts for the expenses incurred in rendering the 45681  
required services for which reimbursement is sought. Such accounts 45682  
shall contain such information as is required by the department of 45683  
education and shall be maintained in accordance with rules adopted 45684  
by the department of education. 45685

Reimbursement payments to a nonpublic school for a school 45686  
year pursuant to this section shall not exceed ~~an~~ the per-pupil 45687  
amount specified by the general assembly for ~~each~~ that school year 45688  
~~equal to three hundred sixty dollars per pupil enrolled in that~~ 45689  
~~nonpublic school.~~ 45690

The superintendent of public instruction may, from time to 45691

time, examine any and all accounts and records of a nonpublic 45692  
school which have been maintained pursuant to this section in 45693  
support of an application for reimbursement, for the purpose of 45694  
determining the costs to such school of rendering the services for 45695  
which reimbursement is sought. If after such audit it is 45696  
determined that any school has received funds in excess of the 45697  
actual cost of providing such services, said school shall 45698  
immediately reimburse the state in such excess amount. 45699

Any payments made to chartered nonpublic schools under this 45700  
section may be disbursed without submission to and approval of the 45701  
controlling board. 45702

**Sec. 3317.064.** (A) There is hereby established in the state 45703  
treasury the auxiliary services reimbursement fund. By the 45704  
thirtieth day of January of each odd-numbered year, the director 45705  
of job and family services and the superintendent of public 45706  
instruction shall determine the amount of any excess moneys in the 45707  
auxiliary services personnel unemployment compensation fund not 45708  
reasonably necessary for the purposes of section 4141.47 of the 45709  
Revised Code, and shall certify such amount to the director of 45710  
budget and management for transfer to the auxiliary services 45711  
reimbursement fund. If the director of job and family services and 45712  
the superintendent disagree on such amount, the director of budget 45713  
and management shall determine the amount to be transferred. 45714

(B) Except as provided in divisions (C) and (D) of this 45715  
section, moneys in the auxiliary services reimbursement fund shall 45716  
be used for the relocation or for the replacement and repair of 45717  
mobile units used to provide the services specified in division 45718  
(E), (F), (G), or (I) of section 3317.06 of the Revised Code. The 45719  
state board of education shall adopt guidelines and procedures for 45720  
replacement, repair, and relocation of mobile units and the 45721  
procedures under which a school district may apply to receive 45722

moneys with which to repair or replace or relocate such units. 45723

(C) School districts and educational service centers may 45724  
apply to the department for moneys from the auxiliary services 45725  
reimbursement fund for payment of incentives for early retirement 45726  
and severance for school district personnel assigned to provide 45727  
services authorized by section 3317.06 of the Revised Code at 45728  
chartered nonpublic schools. The portion of the cost of any early 45729  
retirement or severance incentive for any employee that is paid 45730  
using money from the auxiliary services reimbursement fund shall 45731  
not exceed the percentage of such employee's total service credit 45732  
that the employee spent providing services to chartered nonpublic 45733  
school students under section 3317.06 of the Revised Code. 45734

(D) The department of education may use a portion of the 45735  
moneys in the auxiliary services reimbursement fund to make 45736  
payments for chartered nonpublic school students under section 45737  
3365.07 of the Revised Code, in accordance with rules adopted 45738  
pursuant to section 3365.071 of the Revised Code. 45739

Sec. 3317.071. For fiscal years 2022 and 2023, the department 45740  
of education shall implement a program to distribute bus 45741  
purchasing grants of not less than \$45,000 to city, local, and 45742  
exempted village school districts for the purpose of replacing the 45743  
oldest and highest mileage buses in the state assigned to routes. 45744  
The department shall annually collect age, mileage, and vehicle 45745  
condition data from districts through its transportation data 45746  
collection system. 45747

Sec. 3317.072. (A) The transportation collaboration fund is 45748  
hereby created in the state treasury for fiscal years 2022 and 45749  
2023. The fund shall consist of money appropriated for this 45750  
purpose by the general assembly. The department of education shall 45751  
use money in the fund for grants awarded under this section. 45752

(B)(1) For fiscal years 2022 and 2023, the department shall award transportation collaboration grants each fiscal year to city, local, and exempted village school districts for efforts that lead to shared resource management, routing consolidation, regional collaboration, or other activities that have the potential to reduce transportation operating costs. 45753  
45754  
45755  
45756  
45757  
45758

(2) The department shall determine the amount of each grant awarded, but no grant shall exceed \$10,000 for any fiscal year. 45759  
45760

(3) The department shall adopt rules regarding all of the following: 45761  
45762

(a) The process for city, local, and exempted village school districts to submit applications for grants awarded under this section, including the deadline for those applications to be submitted; 45763  
45764  
45765  
45766

(b) The application form for grants awarded under this section; 45767  
45768

(c) The requirements and process for grant recipients to be eligible to renew their grants in future fiscal years; 45769  
45770

(d) Any other rules necessary to implement the provisions of this section. 45771  
45772

**Sec. 3317.11. (A) As used in this section:** 45773

(1) For fiscal years 2022 and 2023, "base amount" is equal to \$356,250. 45774  
45775

(2) For fiscal years 2022 and 2023, "funding base" means the amount paid to an educational service center under Section 265.360 of H.B. 166 of the 133rd general assembly for fiscal year 2020. 45776  
45777  
45778

(3) For fiscal years 2022 and 2023, "general phase-in percentage" for an educational service center means the "general phase-in percentage" for school districts as defined in section 45779  
45780  
45781

3317.02 of the Revised Code. 45782

(4) For fiscal years 2022 and 2023, "student count" means the 45783  
count calculated under division (G)(1) of section 3313.843 of the 45784  
Revised Code. 45785

(B)(1) For fiscal years 2022 and 2023, the department of 45786  
education shall pay the governing board of each educational 45787  
service center an amount equal to the following: 45788

The educational service center's funding base + [(the amount 45789  
calculated for the educational service center for that fiscal year 45790  
under division (C) of this section - the educational service 45791  
center's funding base) X the educational service center's general 45792  
phase-in percentage for that fiscal year] 45793

(2) For fiscal year 2024 and each fiscal year thereafter, the 45794  
department shall pay the governing board of each educational 45795  
service center an amount calculated in a manner determined by the 45796  
general assembly. 45797

(C) For fiscal years 2022 and 2023, the department shall 45798  
calculate an amount for each educational service center as 45799  
follows: 45800

(1) If the educational service center has a student count of 45801  
5,000 students or less, the base amount. 45802

(2) If the educational service center has a student count 45803  
greater than 5,000 students but less than or equal to 35,000 45804  
students, the following sum: 45805

The base amount + [(the educational service center's student count 45806  
- 5,000) X \$24.72] 45807

(3) If the educational service center has a student count 45808  
greater than 35,000 students, the following sum: 45809

The base amount + (30,000 X \$24.72) + [(the educational service 45810  
center's student count - 35,000) X \$30.90] 45811

Sec. 3317.16. ~~(A)~~ The department of education shall compute 45812  
and distribute state core foundation funding to each funding unit 45813  
that is a joint vocational school district for the fiscal year as 45814  
prescribed in the following divisions follows: 45815

For fiscal years 2022 and 2023: 45816

The district's funding base + [(the district's state core 45817  
foundation funding components for that fiscal year calculated 45818  
under divisions (A)(1), (2), (4), (5), and (6) of this section - 45819  
the district's general funding base) X the district's general 45820  
phase-in percentage for that fiscal year] + [(the district's 45821  
disadvantaged pupil impact aid for that fiscal year calculated 45822  
under division (A)(3) of this section - the district's 45823  
disadvantaged pupil impact aid funding base) X the district's 45824  
phase-in percentage for disadvantaged pupil impact aid for that 45825  
fiscal year] 45826

For fiscal year 2024 and each fiscal year thereafter, the sum 45827  
of the district's state core foundation funding components for 45828  
that fiscal year calculated under divisions (A)(1), (2), (3), (4), 45829  
(5), and (6) of this section. 45830

(A) A district's state core foundation funding components 45831  
shall be all of the following: 45832

(1) ~~An opportunity grant~~ The district's state share of the 45833  
base cost, which is equal to the following: 45834

(a) For fiscal years 2022 and 2023, an amount calculated 45835  
according to the following formula: 45836

(The ~~formula amount~~ X ~~formula~~ ADM district's base cost calculated 45837  
under section 3317.012 of the Revised Code) - (0.0005 X the lesser 45838  
of the district's three-year average valuation or the district's 45839  
most recent valuation) 45840

However, no district shall receive an ~~opportunity grant~~ 45841

amount under division (A)(1) of this section that is less than 45842  
0.05 times the ~~formula amount times formula~~ ADM base cost 45843  
calculated for the district under section 3317.012 of the Revised 45844  
Code. 45845

(b) For fiscal year 2024 and each fiscal year thereafter, an 45846  
amount calculated in a manner determined by the general assembly. 45847

(2) Additional state aid for special education and related 45848  
services provided under Chapter 3323. of the Revised Code 45849  
calculated as follows: 45850

(a) For fiscal years 2022 and 2023, the sum of the following: 45851  
45852

~~(a)~~(i) The district's category one special education ADM X 45853  
the ~~amount~~ multiple specified in division (A) of section 3317.013 45854  
of the Revised Code X the statewide average base cost per pupil 45855  
for that fiscal year X the district's state share percentage; 45856

~~(b)~~(ii) The district's category two special education ADM X 45857  
the ~~amount~~ multiple specified in division (B) of section 3317.013 45858  
of the Revised Code X the statewide average base cost per pupil 45859  
for that fiscal year X the district's state share percentage; 45860

~~(c)~~(iii) The district's category three special education ADM 45861  
X the ~~amount~~ multiple specified in division (C) of section 45862  
3317.013 of the Revised Code X the statewide average base cost per 45863  
pupil for that fiscal year X the district's state share 45864  
percentage; 45865

~~(d)~~(iv) The district's category four special education ADM X 45866  
the ~~amount~~ multiple specified in division (D) of section 3317.013 45867  
of the Revised Code X the statewide average base cost per pupil 45868  
for that fiscal year X the district's state share percentage; 45869

~~(e)~~(v) The district's category five special education ADM X 45870  
the ~~amount~~ multiple specified in division (E) of section 3317.013 45871

of the Revised Code X the statewide average base cost per pupil 45872  
for that fiscal year X the district's state share percentage; 45873

~~(f)~~(vi) The district's category six special education ADM X 45874  
the amount multiple specified in division (F) of section 3317.013 45875  
of the Revised Code X the statewide average base cost per pupil 45876  
for that fiscal year X the district's state share percentage. 45877

(b) For fiscal year 2024 and each fiscal year thereafter, the 45878  
sum of the following: 45879

(i) An amount calculated in a manner determined by the 45880  
general assembly times the funding unit's category one special 45881  
education ADM; 45882

(ii) An amount calculated in a manner determined by the 45883  
general assembly times the funding unit's category two special 45884  
education ADM; 45885

(iii) An amount calculated in a manner determined by the 45886  
general assembly times the funding unit's category three special 45887  
education ADM; 45888

(iv) An amount calculated in a manner determined by the 45889  
general assembly times the funding unit's category four special 45890  
education ADM; 45891

(v) An amount calculated in a manner determined by the 45892  
general assembly times the funding unit's category five special 45893  
education ADM; 45894

(vi) An amount calculated in a manner determined by the 45895  
general assembly times the funding unit's category six special 45896  
education ADM. 45897

~~(3) Economically disadvantaged funds~~ Disadvantaged pupil 45898  
impact aid calculated as follows: 45899

(a) For fiscal years 2022 and 2023, an amount calculated 45900  
according to the following formula: 45901

~~§272~~ §422 X the district's economically disadvantaged index X the 45902  
number of students who are economically disadvantaged as certified 45903  
under division (D)(2)(p) of section 3317.03 of the Revised Code 45904

(b) For fiscal year 2024 and each fiscal year thereafter, an 45905  
amount calculated in a manner determined by the general assembly. 45906

(4) English learner funds calculated as follows: 45907

(a) For fiscal years 2022 and 2023, the sum of the following: 45908

~~(a)~~(i) The district's category one English learner ADM X the 45909  
~~amount~~ multiple specified in division (A) of section 3317.016 of 45910  
the Revised Code X the statewide average base cost per pupil for 45911  
that fiscal year X the district's state share percentage; 45912

~~(b)~~(ii) The district's category two English learner ADM X the 45913  
~~amount~~ multiple specified in division (B) of section 3317.016 of 45914  
the Revised Code X the statewide average base cost per pupil for 45915  
that fiscal year X the district's state share percentage; 45916

~~(c)~~(iii) The district's category three English learner ADM X 45917  
the ~~amount~~ multiple specified in division (C) of section 3317.016 45918  
of the Revised Code X the statewide average base cost per pupil 45919  
for that fiscal year X the district's state share percentage. 45920

(b) For fiscal year 2024 and each fiscal year thereafter, the 45921  
sum of the following: 45922

(i) An amount calculated in a manner determined by the 45923  
general assembly times the funding unit's category one English 45924  
learner ADM; 45925

(ii) An amount calculated in a manner determined by the 45926  
general assembly times the funding unit's category two English 45927  
learner ADM; 45928

(iii) An amount calculated in a manner determined by the 45929  
general assembly times the funding unit's category three English 45930  
learner ADM. 45931

(5) Career-technical education funds calculated as the sum of the following: 45932  
45933

~~(a) The district's category one career technical education ADM X the amount specified in division (A) of section 3317.014 of the Revised Code X the district's state share percentage;~~ 45934  
45935  
45936

~~(b) The district's category two career technical education ADM X the amount specified in division (B) of section 3317.014 of the Revised Code X the district's state share percentage;~~ 45937  
45938  
45939

~~(c) The district's category three career technical education ADM X the amount specified in division (C) of section 3317.014 of the Revised Code X the district's state share percentage;~~ 45940  
45941  
45942

~~(d) The district's category four career technical education ADM X the amount specified in division (D) of section 3317.014 of the Revised Code X the district's state share percentage;~~ 45943  
45944  
45945

~~(e) The district's category five career technical education ADM X the amount specified in division (E) of section 3317.014 of the Revised Code X the district's state share percentage.~~ 45946  
45947  
45948

~~Payment of funds under division (A)(5) of this section is subject to approval under section 3317.161 of the Revised Code under division (C) of section 3317.014 of the Revised Code.~~ 45949  
45950  
45951

(6) Career-technical education associated services funds calculated under the following formula: 45952  
45953

~~The district's state share percentage X the amount for career technical education associated services specified in section 3317.014 of the Revised Code X the sum of categories one through five career technical education ADM~~ 45954  
45955  
45956  
45957  
45958

~~(7) A graduation bonus calculated according to the following formula:~~ 45959  
45960

~~The district's graduation rate as reported on its most recent~~ 45961

~~report card issued by the department under section 3302.033 of the Revised Code X 0.075 X the formula amount X the number of the district's students who received high school or honors high school diplomas as reported by the district to the department, in accordance with the guidelines adopted under section 3301.0714 of the Revised Code, for the same school year for which the most recent report card was issued X the district's state share percentage division (D) of section 3317.014 of the Revised Code.~~

(B)(1) If a joint vocational school district's costs for a fiscal year for a student in its categories two through six special education ADM exceed the threshold catastrophic cost for serving the student, as specified in division (B) of section 3317.0214 of the Revised Code, the district may submit to the superintendent of public instruction documentation, as prescribed by the superintendent, of all of its costs for that student. Upon submission of documentation for a student of the type and in the manner prescribed, the department shall pay to the district an amount equal to the sum of the following:

(a) One-half of the district's costs for the student in excess of the threshold catastrophic cost;

(b) The product of one-half of the district's costs for the student in excess of the threshold catastrophic cost multiplied by the district's state share percentage.

(2) The district shall report under division (B)(1) of this section, and the department shall pay for, only the costs of educational expenses and the related services provided to the student in accordance with the student's individualized education program. Any legal fees, court costs, or other costs associated with any cause of action relating to the student may not be included in the amount.

(C)(1) For each student with a disability receiving special education and related services under an individualized education

program, as defined in section 3323.01 of the Revised Code, at a 45994  
joint vocational school district, the resident district or, if the 45995  
student is enrolled in a community school, the community school 45996  
shall be responsible for the amount of any costs of providing 45997  
those special education and related services to that student that 45998  
exceed the sum of the amount calculated for those services 45999  
attributable to that student under division (A) of this section. 46000

Those excess costs shall be calculated using a formula 46001  
approved by the department. 46002

(2) The board of education of the joint vocational school 46003  
district may report the excess costs calculated under division 46004  
(C)(1) of this section to the department of education. 46005

(3) If the board of education of the joint vocational school 46006  
district reports excess costs under division (C)(2) of this 46007  
section, the department shall pay the amount of excess cost 46008  
calculated under division (C)(2) of this section to the joint 46009  
vocational school district and shall deduct that amount as 46010  
provided in division (C)(3)(a) or (b) of this section, as 46011  
applicable: 46012

(a) If the student is not enrolled in a community school, the 46013  
department shall deduct the amount from the account of the 46014  
student's resident district pursuant to division (J) of section 46015  
3317.023 of the Revised Code. 46016

(b) If the student is enrolled in a community school, the 46017  
department shall deduct the amount from the account of the 46018  
community school pursuant to section 3314.083 of the Revised Code. 46019

~~(D)(1) In any fiscal year, a school district receiving funds 46020  
under division (A)(5) of this section shall spend those funds only 46021  
for the purposes that the department designates as approved for 46022  
career technical education expenses. Career technical education 46023  
expenses approved by the department shall include only expenses 46024~~

~~connected to the delivery of career technical programming to 46025  
career technical students. The department shall require the school 46026  
district to report data annually so that the department may 46027  
monitor the district's compliance with the requirements regarding 46028  
the manner in which funding received under division (A)(5) of this 46029  
section may be spent. 46030~~

~~(2) All funds received under division (A)(5) of this section 46031  
shall be spent in the following manner: 46032~~

~~(a) At least seventy five per cent of the funds shall be 46033  
spent on curriculum development, purchase, and implementation; 46034  
instructional resources and supplies; industry based program 46035  
certification; student assessment, credentialing, and placement; 46036  
curriculum specific equipment purchases and leases; 46037  
career technical student organization fees and expenses; home and 46038  
agency linkages; work based learning experiences; professional 46039  
development; and other costs directly associated with 46040  
career technical education programs including development of new 46041  
programs. 46042~~

~~(b) Not more than twenty five per cent of the funds shall be 46043  
used for personnel expenditures. 46044~~

~~(E) In any fiscal year, a school district receiving funds 46045  
under division (A)(6) of this section, or through a transfer of 46046  
funds pursuant to division (I) of section 3317.023 of the Revised 46047  
Code, shall spend those funds only for the purposes that the 46048  
department designates as approved for career technical education 46049  
associated services expenses, which may include such purposes as 46050  
apprenticeship coordinators, coordinators for other 46051  
career technical education services, career technical evaluation, 46052  
and other purposes designated by the department. The department 46053  
may deny payment under division (A)(6) of this section to any 46054  
district that the department determines is not operating those 46055  
services or is using funds paid under division (A)(6) of this 46056~~

~~section, or through a transfer of funds pursuant to division (I) 46057  
of section 3317.023 of the Revised Code, for other purposes. 46058~~

~~(F)~~ A joint vocational school district shall spend the funds 46059  
it receives under division (A)(3) of this section in accordance 46060  
with section 3317.25 of the Revised Code. 46061

~~(G)(E) For fiscal years 2022 and 2023, a school district 46062  
shall spend the funds it receives under division (A)(4) of this 46063  
section only for services for English learners. 46064~~

(F) As used in this section: 46065

(1) "Community school" means a community school established 46066  
under Chapter 3314. of the Revised Code. 46067

(2) "Resident district" means the city, local, or exempted 46068  
village school district in which a student is entitled to attend 46069  
school under section 3313.64 or 3313.65 of the Revised Code. 46070

~~(3) "State share percentage" is equal to the following: 46071  
The amount computed under division (A)(1) of this section / (the 46072  
formula amount X formula ADM) 46073~~

**Sec. 3317.161.** (A) As used in this section, "lead district" 46074  
has the same meaning as in section 3317.023 of the Revised Code. 46075

(B)(1) A career-technical education program of a city, local, 46076  
or exempted village school district, community school, or STEM 46077  
school shall be subject to approval under this section in order 46078  
for the district or school to qualify for state funding for the 46079  
program. Approval granted under this section shall be valid for 46080  
the five fiscal years following the fiscal year in which the 46081  
program is approved and may be renewed. Approval shall be subject 46082  
to annual review under division (E) of this section. 46083

(2) If a district or school becomes a new member of a 46084  
career-technical planning district, its career-technical education 46085  
programs shall be approved or disapproved by the lead district of 46086

the career-technical planning district during the fiscal year in 46087  
which the district or school becomes a member of the 46088  
career-technical planning district. Any program of the district or 46089  
school that was approved by the department of education for an 46090  
approval period that includes the fiscal year in which the 46091  
district or school becomes a new member of the career-technical 46092  
planning district shall retain its approved status during that 46093  
fiscal year. 46094

(3) If an existing member of a career-technical planning 46095  
district develops a new career-technical education program, that 46096  
program shall be approved or disapproved by the lead district of 46097  
the career-technical planning district prior to the first fiscal 46098  
year for which the district or school is seeking funding for the 46099  
program. 46100

(4) Except as provided in division (B)(2) of this section, if 46101  
a career-technical education program was approved by the 46102  
department prior to September 29, 2013, that approval remains 46103  
valid for the unexpired remainder of the approval period specified 46104  
by the department. Approval of that program may then be renewed in 46105  
accordance with this section on a date prior to the expiration of 46106  
the approval period. 46107

(C)(1) The lead district of a career-technical planning 46108  
district shall approve or disapprove for a five-year period each 46109  
career-technical education program of the city, local, and 46110  
exempted village school districts, community schools, and STEM 46111  
schools that are assigned by the department to the 46112  
career-technical planning district. The lead district's decision 46113  
to approve or disapprove a program shall be based on requirements 46114  
for career-technical education programs that are specified in 46115  
rules adopted by the department. These requirements shall include, 46116  
but are not limited to, all of the following: 46117

(a) Demand for the career-technical education program by 46118

|                                                                                                                                                                                                                                                                                                                                                                                                       |                                                             |
|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-------------------------------------------------------------|
| industries in the state;                                                                                                                                                                                                                                                                                                                                                                              | 46119                                                       |
| (b) Quality of the program;                                                                                                                                                                                                                                                                                                                                                                           | 46120                                                       |
| (c) Potential for a student enrolled in the program to receive the training that will qualify the student for industry credentials or post-secondary education;                                                                                                                                                                                                                                       | 46121<br>46122<br>46123                                     |
| (d) Admission requirements of the lead district;                                                                                                                                                                                                                                                                                                                                                      | 46124                                                       |
| (e) Past performance of the district or school that is offering the program;                                                                                                                                                                                                                                                                                                                          | 46125<br>46126                                              |
| (f) Traveling distance;                                                                                                                                                                                                                                                                                                                                                                               | 46127                                                       |
| (g) Sustainability;                                                                                                                                                                                                                                                                                                                                                                                   | 46128                                                       |
| (h) Capacity;                                                                                                                                                                                                                                                                                                                                                                                         | 46129                                                       |
| (i) Availability of the program within the career-technical planning district;                                                                                                                                                                                                                                                                                                                        | 46130<br>46131                                              |
| (j) In the case of a new program, the cost to begin the program.                                                                                                                                                                                                                                                                                                                                      | 46132<br>46133                                              |
| (2) The lead district shall approve or disapprove each program not later than the first day of March prior to the first fiscal year for which the district or school is seeking funding for the program. If a program is approved, the lead district shall notify the department of its decision. If a program is disapproved, the lead district shall notify the district or school of its decision. | 46134<br>46135<br>46136<br>46137<br>46138<br>46139<br>46140 |
| If the lead district disapproves the program or does not take any action to approve or disapprove the program by the first day of March, the district or school may appeal the lead district's decision or failure to take action to the department by the fifteenth day of March.                                                                                                                    | 46141<br>46142<br>46143<br>46144<br>46145                   |
| (D)(1) Upon receiving notification of a lead district's approval of a district's or school's career-technical education                                                                                                                                                                                                                                                                               | 46146<br>46147                                              |

program, the department shall review the lead district's decision 46148  
and determine whether to approve or disapprove the program not 46149  
later than the fifteenth day of May prior to the first fiscal year 46150  
for which the district or school is seeking funding for the 46151  
program. The department shall notify the district or school and 46152  
the lead district of the district's or school's career-technical 46153  
planning district of its determination. 46154

(2) Upon receiving an appeal from a district or school of a 46155  
lead district's disapproval of a career-technical education 46156  
program or failure to take action to approve or disapprove the 46157  
program, the department shall review the lead district's 46158  
disapproval or failure to take action. The department shall decide 46159  
whether to approve or disapprove the program as a result of this 46160  
review not later than the fifteenth day of May prior to the first 46161  
fiscal year for which the district or school is seeking funding 46162  
for the program. The department shall notify the lead district and 46163  
the appealing district or school of its determination. 46164

(3) In conducting a review under division (D)(1) or (2) of 46165  
this section, the department shall consider the criteria 46166  
prescribed under division (C)(1) of this section. 46167

(4) If the department approves a program under division 46168  
(D)(1) or (2) of this section, it shall authorize the payment to 46169  
the district, ~~or the deduction from the state education aid of a~~ 46170  
~~district and payment to a community school or STEM school,~~ of the 46171  
funds attributed to the career-technical students enrolled in that 46172  
program in the next fiscal year according to a payment schedule 46173  
prescribed by the department. 46174

(5) The department's decisions under divisions (D)(1) and (2) 46175  
of this section shall be final and not appealable. 46176

(6) The superintendent of public instruction may adopt 46177  
guidelines identifying circumstances in which the department may, 46178

after consulting with a lead district, approve or disapprove a 46179  
program that has been approved or disapproved by the lead district 46180  
after the deadline prescribed in division (D)(1) or (2) of this 46181  
section has passed. 46182

(E) The department and the lead district of each 46183  
career-technical planning district shall conduct an annual review 46184  
of each career-technical education program in the lead district's 46185  
career-technical planning district that receives approval under 46186  
this section. Continued funding of the program during the 46187  
five-year approval period shall be subject to the school's 46188  
compliance with any directives for performance improvement that 46189  
are issued by the department or the lead district as a result of 46190  
any review conducted under this section. 46191

Sec. 3317.162. (A) For fiscal years 2022 and 2023, the 46192  
department of education shall pay temporary transitional aid to 46193  
each joint vocational school district according to the following 46194  
formula: 46195

(The district's funding base, as that term is defined in 46196  
section 3317.02 of the Revised Code) - (the district's payment 46197  
under section 3317.16 of the Revised Code for the fiscal year for 46198  
which the payment is computed) 46199

If the computation made under division (A) of this section 46200  
results in a negative number, the district's funding under 46201  
division (A) of this section shall be zero. 46202

(B) If a joint vocational school district begins receiving 46203  
payments under section 3317.16 of the Revised Code for fiscal year 46204  
2022 or fiscal year 2023 but does not receive payments for the 46205  
fiscal year immediately preceding that fiscal year, the department 46206  
shall establish the district's funding base, as that term is 46207  
defined in section 3317.02 of the Revised Code, as an amount equal 46208  
to the absolute value of the sum of the associated adjustments of 46209

any local school district's funding base under division (C) of 46210  
section 3317.019 of the Revised Code. 46211

**Sec. 3317.20.** This section does not apply to preschool 46212  
children with disabilities. 46213

(A) As used in this section: 46214

(1) "Applicable special education amount" means the amount 46215  
specified in section 3317.013 of the Revised Code for a disability 46216  
described in that section. 46217

(2) "Child's school district" means the school district in 46218  
which a child is entitled to attend school pursuant to section 46219  
3313.64 or 3313.65 of the Revised Code. 46220

(3) "State share ~~index~~ percentage" means the state share 46221  
~~index~~ percentage of the child's school district. 46222

(B) The department shall annually pay each county board of 46223  
developmental disabilities for each child with a disability, other 46224  
than a preschool child with a disability, for whom the county 46225  
board provides special education and related services an amount 46226  
equal to the ~~formula amount~~ following: 46227

(1) For fiscal years 2022 and 2023, the statewide average 46228  
base cost per pupil + (state share ~~index~~ percentage X the 46229  
applicable special education ~~amount~~ multiple X the statewide 46230  
average base cost per pupil); 46231

(2) For fiscal year 2024 and each fiscal year thereafter, an 46232  
amount determined by the general assembly. 46233

(C) Each county board of developmental disabilities shall 46234  
report to the department, in the manner specified by the 46235  
department, the name of each child for whom the county board of 46236  
developmental disabilities provides special education and related 46237  
services and the child's school district. 46238

(D)(1) For the purpose of verifying the accuracy of the payments under this section, the department may request from either of the following entities the data verification code assigned under division (D)(2) of section 3301.0714 of the Revised Code to any child who is placed with a county board of developmental disabilities:

(a) The child's school district;

(b) The independent contractor engaged to create and maintain data verification codes.

(2) Upon a request by the department under division (D)(1) of this section for the data verification code of a child, the child's school district shall submit that code to the department in the manner specified by the department. If the child has not been assigned a code, the district shall assign a code to that child and submit the code to the department by a date specified by the department. If the district does not assign a code to the child by the specified date, the department shall assign a code to the child.

The department annually shall submit to each school district the name and data verification code of each child residing in the district for whom the department has assigned a code under this division.

(3) The department shall not release any data verification code that it receives under division (D) of this section to any person except as provided by law.

(E) Any document relative to special education and related services provided by a county board of developmental disabilities that the department holds in its files that contains both a student's name or other personally identifiable information and the student's data verification code shall not be a public record under section 149.43 of the Revised Code.

Sec. 3317.201. This section does not apply to preschool 46270  
children with disabilities. 46271

(A) As used in this section, the "total special education 46272  
amount" for an institution means the following: 46273

(1) For fiscal years 2022 and 2023, the sum of the following 46274  
amounts: 46275

~~(1)~~(a) The number of children certified by the institution 46276  
under division (G)(1)(a)(i) of section 3317.03 of the Revised Code 46277  
as receiving services for a disability described in division (A) 46278  
of section 3317.013 of the Revised Code multiplied by the ~~amount~~ 46279  
multiple specified in that division multiplied by the statewide 46280  
average base cost per pupil; 46281

~~(2)~~(b) The number of children certified by the institution 46282  
under division (G)(1)(a)(i) of section 3317.03 of the Revised Code 46283  
as receiving services for a disability described in division (B) 46284  
of section 3317.013 of the Revised Code multiplied by the ~~amount~~ 46285  
multiple specified in that division multiplied by the statewide 46286  
average base cost per pupil; 46287

~~(3)~~(c) The number of children certified by the institution 46288  
under division (G)(1)(a)(i) of section 3317.03 of the Revised Code 46289  
as receiving services for a disability described in division (C) 46290  
of section 3317.013 of the Revised Code multiplied by the ~~amount~~ 46291  
multiple specified in that division multiplied by the statewide 46292  
average base cost per pupil; 46293

~~(4)~~(d) The number of children certified by the institution 46294  
under division (G)(1)(a)(i) of section 3317.03 of the Revised Code 46295  
as receiving services for a disability described in division (D) 46296  
of section 3317.013 of the Revised Code multiplied by the ~~amount~~ 46297  
multiple specified in that division multiplied by the statewide 46298  
average base cost per pupil; 46299

~~(5)(e)~~ The number of children certified by the institution under division (G)(1)(a)(i) of section 3317.03 of the Revised Code as receiving services for a disability described in division (E) of section 3317.013 of the Revised Code multiplied by the ~~amount~~ multiple specified in that division multiplied by the statewide average base cost per pupil;

~~(6)(f)~~ The number of children certified by the institution under division (G)(1)(a)(i) of section 3317.03 of the Revised Code as receiving services for a disability described in division (F) of section 3317.013 of the Revised Code multiplied by the ~~amount~~ multiple specified in that division multiplied by the statewide average base cost per pupil.

(2) For fiscal year 2024 and each fiscal year thereafter, the sum of the following amounts:

(a) An amount calculated in a manner determined by the general assembly times the number of children certified by the institution under division (G)(1)(a)(i) of section 3317.03 of the Revised Code as receiving services for a disability described in division (A) of section 3317.013 of the Revised Code;

(b) An amount calculated in a manner determined by the general assembly times the number of children certified by the institution under division (G)(1)(a)(i) of section 3317.03 of the Revised Code as receiving services for a disability described in division (B) of section 3317.013 of the Revised Code;

(c) An amount calculated in a manner determined by the general assembly times the number of children certified by the institution under division (G)(1)(a)(i) of section 3317.03 of the Revised Code as receiving services for a disability described in division (C) of section 3317.013 of the Revised Code;

(d) An amount calculated in a manner determined by the general assembly times the number of children certified by the

institution under division (G)(1)(a)(i) of section 3317.03 of the 46331  
Revised Code as receiving services for a disability described in 46332  
division (D) of section 3317.013 of the Revised Code; 46333

(e) An amount calculated in a manner determined by the 46334  
general assembly times the number of children certified by the 46335  
institution under division (G)(1)(a)(i) of section 3317.03 of the 46336  
Revised Code as receiving services for a disability described in 46337  
division (E) of section 3317.013 of the Revised Code; 46338

(f) An amount calculated in a manner determined by the 46339  
general assembly times the number of children certified by the 46340  
institution under division (G)(1)(a)(i) of section 3317.03 of the 46341  
Revised Code as receiving services for a disability described in 46342  
division (F) of section 3317.013 of the Revised Code. 46343

(B) For each fiscal year, the department of education shall 46344  
pay each state institution required to provide special education 46345  
services under division (A) of section 3323.091 of the Revised 46346  
Code an amount equal to the institution's total special education 46347  
amount. 46348

**Sec. 3317.25.** (A) As used in this section, "~~economically~~ 46349  
~~disadvantaged funds~~ disadvantaged pupil impact aid" means the 46350  
following: 46351

(1) For a city, local, or exempted village school district, 46352  
the funds received under division ~~(A)(5)~~ (A)(4) of section 46353  
3317.022 of the Revised Code; 46354

(2) For a joint vocational school district, the funds 46355  
received under division (A)(3) of section 3317.16 of the Revised 46356  
Code; 46357

(3) For a community school established under Chapter 3314. of 46358  
the Revised Code, the funds received under division 46359  
~~(C)(1)(e)~~ (A)(4)(b) of section 3314.08 of the Revised Code; 46360

(4) For a STEM school established under Chapter 3326. of the Revised Code, the funds received under division ~~(E)(A)(4)(b)~~ of section 3326.33 of the Revised Code. 46361  
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~~(B) In any fiscal year~~ (1) For fiscal years 2022 and 2023, a city, local, exempted village, or joint vocational school district, community school, or STEM school shall spend the ~~economically disadvantaged funds~~ disadvantaged pupil impact aid it receives for any of the following initiatives or a combination of any of the following initiatives: 46364  
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~~(1)(a)~~ (a) Extended school day and school year; 46370

~~(2)(b)~~ (b) Reading improvement and intervention; 46371

~~(3)(c)~~ (c) Instructional technology or blended learning; 46372

~~(4)(d)~~ (d) Professional development in reading instruction for teachers of students in kindergarten through third grade; 46373  
46374

~~(5)(e)~~ (e) Dropout prevention; 46375

~~(6)(f)~~ (f) School safety and security measures; 46376

~~(7)(g)~~ (g) Community learning centers that address barriers to learning; 46377  
46378

~~(8)(h)~~ (h) Academic interventions for students in any of grades six through twelve; 46379  
46380

~~(9)(i)~~ (i) Employment of an individual who has successfully completed the bright new leaders for Ohio schools program as a principal or an assistant principal under section 3319.272 of the Revised Code; 46381  
46382  
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(j) Mental health services, including telehealth services; 46385

(k) Culturally appropriate, evidence-based or evidence-informed prevention education, including youth-led programming and social and emotional learning curricula to promote mental health and prevent substance use and suicide; 46386  
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|------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|----------------------------------------------------|
| <u>(l) Services for homeless youth;</u>                                                                                                                                                                                                                                                                                                                                | 46390                                              |
| <u>(m) Services for child welfare involved youth;</u>                                                                                                                                                                                                                                                                                                                  | 46391                                              |
| <u>(n) Community liaisons or programs that connect students to community resources, including city connects, communities in schools, and other similar programs;</u>                                                                                                                                                                                                   | 46392<br>46393<br>46394                            |
| <u>(o) Physical health care services, including telehealth services;</u>                                                                                                                                                                                                                                                                                               | 46395<br>46396                                     |
| <u>(p) Family engagement and support services;</u>                                                                                                                                                                                                                                                                                                                     | 46397                                              |
| <u>(q) Student services provided prior to or after the regularly scheduled school day or any time school is not in session, including mentoring programs.</u>                                                                                                                                                                                                          | 46398<br>46399<br>46400                            |
| <u>(2) For fiscal year 2024 and each fiscal year thereafter, each city, local, exempted village, and joint vocational school district, community school, and STEM school shall spend the disadvantaged pupil impact aid it receives for one or more initiatives specified by the general assembly.</u>                                                                 | 46401<br>46402<br>46403<br>46404<br>46405          |
| <u>(C)(1) For fiscal years 2022 and 2023, each city, local, exempted village, and joint vocational school district, community school, and STEM school that is subject to the requirements of this section shall develop a plan for utilizing the disadvantaged pupil impact aid it receives in coordination with at least one of the following community partners:</u> | 46406<br>46407<br>46408<br>46409<br>46410<br>46411 |
| <u>(a) A board of alcohol, drug, and mental health services established under Chapter 340. of the Revised Code;</u>                                                                                                                                                                                                                                                    | 46412<br>46413                                     |
| <u>(b) An educational service center;</u>                                                                                                                                                                                                                                                                                                                              | 46414                                              |
| <u>(c) A county board of developmental disabilities;</u>                                                                                                                                                                                                                                                                                                               | 46415                                              |
| <u>(d) A community-based mental health treatment provider;</u>                                                                                                                                                                                                                                                                                                         | 46416                                              |
| <u>(e) A board of health of a city or general health district;</u>                                                                                                                                                                                                                                                                                                     | 46417                                              |
| <u>(f) A county department of job and family services;</u>                                                                                                                                                                                                                                                                                                             | 46418                                              |

(g) A nonprofit organization with experience serving children; 46419  
46420

(h) A public hospital agency. 46421

(2) For fiscal year 2024 and each fiscal year thereafter, each city, local, exempted village, and joint vocational school district, community school, and STEM school that is subject to the requirements of this section shall develop a plan for utilizing the disadvantaged pupil impact aid it receives in the manner specified by the general assembly, if the general assembly requires city, local, exempted village, and joint vocational school districts, community schools, and STEM schools to develop such a plan. 46422  
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~~At~~ (D) After the end of each fiscal year, each city, local, exempted village, or joint vocational school district, community school, and STEM school shall submit a report to the department of education describing the initiative or initiatives on which the district's or school's ~~economically disadvantaged funds~~ disadvantaged pupil impact aid were spent during that fiscal year. For fiscal years 2022 and 2023, this report shall be submitted in a manner prescribed by the department and shall also describe the amount of money that was spent on each initiative. 46431  
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~~(D)~~(E) Starting in 2015, the department shall submit a report of the information it receives under division (C) of this section to the General Assembly not later than the first day of December of each odd-numbered year in accordance with section 101.68 of the Revised Code. 46440  
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**Sec. 3318.038.** (A) As used in this section: 46445

(1) "Drinking fountain" means a fountain to which all of the following apply: 46446  
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(a) The fountain is designed to allow an individual to drink 46448

|                                                                                                                                                                                                                                                                                                                                                             |                                                    |
|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|----------------------------------------------------|
| from the fountain.                                                                                                                                                                                                                                                                                                                                          | 46449                                              |
| (b) The fountain dispenses filtered, clean drinking water.                                                                                                                                                                                                                                                                                                  | 46450                                              |
| (c) The fountain is equipped with a protective cowl.                                                                                                                                                                                                                                                                                                        | 46451                                              |
| (d) The fountain is equipped with a water spout at least one<br>inch above the overflow rim of the fountain.                                                                                                                                                                                                                                                | 46452<br>46453                                     |
| (2) "Water bottle filling station" means a station to which<br><del>both</del> <u>all</u> of the following apply:                                                                                                                                                                                                                                           | 46454<br>46455                                     |
| (a) The station is designed to fill a bottle with water.                                                                                                                                                                                                                                                                                                    | 46456                                              |
| (b) The station dispenses filtered, clean drinking water.                                                                                                                                                                                                                                                                                                   | 46457                                              |
| <u>(c) The station is accessible to all people in compliance<br/>with the "Americans With Disabilities Act of 1990," 42 U.S.C.<br/>12101 et seq.</u>                                                                                                                                                                                                        | 46458<br>46459<br>46460                            |
| <u>(d) The station may be integrated into a drinking fountain as<br/>a combination unit.</u>                                                                                                                                                                                                                                                                | 46461<br>46462                                     |
| (B) When reviewing design plans for a classroom facility<br>construction project proposed under this chapter, the Ohio<br>facilities construction commission shall require that each<br>classroom facility included in the project shall contain, or<br>provide for in the design plans, all of the following as a<br>condition of approval of the project: | 46463<br>46464<br>46465<br>46466<br>46467<br>46468 |
| (1) A minimum of two water bottle filling stations in each<br>building;                                                                                                                                                                                                                                                                                     | 46469<br>46470                                     |
| (2) A minimum of one <del>drinking fountain or</del> water bottle<br>filling station <u>or combination unit</u> on each floor and wing of each<br>building;                                                                                                                                                                                                 | 46471<br>46472<br>46473                            |
| (3) A minimum of one <del>drinking fountain or</del> water bottle<br>filling station <u>or combination unit</u> for every one hundred students<br>projected to attend the building upon completion of the project;                                                                                                                                          | 46474<br>46475<br>46476                            |
| <u>(4) A minimum of one water bottle filling station in or near</u>                                                                                                                                                                                                                                                                                         | 46477                                              |

each cafeteria, gymnasium, outdoor recreation space, or other 46478  
high-traffic area. 46479

(C) Each school district board of education or school 46480  
governing body shall ensure that each drinking fountain ~~and~~, water 46481  
bottle filling station, or combination unit installed in a 46482  
classroom facility included in a project under this chapter is 46483  
regularly cleaned and maintained. 46484

(D) Each district board or school governing body shall permit 46485  
students, teachers, and other school staff to carry and use water 46486  
bottles that are made of material that is not easily breakable, 46487  
have lids to prevent spills, and are filled exclusively with 46488  
water. However, a district board or school governing body may 46489  
prohibit water bottles from a library, computer lab, science lab, 46490  
or other location where the district board or school governing 46491  
body determines it is dangerous to have drinking water. A district 46492  
board or school governing body may issue a disciplinary action for 46493  
misuse of a water bottle. 46494

(E) The requirements of this section are in addition to the 46495  
requirements of Chapters 3781. and 3791. of the Revised Code and 46496  
any rule adopted pursuant to those chapters. 46497

**Sec. 3319.087.** Notwithstanding section 3319.086 of the 46498  
Revised Code, all regular nonteaching school employees employed on 46499  
an eleven or twelve month basis, whether salaried or compensated 46500  
on an hourly or per diem basis, are entitled to a minimum of the 46501  
following holidays for which they shall be paid their regular 46502  
salary or their regular rate of pay, provided each such employee 46503  
accrued earnings on ~~his~~ the employee's next preceding and ~~his~~ next 46504  
following scheduled work days before and after such holiday or was 46505  
properly excused from attendance at work on either or both of 46506  
those days: New Year's day, Martin Luther King day, Memorial day, 46507  
Independence day, Labor day, Thanksgiving day, and Christmas day 46508

of each year. All regular nonteaching school employees employed on 46509  
a nine or ten month basis, whether salaried or compensated on an 46510  
hourly or per diem basis, are entitled to a minimum of the 46511  
following holidays for which they shall be paid their regular 46512  
salary or their regular rate of pay, provided each such employee 46513  
accrued earnings on ~~his~~ the employee's next preceding and next 46514  
following scheduled work days before and after such holiday or was 46515  
properly excused from attendance at work on either or both of 46516  
those days: New Year's day, Martin Luther King day, Memorial day, 46517  
Juneteenth day, Labor day, Thanksgiving day, and Christmas day of 46518  
each year. Regular nonteaching school employees employed less than 46519  
nine months shall be entitled to a minimum of those holidays 46520  
enumerated in this section which fall during the employees' time 46521  
of employment. In addition to the above named holidays, a board of 46522  
education may declare any other day, except days approved for 46523  
teachers' attendance at an educational meeting, as a holiday and 46524  
shall pay to all such regular nonteaching school employees, 46525  
whether salaried or compensated on an hourly or per diem basis, 46526  
their regular salary or their regular rate of pay. When any 46527  
employee is required by ~~his~~ the employee's responsible 46528  
administrative superior to work on any of the paid holidays, ~~he~~ 46529  
the employee shall be granted compensatory time off for which ~~he~~ 46530  
the employee shall be paid ~~his~~ the employee's regular salary or ~~at~~ 46531  
~~his~~ regular rate of pay, or a board of education may establish a 46532  
premium rate of pay for work performed on a paid holiday. Holidays 46533  
shall occur on the days specified in section 1.14 of the Revised 46534  
Code. 46535

For purposes of determining whether a person who is not in 46536  
the employ of a board of education on Labor day is in compliance 46537  
with the requirement of this section that states that in order for 46538  
a nonteaching employee to be eligible for Labor day holiday pay ~~he~~ 46539  
the employee must have accrued earnings on the scheduled work day 46540  
immediately preceding Labor day or have been excused from 46541

attendance at work on that day, a board of education shall count 46542  
the employee's last scheduled work day of ~~his~~ the employee's 46543  
preceding period of employment as ~~his~~ the employee's last 46544  
scheduled day of employment for purposes of this requirement. 46545

For the purposes of this section, "employed" and "time of 46546  
employment" mean the period from the initial date of employment to 46547  
the termination of employment with that school district. 46548

**Sec. 3319.151.** (A) As used in this section, "assessment" 46549  
means an assessment administered under section 3301.0711 of the 46550  
Revised Code. 46551

(B) No person shall ~~reveal~~ do any of the following: 46552

(1) Reveal to any student any specific question that the 46553  
person knows is part of an assessment ~~to be administered under~~ 46554  
~~section 3301.0711 of the Revised Code~~ or in any other way assist a 46555  
pupil to cheat on ~~such~~ an assessment; 46556

(2) Obtain prior knowledge of the contents of an assessment; 46557

(3) Use prior knowledge of the contents of an assessment to 46558  
assist students in preparing for the assessment; 46559

(4) Fail to comply with any rule adopted by the department of 46560  
education regarding security protocols for an assessment. 46561

~~(B)~~(C) On a finding by the state board of education, after 46562  
investigation, that a school employee who holds a license ~~issued~~ 46563  
~~under sections 3319.22 to~~, as defined in section 3319.31 of the 46564  
Revised Code, has violated division ~~(A)~~(B) of this section, ~~the~~ 46565  
~~license of such teacher shall be suspended for one year. Prior to~~ 46566  
~~commencing an investigation,~~ the state board shall take any action 46567  
against the employee under section 3319.31 of the Revised Code 46568  
that it considers appropriate, based on the nature and extent of 46569  
the violation. The state board shall give the ~~teacher~~ employee 46570  
notice of the allegation ~~and~~ upon commencing an investigation and 46571

shall give the employee an opportunity to respond and present a defense prior to taking any disciplinary action. 46572  
46573

~~(C)~~(D)(1) Violation of division ~~(A)~~(B) of this section is 46574  
grounds for termination of employment of a nonteaching employee 46575  
under division (C) of section 3319.081 or section 124.34 of the 46576  
Revised Code. 46577

(2) Violation of division ~~(A)~~(B) of this section is grounds 46578  
for termination of a teacher contract under section 3311.82 or 46579  
3319.16 of the Revised Code. 46580

**Sec. 3319.227.** (A) Notwithstanding any other provision of the 46581  
Revised Code or any rule adopted by the state board of education 46582  
to the contrary, the state board shall issue a resident educator 46583  
license under section 3319.22 of the Revised Code to each person 46584  
who is assigned to teach in this state as a participant in the 46585  
teach for America program and who satisfies the following 46586  
conditions for the duration of the program: 46587

(1) Holds a bachelor's degree from an accredited institution 46588  
of higher education; 46589

(2) Maintained a cumulative undergraduate grade point average 46590  
of at least 2.5 out of 4.0, or its equivalent; 46591

(3) Has passed an examination prescribed by the state board 46592  
in the subject area to be taught; 46593

(4) Has successfully completed the summer training institute 46594  
operated by teach for America; 46595

(5) Remains an active member of the teach for America 46596  
two-year support program. 46597

(B) The state board shall issue a resident educator license 46598  
under this section for teaching in any grade level or subject area 46599  
for which a person may obtain a resident educator license under 46600  
section 3319.22 of the Revised Code. The state board shall not 46601

adopt rules establishing any additional qualifications for the 46602  
license beyond those specified in this section. 46603

(C) Notwithstanding any other provision of the Revised Code 46604  
or any rule adopted by the state board to the contrary, the state 46605  
board shall issue a resident educator license under section 46606  
3319.22 of the Revised Code to any applicant who has completed at 46607  
least two years of teaching in another state as a participant in 46608  
the teach for America program and meets all of the conditions of 46609  
divisions (A)(1) to (4) of this section. The state board shall 46610  
credit an applicant under this division as having completed two 46611  
years of the teacher residency program under section 3319.223 of 46612  
the Revised Code. 46613

(D) In order to place teachers in this state, the teach for 46614  
America program shall enter into an agreement with one or more 46615  
accredited four-year public or private institutions of higher 46616  
education in the state to provide optional training of teach for 46617  
America participants for the purpose of enabling those 46618  
participants to complete an optional master's degree or an 46619  
equivalent amount of coursework. Nothing in this division shall 46620  
require any teach for America participant to complete a master's 46621  
degree as a condition of holding a license issued under this 46622  
section. 46623

(E) The superintendent of public instruction, on behalf of 46624  
the state board, shall ~~revoke~~ inactivate a resident educator 46625  
license issued to a participant in the teach for America program 46626  
who is assigned to teach in this state if the participant resigns 46627  
or is dismissed from the program prior to completion of the 46628  
two-year teach for America support program. The inactivation of a 46629  
license under this division does not constitute a suspension or 46630  
revocation of the license by the state board under section 3319.31 46631  
of the Revised Code and the state board and the state 46632  
superintendent need not provide the person with an opportunity for 46633

a hearing with respect to the inactivation. 46634

**Sec. 3319.229.** (A)(1) Notwithstanding the repeal of former 46635  
section 3319.229 of the Revised Code by ~~this act~~ S.B. 216 of the 46636  
132nd general assembly, the state board of education shall accept 46637  
applications for new, and for renewal of, professional 46638  
career-technical teaching licenses through June 30, 2019, and 46639  
issue them on the basis of the applications received by that date 46640  
in accordance with the rules described in that former section. 46641  
Except as otherwise provided in divisions (A)(2) and (3) of this 46642  
section, beginning July 1, 2019, the state board shall issue 46643  
career-technical workforce development educator licenses only 46644  
under this section. 46645

(2) An individual who, on July 1, 2019, holds a professional 46646  
career-technical teaching license issued under the rules described 46647  
in former section 3319.229 of the Revised Code, may continue to 46648  
renew that license in accordance with those rules for the 46649  
remainder of the individual's teaching career. However, nothing in 46650  
this division shall be construed to prohibit the individual from 46651  
applying to the state board for a career-technical workforce 46652  
development educator license under this section. 46653

(3) An individual who, on July 1, 2019, holds an alternative 46654  
resident educator license for teaching career-technical education 46655  
issued under section 3319.26 of the Revised Code may, upon the 46656  
expiration of the license, apply for a professional 46657  
career-technical teaching license issued under the rules described 46658  
in former section 3319.229 of the Revised Code. Such an individual 46659  
may continue to renew the professional license in accordance with 46660  
those rules for the remainder of the individual's teaching career. 46661  
However, nothing in this division shall be construed to prohibit 46662  
the individual from applying to the state board for a 46663  
career-technical workforce development educator license under this 46664

section. 46665

(B) The state board, in collaboration with the chancellor of 46666  
higher education, shall adopt rules establishing standards and 46667  
requirements for obtaining a two-year initial career-technical 46668  
workforce development educator license and a five-year advanced 46669  
career-technical workforce development educator license. Each 46670  
license shall be valid for teaching career-technical education or 46671  
workforce development programs in grades four through twelve. The 46672  
rules shall require applicants for either license to have a high 46673  
school diploma or a certificate of high school equivalence as 46674  
awarded under section 3301.80 of the Revised Code or as recognized 46675  
as the equivalent of such certificate under division (C) of that 46676  
section. 46677

(C)(1) The state board shall issue an initial 46678  
career-technical workforce development educator license to an 46679  
applicant upon request from the superintendent of a school 46680  
district that has agreed to employ the applicant. In making the 46681  
request, the superintendent shall provide documentation, in 46682  
accordance with procedures prescribed by the department of 46683  
education, showing that the applicant has at least five years of 46684  
work experience, or the equivalent, in the subject area in which 46685  
the applicant will teach. The license shall be valid for teaching 46686  
only in the requesting district. The superintendent also shall 46687  
provide documentation, in accordance with procedures prescribed by 46688  
the department, that the applicant is enrolled in a 46689  
career-technical workforce development educator preparation 46690  
program offered by an institution of higher education that has an 46691  
existing teacher preparatory program in place that meets all of 46692  
the following criteria: 46693

(a) Is approved by the chancellor of higher education to 46694  
provide instruction in teaching methods and principles; 46695

(b) Provides classroom support to the license holder; 46696

|                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                             |                                                                      |
|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|----------------------------------------------------------------------|
| (c) Includes at least three semester hours of coursework in the teaching of reading in the subject area;                                                                                                                                                                                                                                                                                                                                                                                                                    | 46697<br>46698                                                       |
| (d) Is aligned with career-technical education and workforce development competencies developed by the department;                                                                                                                                                                                                                                                                                                                                                                                                          | 46699<br>46700                                                       |
| (e) Uses a summative performance-based assessment developed by the program and aligned to the competencies described in division (C)(1)(d) of this section to evaluate the license holder's knowledge and skills;                                                                                                                                                                                                                                                                                                           | 46701<br>46702<br>46703<br>46704                                     |
| (f) Consists of not less than twenty-four semester hours of coursework, or the equivalent.                                                                                                                                                                                                                                                                                                                                                                                                                                  | 46705<br>46706                                                       |
| (2) As a condition of continuing to hold the initial career-technical workforce development license, the holder of the license shall be participating in a career-technical workforce development educator preparation program described in division (C)(1) of this section.                                                                                                                                                                                                                                                | 46707<br>46708<br>46709<br>46710<br>46711                            |
| (3) The state board shall renew an initial career-technical workforce development educator license if the supervisor of the program described in division (C)(1) of this section and the superintendent of the employing school district indicate that the applicant is making sufficient progress in both the program and the teaching position.                                                                                                                                                                           | 46712<br>46713<br>46714<br>46715<br>46716<br>46717                   |
| (D) The state board shall issue an advanced career-technical workforce development educator license to an applicant who has successfully completed the program described in division (C)(1) of this section, as indicated by the supervisor of the program, and who demonstrates mastery of the applicable career-technical education and workforce development competencies described in division (C)(1)(d) of this section in the teaching position, as indicated by the superintendent of the employing school district. | 46718<br>46719<br>46720<br>46721<br>46722<br>46723<br>46724<br>46725 |
| (E) The holder of an advanced career-technical workforce development educator license shall work with a local professional                                                                                                                                                                                                                                                                                                                                                                                                  | 46726<br>46727                                                       |

development committee established under section 3319.22 of the Revised Code in meeting requirements for renewal of the license.

(F) Notwithstanding the provisions of section 3319.226 of the Revised Code, the state board shall not require any applicant for an educator license for substitute teaching who holds a license issued under this section to hold a post-secondary degree in order to be issued a license under section 3319.226 of the Revised Code to work as a substitute teacher for career-technical education classes.

**Sec. 3319.236.** (A) Except as provided in division (B) of this section, a school district shall require an individual to hold a valid educator license in computer science, or have a license endorsement in computer technology and a passing score on a content examination in the area of computer science, to teach computer science courses.

(B) A school district may employ an individual, for the purpose of teaching computer science courses, who holds a valid educator license in any of grades kindergarten through twelve, provided the individual meets the requirements established by rules of the state board of education to qualify for a supplemental teaching license for teaching computer science. The rules shall require an applicant for a supplemental teaching license to pass a content examination in the area of computer science. The rules also shall permit an individual, after at least two years of successfully teaching computer science courses under the supplemental teaching license, to advance to a standard educator license in computer science by completing a pedagogy course applicable to the grade levels in which the individual is teaching. However, the rules may exempt an individual teaching computer science from the requirement to complete a pedagogy course if the individual previously completed a pedagogy course

applicable to the grade levels in which the individual is 46759  
teaching. 46760

(C) In order for an individual to teach advanced placement 46761  
computer science courses, a school district shall require the 46762  
individual to also complete a professional development program 46763  
endorsed or provided by the organization that creates and 46764  
administers national advanced placement examinations. For this 46765  
purpose, the individual may complete the program at any time 46766  
during the calendar year. 46767

(D) Notwithstanding section 3301.012 of the Revised Code, as 46768  
used in this section, "computer science courses" means any courses 46769  
that are reported in the education management information system 46770  
established under section 3301.0714 of the Revised Code as 46771  
computer science courses and which are aligned to computer science 46772  
standards adopted by the state board of education. 46773

**Sec. 3319.31.** (A) As used in this section and sections 46774  
3123.41 to 3123.50 and 3319.311 of the Revised Code, "license" 46775  
means a certificate, license, or permit described in this chapter 46776  
or in division (B) of section 3301.071 or in section 3301.074 of 46777  
the Revised Code. 46778

(B) For any of the following reasons, the state board of 46779  
education, except as provided in division (H) of this section and 46780  
in accordance with Chapter 119. and section 3319.311 of the 46781  
Revised Code, may refuse to issue a license to an applicant; may 46782  
limit a license it issues to an applicant; may suspend, revoke, or 46783  
limit a license that has been issued to any person; or may revoke 46784  
a license that has been issued to any person and has expired: 46785

(1) Engaging in an immoral act, incompetence, negligence, or 46786  
conduct that is unbecoming to the applicant's or person's 46787  
position; 46788

|                                                                                                                                                                                                                                                                                                                                                                                                                                                             |                                                             |
|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-------------------------------------------------------------|
| (2) A plea of guilty to, a finding of guilt by a jury or court of, or a conviction of any of the following:                                                                                                                                                                                                                                                                                                                                                 | 46789<br>46790                                              |
| (a) A felony other than a felony listed in division (C) of this section;                                                                                                                                                                                                                                                                                                                                                                                    | 46791<br>46792                                              |
| (b) An offense of violence other than an offense of violence listed in division (C) of this section;                                                                                                                                                                                                                                                                                                                                                        | 46793<br>46794                                              |
| (c) A theft offense, as defined in section 2913.01 of the Revised Code, other than a theft offense listed in division (C) of this section;                                                                                                                                                                                                                                                                                                                  | 46795<br>46796<br>46797                                     |
| (d) A drug abuse offense, as defined in section 2925.01 of the Revised Code, that is not a minor misdemeanor, other than a drug abuse offense listed in division (C) of this section;                                                                                                                                                                                                                                                                       | 46798<br>46799<br>46800                                     |
| (e) A violation of an ordinance of a municipal corporation that is substantively comparable to an offense listed in divisions (B)(2)(a) to (d) of this section.                                                                                                                                                                                                                                                                                             | 46801<br>46802<br>46803                                     |
| (3) A judicial finding of eligibility for intervention in lieu of conviction under section 2951.041 of the Revised Code, or agreeing to participate in a pre-trial diversion program under section 2935.36 of the Revised Code, or a similar diversion program under rules of a court, for any offense listed in division (B)(2) or (C) of this section;                                                                                                    | 46804<br>46805<br>46806<br>46807<br>46808<br>46809          |
| (4) Failure to comply with section 3314.40, 3319.313, 3326.24, 3328.19, 5126.253, or 5502.262 of the Revised Code.                                                                                                                                                                                                                                                                                                                                          | 46810<br>46811                                              |
| (C) Upon learning of a plea of guilty to, a finding of guilt by a jury or court of, or a conviction of any of the offenses listed in this division by a person who holds a current or expired license or is an applicant for renewal of a license, the state board or the superintendent of public instruction, if the state board has delegated the duty pursuant to division (D) of this section, shall by a written order revoke the person's license or | 46812<br>46813<br>46814<br>46815<br>46816<br>46817<br>46818 |

deny renewal of the license to the person. The state board or the 46819  
superintendent shall revoke a license that has been issued to a 46820  
person to whom this division applies and has expired in the same 46821  
manner as a license that has not expired. 46822

Revocation of a license or denial of renewal of a license 46823  
under this division is effective immediately at the time and date 46824  
that the board or superintendent issues the written order and is 46825  
not subject to appeal in accordance with Chapter 119. of the 46826  
Revised Code. Revocation of a license or denial of renewal of 46827  
license under this division remains in force during the pendency 46828  
of an appeal by the person of the plea of guilty, finding of 46829  
guilt, or conviction that is the basis of the action taken under 46830  
this division. 46831

The state board or superintendent shall take the action 46832  
required by this division for a violation of division (B)(1), (2), 46833  
(3), or (4) of section 2919.22 of the Revised Code; a violation of 46834  
section 2903.01, 2903.02, 2903.03, 2903.04, 2903.041, 2903.11, 46835  
2903.12, 2903.15, 2905.01, 2905.02, 2905.05, 2905.11, 2905.32, 46836  
2907.02, 2907.03, 2907.04, 2907.05, 2907.06, 2907.07, 2907.21, 46837  
2907.22, 2907.23, 2907.24, 2907.241, 2907.25, 2907.31, 2907.311, 46838  
2907.32, 2907.321, 2907.322, 2907.323, 2907.33, 2907.34, 2909.02, 46839  
2909.22, 2909.23, 2909.24, 2911.01, 2911.02, 2911.11, 2911.12, 46840  
2913.44, 2917.01, 2917.02, 2917.03, 2917.31, 2917.33, 2919.12, 46841  
2919.121, 2919.13, 2921.02, 2921.03, 2921.04, 2921.05, 2921.11, 46842  
2921.34, 2921.41, 2923.122, 2923.123, 2923.161, 2923.17, 2923.21, 46843  
2925.02, 2925.03, 2925.04, 2925.041, 2925.05, 2925.06, 2925.13, 46844  
2925.22, 2925.23, 2925.24, 2925.32, 2925.36, 2925.37, 2927.24, or 46845  
3716.11 of the Revised Code; a violation of section 2905.04 of the 46846  
Revised Code as it existed prior to July 1, 1996; a violation of 46847  
section 2919.23 of the Revised Code that would have been a 46848  
violation of section 2905.04 of the Revised Code as it existed 46849  
prior to July 1, 1996, had the violation been committed prior to 46850

that date; felonious sexual penetration in violation of former 46851  
section 2907.12 of the Revised Code; or a violation of an 46852  
ordinance of a municipal corporation that is substantively 46853  
comparable to an offense listed in this paragraph. 46854

(D) The state board may delegate to the superintendent of 46855  
public instruction the authority to revoke a person's license or 46856  
to deny renewal of a license to a person under division (C) or (F) 46857  
of this section. 46858

(E)(1) If the plea of guilty, finding of guilt, or conviction 46859  
that is the basis of the action taken under division (B)(2) or (C) 46860  
of this section, or under the version of division (F) of section 46861  
3319.311 of the Revised Code in effect prior to September 12, 46862  
2008, is overturned on appeal, upon exhaustion of the criminal 46863  
appeal, the clerk of the court that overturned the plea, finding, 46864  
or conviction or, if applicable, the clerk of the court that 46865  
accepted an appeal from the court that overturned the plea, 46866  
finding, or conviction, shall notify the state board that the 46867  
plea, finding, or conviction has been overturned. Within thirty 46868  
days after receiving the notification, the state board shall 46869  
initiate proceedings to reconsider the revocation or denial of the 46870  
person's license in accordance with division (E)(2) of this 46871  
section. In addition, the person whose license was revoked or 46872  
denied may file with the state board a petition for 46873  
reconsideration of the revocation or denial along with appropriate 46874  
court documents. 46875

(2) Upon receipt of a court notification or a petition and 46876  
supporting court documents under division (E)(1) of this section, 46877  
the state board, after offering the person an opportunity for an 46878  
adjudication hearing under Chapter 119. of the Revised Code, shall 46879  
determine whether the person committed the act in question in the 46880  
prior criminal action against the person that is the basis of the 46881  
revocation or denial and may continue the revocation or denial, 46882

may reinstate the person's license, with or without limits, or may 46883  
grant the person a new license, with or without limits. The 46884  
decision of the board shall be based on grounds for revoking, 46885  
denying, suspending, or limiting a license adopted by rule under 46886  
division (G) of this section and in accordance with the 46887  
evidentiary standards the board employs for all other licensure 46888  
hearings. The decision of the board under this division is subject 46889  
to appeal under Chapter 119. of the Revised Code. 46890

(3) A person whose license is revoked or denied under 46891  
division (C) of this section shall not apply for any license if 46892  
the plea of guilty, finding of guilt, or conviction that is the 46893  
basis of the revocation or denial, upon completion of the criminal 46894  
appeal, either is upheld or is overturned but the state board 46895  
continues the revocation or denial under division (E)(2) of this 46896  
section and that continuation is upheld on final appeal. 46897

(F) The state board may take action under division (B) of 46898  
this section, and the state board or the superintendent shall take 46899  
the action required under division (C) of this section, on the 46900  
basis of substantially comparable conduct occurring in a 46901  
jurisdiction outside this state or occurring before a person 46902  
applies for or receives any license. 46903

(G) The state board may adopt rules in accordance with 46904  
Chapter 119. of the Revised Code to carry out this section and 46905  
section 3319.311 of the Revised Code. 46906

(H) The state board shall not refuse to issue a license to an 46907  
applicant because of a conviction of, a plea of guilty to, or a 46908  
finding of guilt by a jury or court of an offense unless the 46909  
refusal is in accordance with section 9.79 of the Revised Code. 46910

Sec. 3319.318. (A) As used in this section: 46911

(1) "School representative" includes all of the following: 46912

(a) An employee of a school district, chartered nonpublic school, or county board of developmental disabilities; 46913  
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(b) An employee of an entity with which a school district, chartered nonpublic school, or county board of developmental disabilities contracts for the provision of services; 46915  
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(c) A member of a school district board of education, chartered nonpublic school governing body, or county board of developmental disabilities. 46918  
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(2) "Student" means a child who is enrolled in a school district or chartered nonpublic school or who is receiving services from a county board of developmental disabilities. 46921  
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(B) Except as provided in division (C) of this section, no school representative shall knowingly engage in any activity intended to assist another individual in obtaining employment with a school district or chartered nonpublic school, or in obtaining employment with a county board of developmental disabilities in a position responsible for providing educational services to children from six through twenty-one years of age, other than transmitting administrative and personnel files to the prospective employer, if the school representative knows or has reasonable cause to believe that the individual has committed an offense listed in Chapter 2907. of the Revised Code, or a substantially comparable offense, involving a student. 46924  
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(C) Division (B) of this section shall not apply if the information on which the knowledge or reasonable cause is based has been reported to appropriate law enforcement authorities or, if applicable, to the appropriate public children services agency under section 2151.421 of the Revised Code and one of the following conditions is met: 46936  
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(1) Law enforcement authorities have investigated the alleged offense and determined that there is insufficient information to 46942  
46943

indict the individual for the alleged offense. 46944

(2) The individual has not been indicted for the alleged offense within four years after the date the alleged offense was reported to law enforcement authorities or a public children services agency. 46945  
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(3) The individual has been acquitted or otherwise exonerated of the offense. 46949  
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Sec. 3319.319. The appointing or hiring officer of a school district or school located in Ohio or another state may request from the department of education any report the department has received under sections 3314.40, 3319.313, 3326.24, 3328.19, or 5126.253 of the Revised Code regarding an individual who is under consideration for employment by the district or school. If the department has received a report under any of those sections regarding the individual, the department shall provide the contents of the report to the requesting officer. Upon provision of the contents of the report to the requesting officer, the department shall notify the officer that the information provided is confidential and may not be disseminated to any other person or entity. 46951  
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If the department provides the contents of a report to an appointing or hiring officer under this section, the department shall document the information provided in the record of any investigation undertaken pursuant to section 3319.311 of the Revised Code based on the report. Such documentation shall include a list of the information provided, the date the information was provided, and the name and contact information of the appointing or hiring officer to whom the information was provided. 46964  
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Sec. 3319.393. (A) Each school district and chartered nonpublic school shall include the following notice in boldface 46972  
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type in each employment application: "ANY PERSON WHO KNOWINGLY 46974  
MAKES A FALSE STATEMENT IS GUILTY OF FALSIFICATION UNDER SECTION 46975  
2921.13 OF THE REVISED CODE, WHICH IS A MISDEMEANOR OF THE FIRST 46976  
DEGREE." 46977

(B)(1) Each district and chartered nonpublic school shall 46978  
consult the "educator profile" database maintained on the web site 46979  
of the department of education prior to making any hiring 46980  
decision. 46981

(2) After consulting the "educator profile" database, a 46982  
district or chartered nonpublic school may further discern the 46983  
employment, disciplinary, or criminal record of an applicant for 46984  
employment in either or both of the following ways: 46985

(a) Consulting the office of professional conduct within the 46986  
department of education in accordance with section 3319.319 of the 46987  
Revised Code to determine whether the individual has been the 46988  
subject of either: 46989

(i) Any notice to the department under section 3314.40, 46990  
3319.313, 3326.24, 3328.19, or 5126.253 of the Revised Code; 46991

(ii) Any disciplinary actions conducted by the department. 46992

(b) Consulting any prior education-related employers of the 46993  
individual. 46994

(3) A district or chartered nonpublic school may require 46995  
additional background checks other than the criminal records 46996  
checks authorized under sections 109.574 to 109.577 of the Revised 46997  
Code or those required under section 3319.39 or 3319.391 of the 46998  
Revised Code for any applicant for employment or potential 46999  
volunteer. 47000

(C) A district or chartered nonpublic school may 47001  
conditionally employ an individual pending the receipt of 47002  
information sought in accordance with division (B)(2) of this 47003

section. Should that information indicate that the individual has 47004  
engaged in conduct unbecoming to the teaching profession or has 47005  
committed an offense that prevents, limits, or otherwise affects 47006  
the applicant's employment with the district or school, the 47007  
district or chartered nonpublic school may release the individual 47008  
from employment. 47009

Sec. 3319.47. The school districts, public schools, and 47010  
chartered nonpublic schools of this state may provide counseling 47011  
to any victim of sexual harassment or sexually related conduct. 47012

**Sec. 3319.57.** (A) A grant program is hereby established under 47013  
which the department of education shall award grants to assist 47014  
certain schools in a city, exempted village, local, or joint 47015  
vocational school district in implementing one of the following 47016  
innovations: 47017

(1) The use of instructional specialists to mentor and 47018  
support classroom teachers; 47019

(2) The use of building managers to supervise the 47020  
administrative functions of school operation so that a school 47021  
principal can focus on supporting instruction, providing 47022  
instructional leadership, and engaging teachers as part of the 47023  
instructional leadership team; 47024

(3) The reconfiguration of school leadership structure in a 47025  
manner that allows teachers to serve in leadership roles so that 47026  
teachers may share the responsibility for making and implementing 47027  
school decisions; 47028

(4) The adoption of new models for restructuring the school 47029  
day or school year, such as including teacher planning and 47030  
collaboration time as part of the school day; 47031

(5) The creation of smaller schools or smaller units within 47032  
larger schools for the purpose of facilitating teacher 47033

collaboration to improve and advance the professional practice of 47034  
teaching; 47035

(6) The implementation of "grow your own" recruitment 47036  
strategies that are designed to assist individuals who show a 47037  
commitment to education become licensed teachers, to assist 47038  
experienced teachers obtain licensure in subject areas for which 47039  
there is need, and to assist teachers in becoming principals; 47040

(7) The provision of better conditions for new teachers, such 47041  
as reduced teaching load and reduced class size; 47042

(8) The provision of incentives to attract qualified 47043  
mathematics, science, or special education teachers; 47044

(9) The development and implementation of a partnership with 47045  
teacher preparation programs at colleges and universities to help 47046  
attract teachers qualified to teach in shortage areas; 47047

(10) The implementation of a program to increase the cultural 47048  
competency of both new and veteran teachers; 47049

(11) The implementation of a program to increase the subject 47050  
matter competency of veteran teachers. 47051

(B) To qualify for a grant to implement one of the 47052  
innovations described in division (A) of this section, a school 47053  
must meet both of the following criteria: 47054

(1) Be hard to staff, as defined by the department. 47055

(2) Use existing school district funds for the implementation 47056  
of the innovation in an amount equal to the grant amount 47057  
multiplied by (1 - the district's state share ~~index~~ percentage for 47058  
the fiscal year in which the grant is awarded). 47059

For purposes of division (B)(2) of this section, "state share 47060  
~~index~~ percentage" has the same meaning as in section 3317.02 of 47061  
the Revised Code. 47062

(C) The amount and number of grants awarded under this 47063

section shall be determined by the department based on any 47064  
appropriations made by the general assembly for grants under this 47065  
section. 47066

(D) The state board of education shall adopt rules for the 47067  
administration of this grant program. 47068

**Sec. 3319.60.** There is hereby established the educator 47069  
standards board. The board shall develop and recommend to the 47070  
state board of education standards for entering and continuing in 47071  
the educator professions and standards for educator professional 47072  
development. The board membership shall reflect the diversity of 47073  
the state in terms of gender, race, ethnic background, and 47074  
geographic distribution. 47075

(A) The board shall consist of the following members: 47076

(1) The following ~~eighteen~~ nineteen members appointed by the 47077  
state board of education: 47078

(a) Ten persons employed as teachers in a school district. 47079  
Three persons appointed under this division shall be employed as 47080  
teachers in a secondary school, two persons shall be employed as 47081  
teachers in a middle school, three persons shall be employed as 47082  
teachers in an elementary school, one person shall be employed as 47083  
a teacher in a pre-kindergarten classroom, and one person shall be 47084  
a teacher who serves on a local professional development committee 47085  
pursuant to section 3319.22 of the Revised Code. At least one 47086  
person appointed under this division shall hold a teaching 47087  
certificate or license issued by the national board for 47088  
professional teaching standards. The Ohio education association 47089  
shall submit a list of fourteen nominees for these appointments 47090  
and the state board ~~shall~~ may appoint up to seven members to the 47091  
educator standards board from that list. The Ohio federation of 47092  
teachers shall submit a list of six nominees for these 47093  
appointments and the state board ~~shall~~ may appoint up to three 47094

members to the educator standards board from that list. If there 47095  
is an insufficient number of nominees from both lists to satisfy 47096  
the membership requirements of this division, the state board 47097  
shall request additional nominees who satisfy those requirements. 47098

(b) One person employed as a teacher in a chartered, 47099  
nonpublic school. Stakeholder groups selected by the state board 47100  
shall submit a list of two nominees for this appointment. 47101

(c) Five persons employed as school administrators in a 47102  
school district. Of those five persons, one person shall be 47103  
employed as a secondary school principal, one person shall be 47104  
employed as a middle school principal, one person shall be 47105  
employed as an elementary school principal, one person shall be 47106  
employed as a school district treasurer or business manager, and 47107  
one person shall be employed as a school district superintendent. 47108  
The buckeye association of school administrators shall submit a 47109  
list of two nominees for the school district superintendent, the 47110  
Ohio association of school business officials shall submit a list 47111  
of two nominees for the school district treasurer or business 47112  
manager, the Ohio association of elementary school administrators 47113  
shall submit a list of two nominees for the elementary school 47114  
principal, and the Ohio association of secondary school 47115  
administrators shall submit a list of two nominees for the middle 47116  
school principal and a list of two nominees for the secondary 47117  
school principal. 47118

(d) One person who is a member of a school district board of 47119  
education. The Ohio school boards association shall submit a list 47120  
of two nominees for this appointment. 47121

(e) One person who is a parent of a student currently 47122  
enrolled in a school operated by a school district. The Ohio 47123  
parent teacher association shall submit a list of two nominees for 47124  
this appointment. 47125

(f) One person who represents community schools established 47126  
under Chapter 3314. of the Revised Code. 47127

(2) The chancellor of the Ohio board of regents shall appoint 47128  
three persons employed by institutions of higher education that 47129  
offer educator preparation programs. One person shall be employed 47130  
by an institution of higher education that has a certificate of 47131  
authorization under Chapter 1713. of the Revised Code; one person 47132  
shall be employed by a state university, as defined in section 47133  
3345.011 of the Revised Code, or a university branch; and one 47134  
person shall be employed by a state community college, community 47135  
college, or technical college. Of the two persons appointed from 47136  
an institution of higher education that has a certificate of 47137  
authorization under Chapter 1713. of the Revised Code and from a 47138  
state university or university branch, one shall be employed in a 47139  
college of education and one shall be employed in a college of 47140  
arts and sciences. 47141

(3) The speaker of the house of representatives shall appoint 47142  
two persons who are active in or retired from the education 47143  
profession. 47144

(4) The president of the senate shall appoint two persons who 47145  
are active in or retired from the education profession. 47146

(5) The superintendent of public instruction or a designee of 47147  
the superintendent, the chancellor of the Ohio board of regents or 47148  
a designee of the chancellor, and the chairpersons and the ranking 47149  
minority members of the education committees of the senate and 47150  
house of representatives shall serve as nonvoting, ex officio 47151  
members. 47152

(B) Terms of office shall be for two years. Each member shall 47153  
hold office from the date of the member's appointment until the 47154  
end of the term for which the member was appointed. At the first 47155  
meeting, appointed members shall select a chairperson and a 47156

vice-chairperson. Vacancies on the board shall be filled in the 47157  
same manner as prescribed for appointments under division (A) of 47158  
this section. Any member appointed to fill a vacancy occurring 47159  
prior to the expiration of the term for which the member's 47160  
predecessor was appointed shall hold office for the remainder of 47161  
such term. Any member shall continue in office subsequent to the 47162  
expiration date of the member's term until the member's successor 47163  
takes office, or until a period of sixty days has elapsed, 47164  
whichever occurs first. The terms of office of members are 47165  
renewable. 47166

(C) Members shall receive no compensation for their services. 47167

(D) The board shall establish guidelines for its operation. 47168  
These guidelines shall require the creation of a standing 47169  
subcommittee on higher education, and shall permit the creation of 47170  
other standing subcommittees when necessary. The board shall 47171  
determine the membership of any subcommittee it creates. The board 47172  
may select persons who are not members of the board to participate 47173  
in the deliberations of any subcommittee as representatives of 47174  
stakeholder groups, but no such person shall vote on any issue 47175  
before the subcommittee. 47176

**Sec. 3319.61.** (A) The educator standards board, in 47177  
consultation with the chancellor of higher education, shall do all 47178  
of the following: 47179

(1) Develop state standards for teachers and principals that 47180  
reflect what teachers and principals are expected to know and be 47181  
able to do at all stages of their careers. These standards shall 47182  
be aligned with the statewide academic content standards for 47183  
students adopted pursuant to section 3301.079 of the Revised Code, 47184  
be primarily based on educator performance instead of years of 47185  
experience or certain courses completed, and rely on 47186  
evidence-based factors. These standards shall also be aligned with 47187

the operating standards adopted under division (D)(3) of section 47188  
3301.07 of the Revised Code. 47189

(a) The standards for teachers shall reflect the following 47190  
additional criteria: 47191

(i) Alignment with the interstate new teacher assessment and 47192  
support consortium standards; 47193

(ii) Differentiation among novice, experienced, and advanced 47194  
teachers; 47195

(iii) Reliance on competencies that can be measured; 47196

(iv) Reliance on content knowledge, teaching skills, 47197  
discipline-specific teaching methods, and requirements for 47198  
professional development; 47199

(v) Alignment with a career-long system of professional 47200  
development and evaluation that ensures teachers receive the 47201  
support and training needed to achieve the teaching standards as 47202  
well as reliable feedback about how well they meet the standards; 47203

(vi) The standards under section 3301.079 of the Revised 47204  
Code, including standards on collaborative learning environments 47205  
and interdisciplinary, project-based, real-world learning and 47206  
differentiated instruction; 47207

(vii) The Ohio leadership framework. 47208

(b) The standards for principals shall be aligned with the 47209  
interstate school leaders licensing consortium standards. 47210

(2) Develop standards for school district superintendents 47211  
that reflect what superintendents are expected to know and be able 47212  
to do at all stages of their careers. The standards shall reflect 47213  
knowledge of systems theory and effective management principles 47214  
and be aligned with the buckeye association of school 47215  
administrators standards and the operating standards developed 47216  
under division (D)(3) of section 3301.07 of the Revised Code. 47217

(3) Develop standards for school district treasurers and business managers that reflect what treasurers and business managers are expected to know and be able to do at all stages of their careers. The standards shall reflect knowledge of systems theory and effective management principles and be aligned with the association of school business officials international standards and the operating standards developed under division (D)(3) of section 3301.07 of the Revised Code.

(4) Develop standards for the renewal of licenses under sections 3301.074 and 3319.22 of the Revised Code;

(5) Develop standards for educator professional development;

(6) Investigate and make recommendations for the creation, expansion, and implementation of school building and school district leadership academies;

(7) Develop standards for school counselors that reflect what school counselors are expected to know and be able to do at all stages of their careers. The standards shall reflect knowledge of academic, personal, and social counseling for students and effective principles to implement an effective school counseling program. The standards also shall reflect Ohio-specific knowledge of career counseling for students and education options that provide flexibility for earning credit, such as earning units of high school credit using the methods adopted by the state board of education under division (J) of section 3313.603 of the Revised Code and earning college credit through the college credit plus program established under Chapter 3365. of the Revised Code and the career-technical education credit transfer criteria, policies, and procedures established under section 3333.162 of the Revised Code. The standards shall align with the American school counselor association's professional standards and the operating standards developed under division (D)(3) of section 3301.07 of the Revised Code.

The superintendent of public instruction, the chancellor of higher education, or the education standards board itself may request that the educator standards board update, review, or reconsider any standards developed under this section.

(B) The educator standards board shall incorporate indicators of cultural competency into the standards developed under division (A) of this section. For this purpose, the educator standards board shall develop a definition of cultural competency based upon content and experiences that enable educators to know, understand, and appreciate the students, families, and communities that they serve and skills for addressing cultural diversity in ways that respond equitably and appropriately to the cultural needs of individual students.

(C) In developing the standards under division (A) of this section, the educator standards board shall consider the impact of the standards on closing the achievement gap between students of different subgroups.

(D) In developing the standards under division (A) of this section, the educator standards board shall ensure both of the following:

(1) That teachers have sufficient knowledge to provide appropriate instruction for students identified as gifted pursuant to Chapter 3324. of the Revised Code and to assist in the identification of such students, and have sufficient knowledge that will enable teachers to provide learning opportunities for all children to succeed;

(2) That principals, superintendents, school treasurers, and school business managers have sufficient knowledge to provide principled, collaborative, foresighted, and data-based leadership that will provide learning opportunities for all children to succeed.

|                                                                    |       |
|--------------------------------------------------------------------|-------|
| (E) The standards for educator professional development            | 47281 |
| developed under division (A)(5) of this section shall include the  | 47282 |
| following:                                                         | 47283 |
| (1) Standards for the inclusion of local professional              | 47284 |
| development committees established under section 3319.22 of the    | 47285 |
| Revised Code in the planning and design of professional            | 47286 |
| development;                                                       | 47287 |
| (2) Standards that address the crucial link between academic       | 47288 |
| achievement and mental health issues.                              | 47289 |
| (F) The educator standards board shall also perform the            | 47290 |
| following functions:                                               | 47291 |
| (1) Monitor compliance with the standards developed under          | 47292 |
| division (A) of this section and make recommendations to the state | 47293 |
| board of education for appropriate corrective action if such       | 47294 |
| standards are not met;                                             | 47295 |
| (2) Research, develop, and recommend policies on the               | 47296 |
| professions of teaching and school administration;                 | 47297 |
| (3) Recommend policies to close the achievement gap between        | 47298 |
| students of different subgroups;                                   | 47299 |
| (4) Define a "master teacher" in a manner that can be used         | 47300 |
| uniformly by all school districts;                                 | 47301 |
| (5) Adopt criteria that a candidate for a lead professional        | 47302 |
| educator license under section 3319.22 of the Revised Code who     | 47303 |
| does not hold a valid certificate issued by the national board for | 47304 |
| professional teaching standards must meet to be considered a lead  | 47305 |
| teacher for purposes of division (B)(4)(d) of that section. It is  | 47306 |
| the intent of the general assembly that the educator standards     | 47307 |
| board shall adopt multiple, equal-weighted criteria to use in      | 47308 |
| determining whether a person is a lead teacher. The criteria shall | 47309 |
| be in addition to the other standards and qualifications           | 47310 |

prescribed in division (B)(4) of section 3319.22 of the Revised Code. The criteria may include, but shall not be limited to, completion of educational levels beyond a master's degree or other professional development courses or demonstration of a leadership role in the teacher's school building or district. The board shall determine the number of criteria that a teacher shall satisfy to be recognized as a lead teacher, which shall not be the total number of criteria adopted by the board.

(6) Develop model teacher and principal evaluation instruments and processes. The models shall be based on the standards developed under division (A) of this section.

(7) Develop a method of measuring the academic improvement made by individual students during a one-year period and make recommendations for incorporating the measurement as one of multiple evaluation criteria into each of the following:

(a) Eligibility for a professional educator license, senior professional educator license, lead professional educator license, or principal license issued under section 3319.22 of the Revised Code;

(b) The Ohio teacher residency program established under section 3319.223 of the Revised Code;

(c) The model teacher and principal evaluation instruments and processes developed under division (F)(6) of this section.

(G) The educator standards board shall submit recommendations of standards developed under division (A) of this section to the state board of education not later than September 1, 2010. The state board of education shall review those recommendations at the state board's regular meeting that next succeeds the date that the recommendations are submitted to the state board. At that meeting, the state board of education shall vote to either adopt standards based on those recommendations or request that the educator

standards board reconsider its recommendations. The state board of 47342  
education shall articulate reasons for requesting reconsideration 47343  
of the recommendations but shall not direct the content of the 47344  
recommendations. The educator standards board shall reconsider its 47345  
recommendations if the state board of education so requests, may 47346  
revise the recommendations, and shall resubmit the 47347  
recommendations, whether revised or not, to the state board not 47348  
later than two weeks prior to the state board's regular meeting 47349  
that next succeeds the meeting at which the state board requested 47350  
reconsideration of the initial recommendations. The state board of 47351  
education shall review the recommendations as resubmitted by the 47352  
educator standards board at the state board's regular meeting that 47353  
next succeeds the meeting at which the state board requested 47354  
reconsideration of the initial recommendations and may adopt the 47355  
standards as resubmitted or, if the resubmitted standards have not 47356  
addressed the state board's concerns, the state board may modify 47357  
the standards prior to adopting them. The final responsibility to 47358  
determine whether to adopt standards as described in division (A) 47359  
of this section and the content of those standards, if adopted, 47360  
belongs solely to the state board of education. 47361

**Sec. 3319.99.** (A) Whoever violates division ~~(A)~~(B)(1) of 47362  
section 3319.151 of the Revised Code is guilty of a minor 47363  
misdemeanor. 47364

(B) Whoever violates division (H)(1) of section 3319.311 of 47365  
the Revised Code is guilty of a misdemeanor of the first degree. 47366

(C) Whoever violates division (F) of section 3319.313 of the 47367  
Revised Code shall be punished as follows: 47368

(1) Except as otherwise provided in division (C)(2) of this 47369  
section, the person is guilty of a misdemeanor of the fourth 47370  
degree. 47371

(2) The person is guilty of a misdemeanor of the first degree 47372

if both of the following conditions apply: 47373

(a) The employee who is the subject of the report that the 47374  
person fails to submit was required to be reported for the 47375  
commission or alleged commission of an act or offense involving 47376  
the infliction on a child of any physical or mental wound, injury, 47377  
disability, or condition of a nature that constitutes abuse or 47378  
neglect of the child; 47379

(b) During the period between the violation of division (F) 47380  
of section 3319.313 of the Revised Code and the conviction of or 47381  
plea of guilty by the person for that violation, the employee who 47382  
is the subject of the report that the person fails to submit 47383  
inflicts on any child attending a school district, educational 47384  
service center, public or nonpublic school, or county board of 47385  
developmental disabilities where the employee works any physical 47386  
or mental wound, injury, disability, or condition of a nature that 47387  
constitutes abuse or neglect of the child. 47388

(D) Whoever violates division (B) or (D) of section 3319.317 47389  
of the Revised Code is guilty of a misdemeanor of the first 47390  
degree. 47391

**Sec. 3324.05.** (A) Each school district shall submit an annual 47392  
report to the department of education specifying the number of 47393  
students in each of grades kindergarten through twelve screened, 47394  
the number assessed, and the number identified as gifted in each 47395  
category specified in section 3324.03 of the Revised Code. For 47396  
fiscal years 2022 and 2023, this report shall also specify the 47397  
number of students served in each category specified in section 47398  
3324.03 of the Revised Code. 47399

(B) For fiscal years 2022 and 2023, not later than the 47400  
thirty-first day of October, the department shall publish both of 47401  
the following using data submitted by school districts under the 47402  
education management information system established under section 47403



under division ~~(A)(7)~~ (A)(6) of section 3317.022 of the Revised Code for the identification of and services provided to the district's gifted students and each district's expenditures of those funds.

(B) For fiscal year 2024 and each fiscal year thereafter, not later than the thirtieth day of October, the department shall publish on its web site each school district's expenditures for the previous fiscal year of funds received under division (A)(6) of section 3317.022 of the Revised Code for the identification of and services provided to the district's gifted students.

**Sec. 3326.01.** (A) As used in this chapter:

(1) "Compact career-technical education provider" means two or more city, exempted village, or local school districts that are not members of a joint vocational school district and that have entered into a compact under which students enrolled in any of the participating districts may access career-technical education programs provided by a participating district.

(2) "Comprehensive career-technical education provider" means a city, exempted village, or local school district that is not a member of a joint vocational school district and that provides a comprehensive career-technical education program to all high schools operated by the district.

(3) "STEM" is an abbreviation of "science, technology, engineering, and mathematics."

~~(2)~~(4) "STEAM" is an abbreviation of "science, technology, engineering, arts, and mathematics."

(B)(1) A science, technology, engineering, arts, and mathematics school shall be considered a type of science, technology, engineering, and mathematics school.

(2) A STEAM school equivalent shall be considered to be a

type of STEM school equivalent. 47464

(3) A STEAM program of excellence shall be considered to be a 47465  
type of STEM program of excellence. 47466

(C)(1) Any reference to a STEM school or science, technology, 47467  
engineering, and mathematics school in the Revised Code shall be 47468  
considered to include a STEAM school, unless the context 47469  
specifically indicates a different meaning or intent. All 47470  
provisions of the Revised Code applicable to a STEM school shall 47471  
apply to a STEAM school in the same manner, except as otherwise 47472  
provided in this chapter. 47473

(2) Any reference to a STEM school equivalent in the Revised 47474  
Code shall be considered to include a STEAM school equivalent, 47475  
unless the context specifically indicates a different meaning or 47476  
intent. All provisions of the Revised Code applicable to a STEM 47477  
school equivalent shall apply to a STEAM school equivalent in the 47478  
same manner, except as otherwise provided in this chapter. 47479

(3) Any reference to a STEM program of excellence in the 47480  
Revised Code shall be considered to include a STEAM program of 47481  
excellence, unless the context specifically indicates a different 47482  
meaning or intent. All provisions of the Revised Code applicable 47483  
to a STEM program of excellence shall apply to a STEAM program of 47484  
excellence in the same manner, except as otherwise provided in 47485  
this chapter. 47486

**Sec. 3326.02.** There is hereby established the STEM committee 47487  
of the department of education consisting of the following 47488  
members: 47489

(A) The superintendent of public instruction, or the 47490  
superintendent's designee; 47491

(B) The chancellor of ~~the Ohio board of regents~~ higher 47492  
education, or the chancellor's designee; 47493

(C) The director of development, or the director's designee; 47494

(D) Four members of the public, two of whom shall be 47495  
appointed by the governor, one of whom shall be appointed by the 47496  
speaker of the house of representatives, and one of whom shall be 47497  
appointed by the president of the senate. Members of the public 47498  
shall be appointed based on their expertise in business or in STEM 47499  
fields. ~~The initial members of the committee shall be appointed~~ 47500  
~~under division (D) of this section not later than forty five days~~ 47501  
~~after June 30, 2007.~~ 47502

All members of the committee appointed under division (D) of 47503  
this section shall serve at the pleasure of their appointing 47504  
authority. 47505

If a member listed in divisions (A) to (C) of this section 47506  
elects to assign a designee to participate in committee business 47507  
on the member's behalf, the member shall assign that designation 47508  
to a single person for the time period in which the designation is 47509  
effective. 47510

Members of the committee shall receive no compensation for 47511  
their services. The department of education shall provide 47512  
administrative support for the committee. 47513

**Sec. 3326.03.** (A) The STEM committee shall authorize the 47514  
establishment of ~~and award grants to~~ science, technology, 47515  
engineering, and mathematics schools based on proposals submitted 47516  
to the committee. 47517

The committee shall determine the criteria for proposals, 47518  
establish procedures for the submission of proposals, accept and 47519  
evaluate proposals, and choose which proposals to approve to 47520  
become a STEM school. In approving proposals for STEM schools, the 47521  
committee shall consider ~~locating the~~ designating schools in 47522  
diverse geographic regions of the state so that all students have 47523

access to a STEM school. 47524

The committee shall seek technical assistance from the Ohio 47525  
STEM learning network, or its successor, throughout the process of 47526  
accepting and evaluating proposals and choosing which proposals to 47527  
approve. In approving proposals for STEM schools, the committee 47528  
shall consider the recommendations of the Ohio STEM learning 47529  
network, or its successor. 47530

The committee may authorize the establishment of a group of 47531  
multiple STEM schools to operate from multiple facilities located 47532  
in one or more school districts under the direction of a single 47533  
governing body in the manner prescribed by section 3326.031 of the 47534  
Revised Code. The committee shall consider the merits of each of 47535  
the proposed STEM schools within a group and shall authorize each 47536  
school separately. Anytime after authorizing a group of STEM 47537  
schools to be under the direction of a single governing body, ~~upon~~ 47538  
~~a proposal from the governing body,~~ the committee may authorize 47539  
one or more additional schools to operate as part of that group, 47540  
provided a proposal for each school is submitted in accordance 47541  
with this section. 47542

The STEM committee may approve one or more STEM schools to 47543  
serve only students identified as gifted under Chapter 3324. of 47544  
the Revised Code. 47545

(B) Proposals may be submitted only by a partnership of 47546  
public and private entities consisting of at least all of the 47547  
following: 47548

(1) A city, exempted village, or local, ~~or joint vocational~~ 47549  
school district ~~or an educational service center;~~ 47550

(2) Higher education entities; 47551

(3) Business organizations. 47552

A community school established under Chapter 3314. of the 47553

Revised Code, a chartered nonpublic school, or both may be part of 47554  
the partnership. 47555

(C) Each proposal shall include at least the following: 47556

(1) A statement of which of grades kindergarten through 47557  
twelve will be offered by the school; 47558

(2) Assurances that the STEM school or group of STEM schools 47559  
will be under the oversight of a governing body and a description 47560  
of the members of that governing body and how they will be 47561  
selected; 47562

~~(2)~~(3) Assurances that each STEM school will operate in 47563  
compliance with this chapter and the provisions of the proposal as 47564  
accepted by the committee and that the school will maintain the 47565  
STEM education practices set forth in the proposal; 47566

~~(3)~~(4) Evidence that each school will exhibit school-wide 47567  
cultural strategies reflecting innovation, an entrepreneurial 47568  
spirit, inquiry, and collaboration with individual accountability; 47569

(5) Evidence that each school will offer a rigorous, diverse, 47570  
integrated, and problem- or project-based curriculum to all 47571  
students ~~in any of grades kindergarten through twelve~~ enrolled in 47572  
the school, with the goal to prepare ~~those~~ all students for 47573  
college post-high school learning experiences, the workforce, and 47574  
citizenship, and that does all of the following: 47575

(a) Emphasizes and supports the role of science, technology, 47576  
engineering, and mathematics in promoting innovation and economic 47577  
progress; 47578

(b) ~~Incorporates scientific inquiry and technological design~~ 47579  
Emphasizes the use of design thinking as a school-wide approach; 47580

(c) Provides opportunities for students to engage in 47581  
personalized learning; 47582

(d) Includes the arts and humanities. If the proposal is for 47583

a STEAM school, it also shall include evidence that the curriculum will integrate arts and design into the study of science, technology, engineering, and mathematics to foster creative thinking, problem-solving, and new approaches to scientific invention.

~~(d) Emphasizes personalized learning and teamwork skills.~~

~~(4)(6)~~ Evidence that each school will attract school leaders who support leadership supports the curriculum principles of division ~~(C)(3)~~ (C)(5) of this section;

~~(5)(7)~~ A description of how each school's curriculum ~~will be~~ was developed using the curriculum principles described in division (C)(5) of this section and approved by a team in accordance with section 3326.09 of the Revised Code;

~~(6)(8)~~ Evidence that each school will ~~utilize an established~~ capacity to capture and share knowledge for best practices and innovative professional development with the Ohio STEM learning network, or its successor participate in regular STEM-focused professional development and share knowledge of best practices;

~~(7)(9)~~ Evidence that each school ~~will operate in~~ collaboration with a partnership that includes has established partnerships with institutions of higher education and businesses. If the proposal is for a STEAM school, it also shall include evidence ~~that this partnership will include~~ of established partnerships with one or more arts organizations.

~~(8)(10)~~ Assurances that each school has received commitments of sustained and verifiable fiscal and in-kind support from regional education and business entities. If the proposal is for a STEAM school, it also shall include assurances that the school has received commitments of sustained and verifiable fiscal and in-kind support from arts organizations.

~~(9)(11)~~ A description of how each school's assets will be

distributed if the school closes for any reason. 47615

(D) A STEM school that is designated under this section may 47616  
submit an amended proposal to the STEM committee at any time to 47617  
offer additional grade levels. Upon approval of the amended 47618  
proposal by the committee, those grades may be offered by the 47619  
school. 47620

(E)(1) If a school is designated as a STEM school under this 47621  
section, it shall maintain that designation for five years unless 47622  
the STEM committee revokes its designation during that five-year 47623  
period under division (F) of this section. At the end of that 47624  
five-year period, the school shall reapply to the STEM committee 47625  
in order to maintain that designation. The committee shall 47626  
authorize the continuation of the school's STEM designation if the 47627  
committee finds that the school is in compliance with this chapter 47628  
and the provisions of its proposal and any subsequent amendments 47629  
to that proposal. 47630

If a school chooses not to reapply for designation as a STEM 47631  
school under division (E)(1) of this section, the committee shall 47632  
revoke the school's designation at the end of its five-year 47633  
designation period. 47634

(2) If a school reapplies for its designation as a STEM 47635  
school under division (E)(1) of this section and the committee has 47636  
reason to believe that it is not in compliance with this chapter 47637  
or the provisions of its proposal and any subsequent amendments to 47638  
that proposal, the committee shall require the school, in 47639  
collaboration with the department of education and the Ohio STEM 47640  
learning network or its successor, to develop a corrective action 47641  
plan. The school shall implement the corrective action plan and 47642  
demonstrate exemplary STEM pedagogy and practices within one year 47643  
of the plan's development. If the school fails to implement the 47644  
corrective action plan to the satisfaction of the committee at the 47645  
end of that year, the committee shall revoke the school's 47646

designation. 47647

(3) The department shall maintain records of the application status and designation renewal deadlines for each school that has been designated as a STEM school under this section. 47648  
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(F) If the STEM committee has reason to believe that a school that is designated as a STEM school under this section is not in compliance with this chapter or the provisions of its proposal and any subsequent amendments to that proposal, it may review the school's designation prior to the end of its five-year designation period. If the committee reviews a school's designation under this division, it must require the school to develop a corrective action plan in the same manner as specified in division (E)(2) of this section and implement that plan and demonstrate exemplary STEM pedagogy and practices within one year of the plan's development. If the school fails to implement the corrective action plan to the satisfaction of the committee at the end of that year, the committee shall revoke the school's designation. 47651  
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(G) If a STEM school wishes to become a STEAM school, it may change its existing proposal to include the items required under divisions ~~(C)(3)(e)~~ (C)(5)(d), ~~(C)(7)~~, and ~~(C)(8)~~ (C)(9), and (C)(10) of this section and submit the revised proposal to the STEM committee for approval. 47664  
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(H) Notwithstanding division (B)(1) of this section, on and after the effective date of this amendment, a school operated by a joint vocational school district that was designated as a STEM school prior to that date may maintain that designation provided the school continues to comply with this chapter and all provisions of its proposal and any subsequent amendments to that proposal. However, nothing shall prohibit that school from electing to apply for a designation of STEM school equivalent or distinction as a STEM program of excellence under section 3326.032 or 3326.04 of the Revised Code, respectively. 47669  
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Sec. 3326.032. (A) The STEM committee may grant a designation 47679  
of STEM school equivalent to a any of the following schools: 47680

(1) A school operated by a joint vocational school district; 47681

(2) A school offering career-technical education programs 47682  
that is operated by a school district that is a comprehensive 47683  
career-technical education provider; 47684

(3) A school offering career-technical education programs 47685  
that is operated by a school district that is a participant in a 47686  
compact career-technical education provider; 47687

(4) A community school established under Chapter 3314. of the 47688  
Revised Code, to a career center, or to a i 47689

(5) A chartered nonpublic school. In 47690

In order to be eligible for this designation, a community 47691  
school, a career center, or chartered nonpublic school shall 47692  
submit a proposal that satisfies the requirements of this section. 47693

The committee shall determine the criteria for proposals, 47694  
establish procedures for the submission of proposals, accept and 47695  
evaluate proposals, and choose which proposals warrant a ~~community~~ 47696  
~~school, career center, or chartered nonpublic school~~ to be 47697  
designated as a STEM school equivalent. 47698

(B) A proposal for designation as a STEM school equivalent 47699  
shall include at least the following: 47700

(1) Assurances that the community school, career center, or 47701  
chartered nonpublic school submitting the proposal has a working 47702  
partnership with both public and private entities, including 47703  
higher education entities and business organizations. If the 47704  
proposal is for a STEAM school equivalent, it also shall include 47705  
evidence that this partnership includes arts organizations. A 47706  
statement of which of grades kindergarten through twelve will be 47707  
offered by the school; 47708

(2) Assurances that the school ~~or career center submitting~~ 47709  
~~the proposal~~ will operate in compliance with this section and the 47710  
provisions of the proposal as accepted by the committee and that 47711  
the school will maintain the STEM education practices set forth in 47712  
the proposal; 47713

(3) Evidence that the school will exhibit school-wide 47714  
cultural strategies reflecting innovation, an entrepreneurial 47715  
spirit, inquiry, and collaboration with individual accountability; 47716

(4) Evidence that the school ~~or career center submitting the~~ 47717  
~~proposal~~ will offer a rigorous, diverse, integrated, and problem- 47718  
or project-based curriculum to all students in any of grades 47719  
~~kindergarten through twelve enrolled in the school~~, with the goal 47720  
to prepare ~~those~~ all students for college post-secondary learning 47721  
experiences, the workforce, and citizenship, and that does all of 47722  
the following: 47723

(a) Emphasizes and supports the role of science, technology, 47724  
engineering, and mathematics in promoting innovation and economic 47725  
progress; 47726

(b) ~~Incorporates scientific inquiry and technological design~~ 47727  
Emphasizes the use of design thinking as a school-wide approach; 47728

(c) Provides opportunities for students to engage in 47729  
personalized learning; 47730

(d) Includes the arts and humanities. If the proposal is for 47731  
a STEAM school equivalent, it also shall include evidence that the 47732  
curriculum will integrate arts and design into the study of 47733  
science, technology, engineering, and mathematics to foster 47734  
creative thinking, problem-solving, and new approaches to 47735  
scientific invention. 47736

~~(d) Emphasizes personalized learning and teamwork skills.~~ 47737

~~(4)(5)~~ Evidence that the school or career center submitting 47738

~~the proposal will attract school leaders who support leadership~~ 47739  
~~supports~~ the curriculum principles of division ~~(B)(3)~~ (B)(4) of 47740  
this section; 47741

~~(5)(6)~~ (6) A description of how ~~each the~~ school's ~~or career~~ 47742  
~~center's~~ curriculum ~~will be~~ was developed using the principles of 47743  
division (B)(4) of this section and approved by a team in 47744  
accordance with section 3326.09 of the Revised Code; 47745

~~(6)(7)~~ (7) Evidence that the school ~~or career center~~ submitting 47746  
~~the proposal~~ will utilize an established capacity to capture and 47747  
~~share knowledge for best practices and innovative professional~~ 47748  
~~development~~ participate in regular professional development and 47749  
share knowledge of best practices; 47750

~~(7)(8)~~ (8) Evidence that the school has established partnerships 47751  
with institutions of higher education and businesses. If the 47752  
proposal is for a STEAM school equivalent, it also shall include 47753  
evidence of established partnerships with one or more arts 47754  
organizations. 47755

(9) Assurances that the school ~~or career center~~ submitting 47756  
~~the proposal~~ has received commitments of sustained and verifiable 47757  
fiscal and in-kind support from regional education and business 47758  
entities. If the proposal is for a STEAM school equivalent, it 47759  
also shall include assurances that the school ~~or career center~~ has 47760  
received commitments of sustained and verifiable fiscal and 47761  
in-kind support from arts organizations. 47762

(C)(1) If a school is designated as a STEM school equivalent 47763  
under this section, it shall maintain that designation for five 47764  
years unless the STEM committee revokes its designation during 47765  
that five-year period under division (D) of this section. At the 47766  
end of that five-year period, the school shall reapply to the STEM 47767  
committee in order to maintain that designation. The committee 47768  
shall authorize the continuation of the school's designation as a 47769

STEM school equivalent if the committee finds that the school is 47770  
in compliance with this chapter and the provisions of its proposal 47771  
and any subsequent amendments to that proposal. 47772

If a school chooses not to reapply for designation as a STEM 47773  
school equivalent under division (C)(1) of this section, the 47774  
committee shall revoke the school's designation at the end of its 47775  
five-year designation period. 47776

(2) If a school reapplies for its designation as a STEM 47777  
school equivalent under division (C)(1) of this section and the 47778  
committee has reason to believe that it is not in compliance with 47779  
this chapter or the provisions of its proposal and any subsequent 47780  
amendments to that proposal, the committee shall require the 47781  
school, in collaboration with the department of education and the 47782  
Ohio STEM learning network or its successor, to develop a 47783  
corrective action plan. The school shall implement the corrective 47784  
action plan and demonstrate exemplary STEM pedagogy and practices 47785  
within one year of the plan's development. If the school fails to 47786  
implement the corrective action plan to the satisfaction of the 47787  
committee at the end of that year, the committee shall revoke the 47788  
school's designation. 47789

(3) The department shall maintain records of the application 47790  
status and designation renewal deadlines for each school that has 47791  
been designated as a STEM school equivalent under this section. 47792

(D) If the STEM committee has reason to believe that a school 47793  
that is designated as a STEM school equivalent under this section 47794  
is not in compliance with this chapter or the provisions of its 47795  
proposal and any subsequent amendments to that proposal, it may 47796  
review the school's designation prior to the end of its five-year 47797  
designation period. If the committee reviews a school's 47798  
designation under this division, it must require the school to 47799  
develop a corrective action plan in the same manner as specified 47800  
in division (C)(2) of this section and implement that plan and 47801

demonstrate exemplary STEM pedagogy and practices within one year 47802  
of the plan's development. If the school fails to implement the 47803  
corrective action plan to the satisfaction of the committee at the 47804  
end of that year, the committee shall revoke the school's 47805  
designation. 47806

~~(E) A community school, career center, or chartered nonpublic~~ 47807  
school that is designated as a STEM school equivalent under this 47808  
section shall not be subject to the requirements of Chapter 3326. 47809  
of the Revised Code, except that the school ~~or career center~~ shall 47810  
be subject to the requirements of this section and to the 47811  
curriculum requirements of section 3326.09 of the Revised Code. 47812

Nothing in this section, however, shall relieve a community 47813  
school of the applicable requirements of Chapter 3314. of the 47814  
Revised Code. Nor shall anything in this section relieve a school 47815  
operated by a joint vocational school district, a school operated 47816  
by a comprehensive career-technical education provider, a school 47817  
operated by a compact career-technical education provider, or a 47818  
chartered nonpublic school of any provisions of law outside of 47819  
this chapter that are applicable to ~~chartered nonpublic~~ such 47820  
schools. 47821

(2) A ~~community school, career center, or chartered nonpublic~~ 47822  
school that is designated as a STEM school equivalent under this 47823  
section shall not be eligible for operating funding under sections 47824  
3326.31 to 3326.37, 3326.39 to 3326.40, and 3326.51 of the Revised 47825  
Code. 47826

(3) A ~~community school, career center, or chartered nonpublic~~ 47827  
school that is designated as a STEM school equivalent under this 47828  
section may apply for any of the grants and additional funds 47829  
described in section 3326.38 of the Revised Code for which the 47830  
school ~~or career center~~ is eligible. 47831

~~(D)~~(F) If a ~~community school, a career center, or chartered~~ 47832

~~nonpublic~~ school that is designated as a STEM school equivalent 47833  
under this section intends to close or intends to no longer be 47834  
designated as a STEM school equivalent, it shall notify the STEM 47835  
committee of that fact. 47836

~~(E)(G)~~ If a ~~community school, a career center, or chartered~~ 47837  
~~nonpublic~~ school that is designated as a STEM school equivalent 47838  
wishes to be designated as a STEAM school equivalent, it may 47839  
change its existing proposal to include the items required under 47840  
divisions ~~(B)(1), (B)(3)(e)~~ (B)(4)(d), (B)(8), and (B)(7) (B)(9) 47841  
of this section and submit the revised proposal to the STEM 47842  
committee for approval. 47843

~~(F)~~ As used in this section, "career center" means a school 47844  
building that enrolls students in any of grades nine through 47845  
twelve and in which a ~~career technical planning district, as~~ 47846  
~~defined in section 3317.023 of the Revised Code, provides~~ 47847  
~~career technical education services that meet standards adopted by~~ 47848  
~~the state board of education.~~ 47849

**Sec. 3326.04.** (A) The STEM committee shall ~~award grants to~~ 47850  
~~support the operation of grant distinctions as~~ STEM programs of 47851  
~~excellence to serve students in any of grades kindergarten through~~ 47852  
~~twelve through a request for proposals to STEM programs operated~~ 47853  
~~by joint vocational school districts, comprehensive~~ 47854  
~~career-technical education providers, compact career-technical~~ 47855  
~~education providers, and educational service centers in accordance~~ 47856  
~~with this section.~~ 47857

(B) ~~Proposals may be submitted by any of the following:~~ 47858

~~(1) The board of education of a city, exempted village, or~~ 47859  
~~local school district;~~ 47860

~~(2) The governing authority of a community school established~~ 47861  
~~under Chapter 3314. of the Revised Code;~~ 47862

~~(3) The governing authority of a chartered nonpublic school.~~ 47863

~~(C) Each A joint vocational school district, comprehensive career-technical education provider, compact career-technical education provider, or educational service center may submit a proposal to the STEM committee seeking distinction as a STEM program of excellence. The proposal shall demonstrate to the satisfaction of the STEM committee that the program meets at least the following standards:~~ 47864  
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(1) Unless the program is designed to serve only students identified as gifted under Chapter 3324. of the Revised Code, the program will serve all students enrolled ~~in the district or school~~ in the grades for which the program is designed. 47871  
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(2) ~~The program will offer a rigorous and diverse curriculum that is based on scientific inquiry and technological design, that emphasizes personalized learning and teamwork skills, and that will expose students to advanced scientific concepts within and outside the classroom. If the proposal is for a STEAM program of excellence, it also shall include evidence that the curriculum will integrate arts and design into the curriculum to foster creative thinking, problem solving, and new approaches to scientific invention.~~ 47875  
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~~(3) Unless the program is designed to serve only students identified as gifted under Chapter 3324. of the Revised Code, the program will not limit participation of students on the basis of intellectual ability, measures of achievement, or aptitude.~~ 47884  
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~~(4) The program will utilize an established capacity to capture and share knowledge for best practices and innovative professional development.~~ 47888  
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~~(5) The program will operate in collaboration with a partnership that includes institutions of higher education and businesses. If the proposal is for a STEAM program of excellence,~~ 47891  
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~~it also shall include evidence that this partnership includes arts organizations.~~ 47894  
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~~(6) The program will include teacher professional development strategies that are augmented by community and business partners~~ 47896  
The program will provide students with the opportunity to 47897  
innovate, develop an entrepreneurial spirit, engage in inquiry, 47898  
and collaborate with individual accountability. 47899  
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(3) The program will offer a rigorous, diverse, integrated, 47901  
and problem- or project-based curriculum to students, with the 47902  
goal to prepare students for post-secondary learning experiences, 47903  
the workforce, and citizenship, and that does all of the 47904  
following: 47905

(a) Emphasizes and supports the role of science, technology, 47906  
engineering, and mathematics in promoting innovation and economic 47907  
progress; 47908

(b) Emphasizes the use of design thinking as a school-wide 47909  
approach; 47910

(c) Provides opportunities for students to engage in 47911  
personalized learning; 47912

(d) Includes the arts and humanities. If the proposal is for 47913  
distinction as a STEAM program of excellence, it also shall 47914  
include evidence that the curriculum will integrate arts and 47915  
design into the study of science, technology, engineering, and 47916  
mathematics to foster creative thinking, problem-solving, and new 47917  
approaches to scientific invention. 47918

(4) The district, provider, or service center leadership 47919  
supports the curriculum principles of division (B)(3) of this 47920  
section. 47921

(5) The program's leaders participate in regular STEM-focused 47922  
professional development and share knowledge of best practices. 47923

(6) The program has established partnerships with institutions of higher education and businesses. If the proposal is for distinction as a STEAM program of excellence, it also shall include evidence of established partnerships with one or more arts organizations. 47924  
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(7) The program has received commitments of sustained and verifiable fiscal and in-kind support from regional education and business entities. If the proposal is for distinction as a STEAM program of excellence, the program also has received commitments of sustained and verifiable fiscal and in-kind support from arts organizations; 47929  
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(8) The program's curriculum was developed using the principles described in division (B)(3) of this section and approved by a team in accordance with section 3326.09 of the Revised Code. 47935  
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~~(D) The STEM committee shall give priority to proposals for new or expanding innovative programs~~(C)(1) If a joint vocational school district, comprehensive career-technical education provider, compact career-technical education provider, or educational service center receives a distinction as a STEM program of excellence under this section, it shall maintain that distinction for five years unless the STEM committee revokes the distinction during that five-year period under division (E) of this section. At the end of that five-year period, the district, provider, or service center shall reapply to the STEM committee in order to maintain that distinction. The committee shall authorize the continuation of the district's, provider's, or service center's distinction as a STEM program of excellence if the committee finds that the district, provider, or service center is in compliance with this chapter and the provisions of its proposal and any subsequent amendments to that proposal. 47939  
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If a joint vocational school district, comprehensive 47955

career-technical education provider, compact career-technical education provider, or educational service center chooses not to reapply for a distinction for a STEM program of excellence under division (C)(1) of this section, the committee shall revoke the district's, provider's, or service center's distinction at the end of its five-year period of distinction. 47956  
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(2) If a joint vocational school district, comprehensive career-technical education provider, compact career-technical education provider, or educational service center reapplies for distinction as a STEM program of excellence under division (C)(1) of this section and the committee has reason to believe that it is not in compliance with this chapter or the provisions of its proposal and any subsequent amendments to that proposal, the committee shall require the district, provider, or service center, in collaboration with the department of education and the Ohio STEM learning network or its successor, to develop a corrective action plan. The district, provider, or service center shall implement the corrective action plan and demonstrate exemplary STEM pedagogy and practices within one year of the plan's development. If the district, provider, or service center fails to implement the corrective action plan to the satisfaction of the committee at the end of that year, the committee shall revoke the district's, provider's, or service center's distinction. 47962  
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(3) The department shall maintain records of the application status and designation renewal deadlines for each joint vocational school district, comprehensive career-technical education provider, compact career-technical education provider, or educational service center that has received a distinction as a STEM program of excellence under this section. 47979  
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(D) If the STEM committee has reason to believe that a joint vocational school district, comprehensive career-technical education provider, compact career-technical education provider, 47985  
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or educational service center that has received a distinction as a STEM program of excellence under this section is not in compliance with this chapter or the provisions of its proposal and any subsequent amendments to that proposal, it may review the district's, provider's, or service center's distinction prior to the end of the five-year period during which that distinction is effective. If the committee reviews a district's, provider's, or service center's distinction under this division, it must require the district, provider, or service center to develop a corrective action plan in the same manner as specified in division (C)(2) of this section and implement that plan and demonstrate exemplary STEM pedagogy and practices within one year of the plan's development. If the district, provider, or service center fails to implement the corrective action plan to the satisfaction of the committee at the end of that year, the committee shall revoke the district's, provider's, or service center's distinction.

(E) If a joint vocational school district, comprehensive career-technical education provider, compact career-technical education provider, or educational service center that has received distinction for a STEM program of excellence instead wishes to ~~become~~ receive a distinction for a STEAM program of excellence, it may change its existing proposal to include the items required under divisions ~~(C)(2)~~ (B)(3)(d), (B)(6), and ~~(C)(5)~~ (B)(7) of this section and submit the revised proposal to the STEM committee for approval.

**Sec. 3326.07.** Each science, technology, engineering, and mathematics school established under this chapter is a public school, is part of the state's program of education, may contract for any services necessary for the operation of the school, and may continue in operation for as long as the school is in compliance with the provisions of this chapter and with the proposal for its establishment as approved by the STEM committee.

If the school closes for any reason, its assets shall be 48020  
distributed in the manner provided in the proposal for its 48021  
establishment as required by division ~~(C)(9)~~ (C)(11) of section 48022  
3326.03 of the Revised Code. 48023

**Sec. 3326.08.** (A) The governing body of each science, 48024  
technology, engineering, and mathematics school shall engage the 48025  
services of administrative officers, teachers, and nonteaching 48026  
employees of the STEM school necessary for the school to carry out 48027  
its mission and shall oversee the operations of the school. The 48028  
governing body of each STEM school shall engage the services of a 48029  
chief administrative officer to serve as the school's 48030  
instructional and administrative leader. The chief administrative 48031  
officer shall be granted the authority to oversee the recruitment, 48032  
retention, and employment of teachers and nonteaching employees. 48033

(B) The department of education shall monitor the oversight 48034  
of each STEM school exercised by the school's governing body and 48035  
shall monitor the school's compliance with this chapter and with 48036  
the proposal for the establishment of the school as it was 48037  
approved by the STEM committee under section ~~3326.04~~ 3326.03 of 48038  
the Revised Code. ~~If~~ Except in the case of a STEM school that is 48039  
governed and controlled by a school district in accordance with 48040  
section 3326.51 of the Revised Code, if the department finds that 48041  
the school is not in compliance with this chapter or with the 48042  
proposal and the STEM committee has revoked the school's STEM 48043  
designation under division (E)(1) or (2) or (F) of section 3326.03 48044  
of the Revised Code, the department shall consult with the STEM 48045  
committee, and the committee ~~may~~ shall order the school to close 48046  
on the last day of the school year in which the committee issues 48047  
its order. 48048

(C) The governing body of each STEM school shall comply with 48049  
sections 121.22 and 149.43 of the Revised Code. 48050

**Sec. 3326.10.** Each science, technology, engineering, and mathematics school shall adopt admission procedures that specify the following:

(A)(1) Admission shall be open to individuals entitled and eligible to attend school pursuant to section 3313.64 or 3313.65 of the Revised Code in a school district in the state.

(2)(a) Admission may be open on a tuition basis to individuals who are not residents of this state. The school shall not receive state funds under ~~sections 3326.33 to 3326.51~~ section 3317.022 of the Revised Code for any student who is not a resident of this state.

(b) The school shall charge tuition for a student who is not a resident of this state in an amount determined by the school in accordance with section 3326.101 of the Revised Code.

(B) There will be no discrimination in the admission of students to the school on the basis of race, creed, color, disability, or sex.

(C) The school will comply with all federal and state laws regarding the education of students with disabilities.

(D) Unless the school serves only students identified as gifted under Chapter 3324. of the Revised Code, the school will not limit admission to students on the basis of intellectual ability, measures of achievement or aptitude, or athletic or artistic ability.

(E) The school will assert its best effort to attract a diverse student body that reflects the community, and the school will recruit students from disadvantaged and underrepresented groups.

**Sec. 3326.101.** For each student who is not a resident of this

state and is enrolled in a science, technology, engineering, and 48080  
mathematics school under division (A)(2) of section 3326.10 of the 48081  
Revised Code, the school shall determine the amount to charge to 48082  
the student as tuition. This amount shall be not less than the 48083  
minimum amount paid to the school for a student under section 48084  
~~3326.33~~ 3317.022 of the Revised Code. 48085

**Sec. 3326.11.** Each science, technology, engineering, and 48086  
mathematics school established under this chapter and its 48087  
governing body shall comply with sections 9.90, 9.91, 109.65, 48088  
121.22, 149.43, 2151.357, 2151.421, 2313.19, 2921.42, 2921.43, 48089  
3301.0714, 3301.0715, 3301.0729, 3301.948, 3313.14, 3313.15, 48090  
3313.16, 3313.18, 3313.201, 3313.26, 3313.472, 3313.48, 3313.481, 48091  
3313.482, 3313.50, 3313.539, 3313.5310, 3313.608, 3313.6012, 48092  
3313.6013, 3313.6014, 3313.6015, 3313.6020, 3313.6021, 3313.6024, 48093  
3313.6025, 3313.6026, 3313.61, 3313.611, 3313.614, 3313.615, 48094  
3313.617, 3313.618, 3313.6114, 3313.643, 3313.648, 3313.6411, 48095  
3313.66, 3313.661, 3313.662, 3313.666, 3313.667, 3313.668, 48096  
3313.669, 3313.6610, 3313.67, 3313.671, 3313.672, 3313.673, 48097  
3313.69, 3313.71, 3313.716, 3313.718, 3313.719, 3313.7112, 48098  
3313.721, 3313.80, 3313.801, 3313.814, 3313.816, 3313.817, 48099  
3313.818, 3313.86, 3313.89, 3313.96, 3319.073, 3319.077, 3319.078, 48100  
3319.21, 3319.318, 3319.32, 3319.321, 3319.35, 3319.39, 3319.391, 48101  
3319.393, 3319.41, 3319.45, 3319.46, 3320.01, 3320.02, 3320.03, 48102  
3321.01, 3321.041, 3321.05, 3321.13, 3321.14, 3321.141, 3321.17, 48103  
3321.18, 3321.19, 3321.191, 3323.251, 3327.10, 4111.17, 4113.52, 48104  
5502.262, and 5705.391 and Chapters 102., 117., 1347., 2744., 48105  
3307., 3309., 3365., 3742., 4112., 4123., 4141., and 4167. of the 48106  
Revised Code as if it were a school district. 48107

**Sec. 3326.14.** Each science, technology, engineering, and 48108  
mathematics school and its governing body shall administer the 48109

assessments required by sections 3301.0710, 3301.0711, and 48110  
3301.0712 of the Revised Code, as if it were a school district, 48111  
~~except that, notwithstanding any provision of those sections to~~ 48112  
~~the contrary, any student enrolled in a grade lower than the tenth~~ 48113  
~~grade in a STEM school may take one or more of the Ohio graduation~~ 48114  
~~tests prescribed under division (B)(1) of section 3301.0710 of the~~ 48115  
~~Revised Code on any of the dates prescribed for that assessment.~~ 48116

Sec. 3326.23. This section does not apply to any science, 48117  
technology, engineering, and mathematics school that is governed 48118  
and controlled by a school district in accordance with section 48119  
3326.51 of the Revised Code on or after the effective date of this 48120  
amendment. 48121

The governing body of each science, technology, engineering, 48122  
and mathematics school annually shall provide the following 48123  
assurances in writing to the department of education not later 48124  
than ten business days prior to the opening of the school: 48125

(A) That the school has a plan for providing special 48126  
education and related services to students with disabilities and 48127  
has demonstrated the capacity to provide those services in 48128  
accordance with Chapter 3323. of the Revised Code and federal law; 48129

(B) That the school has a plan and procedures for 48130  
administering the achievement and diagnostic assessments 48131  
prescribed by sections 3301.0710, 3301.0712, and 3301.0715 of the 48132  
Revised Code; 48133

(C) That school personnel have the necessary training, 48134  
knowledge, and resources to properly use and submit information to 48135  
all databases maintained by the department for the collection of 48136  
education data, including the education management information 48137  
system established under section 3301.0714 of the Revised Code; 48138

(D) That all required information about the school has been 48139

|                                                                                                                                                                                                                         |                                  |
|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|----------------------------------|
| submitted to the Ohio education directory system or any successor system;                                                                                                                                               | 48140<br>48141                   |
| (E) That all classroom teachers are licensed in accordance with sections 3319.22 to 3319.31 of the Revised Code or are engaged to teach pursuant to section 3319.301 of the Revised Code;                               | 48142<br>48143<br>48144          |
| (F) That the school's treasurer is in compliance with section 3326.21 of the Revised Code;                                                                                                                              | 48145<br>48146                   |
| (G) That the school has complied with sections 3319.39 and 3319.391 of the Revised Code with respect to all employees and that the school has conducted a criminal records check of each of its governing body members; | 48147<br>48148<br>48149<br>48150 |
| (H) That the school holds all of the following:                                                                                                                                                                         | 48151                            |
| (1) Proof of property ownership or a lease for the facilities used by the school;                                                                                                                                       | 48152<br>48153                   |
| (2) A certificate of occupancy;                                                                                                                                                                                         | 48154                            |
| (3) Liability insurance for the school, as required by section 3326.11 of the Revised Code;                                                                                                                             | 48155<br>48156                   |
| (4) A satisfactory health and safety inspection;                                                                                                                                                                        | 48157                            |
| (5) A satisfactory fire inspection;                                                                                                                                                                                     | 48158                            |
| (6) A valid food permit, if applicable.                                                                                                                                                                                 | 48159                            |
| (I) That the governing body has conducted a pre-opening site visit to the school for the school year for which the assurances are provided;                                                                             | 48160<br>48161<br>48162          |
| (J) That the school has designated a date it will open for the school year for which the assurances are provided;                                                                                                       | 48163<br>48164                   |
| (K) That the school has met all of the governing body's requirements for opening and any other requirements of the governing body.                                                                                      | 48165<br>48166<br>48167          |

~~Sec. 3326.31. As used in sections 3326.31 to 3326.50 of the Revised Code:~~ 48168  
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~~(A)(1) "Category one career technical education student" means a student who is receiving the career technical education services described in division (A) of section 3317.014 of the Revised Code.~~ 48170  
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~~(2) "Category two career technical student" means a student who is receiving the career technical education services described in division (B) of section 3317.014 of the Revised Code.~~ 48174  
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~~(3) "Category three career technical student" means a student who is receiving the career technical education services described in division (C) of section 3317.014 of the Revised Code.~~ 48177  
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~~(4) "Category four career technical student" means a student who is receiving the career technical education services described in division (D) of section 3317.014 of the Revised Code.~~ 48180  
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~~(5) "Category five career technical education student" means a student who is receiving the career technical education services described in division (E) of section 3317.014 of the Revised Code.~~ 48183  
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~~(B)(1) "Category one English learner" means an English learner described in division (A) of section 3317.016 of the Revised Code.~~ 48186  
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~~(2) "Category two English learner" means an English learner described in division (B) of section 3317.016 of the Revised Code.~~ 48189  
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~~(3) "Category three English learner" means an English learner described in division (C) of section 3317.016 of the Revised Code.~~ 48191  
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~~(C)(1) "Category one special education student" means a student who is receiving special education services for a disability specified in division (A) of section 3317.013 of the Revised Code.~~ 48193  
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|-------------------------------------------------------------------------------|-------|
| <del>(2) "Category two special education student" means a student</del>       | 48197 |
| <del>who is receiving special education services for a disability</del>       | 48198 |
| <del>specified in division (B) of section 3317.013 of the Revised Code.</del> | 48199 |
| <del>(3) "Category three special education student" means a</del>             | 48200 |
| <del>student who is receiving special education services for a</del>          | 48201 |
| <del>disability specified in division (C) of section 3317.013 of the</del>    | 48202 |
| <del>Revised Code.</del>                                                      | 48203 |
| <del>(4) "Category four special education student" means a student</del>      | 48204 |
| <del>who is receiving special education services for a disability</del>       | 48205 |
| <del>specified in division (D) of section 3317.013 of the Revised Code.</del> | 48206 |
| <del>(5) "Category five special education student" means a student</del>      | 48207 |
| <del>who is receiving special education services for a disability</del>       | 48208 |
| <del>specified in division (E) of section 3317.013 of the Revised Code.</del> | 48209 |
| <del>(6) "Category six special education student" means a student</del>       | 48210 |
| <del>who is receiving special education services for a disability</del>       | 48211 |
| <del>specified in division (F) of section 3317.013 of the Revised Code.</del> | 48212 |
| <del>(D) "Formula amount" has the same meaning as in section</del>            | 48213 |
| <del>3317.02 of the Revised Code.</del>                                       | 48214 |
| <del>(E)(B) "IEP" means an individualized education program as</del>          | 48215 |
| <del>defined in section 3323.01 of the Revised Code.</del>                    | 48216 |
| <del>(F)(C) "Resident district" means the school district in which</del>      | 48217 |
| <del>a student is entitled to attend school under section 3313.64 or</del>    | 48218 |
| <del>3313.65 of the Revised Code.</del>                                       | 48219 |
| <del>(G) "State education aid" has the same meaning as in section</del>       | 48220 |
| <del>5751.20 of the Revised Code.</del>                                       | 48221 |
| <b>Sec. 3326.32.</b> Each science, technology, engineering, and               | 48222 |
| mathematics school shall report to the department of education, in            | 48223 |
| the form and manner required by the department, all of the                    | 48224 |
| following information:                                                        | 48225 |

|                                                                                                                                                                                                                                                                                                                                                                           |                                                    |
|---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|----------------------------------------------------|
| (A) The total number of students enrolled in the school who are residents of this state;                                                                                                                                                                                                                                                                                  | 48226<br>48227                                     |
| (B) The number of students reported under division (A) of this section who are receiving special education and related services pursuant to an IEP;                                                                                                                                                                                                                       | 48228<br>48229<br>48230                            |
| (C) For each student reported under division (B) of this section, which category specified in divisions (A) to (F) of section 3317.013 of the Revised Code applies to the student;                                                                                                                                                                                        | 48231<br>48232<br>48233                            |
| (D) The full-time equivalent number of students reported under division (A) of this section who are enrolled in career-technical education programs or classes described in each of divisions (A)(1), <del>(B) (2)</del> , <del>(C) (3)</del> , <del>(D) (4)</del> , and <del>(E) (5)</del> of section 3317.014 of the Revised Code that are provided by the STEM school; | 48234<br>48235<br>48236<br>48237<br>48238<br>48239 |
| (E) The number of students reported under division (A) of this section who are English learners and which category specified in divisions (A) to (C) of section 3317.016 of the Revised Code applies to each student;                                                                                                                                                     | 48240<br>48241<br>48242<br>48243                   |
| (F) The number of students reported under division (A) of this section who are economically disadvantaged, as defined by the department. A student shall not be categorically excluded from the number reported under division (F) of this section based on anything other than family income.                                                                            | 48244<br>48245<br>48246<br>48247<br>48248          |
| (G) The resident district of each student reported under division (A) of this section;                                                                                                                                                                                                                                                                                    | 48249<br>48250                                     |
| (H) The total number of students enrolled in the school who are not residents of this state and any additional information regarding these students that the department requires the school to report. The school shall not receive any payments under this chapter for students reported under this division.                                                            | 48251<br>48252<br>48253<br>48254<br>48255          |

(I) Any additional information the department determines 48256  
necessary to make payments under this chapter. 48257

**Sec. 3326.35.** The department of education shall adjust the 48258  
amounts paid under section ~~3326.33~~ 3317.022 of the Revised Code to 48259  
reflect any enrollment of students in science, technology, 48260  
engineering, and mathematics schools for less than the equivalent 48261  
of a full school year. 48262

**Sec. 3326.36.** The department of education shall reduce the 48263  
amounts paid to a science, technology, engineering, and 48264  
mathematics school or to the governing body of a group of science, 48265  
technology, engineering, and mathematics schools under section 48266  
~~3326.33~~ 3317.022 of the Revised Code to reflect payments made to 48267  
colleges under section 3365.07 of the Revised Code. A student 48268  
shall be considered enrolled in the school for any portion of the 48269  
school year the student is attending a college under Chapter 3365. 48270  
of the Revised Code. 48271

**Sec. 3326.39.** (A) In any fiscal year, a STEM school receiving 48272  
funds calculated under division ~~(G)~~ (A)(7) of section ~~3326.33~~ 48273  
3317.022 of the Revised Code shall spend those funds only for the 48274  
purposes that the department designates as approved for 48275  
career-technical education expenses. Career-technical ~~educational~~ 48276  
education expenses approved by the department shall include only 48277  
expenses connected to the delivery of career-technical programming 48278  
to career-technical students. The department shall require the 48279  
school to report data annually so that the department may monitor 48280  
the school's compliance with the requirements regarding the manner 48281  
in which funding received under division ~~(G)~~ (A)(8) of section 48282  
~~3326.33~~ 3317.022 of the Revised Code may be spent. 48283

(B) All funds received under division ~~(G)~~ (A)(7) of section 48284  
~~3326.33~~ 3317.022 of the Revised Code shall be spent in the 48285

|                                                                          |       |
|--------------------------------------------------------------------------|-------|
| following manner:                                                        | 48286 |
| (1) At least seventy-five per cent of the funds shall be                 | 48287 |
| spent on curriculum development, purchase, and implementation;           | 48288 |
| instructional resources and supplies; industry-based program             | 48289 |
| certification; student assessment, credentialing, and placement;         | 48290 |
| curriculum specific equipment purchases and leases;                      | 48291 |
| career-technical student organization fees and expenses; home and        | 48292 |
| agency linkages; work-based learning experiences; professional           | 48293 |
| development; and other costs directly associated with                    | 48294 |
| career-technical education programs including development of new         | 48295 |
| programs.                                                                | 48296 |
| (2) Not more than twenty-five per cent of the funds shall be             | 48297 |
| used for personnel expenditures.                                         | 48298 |
| <u>(C) In any fiscal year, a science, technology, engineering,</u>       | 48299 |
| <u>and mathematics school receiving funds under division (H) of</u>      | 48300 |
| <u>section 3317.014 of the Revised Code shall spend those funds only</u> | 48301 |
| <u>for the following purposes:</u>                                       | 48302 |
| <u>(1) Delivery of career awareness programs to students</u>             | 48303 |
| <u>enrolled in grades kindergarten through twelve;</u>                   | 48304 |
| <u>(2) Provision of a common, consistent curriculum to students</u>      | 48305 |
| <u>throughout their primary and secondary education;</u>                 | 48306 |
| <u>(3) Assistance to teachers in providing a career development</u>      | 48307 |
| <u>curriculum to students;</u>                                           | 48308 |
| <u>(4) Development of a career development plan for each student</u>     | 48309 |
| <u>that stays with that student for the duration of the student's</u>    | 48310 |
| <u>primary and secondary education;</u>                                  | 48311 |
| <u>(5) Provision of opportunities for students to engage in</u>          | 48312 |
| <u>activities, such as career fairs, hands-on experiences, and job</u>   | 48313 |
| <u>shadowing, across all career pathways at each grade level.</u>        | 48314 |
| <u>The department may deny payment under division (E) of section</u>     | 48315 |

3317.014 of the Revised Code to any school that the department 48316  
determines is using funds paid under division (H) of section 48317  
3317.014 of the Revised Code for other purposes. 48318

**Sec. 3326.40.** A STEM school shall spend the funds it receives 48319  
under division ~~(E)~~ (A)(4) of section ~~3326.33~~ 3317.022 of the 48320  
Revised Code in accordance with section 3317.25 of the Revised 48321  
Code. 48322

**Sec. 3326.44.** For fiscal years 2022 and 2023, a STEM school 48323  
shall spend the funding it receives under division (A)(5) of 48324  
section 3317.022 of the Revised Code only for services for English 48325  
learners. 48326

**Sec. 3326.51.** (A) As used in this section: 48327

(1) "Resident district" has the same meaning as in section 48328  
3326.31 of the Revised Code. 48329

(2) "STEM school sponsoring district" means a municipal, 48330  
city, local, or exempted village, ~~or joint vocational~~ school 48331  
district that governs and controls a STEM school pursuant to this 48332  
section. 48333

(B) Notwithstanding any other provision of this chapter to 48334  
the contrary: 48335

(1) If a proposal for a STEM school submitted under section 48336  
3326.03 of the Revised Code proposes that the governing body of 48337  
the school be the board of education of a municipal, city, local, 48338  
or exempted village, ~~or joint vocational~~ school district that is 48339  
one of the partners submitting the proposal, and the STEM 48340  
committee approves that proposal, that school district board shall 48341  
govern and control the STEM school as one of the schools of its 48342  
district. 48343

(2) The STEM school sponsoring district shall maintain a 48344

separate accounting for the STEM school as a separate and distinct operational unit within the district's finances. The auditor of state, in the course of an annual or biennial audit of the school district serving as the STEM school sponsoring district, shall audit that school district for compliance with the financing requirements of this section.

(3) With respect to students enrolled in a STEM school whose resident district is the STEM school sponsoring district:

(a) The department of education shall make ~~no deductions under section 3326.33~~ payments to the school in accordance with section 3317.022 of the Revised Code from the STEM school sponsoring district's state payments.

~~(b) The STEM school sponsoring district shall ensure that it allocates to the STEM school funds equal to or exceeding the amount that would be calculated pursuant to division (B) of section 3313.981 of the Revised Code for the students attending the school whose resident district is the STEM school sponsoring district.~~

~~(e)~~ The STEM school sponsoring district is responsible for providing children with disabilities with a free appropriate public education under Chapter 3323. of the Revised Code.

~~(d)~~(c) The STEM school sponsoring district shall provide student transportation in accordance with laws and policies generally applicable to the district.

(4) With respect to students enrolled in the STEM school whose resident district is another school district, the department shall ~~make no payments or deductions under sections 3326.31 to 3326.49 of the Revised Code. Instead,~~ consider the students ~~shall be considered~~ as open enrollment students and ~~the department~~ shall make payments ~~and deductions~~ to the school in accordance with section ~~3313.981~~ 3317.022 of the Revised Code. ~~The STEM school~~

~~sponsoring district shall allocate the payments to the STEM 48376  
school. The STEM school sponsoring district may enter into 48377  
financial agreements with the students' resident districts, which 48378  
agreements may provide financial support in addition to the funds 48379  
received from the open enrollment calculation. The STEM school 48380  
sponsoring district shall allocate all such additional funds to 48381  
the STEM school. 48382~~

~~(5) Where the department is required to make, deny, reduce, 48383  
or adjust payments to a STEM school sponsoring district pursuant 48384  
to this section, it shall do so in such a manner that the STEM 48385  
school sponsoring district may allocate that action to the STEM 48386  
school. 48387~~

~~(6) A STEM school sponsoring district and its board may 48388  
assign its district employees to the STEM school, in which case 48389  
section 3326.18 of the Revised Code shall not apply. The district 48390  
and board may apply any other resources of the district to the 48391  
STEM school in the same manner that it applies district resources 48392  
to other district schools. 48393~~

~~(7)(6) Provisions of this chapter requiring a STEM school and 48394  
its governing body to comply with specified laws as if it were a 48395  
school district and in the same manner as a board of education 48396  
shall instead require such compliance by the STEM school 48397  
sponsoring district and its board of education, respectively, with 48398  
respect to the STEM school. Where a STEM school or its governing 48399  
body is required to perform a specific duty or permitted to take a 48400  
specific action under this chapter, that duty is required to be 48401  
performed or that action is permitted to be taken by the STEM 48402  
school sponsoring district or its board of education, 48403  
respectively, with respect to the STEM school. 48404~~

~~(8)(7) No provision of this chapter limits the authority, as 48405  
provided otherwise by law, of a school district and its board of 48406  
education to levy taxes and issue bonds secured by tax revenues. 48407~~

~~(9)~~(8) The treasurer of the STEM school sponsoring district 48408  
or, if the STEM school sponsoring district is a municipal school 48409  
district, the chief financial officer of the district, shall have 48410  
all of the respective rights, authority, exemptions, and duties 48411  
otherwise conferred upon the treasurer or chief financial officer 48412  
by the Revised Code. 48413

**Sec. 3327.01.** Notwithstanding division (D) of section 3311.19 48414  
and division (D) of section 3311.52 of the Revised Code, this 48415  
section and sections 3327.011, 3327.012, and 3327.02 of the 48416  
Revised Code do not apply to any joint vocational or cooperative 48417  
education school district. 48418

In all city, local, and exempted village school districts 48419  
where resident school pupils in grades kindergarten through eight 48420  
live more than two miles from the school for which the state board 48421  
of education prescribes minimum standards pursuant to division (D) 48422  
of section 3301.07 of the Revised Code and to which they are 48423  
assigned by the board of education of the district of residence or 48424  
to and from the nonpublic or community school which they attend, 48425  
the board of education shall provide transportation for such 48426  
pupils to and from that school except as provided in section 48427  
3327.02 of the Revised Code. 48428

In all city, local, and exempted village school districts 48429  
where pupil transportation is required under a career-technical 48430  
plan approved by the state board of education under section 48431  
3313.90 of the Revised Code, for any student attending a 48432  
career-technical program operated by another school district, 48433  
including a joint vocational school district, as prescribed under 48434  
that section, the board of education of the student's district of 48435  
residence shall provide transportation from the public high school 48436  
operated by that district to which the student is assigned to the 48437  
career-technical program. 48438

In all city, local, and exempted village school districts, 48439  
the board may provide transportation for resident school pupils in 48440  
grades nine through twelve to and from the high school to which 48441  
they are assigned by the board of education of the district of 48442  
residence or to and from the nonpublic or community high school 48443  
which they attend for which the state board of education 48444  
prescribes minimum standards pursuant to division (D) of section 48445  
3301.07 of the Revised Code. 48446

A board of education shall not be required to transport 48447  
elementary or high school pupils to and from a nonpublic or 48448  
community school where such transportation would require more than 48449  
thirty minutes of direct travel time as measured by school bus 48450  
from the public school building to which the pupils would be 48451  
assigned if attending the public school designated by the district 48452  
of residence. 48453

Where it is impractical to transport a pupil by school 48454  
conveyance, a board of education may offer payment, in lieu of 48455  
providing such transportation in accordance with section 3327.02 48456  
of the Revised Code. 48457

A board of education shall provide transportation to students 48458  
enrolled in a community school or nonpublic school in accordance 48459  
with this section on each day in which that school is open for 48460  
operation with students in attendance, regardless of whether the 48461  
district's own schools are open for operation with students in 48462  
attendance on that day. However, a board of education shall not be 48463  
required to transport elementary or high school pupils to and from 48464  
a nonpublic or community school on Saturday or Sunday, unless a 48465  
board of education and a nonpublic or community school have an 48466  
agreement in place to do so before the first day of July of the 48467  
school year in which the agreement takes effect. 48468

In all city, local, and exempted village school districts, 48469  
the board shall provide transportation for all children who are so 48470

disabled that they are unable to walk to and from the school for 48471  
which the state board of education prescribes minimum standards 48472  
pursuant to division (D) of section 3301.07 of the Revised Code 48473  
and which they attend. In case of dispute whether the child is 48474  
able to walk to and from the school, the health commissioner shall 48475  
be the judge of such ability. In all city, exempted village, and 48476  
local school districts, the board shall provide transportation to 48477  
and from school or special education classes for mentally disabled 48478  
children in accordance with standards adopted by the state board 48479  
of education. 48480

When transportation of pupils is provided the conveyance 48481  
shall be run on a time schedule that shall be adopted and put in 48482  
force by the board not later than ten days after the beginning of 48483  
the school term. The operator of every school bus or motor van 48484  
owned and operated by any school district or educational service 48485  
center or privately owned and operated under contract with any 48486  
school district or service center in this state shall deliver 48487  
students enrolled in preschool through twelfth grades to their 48488  
respective public and nonpublic schools not sooner than thirty 48489  
minutes prior to the beginning of school and to be available to 48490  
pick them up not later than thirty minutes after the close of 48491  
their respective schools each day. 48492

The cost of any transportation service authorized by this 48493  
section shall be paid first out of federal funds, if any, 48494  
available for the purpose of pupil transportation, and secondly 48495  
out of state appropriations, in accordance with regulations 48496  
adopted by the state board of education. 48497

No transportation of any pupils shall be provided by any 48498  
board of education to or from any school which in the selection of 48499  
pupils, faculty members, or employees, practices discrimination 48500  
against any person on the grounds of race, color, religion, or 48501  
national origin. 48502

Sec. 3327.016. (A) As used in this section, "eligible student" means a student entitled to transportation services from the city, local, or exempted village school district pursuant to section 3327.01 of the Revised Code. 48503  
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(B) Each community school established under Chapter 3314. of the Revised Code or chartered nonpublic school shall establish the school's start and end times for a particular school year not later than the first day of April prior to that school year. Each community or chartered nonpublic school shall provide such start and end times to each city, local, or exempted village school district that the school expects will be responsible for providing transportation services to eligible students enrolled in the school for that school year. 48507  
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(C) Each city, local, or exempted village school district that receives start and end times as prescribed under division (B) of this section shall use those start and end times to develop a transportation plan, including transportation routes and schedules, for eligible students who enrolled in a community or chartered nonpublic school shall provide such transportation plan to the community or chartered nonpublic school within sixty days after receiving the information described in that division. If a school provides the start and end times to the school district after the first day of April but before the first day of July, the district shall attempt to provide a transportation plan to the school by the first day of August of that school year. For any eligible student who enrolls in a community or chartered nonpublic school after the first day of July prior to that school year, a district shall develop a transportation plan, including transportation routes and schedules, for that student within fourteen business days of receiving a request for transportation services from the student's parent or guardian. 48516  
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Sec. 3327.017. (A) As used in this section: 48534

(1) "Eligible student" has the same meaning as in section 48535  
3327.016 of the Revised Code. 48536

(2) "Mass transit system" has the same meaning as in section 48537  
4511.78 of the Revised Code. 48538

(B) No city, local, or exempted village school district shall 48539  
provide or arrange for transportation for any eligible student 48540  
enrolled in any of grades kindergarten through eight in a 48541  
community school established under Chapter 3314. of the Revised 48542  
Code or chartered nonpublic school to and from school using 48543  
vehicles operated by a mass transit system, unless the district 48544  
enters into an agreement with that school authorizing such 48545  
transportation. An agreement under division (B) of this section 48546  
shall not be effective unless both the school district and 48547  
community or chartered nonpublic school approve it. 48548

(C) A city, local, or exempted village school district that 48549  
elects to provide or arrange for transportation for any eligible 48550  
student enrolled in any of grades nine through twelve in a 48551  
community or chartered nonpublic school to and from school using 48552  
vehicles operated by a mass transit system shall ensure that the 48553  
student is assigned to a route that does not require the student 48554  
to make more than one transfer. 48555

Sec. 3327.018. The board of education of each city, local, or 48556  
exempted village school district that owns and operates buses for 48557  
transporting students may contract, in writing, with a public or 48558  
private not-for-profit agency, group, or organization, with a 48559  
municipal corporation or other political subdivision or agency of 48560  
the state, or with an agency of the federal government to operate 48561  
its buses to assist the agency, group, organization, or political 48562  
subdivision in the fulfillment of its legitimate activities and in 48563

times of emergency. These contracts shall be entered into under 48564  
the authority of the school district as a political subdivision 48565  
and shall not be considered commerce. When buses are made 48566  
available to other agencies, groups, organizations, or political 48567  
subdivisions under this section, the buses must be operated by 48568  
individuals holding certificates issued by either the educational 48569  
service center governing board that has entered into an agreement 48570  
with the school district under section 3313.843 or 3313.845 of the 48571  
Revised Code or the superintendent of the school district 48572  
certifying that the individuals satisfy the requirements of 48573  
section 3327.10 of the Revised Code. All state board of education 48574  
regulations governing the operation of school buses when 48575  
transporting students shall apply when buses are used in 48576  
accordance with this section. 48577

Any board of education of a city, local, or exempted village 48578  
school district that makes one or more of its vehicles available 48579  
under this section shall procure liability and property damage 48580  
insurance, as provided in section 3327.09 of the Revised Code, 48581  
covering all vehicles used and passengers transported under this 48582  
section. The board of education may recover expenses from 48583  
contracting entities, not to exceed the costs of operation and 48584  
insurance coverage. 48585

**Sec. 3327.02.** (A) After considering each of the following 48586  
factors, the board of education of a city, exempted village, or 48587  
local school district, or a community school governing authority 48588  
providing transportation pursuant to section 3314.091 of the 48589  
Revised Code, may determine that it is impractical to transport a 48590  
pupil who is eligible for transportation to and from a school 48591  
under section 3327.01 of the Revised Code: 48592

(1) The time and distance required to provide the 48593  
transportation; 48594

|                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                  |                                                                                                          |
|--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|----------------------------------------------------------------------------------------------------------|
| (2) The number of pupils to be transported;                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                      | 48595                                                                                                    |
| (3) The cost of providing transportation in terms of equipment, maintenance, personnel, and administration;                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                      | 48596<br>48597                                                                                           |
| (4) Whether similar or equivalent service is provided to other pupils eligible for transportation;                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                               | 48598<br>48599                                                                                           |
| (5) Whether and to what extent the additional service unavoidably disrupts current transportation schedules;                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                     | 48600<br>48601                                                                                           |
| (6) Whether other reimbursable types of transportation are available.                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                            | 48602<br>48603                                                                                           |
| (B) Based on its consideration of the factors established in division (A) of this section, the board or governing authority may pass a resolution declaring the impracticality of transportation. The resolution shall include each pupil's name and the reason for impracticality. <u>Such determination shall be made not later than thirty calendar days prior to the district's or school's first day of instruction, or in the case of a student who enrolls within thirty calendar days prior to the first day of instruction or on or after the first day of instruction, not later than fourteen calendar days after the student's enrollment. The determination may be made by the superintendent and formalized at the next following meeting of the board or governing authority.</u> | 48604<br>48605<br>48606<br>48607<br>48608<br>48609<br>48610<br>48611<br>48612<br>48613<br>48614<br>48615 |
| The board or governing authority shall report its determination to the state board of education in a manner determined by the state board.                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                       | 48616<br>48617<br>48618                                                                                  |
| <u>In addition, the board or governing authority shall issue a letter to the pupil's parent, guardian, or other person in charge of the pupil, the nonpublic or community school in which the pupil is enrolled, and to the state board with a detailed description of the reasons for which such determination was made.</u>                                                                                                                                                                                                                                                                                                                                                                                                                                                                    | 48619<br>48620<br>48621<br>48622<br>48623                                                                |
| (C) After passing the resolution declaring the impracticality                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                    | 48624                                                                                                    |

of transportation, the district board or governing authority shall 48625  
offer to provide payment in lieu of transportation by doing the 48626  
following: 48627

(1) In accordance with guidelines established by the 48628  
department of education, informing the pupil's parent, guardian, 48629  
or other person in charge of the pupil of both of the following: 48630

(a) The resolution; 48631

(b) The right of the pupil's parent, guardian, or other 48632  
person in charge of the pupil to accept the offer of payment in 48633  
lieu of transportation or to reject the offer and instead request 48634  
the department to initiate mediation procedures. 48635

(2) Issuing the pupil's parent, guardian, or other person in 48636  
charge of the pupil a contract or other form on which the parent, 48637  
guardian, or other person in charge of the pupil is given the 48638  
option to accept or reject the board's offer of payment in lieu of 48639  
transportation. 48640

(D) If the parent, guardian, or other person in charge of the 48641  
pupil accepts the offer of payment in lieu of providing 48642  
transportation, the board or governing authority shall pay the 48643  
parent, guardian, or other person in charge of the pupil an amount 48644  
that shall be not less than ~~the amount determined by the general~~ 48645  
~~assembly as the minimum for payment in lieu of~~ fifty per cent 48646  
~~transportation~~, and not more than the amount determined by the 48647  
department of education as the average cost of pupil 48648  
transportation for the previous school year. Payment may be 48649  
prorated if the time period involved is only a part of the school 48650  
year. 48651

(E)(1)(a) Upon the request of a parent, guardian, or other 48652  
person in charge of the pupil who rejected the payment in lieu of 48653  
transportation, the department shall conduct mediation procedures. 48654  
A parent, guardian, or other person in charge of the pupil may 48655

authorize the nonpublic or community school in which the pupil is 48656  
enrolled to act on the parent's, guardian's, or other person's 48657  
behalf during the mediation proceedings. 48658

(b) If the mediation does not resolve the dispute, the state 48659  
board ~~of education~~ shall conduct a hearing in accordance with 48660  
Chapter 119. of the Revised Code. The state board may approve the 48661  
payment in lieu of transportation or may order the district board 48662  
of education or governing authority to provide transportation. The 48663  
decision of the state board is binding in subsequent years and on 48664  
future parties in interest provided the facts of the determination 48665  
remain comparable. 48666

(2) The school district or governing authority shall provide 48667  
transportation for the pupil from the time the parent, guardian, 48668  
or other person in charge of the pupil requests mediation until 48669  
the matter is resolved under division (E)(1)(a) or (b) of this 48670  
section. 48671

(F)(1) If the department determines that a school district 48672  
board or governing authority has failed or is failing to provide 48673  
transportation as required by division (E)(2) of this section or 48674  
as ordered by the state board under division (E)(1)(b) of this 48675  
section, the department shall order the school district board or 48676  
governing authority to pay to the pupil's parent, guardian, or 48677  
other person in charge of the pupil, an amount equal to ~~the state~~ 48678  
~~average daily cost of transportation as determined by the state~~ 48679  
~~board of education for the previous year~~ fifty per cent of the 48680  
cost of providing transportation as determined by the board or 48681  
governing authority under division (A)(3) of this section, and not 48682  
more than two thousand five hundred dollars. The school district 48683  
board or governing authority shall make payments on a schedule 48684  
ordered by the department. 48685

(2) If the department subsequently finds that a school 48686  
district board is not in compliance with an order issued under 48687

division (F)(1) of this section and the affected pupils are 48688  
enrolled in a nonpublic or community school, the department shall 48689  
deduct the amount that the board is required to pay under that 48690  
order from any pupil transportation payments the department makes 48691  
to the school district board under section 3317.0212 of the 48692  
Revised Code or other provisions of law. The department shall use 48693  
the moneys so deducted to make payments to the nonpublic or 48694  
community school attended by the pupil. The department shall 48695  
continue to make the deductions and payments required under this 48696  
division until the school district board either complies with the 48697  
department's order issued under division (F)(1) of this section or 48698  
begins providing transportation. 48699

(G) A nonpublic or community school that receives payments 48700  
from the department under division (F)(2) of this section shall do 48701  
either of the following: 48702

(1) Disburse the entire amount of the payments to the parent, 48703  
guardian, or other person in charge of the pupil affected by the 48704  
failure of the school district of residence to provide 48705  
transportation; 48706

(2) Use the entire amount of the payments to provide 48707  
acceptable transportation for the affected pupil. 48708

(H) At any time after a parent, guardian, or other person in 48709  
charge of a pupil requests transportation for a pupil, that 48710  
parent, guardian, or other person may authorize the nonpublic or 48711  
community school in which the pupil is enrolled to act on the 48712  
parent's, guardian's, or other person's behalf for purposes of 48713  
this section. 48714

Sec. 3327.021. The department of education shall monitor each 48715  
city, local, or exempted village school district's compliance with 48716  
sections 3327.01 and 3327.016 and division (B) of section 3327.017 48717  
of the Revised Code. If the department determines a consistent or 48718

prolonged period of noncompliance on the part of the school 48719  
district to provide transportation as required under those 48720  
sections, the department shall deduct from the district's payment 48721  
for student transportation under Chapter 3317. of the Revised Code 48722  
the total daily amount of that payment, as computed by the 48723  
department, for each day that the district is not in compliance. 48724

This section does not affect the authority of a school 48725  
district to provide payment in lieu of transportation in 48726  
accordance with section 3327.02 of the Revised Code. 48727

**Sec. 3327.101.** Notwithstanding anything to the contrary in 48728  
this chapter or Chapter 3301-83 of the Administrative Code, the 48729  
department of education shall develop an online bus driver 48730  
training program to satisfy the classroom portion of pre-service 48731  
and annual in-service training for school bus driver 48732  
certification. On-the-bus training for drivers shall continue to 48733  
be completed in person. 48734

**Sec. 3328.24.** A college-preparatory boarding school 48735  
established under this chapter and its board of trustees shall 48736  
comply with sections 102.02, 3301.0710, 3301.0711, 3301.0712, 48737  
3301.0714, 3301.0729, 3301.948, 3313.6013, 3313.6021, 3313.6024, 48738  
3313.6025, ~~3313.6026~~, 3313.617, 3313.618, 3313.6114, 3313.6411, 48739  
3313.668, 3313.669, 3313.6610, 3313.7112, 3313.721, 3313.89, 48740  
3319.073, 3319.077, 3319.078, ~~3319.318~~, 3319.39, 3319.391, 48741  
~~3319.393~~, 3319.46, 3320.01, 3320.02, 3320.03, 3323.251, and 48742  
5502.262, and Chapter 3365. of the Revised Code as if the school 48743  
were a school district and the school's board of trustees were a 48744  
district board of education. 48745

**Sec. 3328.32.** Each child enrolled in a college-preparatory 48746  
boarding school established under this chapter shall be included 48747

in the ~~enrollment~~ formula ADM and total ADM of the district in 48748  
which the child is entitled to attend school ~~and in the district's~~ 48749  
~~category one through six special education enrollment, as~~ 48750  
~~appropriate,~~ as reported under section 3317.03 of the Revised 48751  
Code. 48752

~~The department of education shall count that child in the~~ 48753  
~~district's formula ADM, total ADM, and, as appropriate, category~~ 48754  
~~one through six special education ADM.~~ 48755

**Sec. 3328.34.** (A) For each child enrolled in a 48757  
college-preparatory boarding school, as reported under section 48758  
3328.31 of the Revised Code, the department of education shall pay 48759  
to the school the sum of the amount ~~deducted from a participating~~ 48760  
~~school district's account for that child under section 3328.33 of~~ 48761  
~~the Revised Code~~ eighty-five per cent of the operating expenditure 48762  
per pupil of the city, local, or exempted village school district 48763  
in which the child is entitled to attend school plus the per-pupil 48764  
boarding amount specified in division (B) of this section. 48765

As used in this division, a district's "operating expenditure 48766  
per pupil" is the total amount of state payments and other 48767  
nonfederal revenue spent by the district for operating expenses 48768  
during the previous fiscal year, divided by the district's 48769  
enrolled ADM, as that term is defined in section 3317.02 of the 48770  
Revised Code, for the previous fiscal year. 48771

(B) For the first fiscal year in which a college-preparatory 48772  
boarding school may be established under this chapter, the 48773  
"per-pupil boarding amount" is twenty-five thousand dollars. For 48774  
each fiscal year thereafter, that amount shall be adjusted by the 48775  
rate of inflation, as measured by the consumer price index (all 48776  
urban consumers, all items) prepared by the bureau of labor 48777  
statistics of the United States department of labor, for the 48778

previous twelve-month period. 48779

(C) The state board of education may accept funds from 48780  
federal and state noneducation support services programs for the 48781  
purpose of funding the per pupil boarding amount prescribed in 48782  
division (B) of this section. Notwithstanding any other provision 48783  
of the Revised Code, the state board shall coordinate and 48784  
streamline any noneducation program requirements in order to 48785  
eliminate redundant or conflicting requirements, licensing 48786  
provisions, and oversight by government programs or agencies. The 48787  
applicable regulatory entities shall, to the maximum extent 48788  
possible, use reports and financial audits provided by the auditor 48789  
of state and coordinated by the department of education to 48790  
eliminate or reduce contract and administrative reviews. 48791  
Regulatory entities other than the state board may suggest 48792  
reasonable additional items to be included in such reports and 48793  
financial audits to meet any requirements of federal law. 48794  
Reporting paperwork prepared for the state board shall be shared 48795  
with and accepted by other state and local entities to the maximum 48796  
extent feasible. 48797

(D)(1) Notwithstanding division (A) of this section, if, in 48798  
any fiscal year, a college-preparatory boarding school receives 48799  
federal funds for the purpose of supporting the school's 48800  
operations, the amount of those federal funds shall be deducted 48801  
from the total per-pupil boarding amount for all enrolled students 48802  
paid by the department to the school for that fiscal year, unless 48803  
the school's board of trustees and the department determine 48804  
otherwise in a written agreement. Any portion of the total 48805  
per-pupil boarding amount for all enrolled students remaining 48806  
after the deduction of the federal funds shall be paid by the 48807  
department to the school from state funds appropriated to the 48808  
department. 48809

(2) Notwithstanding division (A) of this section, if, in any 48810

fiscal year, the department receives federal funds for the purpose 48811  
of supporting the operations of a college-preparatory boarding 48812  
school, the department shall use those federal funds, not 48813  
including any portion of those funds designated for 48814  
administration, to pay the school the total per-pupil boarding 48815  
amount for all enrolled students for that fiscal year. Any portion 48816  
of the total per-pupil boarding amount for all enrolled students 48817  
remaining after the use of the federal funds shall be paid by the 48818  
department to the school from state funds appropriated to the 48819  
department. 48820

(3) If any federal funds are used for the purpose prescribed 48821  
in division (D)(1) or (2) of this section, the department shall 48822  
comply with all requirements upon which the acceptance of the 48823  
federal funds is conditioned, including any requirements set forth 48824  
in the funding application submitted by the school or the 48825  
department and, to the extent sufficient funds are appropriated by 48826  
the general assembly, any requirements regarding maintenance of 48827  
effort in expenditures. 48828

**Sec. 3333.049.** (A) Not later than July 1, 2016, the 48829  
chancellor of higher education shall revise the requirements for 48830  
reading endorsement programs offered by institutions of higher 48831  
education to align those requirements with the reading 48832  
competencies adopted by the state board of education under section 48833  
3301.077 of the Revised Code. 48834

(B) Each educator preparation program approved under section 48835  
3333.048 of the Revised Code shall require each candidate for an 48836  
educator license who enters the program in the 2022-2023 academic 48837  
year, or any academic year thereafter, to receive instruction in 48838  
computer science and computational thinking, as applied to student 48839  
learning and classroom instruction, as appropriate for the grade 48840  
level and subject area of the candidate's prospective educator 48841

license. 48842

Sec. 3333.125. (A) As used in this section: 48843

(1) "Eligible student" means an individual who satisfies all 48844  
of the following: 48845

(a) The individual is an Ohio resident. 48846

(b) The individual is enrolled in a certified commercial 48847  
driver's license school. 48848

(c) The individual has passed a drug test. 48849

(d) The individual does not have more than three moving 48850  
violations in two consecutive years. If an individual who the 48851  
chancellor of higher education has determined is an eligible 48852  
student has three moving violations in two consecutive years while 48853  
participating in the program, the individual shall no longer be 48854  
considered eligible for continued participation in the program. 48855

(e) The individual has not plead guilty to or been convicted 48856  
of operating a vehicle under the influence of alcohol or a drug of 48857  
abuse under section 4511.19 of the Revised Code in the past twelve 48858  
months. If an individual who the chancellor has determined is an 48859  
eligible student pleads guilty to or is convicted of operating a 48860  
vehicle under the influence of alcohol or a drug of abuse while 48861  
participating in the program, the individual shall no longer be 48862  
considered eligible for continued participation in the program. 48863

(f) The individual meets any additional eligibility criteria 48864  
established under rules adopted by the chancellor under division 48865  
(G) of this section. 48866

(2) "Certified commercial driver's license school" means a 48867  
commercial driver's license school certified by the chancellor. 48868  
The chancellor shall adopt requirements for approval of 48869  
certification and review applications based on those requirements. 48870

No commercial driver's license school that charges employers recruiting fees shall be certified under this division. 48871  
48872

A certified commercial driver's license program offered by a career college in this state that holds a certificate of registration from the state board of career colleges and schools under Chapter 3332. of the Revised Code or at a private institution exempt from regulation under Chapter 3332. of the Revised Code as prescribed in section 3333.046 of the Revised Code shall be considered a certified commercial driver's license school. 48873  
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(3) "Cost of attendance" and "expected family contribution" shall be defined by the chancellor. 48881  
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(4) "Employed in this state" means either of the following: 48883

(a) An individual is employed as a truck driver by an entity that has a valid mailing address in the state. 48884  
48885

(b) An individual is self-employed as a truck driver using a valid mailing address in the state. 48886  
48887

(5) "Moving violation" has the same meaning as in section 4510.01 of the Revised Code. 48888  
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(B) The commercial truck driver student aid program is hereby established. Under the program, the chancellor of higher education shall pay to an eligible student who commits to reside in and be employed in this state for a minimum of one year upon completion of a certified commercial driver's license program a combination of a grant and a loan in the amounts prescribed by division (D) of this section to pay for the costs of a certified commercial driver's license program at a certified commercial driver's license school. 48890  
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(C) There is hereby established in the state treasury the commercial truck driver student aid fund, which shall consist of 48899  
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funds appropriated by the general assembly for purposes of this 48901  
section and funds received as repayment for loans awarded under 48902  
this section. 48903

The fund shall be used by the chancellor for grants and loans 48904  
made under this section and for expenses of administering the 48905  
program. 48906

(D)(1) The grant amount awarded to an eligible student shall 48907  
equal one-half of the student's remaining state cost of attendance 48908  
after the student's Pell grant and expected family contribution 48909  
are applied to the instructional and general charges for the 48910  
student's enrollment in the certified commercial driver's license 48911  
school. 48912

Except as provided in divisions (D)(2) and (E) of this 48913  
section, the chancellor also shall award a loan to an eligible 48914  
student in the same amount. 48915

(2) If, for any academic year, the amounts available for 48916  
support of the program are inadequate to provide grants and loans 48917  
to all eligible students who apply for participation or are 48918  
participating in the program, the chancellor shall proportionately 48919  
reduce the amount of each grant and loan to be awarded for the 48920  
academic year. 48921

(E) The amount of a grant and a loan awarded to an eligible 48922  
student under this section shall be in addition to what the 48923  
eligible student receives under the Ohio college opportunity grant 48924  
under section 3333.122 of the Revised Code. If an eligible student 48925  
receives a grant under section 3333.122 of the Revised Code, the 48926  
chancellor shall decrease the amount of the eligible student's 48927  
loan under this section by the amount of the grant received under 48928  
that section. 48929

(F)(1) Each eligible student who accepts a grant under 48930  
division (B) of this section shall sign a promissory note payable 48931

to the state in the event the student fails to do either of the 48932  
following: 48933

(a) Satisfy the residency and employment requirement under 48934  
that division; 48935

(b) Complete the certified commercial driver's license 48936  
program in which the student was enrolled. 48937

(2) The amount payable under the note shall be the amount of 48938  
the grant accepted by the student plus interest accrued annually 48939  
beginning either one calendar year after the student completes a 48940  
certified commercial driver's license program or immediately after 48941  
the student disenrolls from, or does not complete, a certified 48942  
commercial driver's license program. The chancellor shall 48943  
determine the interest rate and period of repayment under the 48944  
note. 48945

(3) The note shall stipulate that the obligation to make 48946  
payments under the note is canceled once either of the following 48947  
applies to the student: 48948

(a) The student completes a certified commercial driver's 48949  
license program and meets the residency and employment requirement 48950  
under division (B) of this section. 48951

(b) The student dies or becomes totally and permanently 48952  
disabled. 48953

(G) The chancellor shall adopt rules, in accordance with 48954  
Chapter 119. of the Revised Code, necessary for the operation of 48955  
the program, including rules for all of the following: 48956

(1) Terms and conditions for loans under the program; 48957

(2) Requirements for certification of commercial driver's 48958  
license schools; 48959

(3) Additional eligibility criteria that the chancellor 48960  
determines necessary for individuals participating in the program. 48961

Sec. 3333.051. (A) The chancellor of higher education shall 48962  
establish a program under which a community college established 48963  
under Chapter 3354., technical college established under Chapter 48964  
3357., or state community college established under Chapter 3358. 48965  
of the Revised Code may apply to the chancellor for authorization 48966  
to offer applied bachelor's and nursing bachelor's degree 48967  
programs. 48968

The chancellor may approve programs under this section that 48969  
demonstrate all of the following: 48970

(1) Evidence of an agreement between the college and a 48971  
regional business or industry to train students in an in-demand 48972  
field and to employ students upon their successful completion of 48973  
the program; 48974

(2) That the workforce need of the regional business or 48975  
industry is in an in-demand field with long-term sustainability 48976  
based upon data provided by the governor's office of workforce 48977  
transformation; 48978

(3) Supporting data that identifies the specific workforce 48979  
need the program will address; 48980

(4) The absence of a bachelor's degree program that meets the 48981  
workforce need addressed by the proposed program that is offered 48982  
by a state university or private college or university; 48983

(5) Willingness of an industry partner to offer 48984  
workplace-based learning and employment opportunities to students 48985  
enrolled in the proposed program. 48986

(B) ~~Before approving a program under this section, the~~ 48987  
~~chancellor shall consult with the governor's office of workforce~~ 48988  
~~transformation, the inter-university council of Ohio, the Ohio~~ 48989  
~~association of community colleges, and the association of~~ 48990  
~~independent colleges and universities of Ohio, or any successor to~~ 48991

~~those organizations~~ The chancellor shall approve the creation of 48992  
any nursing bachelor's degree program proposed by a community, 48993  
state community, or technical college that meet the requirements 48994  
prescribed in divisions (A)(1) to (5) of this section and the 48995  
standards and procedures for academic program approval pursuant to 48996  
section 3333.04 of the Revised Code. Upon the approval of the 48997  
chancellor the institution shall establish an accredited nursing 48998  
bachelor's degree program. 48999

(C) As used in this section: 49000

(1) "Applied bachelor's degree" means a bachelor's degree 49001  
that is both of the following: 49002

(a) Specifically designed for an individual who holds an 49003  
associate of applied science degree, or its equivalent, in order 49004  
to maximize application of the individual's technical course 49005  
credits toward the bachelor's degree; 49006

(b) Based on curriculum that incorporates both theoretical 49007  
and applied knowledge and skills in a specific technical field. 49008

(2) "Private college or university" means a nonprofit 49009  
institution that holds a certificate of authorization pursuant to 49010  
Chapter 1713. of the Revised Code. 49011

(3) "State university" has the same meaning as in section 49012  
3345.011 of the Revised Code. 49013

**Sec. 3333.301.** (A) The chancellor of higher education, in 49014  
collaboration with the management council of the Ohio education 49015  
computer network established under section 3301.0715 of the 49016  
Revised Code, shall establish a data system to track the free 49017  
application for federal student aid form completion rate of public 49018  
and chartered nonpublic school students in the state. 49019

(B) The chancellor and the management council shall develop 49020  
guidelines and procedures for the operation of the system. 49021

(C) The chancellor may publish and share aggregate data 49022  
regarding the free application for federal student aid, including 49023  
completion counts and rates for the state and each school 49024  
district, chartered nonpublic school, community school established 49025  
under Chapter 3314., STEM school established under Chapter 3326., 49026  
and college-preparatory boarding school established under Chapter 49027  
3328. of the Revised Code. Such data may be used for the benefit 49028  
of public and chartered nonpublic schools, to increase public 49029  
understanding regarding the free application for federal student 49030  
aid, and to assist in encouraging student completion of the free 49031  
application for federal student aid form. 49032

**Sec. 3333.31.** (A) For state subsidy and tuition surcharge 49033  
purposes, status as a resident of Ohio shall be defined by the 49034  
chancellor of higher education by rule promulgated pursuant to 49035  
Chapter 119. of the Revised Code. No adjudication as to the status 49036  
of any person under such rule, however, shall be required to be 49037  
made pursuant to Chapter 119. of the Revised Code. The term 49038  
"resident" for these purposes shall not be equated with the 49039  
definition of that term as it is employed elsewhere under the laws 49040  
of this state and other states, and shall not carry with it any of 49041  
the legal connotations appurtenant thereto. Rather, except as 49042  
provided in divisions (B), (C), (D), ~~and~~ (F), and (G) of this 49043  
section, for such purposes, the rule promulgated under this 49044  
section shall have the objective of excluding from treatment as 49045  
residents those who are present in the state primarily for the 49046  
purpose of attending a state-supported or state-assisted 49047  
institution of higher education, and may prescribe presumptive 49048  
rules, rebuttable or conclusive, as to such purpose based upon the 49049  
source or sources of support of the student, residence prior to 49050  
first enrollment, evidence of intention to remain in the state 49051  
after completion of studies, or such other factors as the 49052  
chancellor deems relevant. 49053

(B) The rules of the chancellor for determining student 49054  
residency shall grant residency status to a veteran and to the 49055  
veteran's spouse and any dependent of the veteran, if both of the 49056  
following conditions are met: 49057

(1) The veteran either: 49058

(a) Served one or more years on active military duty and was 49059  
honorably discharged or received a medical discharge that was 49060  
related to the military service; 49061

(b) Was killed while serving on active military duty or has 49062  
been declared to be missing in action or a prisoner of war. 49063

(2) If the veteran seeks residency status for tuition 49064  
surcharge purposes, the veteran has established domicile in this 49065  
state as of the first day of a term of enrollment in an 49066  
institution of higher education. If the spouse or a dependent of 49067  
the veteran seeks residency status for tuition surcharge purposes, 49068  
the veteran and the spouse or dependent seeking residency status 49069  
have established domicile in this state as of the first day of a 49070  
term of enrollment in an institution of higher education, except 49071  
that if the veteran was killed while serving on active military 49072  
duty, has been declared to be missing in action or a prisoner of 49073  
war, or is deceased after discharge, only the spouse or dependent 49074  
seeking residency status shall be required to have established 49075  
domicile in accordance with this division. 49076

(C) The rules of the chancellor for determining student 49077  
residency shall grant residency status to both of the following: 49078

(1) A veteran who is the recipient of federal veterans' 49079  
benefits under the "All-Volunteer Force Educational Assistance 49080  
Program," 38 U.S.C. 3001 et seq., or "Post-9/11 Veterans 49081  
Educational Assistance Program," 38 U.S.C. 3301 et seq., or any 49082  
successor program, if the veteran meets all of the following 49083  
criteria: 49084

(a) The veteran served at least ninety days on active duty. 49085

(b) The veteran enrolls in a state institution of higher 49086  
education, as defined in section 3345.011 of the Revised Code. 49087

(c) The veteran lives in the state as of the first day of a 49088  
term of enrollment in the state institution of higher education. 49089

(2) A person who is the recipient of the federal Marine 49090  
Gunnery Sergeant John David Fry scholarship or transferred federal 49091  
veterans' benefits under any of the programs described in division 49092  
(C)(1) of this section, if the person meets both of the following 49093  
criteria: 49094

(a) The person enrolls in a state institution of higher 49095  
education. 49096

(b) The person lives in the state as of the first day of a 49097  
term of enrollment in the state institution of higher education. 49098

In order for a person using transferred federal veterans' 49099  
benefits to qualify under division (C)(2) of this section, the 49100  
veteran who transferred the benefits must have served at least 49101  
ninety days on active duty or the service member who transferred 49102  
the benefits must be on active duty. 49103

(D) The rules of the chancellor for determining student 49104  
residency shall grant residency status to a service member who is 49105  
on active duty and to the service member's spouse and any 49106  
dependent of the service member while the service member is on 49107  
active duty. In order to qualify under division (D) of this 49108  
section, the rules shall require the student seeking in-state 49109  
tuition rates to live in the state as of the first day of a term 49110  
of enrollment in the state institution of higher education, but 49111  
shall not require the service member or the service member's 49112  
spouse or dependent to establish domicile in this state as of the 49113  
first day of a term of enrollment in a an institution of higher 49114  
education. 49115

(E) The rules of the chancellor for determining student 49116  
residency shall not deny residency status to a student who is 49117  
either a dependent child of a parent, or the spouse of a person 49118  
who, as of the first day of a term of enrollment in an institution 49119  
of higher education, has accepted full-time employment and 49120  
established domicile in this state for reasons other than gaining 49121  
the benefit of favorable tuition rates. 49122

Documentation of full-time employment and domicile shall 49123  
include both of the following documents: 49124

(1) A sworn statement from the employer or the employer's 49125  
representative on the letterhead of the employer or the employer's 49126  
representative certifying that the parent or spouse of the student 49127  
is employed full-time in Ohio; 49128

(2) A copy of the lease under which the parent or spouse is 49129  
the lessee and occupant of rented residential property in the 49130  
state, a copy of the closing statement on residential real 49131  
property of which the parent or spouse is the owner and occupant 49132  
in this state or, if the parent or spouse is not the lessee or 49133  
owner of the residence in which the parent or spouse has 49134  
established domicile, a letter from the owner of the residence 49135  
certifying that the parent or spouse resides at that residence. 49136

Residency officers may also evaluate, in accordance with the 49137  
chancellor's rule, requests for immediate residency status from 49138  
dependent students whose parents are not living and whose domicile 49139  
follows that of a legal guardian who has accepted full-time 49140  
employment and established domicile in the state for reasons other 49141  
than gaining the benefit of favorable tuition rates. 49142

(F)(1) The rules of the chancellor for determining student 49143  
residency shall grant residency status to a person who enrolls in 49144  
an institution of higher education and establishes domicile in 49145  
this state, regardless of the student's residence prior to that 49146

enrollment and satisfies either of the following conditions: 49147

(a) The person, while a resident of this state for state 49148  
subsidy and tuition surcharge purposes, graduated from a high 49149  
school in this state or completed the final year of instruction at 49150  
home as authorized under section 3321.04 of the Revised Code. 49151

(b) The person meets all of the following criteria: 49152

(i) The person officially withdrew from a school in this 49153  
state while the person was a resident of this state for state 49154  
subsidy and tuition surcharge purposes. 49155

(ii) The person has not received a high school diploma or 49156  
honors diploma awarded under section 3313.61, 3313.611, 3313.612, 49157  
or 3325.08 of the Revised Code or a high school diploma awarded by 49158  
a school located in another state or country. 49159

(iii) The person, while a resident of this state for state 49160  
subsidy and tuition surcharge purposes, both took a high school 49161  
equivalency test and was awarded a certificate of high school 49162  
equivalence. 49163

(2) The rules of the chancellor for determining student 49164  
residency shall not grant residency status to an alien if the 49165  
alien is not also an immigrant or a nonimmigrant. 49166

(G) The rules of the chancellor for determining student 49167  
residency status shall grant residency status to a person to whom 49168  
all of the following apply: 49169

(1) The person, while not a resident of this state for state 49170  
subsidy and tuition surcharge purposes, lives in this state and 49171  
completes a bachelor's degree program at an institution of higher 49172  
education in this state. 49173

(2) The person, upon completing that bachelor's degree 49174  
program, immediately enrolls in a graduate degree program, as 49175  
determined appropriate by the chancellor, offered at any state 49176

|                                                                                                                                                                                                                                     |       |
|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-------|
| <u>institution of higher education.</u>                                                                                                                                                                                             | 49177 |
| <u>(3) The person, while enrolled in the graduate degree program, resides in this state.</u>                                                                                                                                        | 49178 |
|                                                                                                                                                                                                                                     | 49179 |
| <u>The chancellor's rules adopted under this section shall define "immediately" for the purposes of division (G) of this section.</u>                                                                                               | 49180 |
|                                                                                                                                                                                                                                     | 49181 |
|                                                                                                                                                                                                                                     | 49182 |
| <u>(H) As used in this section:</u>                                                                                                                                                                                                 | 49183 |
| (1) "Dependent," "domicile," "institution of higher education," and "residency officer" have the meanings ascribed in the chancellor's rules adopted under this section.                                                            | 49184 |
|                                                                                                                                                                                                                                     | 49185 |
|                                                                                                                                                                                                                                     | 49186 |
| (2) "Alien" means a person who is not a United States citizen or a United States national.                                                                                                                                          | 49187 |
|                                                                                                                                                                                                                                     | 49188 |
| (3) "Immigrant" means an alien who has been granted the right by the United States bureau of citizenship and immigration services to reside permanently in the United States and to work without restrictions in the United States. | 49189 |
|                                                                                                                                                                                                                                     | 49190 |
|                                                                                                                                                                                                                                     | 49191 |
|                                                                                                                                                                                                                                     | 49192 |
| (4) "Nonimmigrant" means an alien who has been granted the right by the United States bureau of citizenship and immigration services to reside temporarily in the United States.                                                    | 49193 |
|                                                                                                                                                                                                                                     | 49194 |
|                                                                                                                                                                                                                                     | 49195 |
| (5) "Veteran" means any person who has completed service in the uniformed services, as defined in section 3511.01 of the Revised Code.                                                                                              | 49196 |
|                                                                                                                                                                                                                                     | 49197 |
|                                                                                                                                                                                                                                     | 49198 |
| (6) "Service member" has the same meaning as in section 5903.01 of the Revised Code.                                                                                                                                                | 49199 |
|                                                                                                                                                                                                                                     | 49200 |
| (7) "Certificate of high school equivalence" means either of the following:                                                                                                                                                         | 49201 |
|                                                                                                                                                                                                                                     | 49202 |
| (a) A certificate of high school equivalence awarded by the department of education under division (A) of section 3301.80 of the Revised Code;                                                                                      | 49203 |
|                                                                                                                                                                                                                                     | 49204 |
|                                                                                                                                                                                                                                     | 49205 |

(b) The equivalent of a certificate of high school 49206  
equivalence awarded by the state board of education under former 49207  
law, as defined in division (C)(1) of section 3301.80 of the 49208  
Revised Code. 49209

**Sec. 3333.38.** (A) As used in this section: 49210

(1) "Institution of higher education" includes all of the 49211  
following: 49212

(a) A state institution of higher education, as defined in 49213  
section 3345.011 of the Revised Code; 49214

(b) A nonprofit institution issued a certificate of 49215  
authorization under Chapter 1713. of the Revised Code; 49216

(c) A private institution exempt from regulation under 49217  
Chapter 3332. of the Revised Code, as prescribed in section 49218  
3333.046 of the Revised Code; 49219

(d) An institution of higher education with a certificate of 49220  
registration from the state board of career colleges and schools 49221  
under Chapter 3332. of the Revised Code. 49222

(2) "Student financial assistance supported by state funds" 49223  
includes assistance granted under sections 3315.33, 3333.12, 49224  
3333.122, 3333.125, 3333.21, 3333.26, 3333.28, 3333.372, 3333.391, 49225  
5910.03, 5910.032, and 5919.34 of the Revised Code, financed by an 49226  
award under the choose Ohio first scholarship program established 49227  
under section 3333.61 of the Revised Code, or financed by an award 49228  
under the Ohio co-op/internship program established under section 49229  
3333.72 of the Revised Code, and any other post-secondary student 49230  
financial assistance supported by state funds. 49231

(B) An individual who is convicted of, pleads guilty to, or 49232  
is adjudicated a delinquent child for one of the following 49233  
violations shall be ineligible to receive any student financial 49234  
assistance supported by state funds at an institution of higher 49235

education for two calendar years from the time the individual 49236  
applies for assistance of that nature: 49237

(1) A violation of section 2917.02 or 2917.03 of the Revised 49238  
Code; 49239

(2) A violation of section 2917.04 of the Revised Code that 49240  
is a misdemeanor of the fourth degree; 49241

(3) A violation of section 2917.13 of the Revised Code that 49242  
is a misdemeanor of the fourth or first degree and occurs within 49243  
the proximate area where four or more others are acting in a 49244  
course of conduct in violation of section 2917.11 of the Revised 49245  
Code. 49246

(C) If an individual is convicted of, pleads guilty to, or is 49247  
adjudicated a delinquent child for committing a violation of 49248  
section 2917.02 or 2917.03 of the Revised Code, and if the 49249  
individual is enrolled in a state-supported institution of higher 49250  
education, the institution in which the individual is enrolled 49251  
shall immediately dismiss the individual. No state-supported 49252  
institution of higher education shall admit an individual of that 49253  
nature for one academic year after the individual applies for 49254  
admission to a state-supported institution of higher education. 49255  
This division does not limit or affect the ability of a 49256  
state-supported institution of higher education to suspend or 49257  
otherwise discipline its students. 49258

**Sec. 3333.61.** The chancellor of higher education shall 49259  
establish and administer the ~~Ohio innovation partnership, which~~ 49260  
~~shall consist of the~~ choose Ohio first scholarship program and the 49261  
~~Ohio research scholars program.~~ Under the ~~programs~~ program, the 49262  
chancellor, subject to approval by the controlling board, shall 49263  
make awards to state universities or colleges for programs and 49264  
initiatives that recruit students and ~~scientists~~ provide 49265  
work-based learning opportunities in the fields of science, 49266

including health professions, technology, engineering, and 49267  
~~mathematics, medicine, and dentistry~~ to state universities or 49268  
colleges, in order to enhance regional educational and economic 49269  
strengths and meet the needs of the state's regional economies. 49270  
Awards may be granted for programs and initiatives to be 49271  
implemented by a state university or college alone or in 49272  
collaboration with other state institutions of higher education, 49273  
nonpublic Ohio universities and colleges, or other public or 49274  
private Ohio entities. If the chancellor makes an award to a 49275  
program or initiative that is intended to be implemented by a 49276  
state university or college in collaboration with other state 49277  
institutions of higher education or nonpublic Ohio universities or 49278  
colleges, the chancellor may provide that some portion of the 49279  
award be received directly by the collaborating universities or 49280  
colleges consistent with all terms of the choose Ohio innovation 49281  
~~partnership~~ first scholarship program. 49282

The choose Ohio first scholarship program shall assign a 49283  
number of scholarships to state universities and colleges to 49284  
recruit Ohio residents as undergraduate, ~~or as provided in section~~ 49285  
~~3333.66 of the Revised Code~~ graduate, students in the fields of 49286  
science, technology, engineering, and ~~mathematics, medicine, and~~ 49287  
~~dentistry~~, or in science, technology, engineering, or ~~mathematics,~~ 49288  
~~medical, or dental~~ education. The chancellor also may assign a 49289  
number of choose Ohio first scholarships to state universities and 49290  
colleges to recruit Ohio residents to enroll in certificate 49291  
programs in the fields of science, technology, engineering, and 49292  
~~mathematics, medicine, and dentistry.~~ Choose Ohio first 49293  
scholarships shall be awarded to each participating eligible 49294  
student as a grant to the state university or college the student 49295  
is attending and shall be reflected on the student's tuition bill. 49296  
Choose Ohio first scholarships are student-centered grants from 49297  
the state to students to use to attend a university or college and 49298  
are not grants from the state to universities or colleges. 49299

Notwithstanding any other provision of this section or 49300  
sections 3333.62 to 3333.69 of the Revised Code, a nonpublic 49301  
four-year Ohio institution of higher education may submit a 49302  
proposal for choose Ohio first scholarships ~~or Ohio research~~ 49303  
~~scholars grants~~. If the chancellor awards a nonpublic institution 49304  
scholarships ~~or grants~~, the nonpublic institution shall comply 49305  
with all requirements of this section, sections 3333.62 to 3333.69 49306  
of the Revised Code, and the rules adopted under this section that 49307  
apply to state universities or colleges awarded choose Ohio first 49308  
scholarships ~~or Ohio research scholars grants~~. 49309

~~The Ohio research scholars program shall award grants to use 49310  
in recruiting scientists to the faculties of state universities or 49311  
colleges.~~ 49312

The chancellor shall adopt rules in accordance with Chapter 49313  
119. of the Revised Code to administer the ~~programs~~ program. 49314

**Sec. 3333.613.** There is hereby created in the state treasury 49315  
the choose Ohio first scholarship reserve fund to consist of such 49316  
amounts designated for the purposes of the fund by the general 49317  
assembly or the federal government. As soon as possible following 49318  
the end of each fiscal year, the chancellor of higher education 49319  
shall certify to the director of budget and management the 49320  
unencumbered balance of the general revenue fund appropriations 49321  
made in the immediately preceding fiscal year for purposes of the 49322  
choose Ohio first scholarship program created in section 3333.61 49323  
of the Revised Code. Upon receipt of the certification, the 49324  
director of budget and management may transfer an amount not 49325  
exceeding the certified amount from the general revenue fund to 49326  
the choose Ohio first scholarship reserve fund. Moneys in the 49327  
choose Ohio first scholarship reserve fund shall be used to pay 49328  
scholarship obligations in excess of the general revenue fund 49329  
appropriations made for that purpose. 49330

The director of budget and management may transfer any 49331  
unencumbered balance from the choose Ohio first scholarship 49332  
reserve fund to the general revenue fund. 49333

If it is determined that general revenue fund appropriations 49334  
are insufficient to meet the obligations for the choose Ohio first 49335  
scholarship in a fiscal year, the director of budget and 49336  
management may transfer funds from the choose Ohio first 49337  
scholarship reserve fund to the general revenue fund in order to 49338  
meet those obligations. The amount transferred is hereby 49339  
appropriated. If the funds transferred from the choose Ohio first 49340  
scholarship reserve fund are not needed, the director of budget 49341  
and management may transfer the unexpended balance from the 49342  
general revenue fund back to the choose Ohio first scholarship 49343  
reserve fund. 49344

Sec. 3333.615. The primary care medical student, primary care 49345  
nursing student, and primary care dental student components of the 49346  
choose Ohio first scholarship program created under former 49347  
sections 3333.611, 3333.612, and 3333.614 of the Revised Code as 49348  
those sections existed prior to the effective date of this section 49349  
are abolished on the effective date of this section. 49350

**Sec. 3333.62.** The chancellor of higher education shall 49351  
establish a competitive process for making awards under the choose 49352  
Ohio first scholarship program ~~and the Ohio research scholars~~ 49353  
~~program~~. The chancellor, on completion of that process, shall make 49354  
a recommendation to the controlling board asking for approval of 49355  
each award selected by the chancellor. 49356

Any state university or college may apply for ~~one or more~~ 49357  
~~awards~~ an award under ~~one or both programs~~ the program. The state 49358  
university or college shall submit a proposal and other 49359  
documentation required by the chancellor, in the form and manner 49360

prescribed by the chancellor, ~~for each award it seeks.~~ A proposal 49361  
may propose an initiative to be implemented solely by the state 49362  
university or college or in collaboration with other state 49363  
institutions of higher education, nonpublic Ohio universities or 49364  
colleges, or other public or nonpublic Ohio entities. ~~A single~~ 49365  
~~proposal may seek an award under one or both programs.~~ 49366

The chancellor shall determine which proposals will receive 49367  
awards each fiscal year, and the amount of each award, on the 49368  
basis of the merit of each proposal, which the chancellor, subject 49369  
to approval by the controlling board, shall determine based on the 49370  
extent to which a proposal recruits underrepresented populations 49371  
in the fields of science, technology, engineering, and mathematics 49372  
or science, technology, engineering, or mathematics education, 49373  
along with one or more of the following criteria: 49374

(A) The quality of the program that is the subject of the 49375  
proposal and the extent to which additional resources will enhance 49376  
its quality; 49377

(B) The extent to which the proposal is integrated with the 49378  
strengths of the regional economy; 49379

~~(C) The extent to which the proposal is integrated with~~ 49380  
~~centers of research excellence within the private sector;~~ 49381

~~(D) The amount of other institutional, public, or private~~ 49382  
~~resources, whether monetary or nonmonetary, that the proposal~~ 49383  
~~pledges to leverage;~~ 49384

~~(E) The extent to which the proposal is collaborative with~~ 49385  
~~other public or nonpublic Ohio institutions of higher education;~~ 49386

~~(F) The extent to which the proposal is integrated with the~~ 49387  
~~university's or college's mission and does not displace existing~~ 49388  
~~resources already committed to the mission;~~ 49389

(D) The extent to which the university or college has 49390

committed to, or demonstrated, an increase in total graduates 49391  
within the disciplines of science, technology, engineering, and 49392  
mathematics or science, technology, engineering, or mathematics 49393  
education, consistent with a goal to increase the total number of 49394  
Ohio residents in the workforce who are highly qualified in these 49395  
disciplines; 49396

~~(G) The extent to which the proposal facilitates a more~~ 49397  
~~efficient utilization of existing faculty and programs;~~ 49398

~~(H)(E) The extent to which the proposal meets a statewide~~ 49399  
~~educational need;~~ 49400

~~(I) The demonstrated productivity or future capacity of the~~ 49401  
~~students or scientists to be recruited;~~ 49402

~~(J) The extent to which the proposal will create additional~~ 49403  
~~capacity in educational or economic areas of need;~~ 49404

~~(K) The extent to which the proposal will encourage students~~ 49405  
~~who received degrees in the fields of science, technology,~~ 49406  
~~engineering, mathematics, or medicine from two-year institutions~~ 49407  
~~to transfer to state universities or colleges to pursue~~ 49408  
~~baccalaureate degrees in science, technology, engineering,~~ 49409  
~~mathematics, or medicine;~~ 49410

~~(L) The extent to which the proposal encourages students~~ 49411  
~~enrolled in state universities to transfer into science,~~ 49412  
~~technology, engineering, mathematics, or medicine programs;~~ 49413

~~(M)(F) The extent to which the proposal facilitates the~~ 49414  
~~completion of an associate or a baccalaureate degree in a~~ 49415  
~~cost-effective manner, for example, by facilitating students'~~ 49416  
~~completing two years at a two-year institution and two years at a~~ 49417  
~~state university or college;~~ 49418

~~(N) The extent to which the proposal allows attendance at a~~ 49419  
~~state university or college of students who otherwise could not~~ 49420

~~afford to attend;~~ 49421

~~(O) The extent to which other institutional, public, or private resources pledged to the proposal will be deployed to assist in sustaining students' scholarships over their academic careers;~~ 49422  
49423  
49424  
49425

~~(P) The extent to which the proposal increases the likelihood that students will successfully complete their degree programs in science, technology, engineering, mathematics, or medicine or in science, technology, engineering, mathematics, or medical education;~~ 49426  
49427  
49428  
49429  
49430

~~(Q) The extent to which the proposal ensures that a student who is awarded a scholarship is appropriately qualified and prepared to successfully complete a degree program in science, technology, engineering, mathematics, or medicine or in science, technology, engineering, mathematics, or medical education;~~ 49431  
49432  
49433  
49434  
49435

~~(R) The extent to which the proposal will increase the number of women participating in the choose Ohio first scholarship program;~~ 49436  
49437  
49438

~~(S)(G)~~ The extent to which the proposal encourages students to complete a certificate program at a state university or college. 49439  
49440  
49441

**Sec. 3333.63.** The chancellor of higher education shall 49442  
conduct at least one public meeting annually, prior to deciding 49443  
awards under the choose Ohio innovation partnership first scholarship program. At the meeting, an employee of the chancellor 49444  
shall summarize the proposals submitted for consideration, and 49445  
each state university or college that has a proposal pending shall 49446  
have the opportunity to review the summary of their proposal 49447  
prepared by the chancellor's staff and answer questions or respond 49448  
to concerns about the proposal raised by the chancellor's staff. 49449  
49450

**Sec. 3333.64.** The chancellor of higher education shall 49451  
endeavor to make awards under the choose Ohio first scholarship 49452  
program ~~and the Ohio research scholars program~~ such that the 49453  
aggregate, statewide amount of other institutional, public, and 49454  
private money pledged to the ~~proposals~~ program in each fiscal year 49455  
equals at least one hundred per cent of the aggregate amount of 49456  
the money awarded under ~~both programs~~ the program that year. ~~The~~ 49457  
~~chancellor shall endeavor to make awards under the choose Ohio~~ 49458  
~~first scholarship program in such a way that at least fifty per~~ 49459  
~~cent of the students receiving the scholarships are involved in a~~ 49460  
~~co-op or internship program in a private industry or a university~~ 49461  
~~laboratory. All students receiving a choose Ohio first scholarship~~ 49462  
~~shall be involved in work-based learning through a co-op,~~ 49463  
~~internship, experience in a university, college, or private~~ 49464  
~~laboratory, or other work-based learning experience. State~~ 49465  
~~universities or colleges or nonpublic four-year Ohio institutions~~ 49466  
~~of higher education may appeal to the chancellor for a waiver of~~ 49467  
~~this requirement in cases where exceptional circumstances make one~~ 49468  
~~hundred per cent placement in a work-based learning environment~~ 49469  
~~impractical or significantly unachievable.~~ The value of 49470  
institutional, public, or private industry co-ops and internships 49471  
shall count toward the statewide aggregate amount of other 49472  
institutional, public, or private money specified in this 49473  
paragraph. 49474

The chancellor also shall endeavor to ~~distribute awards in~~ 49475  
~~such a way that all regions of the state benefit from the economic~~ 49476  
~~development impact of the programs and shall guarantee~~ provide 49477  
that students from all regions of the state are able to 49478  
participate in the scholarship program. 49479

**Sec. 3333.65.** The chancellor of higher education shall 49480  
require each state university or college, and any nonpublic Ohio 49481

university or college with which the state university or college 49482  
is collaborating, that the controlling board approves to receive 49483  
an award under the choose Ohio ~~innovation partnership~~ first 49484  
scholarship program to enter into an agreement governing the use 49485  
of ~~the~~ an award under the program. The agreement shall contain 49486  
terms the chancellor determines to be necessary, ~~which shall~~ 49487  
~~include performance measures, reporting requirements, and an~~ 49488  
~~obligation to fulfill pledges of other institutional, public, or~~ 49489  
~~nonpublic resources for the proposal.~~ 49490

The chancellor may require a state university or college or a 49491  
nonpublic Ohio university or college that violates the terms of 49492  
the agreement to repay the award plus interest at the rate 49493  
required by section 5703.47 of the Revised Code ~~to the chancellor,~~ 49494  
~~except that the chancellor shall not hold a state or nonpublic~~ 49495  
~~university or college responsible for a repayment due to a student~~ 49496  
~~obligation under section 3333.611 of the Revised Code, until the~~ 49497  
~~state or nonpublic university or college is able to obtain~~ 49498  
~~repayment from the student or if the state or nonpublic university~~ 49499  
~~or college has certified collection of the repayment to the~~ 49500  
~~attorney general and has sent a copy of the certification to the~~ 49501  
~~chancellor.~~ 49502

If the chancellor makes an award to a program or initiative 49503  
that is intended to be implemented by a state university or 49504  
college in collaboration with other state institutions of higher 49505  
education or nonpublic Ohio universities or colleges, the 49506  
chancellor may enter into an agreement with the collaborating 49507  
universities or colleges that permits awards to be received 49508  
directly by the collaborating universities or colleges consistent 49509  
with the terms of the program or initiative. In that case, the 49510  
chancellor shall incorporate into the agreement terms consistent 49511  
with the requirements of this section. 49512

**Sec. 3333.66.** (A)(1) Except as provided in ~~divisions~~ division 49513  
(A)(2), ~~(3), and (4)~~ of this section, in each academic year, no 49514  
student who receives a choose Ohio first scholarship shall receive 49515  
less than one thousand five hundred dollars or more than one-half 49516  
of the highest in-state undergraduate instructional and general 49517  
fees charged by all state universities. For this purpose, if Miami 49518  
university is implementing the pilot tuition restructuring plan 49519  
originally recognized in Am. Sub. H.B. 95 of the 125th general 49520  
assembly, that university's instructional and general fees shall 49521  
be considered to be the average full-time in-state undergraduate 49522  
instructional and general fee amount after taking into account the 49523  
Ohio resident and Ohio leader scholarships and any other credit 49524  
provided to all Ohio residents. 49525

~~(2) The chancellor of higher education may authorize a state 49526  
university or college or a nonpublic Ohio institution of higher 49527  
education to award a choose Ohio first scholarship in an amount 49528  
greater than one half of the highest in-state undergraduate 49529  
instructional and general fees charged by all state universities 49530  
to either of the following: 49531~~

~~(a) Any undergraduate student who qualifies for a scholarship 49532  
and is enrolled in a program leading to a teaching profession in 49533  
science, technology, engineering, mathematics, or medicine; 49534~~

~~(b) Any graduate student who qualifies for a scholarship, if 49535  
any initiatives are selected for award under division (B) of this 49536  
section. 49537~~

~~(3) The chancellor may authorize a state university or 49538  
college or a nonpublic Ohio institution of higher education to 49539  
award a choose Ohio first scholarship in the amount of not less 49540  
than five hundred dollars but not more than one-half of the 49541  
highest in-state undergraduate instructional and general fees 49542  
charged by all state universities to a student enrolled in a 49543~~

certificate program designated as an eligible program by the 49544  
chancellor. 49545

~~(4)(3)~~ A student receiving multiple awards under division (A) 49546  
of this section may not exceed the maximum permitted ~~provided that~~ 49547  
~~each award is within its permitted amount~~ for each individual 49548  
award. 49549

~~(B) The chancellor shall encourage state universities and 49550  
colleges, alone or in collaboration with other state institutions 49551  
of higher education, nonpublic Ohio universities and colleges, or 49552  
other public or private Ohio entities, to submit proposals under 49553  
the choose Ohio first scholarship program for initiatives that 49554  
recruit either of the following: 49555~~

~~(1) Ohio residents who enrolled in colleges and universities 49556  
in other states or other countries to return to Ohio and enroll in 49557  
state universities or colleges as graduate students in the fields 49558  
of science, technology, engineering, mathematics, and medicine, or 49559  
in the fields of science, technology, engineering, mathematics, or 49560  
medical education. If such proposals are submitted and meet the 49561  
chancellor's competitive criteria for awards, the chancellor, 49562  
subject to approval by the controlling board, shall give at least 49563  
one of the proposals preference for an award. 49564~~

~~(2) Graduates, or undergraduates who will graduate in time to 49565  
participate in the program described in this division by the 49566  
subsequent school year, from an Ohio college or university who 49567  
received, or will receive, a degree in science, technology, 49568  
engineering, mathematics, or medicine to participate in a 49569  
graduate level teacher education masters program in one of those 49570  
fields that requires the student to establish a domicile in the 49571  
state and to commit to teach for a minimum of three years in a 49572  
hard to staff school district in the state upon completion of the 49573  
master's degree program. The chancellor may require a college or 49574  
university to give priority to qualified candidates who graduated 49575~~

~~from a high school in this state.~~ 49576

~~"Hard to staff" shall be as defined by the department of  
education.~~ 49577  
49578

~~(C) The general assembly intends that money appropriated for  
the choose Ohio first scholarship program in each fiscal year be  
used for scholarships in the following academic year.~~ 49579  
49580  
49581

**Sec. 3333.68.** When making an award under the choose Ohio 49582  
~~innovation partnership first scholarship program~~, the chancellor 49583  
of higher education, subject to approval by the controlling board, 49584  
may commit to giving a state university's or college's proposal 49585  
preference for future awards after the current fiscal year or 49586  
fiscal biennium. A proposal's eligibility for future awards 49587  
remains conditional on all of the following: 49588

(A) Future appropriations of the general assembly; 49589

(B) The university's or college's adherence to the agreement 49590  
entered into under section 3333.65 of the Revised Code, including 49591  
its fulfillment of pledges of other institutional, public, or 49592  
nonpublic resources; 49593

~~(C) With respect to the choose Ohio first scholarship  
program, a~~ A demonstration that the students receiving the 49594  
scholarship are satisfied with the state universities or colleges 49595  
selected by the chancellor to offer the scholarships. 49596  
49597

The chancellor and the controlling board shall not commit to 49598  
awarding any proposal for more than five fiscal years at a time. 49599  
However, when a commitment for future awards expires, ~~a state~~ 49600  
~~university or college may reapply~~ the chancellor and the 49601  
controlling board may grant a one-time extension of the award for 49602  
a period not to exceed four years. 49603

**Sec. 3333.69.** The chancellor of higher education shall 49604

monitor each initiative for which an award is granted under the 49605  
choose Ohio ~~innovation partnership~~ first scholarship program to 49606  
ensure the following: 49607

(A) Fiscal accountability, so that the award is used in 49608  
accordance with the agreement entered into under section 3333.65 49609  
of the Revised Code; 49610

(B) Operating progress, so that the initiative is managed to 49611  
achieve the goals stated in the proposal and in the agreement, and 49612  
so that problems may be promptly identified and remedied; 49613

(C) Desired outcomes, so that the initiative contributes to 49614  
the ~~programs'~~ program's goals of enhancing regional educational 49615  
and economic strengths and meeting regional economic needs. 49616

**Sec. 3333.79.** (A) As used in this section, "minority" has the 49617  
same meaning as in section 184.17 of the Revised Code. The term 49618  
also includes an individual who is economically disadvantaged. 49619

(B) The chancellor of higher education shall conduct outreach 49620  
activities in Ohio that seek to include minorities in the Ohio 49621  
co-op/internship program established under section 3333.72 of the 49622  
Revised Code. The outreach activities shall include the following, 49623  
when appropriate: 49624

(1) Identifying and partnering with historically black 49625  
colleges and universities; 49626

(2) Working with all institutions of higher education in the 49627  
state to support minority faculty and students involved in 49628  
cooperative and intern programs; 49629

(3) Developing a plan to contact by telephone minorities and 49630  
other economically disadvantaged individuals to notify them of 49631  
opportunities to participate in the co-op/internship program; 49632

(4) Identifying minority professional and trade associations 49633  
and economic development assistance organizations and notifying 49634

them of the co-op/internship program; 49635

(5) Partnering with regional technology councils to foster 49636  
local efforts to support minority participation in the 49637  
co-op/internship program. 49638

(C) To the extent possible, outreach activities described in 49639  
this section shall be conducted in conjunction with the EDGE 49640  
program created in section ~~123.152~~122.922 of the Revised Code. 49641

**Sec. 3335.38.** The board of trustees of the Ohio state 49642  
university shall establish a farm production, policy, and 49643  
financial management institute in OSU extension to train 49644  
interested and qualified persons to assist farmers ~~needing help~~ 49645  
with in addressing integration of farm production practices, 49646  
agricultural marketing, farm policy, and financial management 49647  
problems challenges. 49648

Participation shall be open to all interested persons, but 49649  
the following persons shall be given priority as to enrollment: 49650  
farm owners and managers, employees or representatives of banks 49651  
and other farm credit agencies, agricultural teachers, and faculty 49652  
and employees of the Ohio state university and OSU extension who 49653  
agree to assist Ohio farmers in completing and understanding the 49654  
coordinated financial statement and other subjects. A fee may be 49655  
charged participants, as determined by OSU extension, but may be 49656  
waived for those participants granted priority status at 49657  
enrollment. 49658

**Sec. 3345.027.** A state institution of higher education, as 49659  
defined in section 3345.011 of the Revised Code, shall not 49660  
withhold a student's official transcripts from a potential 49661  
employer because the student owes money to the institution, 49662  
provided the student has authorized the transcripts to be sent to 49663  
the employer and the employer affirms to the institution that the 49664

transcripts are a prerequisite of employment. 49665

Sec. 3345.063. (A) As used in this section, "state university" has the same meaning as in section 3345.011 of the Revised Code. 49666  
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(B) Beginning with the 2022-2023 academic year, each state university shall recognize the successful completion of a course in advanced computer science in high school, as described in the standards adopted pursuant to division (A)(4) of section 3301.079 of the Revised Code, as a unit for admission to the university, as follows: 49669  
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(1) The state university shall recognize one unit of advanced computer science as one unit toward meeting a general mathematics requirement, as determined by the university, if the student used that advanced computer science unit to meet the mathematics curriculum requirement under division (C)(3) of section 3313.603 of the Revised Code. 49675  
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(2) The state university shall recognize one unit of advanced computer science as one unit toward meeting a general science requirement, as determined by the university, if the student used that advanced computer science unit to meet the science curriculum requirement under division (C)(5) of section 3313.603 of the Revised Code. 49681  
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(3) The state university shall recognize one unit of advanced computer science as one unit toward meeting a general elective requirement, as determined by the university, if the student used the advanced computer science unit to meet the curriculum requirement under division (C)(8) of section 3313.603 of the Revised Code. 49687  
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(4) The state university shall recognize one unit of computer coding as one unit toward meeting a general foreign language 49693  
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requirement, as determined by the university, if the student used 49695  
the computer coding unit to meet a school district's or school's 49696  
foreign language curriculum requirement as described in division 49697  
(E) of section 3313.603 of the Revised Code. 49698

(C) Each state university shall post a description of the 49699  
university's recognition of advanced computer science as a core 49700  
unit for admission to the university, as described in division (B) 49701  
of this section, in a prominent location on the university's web 49702  
site. 49703

**Sec. 3345.32.** (A) As used in this section: 49704

(1) "State university or college" means the institutions 49705  
described in section 3345.27 of the Revised Code and the northeast 49706  
Ohio medical university. 49707

(2) "Resident" has the meaning specified by rule of the 49708  
chancellor of higher education. 49709

(3) "Statement of selective service status" means a statement 49710  
certifying one of the following: 49711

(a) That the individual filing the statement has registered 49712  
with the selective service system in accordance with the "Military 49713  
Selective Service Act," 62 Stat. 604, 50 U.S.C. App. 453, as 49714  
amended; 49715

(b) That the individual filing the statement is not required 49716  
to register with the selective service for one of the following 49717  
reasons: 49718

(i) The individual is under eighteen or over twenty-six years 49719  
of age. 49720

(ii) The individual is on active duty with the armed forces 49721  
of the United States other than for training in a reserve or 49722  
national guard unit. 49723

(iii) The individual is a nonimmigrant alien lawfully in the United States in accordance with section 101 (a)(15) of the "Immigration and Nationality Act," 8 U.S.C. 1101, as amended.

(iv) The individual is not a citizen of the United States and is a permanent resident of the Trust Territory of the Pacific Islands or the Northern Mariana Islands.

(4) "Institution of higher education" means any eligible institution approved by the United States department of education pursuant to the "Higher Education Act of 1965," 79 Stat. 1219, as amended, or any institution whose students are eligible for financial assistance under any of the programs described by division (E) of this section.

(B) The chancellor shall, by rule, specify the form of statements of selective service status to be filed in compliance with divisions (C) to (E) of this section. Each statement of selective service status shall contain a section wherein a male student born after December 31, 1959, certifies that the student has registered with the selective service system in accordance with the "Military Selective Service Act," 62 Stat. 604, 50 U.S.C. App. 453, as amended. For those students not required to register with the selective service, as specified in divisions (A)(2)(b)(i) to (iv) of this section, a section shall be provided on the statement of selective service status for the certification of nonregistration and for an explanation of the reason for the exemption. The chancellor may require that such statements be accompanied by documentation specified by rule of the chancellor.

(C) A state university or college that enrolls in any course, class, or program a male student born after December 31, 1959, who has not filed a statement of selective service status with the university or college shall, regardless of the student's residency, charge the student any tuition surcharge charged students who are not residents of this state.

(D) No male born after December 31, 1959, shall be eligible 49756  
to receive any loan, grant, scholarship, or other financial 49757  
assistance for educational expenses granted under section 3315.33, 49758  
3333.12, 3333.122, 3333.125, 3333.21, 3333.22, 3333.26, 3333.391, 49759  
5910.03, 5910.032, or 5919.34 of the Revised Code, financed by an 49760  
award under the choose Ohio first scholarship program established 49761  
under section 3333.61 of the Revised Code, or financed by an award 49762  
under the Ohio co-op/internship program established under section 49763  
3333.72 of the Revised Code, unless that person has filed a 49764  
statement of selective service status with that person's 49765  
institution of higher education. 49766

(E) If an institution of higher education receives a 49767  
statement from an individual certifying that the individual has 49768  
registered with the selective service system in accordance with 49769  
the "Military Selective Service Act," 62 Stat. 604, 50 U.S.C. App. 49770  
453, as amended, or that the individual is exempt from 49771  
registration for a reason other than that the individual is under 49772  
eighteen years of age, the institution shall not require the 49773  
individual to file any further statements. If it receives a 49774  
statement certifying that the individual is not required to 49775  
register because the individual is under eighteen years of age, 49776  
the institution shall require the individual to file a new 49777  
statement of selective service status each time the individual 49778  
seeks to enroll for a new academic term or makes application for a 49779  
new loan or loan guarantee or for any form of financial assistance 49780  
for educational expenses, until it receives a statement certifying 49781  
that the individual has registered with the selective service 49782  
system or is exempt from registration for a reason other than that 49783  
the individual is under eighteen years of age. 49784

**Sec. 3345.82.** (A) As used in this section, "electronic 49785  
communication" means live, audio-enabled communication that 49786  
permits the trustees attending a meeting, the trustees present in 49787

person at the place where the meeting is conducted, and all 49788  
members of the public present in person at the place where the 49789  
meeting is conducted to simultaneously communicate with each other 49790  
during the meeting. 49791

(B) Notwithstanding division (C) of section 121.22 and 49792  
sections 3335.06 and 3343.04 of the Revised Code, the board of 49793  
trustees of a state institution of higher education, as defined in 49794  
section 3345.011 of the Revised Code, may establish a policy that 49795  
allows trustees to attend a meeting of the board of trustees via 49796  
means of electronic communication. The policy shall specify at 49797  
least all of the following: 49798

(1) The number of regular meetings at which each trustee 49799  
shall be present in person, which may not be less than one-half of 49800  
the regular meetings of the board annually; and 49801

(2) All of the following minimum standards regarding a 49802  
meeting conducted using means of electronic communication: 49803

(a) That at least one-third of the trustees attending the 49804  
meeting shall be present in person at the place where the meeting 49805  
is conducted; 49806

(b) That all votes taken at the meeting are taken by roll 49807  
call vote; and 49808

(c) That a trustee who intends to attend a meeting via means 49809  
of electronic communication notified the chairperson of that 49810  
intent not less than forty-eight hours before the meeting, except 49811  
in the case of a declared emergency. 49812

(C) Notwithstanding division (C) of section 121.22 and 49813  
sections 3335.06 and 3343.04 of the Revised Code, a trustee who 49814  
attends a meeting via means of electronic communication is 49815  
considered to be present at the meeting, is counted for purposes 49816  
of establishing a quorum, and may vote at the meeting. 49817

(D) Except as provided in this section, no person shall limit 49818  
the number of trustees who may attend a meeting via means of 49819  
electronic communication, limit the total number of meetings that 49820  
the board may conduct using means of electronic communication, 49821  
limit the number of meetings in which any one trustee may attend 49822  
via means of electronic communication, or impose other limits or 49823  
obligations on a trustee by virtue of the trustee's attending a 49824  
meeting via means of electronic communication. 49825

**Sec. 3354.01.** As used in sections 3354.01 to 3354.18 of the 49826  
Revised Code: 49827

(A) "Community college district" means a political 49828  
subdivision of the state and a body corporate with all the powers 49829  
of a corporation, comprised of the territory of one or more 49830  
contiguous counties having together a total population of not less 49831  
than seventy-five thousand preceding the establishment of such 49832  
district, and organized for the purpose of establishing, owning, 49833  
and operating a community college within the territory of such 49834  
district. 49835

(B) "Contiguous counties" means counties so located that each 49836  
such county shares at least one boundary in common with at least 49837  
one other such county in the group of counties referred to as 49838  
being "contiguous." 49839

(C) "Community college" means a public institution of 49840  
education beyond the high school organized for the principal 49841  
purpose of providing for the people of the community college 49842  
district wherein such college is situated the instructional 49843  
programs defined in this section as "arts and sciences" and 49844  
"technical," or either, and may include the "adult-education" 49845  
program as defined in this section. Except for applied bachelor's 49846  
degree programs or nursing bachelor's degree programs approved by 49847  
the chancellor of higher education under section 3333.051 of the 49848

Revised Code, instructional programs shall not exceed two years in duration. 49849  
49850

A university maintained and operated by a municipality 49851  
located in a county having a total population equal to the 49852  
requirement for a community college district as set forth in 49853  
division (A) of section 3354.01 of the Revised Code and is found 49854  
by the chancellor of higher education to offer instructional 49855  
programs which are needed in the community and which are 49856  
equivalent to those required of community colleges shall be, for 49857  
the purposes of receiving state or federal financial aid only, 49858  
considered a community college and shall receive the same state 49859  
financial assistance granted to community colleges but only in 49860  
respect to students enrolled in their first and second year of 49861  
post high school education in the kinds of instructional programs 49862  
offered by the municipal university. 49863

(D) "Arts and sciences program" means both of the following: 49864

(1) A curricular program of two years or less duration, 49865  
provided within a community college, planned and intended to 49866  
enable students to gain academic credit for courses generally 49867  
comparable to courses offered in the first two years in accredited 49868  
colleges and universities in the state, and designed either to 49869  
enable students to transfer to such colleges and universities for 49870  
the purpose of earning baccalaureate degrees or to enable students 49871  
to terminate academic study after two years with a proportionate 49872  
recognition of academic achievement. 49873

(2) An applied bachelor's degree program or nursing 49874  
bachelor's degree program approved and offered under section 49875  
3333.051 of the Revised Code. 49876

(E) "Adult-education program" means the dissemination of post 49877  
high school educational service and knowledge, by a community 49878  
college, for the occupational, cultural, or general educational 49879

benefit of adult persons, such educational service and knowledge 49880  
not being offered for the primary purpose of enabling such persons 49881  
to obtain academic credit or other formal academic recognition. 49882

(F) "Charter amendment" means a change in the official plan 49883  
of a community college for the purpose of acquiring additional 49884  
lands or structures, disposing of or transferring lands or 49885  
structures, erection of structures, or creating or abolishing of 49886  
one or more academic departments corresponding to generally 49887  
recognized fields of academic study. 49888

(G) "Technical program" means a post high school curricular 49889  
program of two years or less duration, provided within a community 49890  
college, planned and intended to enable students to gain academic 49891  
credit for courses designed to prepare such students to meet the 49892  
occupational requirements of the community. 49893

(H) "Operating costs" means all expenses for all purposes of 49894  
the community college district except expenditures for permanent 49895  
improvements having an estimated life of usefulness of five years 49896  
or more as certified by the fiscal officer of the community 49897  
college district. 49898

(I) "Applied bachelor's degree" has the same meaning as in 49899  
section 3333.051 of the Revised Code. 49900

**Sec. 3357.09.** The board of trustees of a technical college 49901  
district may: 49902

(A) Own and operate a technical college, pursuant to an 49903  
official plan prepared and approved in accordance with section 49904  
3357.07 of the Revised Code; 49905

(B) Hold, encumber, control, acquire by donation, purchase, 49906  
or condemnation, construct, own, lease, use, and sell, real and 49907  
personal property as necessary for the conduct of the program of 49908  
the technical college on whatever terms and for whatever 49909

consideration may be appropriate for the purposes of the 49910  
institution; 49911

(C) Accept gifts, grants, bequests, and devises absolutely or 49912  
in trust for support of the technical college; 49913

(D) Appoint the president, faculty, and such other employees 49914  
as necessary and proper for such technical college, and fix their 49915  
compensation; 49916

(E) Provide for a technical college necessary lands, 49917  
buildings or other structures, equipment, means, and appliances; 49918

(F) Develop and adopt, pursuant to the official plan, any one 49919  
or more of the curricular programs identified in section 3357.01 49920  
of the Revised Code as technical-college programs, or 49921  
adult-education technical programs, and applied bachelor's degree 49922  
programs or nursing bachelor's degree programs under section 49923  
3333.051 of the Revised Code; 49924

(G) Except as provided in sections 3333.17 and 3333.32 of the 49925  
Revised Code, establish schedules of fees and tuition for: 49926  
students who are residents of the district; students who are 49927  
residents of Ohio but not of the district; students who are 49928  
nonresidents of Ohio. The establishment of rules governing the 49929  
determination of residence shall be subject to approval of the 49930  
chancellor of higher education. Students who are nonresidents of 49931  
Ohio shall be required to pay higher rates of fees and tuition 49932  
than the rates required of students who are residents of Ohio but 49933  
not of the district, and students who are residents of the 49934  
district shall pay smaller tuition and fee rates than the rates 49935  
for either of the above categories of nonresident students, except 49936  
that students who are residents of Ohio but not of the district 49937  
shall be required to pay higher fees and tuition than students who 49938  
are residents of the district only when a district tax levy has 49939  
been adopted and is in effect under the authority of section 49940

3357.11, 5705.19, or 5705.191 of the Revised Code. 49941

(H) Authorize, approve, ratify, or confirm, with approval of 49942  
the chancellor, any agreement with the United States government, 49943  
acting through any agency designated to aid in the financing of 49944  
technical college projects, or with any person, organization, or 49945  
agency offering grants-in-aid for technical college facilities or 49946  
operation; 49947

(I) Receive assistance for the cost of equipment and for the 49948  
operation of such technical colleges from moneys appropriated for 49949  
technical education or for matching of Title VIII of the "National 49950  
Defense Education Act," 72 Stat. 1597 (1958), 20 U.S.C.A. 15a-15e. 49951  
Moneys shall be distributed by the chancellor in accordance with 49952  
rules which the board shall establish governing its allocations to 49953  
technical colleges chartered under section 3357.07 of the Revised 49954  
Code. 49955

(J) Grant appropriate associate degrees to students 49956  
successfully completing the technical college programs, 49957  
appropriate applied bachelor's degrees to students successfully 49958  
completing applied bachelor's degree programs, appropriate 49959  
bachelor's degrees to students successfully completing nursing 49960  
bachelor's degree programs offered pursuant to section 3333.051 of 49961  
the Revised Code, and certificates of achievement to those 49962  
students who complete other programs; 49963

(K) Prescribe rules for the effective operation of a 49964  
technical college, and exercise such other powers as are necessary 49965  
for the efficient management of such college; 49966

(L) Enter into contracts and conduct technical college 49967  
programs or technical courses outside the technical college 49968  
district; 49969

(M) Enter into contracts with the board of education of any 49970  
local, exempted village, or city school district or the governing 49971

board of any educational service center to permit the school 49972  
district or service center to use the facilities of the technical 49973  
college district; 49974

(N) Designate one or more employees of the institution as 49975  
state university law enforcement officers, to serve and have 49976  
duties as prescribed in section 3345.04 of the Revised Code; 49977

(O) Subject to the approval of the chancellor, offer 49978  
technical college programs or technical courses for credit at 49979  
locations outside the technical college district. For purposes of 49980  
computing state aid, students enrolled in such courses shall be 49981  
deemed to be students enrolled in programs and courses at 49982  
off-campus locations in the district. 49983

(P) Purchase a policy or policies of liability insurance from 49984  
an insurer or insurers licensed to do business in this state 49985  
insuring its members, officers, and employees against all civil 49986  
liability arising from an act or omission by the member, officer, 49987  
or employee, when the member, officer, or employee is not acting 49988  
manifestly outside the scope of the member's, officer's, or 49989  
employee's employment or official responsibilities with the 49990  
institution, with malicious purpose or bad faith, or in a wanton 49991  
or reckless manner, or may otherwise provide for the 49992  
indemnification of such persons against such liability. All or any 49993  
portion of the cost, premium, or charge for such a policy or 49994  
policies or indemnification payment may be paid from any funds 49995  
under the institution's control. The policy or policies of 49996  
liability insurance or the indemnification policy of the 49997  
institution may cover any risks including, but not limited to, 49998  
damages resulting from injury to property or person, professional 49999  
liability, and other special risks, including legal fees and 50000  
expenses incurred in the defense or settlement of claims for such 50001  
damages. 50002

Any instrument by which real property is acquired pursuant to 50003

this section shall identify the agency of the state that has the use and benefit of the real property as specified in section 5301.012 of the Revised Code.

**Sec. 3358.01.** As used in sections 3358.01 to 3358.10 of the Revised Code:

(A) "State community college district" means a political subdivision composed of the territory of a county, or of two or more contiguous counties, in either case having a total population of at least one hundred fifty thousand, and organized for the purpose of establishing, owning, and operating a state community college within the district or a political subdivision created pursuant to division (A) of section 3358.02 of the Revised Code.

(B) "State community college" means a two-year institution, offering a baccalaureate-oriented program, technical education program, or an adult continuing education program. The extent to which the college offers baccalaureate-oriented and technical programs shall be determined in its charter. However, a state community college may offer applied bachelor's degree programs or nursing bachelor's degree programs pursuant to section 3333.051 of the Revised Code.

(C) "Baccalaureate-oriented program" means a curricular program of not more than two years' duration that is planned and intended to enable students to gain academic credit for courses comparable to first- and second-year courses offered by accredited colleges and universities. The purpose of baccalaureate-oriented coursework in state community colleges is to enable students to transfer to colleges and universities and earn baccalaureate degrees or to enable students to terminate academic study after two years with a proportionate recognition of academic achievement through receipt of an associate degree.

(D) "Technical education program" means a post high school

program of not more than two years' duration that is planned and 50035  
intended to prepare students to pursue employment or improve 50036  
technical knowledge in careers generally but not exclusively at 50037  
the semiprofessional level. Technical education programs include, 50038  
but are not limited to, programs in the technologies of business, 50039  
engineering, health, natural science, and public service and are 50040  
programs which, after two years of academic study, result in 50041  
proportionate recognition of academic achievement through receipt 50042  
of an associate degree. 50043

(E) "Adult continuing education program" means the offering 50044  
of short courses, seminars, workshops, exhibits, performances, and 50045  
other educational activities for the general educational or 50046  
occupational benefit of adults. 50047

(F) "Applied bachelor's degree" has the same meaning as in 50048  
section 3333.051 of the Revised Code. 50049

**Sec. 3365.01.** As used in this chapter: 50050

(A) "Articulated credit" means post-secondary credit that is 50051  
reflected on the official record of a student at an institution of 50052  
higher education only upon enrollment at that institution after 50053  
graduation from a secondary school. 50054

(B) "Default ceiling amount" means one of the following 50055  
amounts, whichever is applicable: 50056

(1) For a participant enrolled in a college operating on a 50057  
semester schedule, the amount calculated according to the 50058  
following formula: 50059

$$((0.83 \times \text{formula amount}) / 30) \quad 50060$$

$$\times \text{number of enrolled credit hours} \quad 50061$$

(2) For a participant enrolled in a college operating on a 50062  
quarter schedule, the amount calculated according to the following 50063  
formula: 50064

|                                                                                                                                                                                                                                                                    |                                  |
|--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|----------------------------------|
| ((0.83 X formula amount) / 45)                                                                                                                                                                                                                                     | 50065                            |
| X number of enrolled credit hours                                                                                                                                                                                                                                  | 50066                            |
| (C) "Default floor amount" means twenty-five per cent of the<br>default ceiling amount.                                                                                                                                                                            | 50067<br>50068                   |
| (D) "Eligible out-of-state college" means any institution of<br>higher education that is located outside of Ohio and is approved<br>by the chancellor of higher education to participate in the<br>college credit plus program.                                    | 50069<br>50070<br>50071<br>50072 |
| (E) "Fee" means any course-related fee and any other fee<br>imposed by the college, but not included in tuition, for<br>participation in the program established by this chapter.                                                                                  | 50073<br>50074<br>50075          |
| (F) "Formula amount" <del>has the same meaning as in section<br/>3317.02 of the Revised Code</del> <u>means \$6,020.</u>                                                                                                                                           | 50076<br>50077                   |
| (G) "Governing entity" means <del>a</del> <u>any of the following:</u>                                                                                                                                                                                             | 50078                            |
| <u>(1) A board of education of a school district,</u> <del>a</del> <u>i</u>                                                                                                                                                                                        | 50079                            |
| <u>(2) A governing authority of a community school established</u><br>under Chapter 3314. <del>,</del> <u>a of the Revised Code;</u>                                                                                                                               | 50080<br>50081                   |
| <u>(3) A governing body of a STEM school established under</u><br>Chapter 3326. <del>,</del> <u>or a of the Revised Code;</u>                                                                                                                                      | 50082<br>50083                   |
| <u>(4) A board of trustees of a college-preparatory boarding</u><br>school established under Chapter 3328. of the Revised Code; <u>i</u>                                                                                                                           | 50084<br>50085                   |
| <u>(5) When referring to the state school for the deaf or the</u><br><u>state school for the blind, the state board of education;</u>                                                                                                                              | 50086<br>50087                   |
| <u>(6) When referring to an institution operated by the</u><br><u>department of youth services, the superintendent of that</u><br><u>institution.</u>                                                                                                              | 50088<br>50089<br>50090          |
| (H) "Home-instructed participant" means a student who has<br>been excused from the compulsory attendance law for the purpose of<br>home instruction under section 3321.04 of the Revised Code, and is<br>participating in the program established by this chapter. | 50091<br>50092<br>50093<br>50094 |

|                                                                                                                                                                                                                                                                                                                                      |                                                    |
|--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|----------------------------------------------------|
| (I) "Maximum per participant charge amount" means one of the following amounts, whichever is applicable:                                                                                                                                                                                                                             | 50095<br>50096                                     |
| (1) For a participant enrolled in a college operating on a semester schedule, the amount calculated according to the following formula:                                                                                                                                                                                              | 50097<br>50098<br>50099                            |
| ((formula amount / 30)                                                                                                                                                                                                                                                                                                               | 50100                                              |
| X number of enrolled credit hours)                                                                                                                                                                                                                                                                                                   | 50101                                              |
| (2) For a participant enrolled in a college operating on a quarter schedule, the amount calculated according to the following formula:                                                                                                                                                                                               | 50102<br>50103<br>50104                            |
| ((formula amount / 45)                                                                                                                                                                                                                                                                                                               | 50105                                              |
| X number of enrolled credit hours)                                                                                                                                                                                                                                                                                                   | 50106                                              |
| (J) "Nonpublic secondary school" means a chartered school for which minimum standards are prescribed by the state board of education pursuant to division (D) of section 3301.07 of the Revised Code.                                                                                                                                | 50107<br>50108<br>50109<br>50110                   |
| (K) "Number of enrolled credit hours" means the number of credit hours for a course in which a participant is enrolled during the previous term after the date on which a withdrawal from a course would have negatively affected the participant's transcribed grade, as prescribed by the college's established withdrawal policy. | 50111<br>50112<br>50113<br>50114<br>50115<br>50116 |
| (L) "Parent" has the same meaning as in section 3313.64 of the Revised Code.                                                                                                                                                                                                                                                         | 50117<br>50118                                     |
| (M) "Participant" means any student enrolled in a college under the program established by this chapter.                                                                                                                                                                                                                             | 50119<br>50120                                     |
| (N) "Partnering college" means a college with which a public or nonpublic secondary school has entered into an agreement in order to offer the program established by this chapter.                                                                                                                                                  | 50121<br>50122<br>50123                            |
| (O) "Partnering secondary school" means a public or nonpublic                                                                                                                                                                                                                                                                        | 50124                                              |

secondary school with which a college has entered into an 50125  
agreement in order to offer the program established by this 50126  
chapter. 50127

(P) "Private college" means any of the following: 50128

(1) A nonprofit institution holding a certificate of 50129  
authorization pursuant to Chapter 1713. of the Revised Code; 50130

(2) An institution holding a certificate of registration from 50131  
the state board of career colleges and schools and program 50132  
authorization for an associate or bachelor's degree program issued 50133  
under section 3332.05 of the Revised Code; 50134

(3) A private institution exempt from regulation under 50135  
Chapter 3332. of the Revised Code as prescribed in section 50136  
3333.046 of the Revised Code. 50137

(Q) "Public college" means a "state institution of higher 50138  
education" in section 3345.011 of the Revised Code, excluding the 50139  
northeast Ohio medical university. 50140

(R) "Public secondary school" means a school serving grades 50141  
nine through twelve in a city, local, or exempted village school 50142  
district, a joint vocational school district, a community school 50143  
established under Chapter 3314. of the Revised Code, a STEM school 50144  
established under Chapter 3326. of the Revised Code, ~~or~~ a 50145  
college-preparatory boarding school established under Chapter 50146  
3328. of the Revised Code, the state school for the deaf, the 50147  
state school for the blind, or an institution operated by the 50148  
department of youth services. 50149

(S) "School year" has the same meaning as in section 3313.62 50150  
of the Revised Code. 50151

(T) "Secondary grade" means any of grades nine through 50152  
twelve. 50153

(U) "Standard rate" means the amount per credit hour assessed 50154

by the college for an in-state student who is enrolled in an 50155  
undergraduate course at that college, but who is not participating 50156  
in the college credit plus program, as prescribed by the college's 50157  
established tuition policy. 50158

(V) "Transcribed credit" means post-secondary credit that is 50159  
conferred by an institution of higher education and is reflected 50160  
on a student's official record at that institution upon completion 50161  
of a course. 50162

**Sec. 3365.02.** (A) There is hereby established the college 50163  
credit plus program under which, beginning with the 2015-2016 50164  
school year, a secondary grade student who is a resident of this 50165  
state may enroll at a college, on a full- or part-time basis, and 50166  
complete nonsectarian, nonremedial courses for high school and 50167  
college credit. The program shall govern arrangements in which a 50168  
secondary grade student enrolls in a college and, upon successful 50169  
completion of coursework taken under the program, receives 50170  
transcribed credit from the college. The following are not 50171  
governed by the college credit plus program: 50172

(1) An agreement governing an early college high school 50173  
program, provided the program meets the definition set forth in 50174  
division (F)(2) of section 3313.6013 of the Revised Code and is 50175  
approved by the superintendent of public instruction and the 50176  
chancellor of higher education; 50177

(2) An advanced placement course or international 50178  
baccalaureate diploma course, as described in divisions (A)(2) and 50179  
(3) of section 3313.6013 of the Revised Code; 50180

(3) A career-technical education program that is approved by 50181  
the department of education under section 3317.161 of the Revised 50182  
Code and grants articulated credit to students participating in 50183  
that program. However, any portion of an approved program that 50184  
results in the conferral of transcribed credit upon the 50185

completion of the course shall be governed by the college credit plus program. 50186  
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(B) Any student enrolled in a public or nonpublic secondary school in the student's ninth, tenth, eleventh, or twelfth grade; any student enrolled in a nonchartered nonpublic secondary school in the student's ninth, tenth, eleventh, or twelfth grade; and any student who has been excused from the compulsory attendance law for the purpose of home instruction under section 3321.04 of the Revised Code and is the equivalent of a ninth, tenth, eleventh, or twelfth grade student, may participate in the program, if the student meets the applicable eligibility criteria in section 3365.03 of the Revised Code. If a nonchartered nonpublic secondary school student chooses to participate in the program, that student shall be subject to the same requirements as a home-instructed student who chooses to participate in the program under this chapter. 50188  
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(C) All public secondary schools and all public colleges shall participate in the program and are subject to the requirements of this chapter. Any nonpublic secondary school or private college that chooses to participate in the program shall also be subject to the requirements of this chapter. 50202  
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If a nonpublic secondary school chooses not to participate in the program, the school shall not be subject to the requirements of this chapter or any rule adopted by the chancellor of higher education or the state board of education for purposes of the college credit plus program. 50207  
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(D) The chancellor, in accordance with Chapter 119. of the Revised Code and in consultation with the state superintendent, shall adopt rules governing the program. 50212  
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**Sec. 3365.03.** (A) A student enrolled in a public or nonpublic secondary school during the student's ninth, tenth, eleventh, or 50215  
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twelfth grade school year; a student enrolled in a nonchartered 50217  
nonpublic secondary school in the student's ninth, tenth, 50218  
eleventh, or twelfth grade school year; or a student who has been 50219  
excused from the compulsory attendance law for the purpose of home 50220  
instruction under section 3321.04 of the Revised Code and is the 50221  
equivalent of a ninth, tenth, eleventh, or twelfth grade student, 50222  
may apply to and enroll in a college under the college credit plus 50223  
program. 50224

(1) In order for a public secondary school student to 50225  
participate in the program, all of the following criteria shall be 50226  
met: 50227

(a) The student or the student's parent shall inform the 50228  
principal, or equivalent, of the student's school by the first day 50229  
of April of the student's intent to participate in the program 50230  
during the following school year. Any student who fails to provide 50231  
the notification by the required date may not participate in the 50232  
program during the following school year without the written 50233  
consent of the principal, or equivalent. If a student seeks 50234  
consent from the principal after failing to provide notification 50235  
by the required date, the principal shall notify the department of 50236  
education of the student's intent to participate within ten days 50237  
of the date on which the student seeks consent. If the principal 50238  
does not provide written consent, the student may appeal the 50239  
principal's decision to the governing entity of the school, except 50240  
for a student who is enrolled in a school district, who may appeal 50241  
the decision to the district superintendent. Not later than thirty 50242  
days after the notification of the appeal, the district 50243  
superintendent or governing entity shall hear the appeal and shall 50244  
make a decision to either grant or deny that student's 50245  
participation in the program. The decision of the district 50246  
superintendent or governing entity shall be final. 50247

- (b) The student shall: 50248
- (i) Apply to a public or a participating private college, or 50249  
an eligible out-of-state college participating in the program, in 50250  
accordance with the college's established procedures for 50251  
admission, pursuant to section 3365.05 of the Revised Code; 50252
- (ii) As a condition of eligibility, ~~be~~ satisfy one of the 50253  
following criteria: 50254
- (I) Be remediation-free, in accordance with one of the 50255  
assessments established under division (F) of section 3345.061 of 50256  
the Revised Code. ~~However, a student who scores within one~~ 50257  
~~standard error of measurement below the remediation free threshold~~ 50258  
~~for one of those assessments shall be considered to have met this~~ 50259  
~~requirement if the student also either:~~ 50260
- ~~(I) Has a cumulative high school grade point average of at~~ 50261  
~~least 3.0. If the student is seeking to participate under section~~ 50262  
~~3365.033 of the Revised Code, the student must have an equivalent~~ 50263  
~~cumulative grade point average in the applicable grade levels.;~~ 50264
- ~~(II) Receives a recommendation from a school counselor,~~ 50265  
~~principal, or career technical program advisor~~ Meet an alternative 50266  
remediation-free eligibility option, as defined by the chancellor 50267  
of higher education, in consultation with the superintendent of 50268  
public instruction, in rules adopted under this section; 50269
- (III) Have participated in the program prior to the effective 50270  
date of this amendment and qualified to participate in the program 50271  
by scoring within one standard error of measurement below the 50272  
remediation-free threshold for one of the assessments established 50273  
under division (F) of section 3345.061 of the Revised Code and 50274  
satisfying one of the conditions specified under division 50275  
(A)(1)(b)(ii)(I) or (II) of this section as those divisions 50276  
existed prior to the effective date of this amendment. 50277
- (iii) Meet the college's and relevant academic program's 50278

established standards for admission, enrollment, and course placement, including course-specific capacity limitations, pursuant to section 3365.05 of the Revised Code.

(c) The student shall elect at the time of enrollment to participate under either division (A) or (B) of section 3365.06 of the Revised Code for each course under the program.

(d) The student and the student's parent shall sign a form, provided by the school, stating that they have received the counseling required under division (B) of section 3365.04 of the Revised Code and that they understand the responsibilities they must assume in the program.

(2) In order for a nonpublic secondary school student, a nonchartered nonpublic secondary school student, or a home-instructed student to participate in the program, both of the following criteria shall be met:

(a) The student shall meet the criteria in divisions (A)(1)(b) and (c) of this section.

(b)(i) If the student is enrolled in a nonpublic secondary school, that student shall send to the department of education a copy of the student's acceptance from a college and an application. The application shall be made on forms provided by the state board of education and shall include information about the student's proposed participation, including the school year in which the student wishes to participate; and the semesters or terms the student wishes to enroll during such year. The department shall mark each application with the date and time of receipt.

(ii) If the student is enrolled in a nonchartered nonpublic secondary school or is home-instructed, the parent or guardian of that student shall notify the department by the first day of April prior to the school year in which the student wishes to

participate. 50310

(B) Except as provided for in division (C) of this section 50311  
and in sections 3365.031 and 3365.032 of the Revised Code: 50312

(1) No public secondary school shall prohibit a student 50313  
enrolled in that school from participating in the program if that 50314  
student meets all of the criteria in division (A)(1) of this 50315  
section. 50316

(2) No participating nonpublic secondary school shall 50317  
prohibit a student enrolled in that school from participating in 50318  
the program if the student meets all of the criteria in division 50319  
(A)(2) of this section and, if the student is enrolled under 50320  
division (B) of section 3365.06 of the Revised Code, the student 50321  
is awarded funding from the department in accordance with rules 50322  
adopted by the chancellor ~~of higher education~~, in consultation 50323  
with the superintendent of public instruction, pursuant to section 50324  
3365.071 of the Revised Code. 50325

(C) For purposes of this section, during the period of an 50326  
expulsion imposed by a public secondary school, a student is 50327  
ineligible to apply to enroll in a college under this section, 50328  
unless the student is admitted to another public secondary or 50329  
participating nonpublic secondary school. If a student is enrolled 50330  
in a college under this section at the time the student is 50331  
expelled, the student's status for the remainder of the college 50332  
term in which the expulsion is imposed shall be determined under 50333  
section 3365.032 of the Revised Code. 50334

(D) Upon a student's graduation from high school, 50335  
participation in the college credit plus program shall not affect 50336  
the student's eligibility at any public college for scholarships 50337  
or for other benefits or opportunities that are available to 50338  
first-time college students and are awarded by that college, 50339  
regardless of the number of credit hours that the student 50340

completed under the program. 50341

(E) The college to which a student applies to participate 50342  
under this section shall pay for one assessment used to determine 50343  
that student's eligibility under this section. However, 50344  
notwithstanding anything to the contrary in Chapter 3365. of the 50345  
Revised Code, any additional assessments used to determine the 50346  
student's eligibility shall be the financial responsibility of the 50347  
student. 50348

**Sec. 3365.032.** (A) For purposes of this section: 50349

(1) The "expulsion of a student" or "expelling a student" 50350  
means the following: 50351

(a) For a public secondary school that is a school operated 50352  
by a city, local, exempted village, or joint vocational school 50353  
district, community school established under Chapter 3314. of the 50354  
Revised Code, or STEM school established under Chapter 3326. of 50355  
the Revised Code, the expulsion of a student or the act of 50356  
expelling a student under division (B) of section 3313.66 of the 50357  
Revised Code; 50358

(b) For a public secondary school that is a 50359  
college-preparatory boarding school, the expulsion of a student or 50360  
the act of expelling a student in accordance with the school's 50361  
bylaws adopted pursuant to section 3328.13 of the Revised Code; 50362

(c) For a public secondary school that is the state school 50363  
for the deaf or the state school for the blind, the expulsion of a 50364  
student or the act of expelling a student in accordance with rules 50365  
adopted by the state board of education. 50366

(2) A "policy to deny high school credit for courses taken 50367  
under the college credit plus program during an expulsion" means 50368  
the following: 50369

(a) For a public secondary school that is a school operated 50370

by a city, local, exempted village, or joint vocational school district, community school established under Chapter 3314. of the Revised Code, or STEM school established under Chapter 3326. of the Revised Code, a policy adopted under section 3313.613 of the Revised Code; 50371  
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(b) For a college-preparatory boarding school established under Chapter 3328. of the Revised Code, a policy adopted in accordance with the school's bylaws adopted pursuant to section 3328.13 of the Revised Code; 50376  
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(c) For the state school for the deaf or the state school for the blind, a policy adopted in accordance with any rules adopted by the state board requiring such a policy. 50380  
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~~(B) When a public secondary school expels a student under division (B) of section 3313.66 of the Revised Code or, for a college preparatory boarding school established under Chapter 3328. of the Revised Code, in accordance with the school's bylaws adopted pursuant to section 3328.13 of the Revised Code, the superintendent, or equivalent, shall send a written notice of the expulsion to any college in which the expelled student is enrolled under section 3365.03 of the Revised Code at the time the expulsion is imposed. The notice shall indicate the date the expulsion is scheduled to expire. The notice also shall indicate whether the school has adopted a policy under section 3313.613 of the Revised Code or, for a college preparatory boarding school, in accordance with the school's bylaws adopted pursuant to section 3328.13 of the Revised Code to deny high school credit for courses taken under the college credit plus program during an expulsion. If the expulsion is extended under division (F) of section 3313.66 of the Revised Code or, for a college preparatory boarding school, in accordance with the school's bylaws adopted pursuant to section 3328.13 of the Revised Code, the superintendent, or equivalent, shall notify the college of the extension.~~ 50383  
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~~(B)~~(C) A college may withdraw its acceptance under section 50403  
3365.03 of the Revised Code of a student who is expelled from 50404  
school ~~under division (B) of section 3313.66 of the Revised Code~~ 50405  
~~er, for a college preparatory boarding school, in accordance with~~ 50406  
~~the school's bylaws adopted pursuant to section 3328.13 of the~~ 50407  
~~Revised Code.~~ As provided in section 3365.03 of the Revised Code, 50408  
regardless of whether the college withdraws its acceptance of the 50409  
student for the college term in which the student is expelled, the 50410  
student is ineligible to enroll in a college under that section 50411  
for subsequent college terms during the period of the expulsion, 50412  
unless the student enrolls in another public school or a 50413  
participating nonpublic school during that period. 50414

If a college withdraws its acceptance of an expelled student 50415  
who elected either option of division (A)(1) or (2) of section 50416  
3365.06 of the Revised Code, the college shall refund tuition and 50417  
fees paid by the student in the same proportion that it refunds 50418  
tuition and fees to students who voluntarily withdraw from the 50419  
college at the same time in the term. 50420

If a college withdraws its acceptance of an expelled student 50421  
who elected the option of division (B) of section 3365.06 of the 50422  
Revised Code, the public school shall not award high school credit 50423  
for the college courses in which the student was enrolled at the 50424  
time the college withdrew its acceptance, and any reimbursement 50425  
under section 3365.07 of the Revised Code for the student's 50426  
attendance prior to the withdrawal shall be the same as would be 50427  
paid for a student who voluntarily withdrew from the college at 50428  
the same time in the term. If the withdrawal results in the 50429  
college's receiving no reimbursement, the college or secondary 50430  
school may require the student to return or pay for any textbooks 50431  
and materials it provided the student free of charge. 50432

~~(C)~~(D) When a student who elected the option of division (B) 50433  
of section 3365.06 of the Revised Code is expelled ~~under division~~ 50434

~~(B) of section 3313.66 of the Revised Code or, for a~~ 50435  
~~college preparatory boarding school, in accordance with the~~ 50436  
~~school's bylaws adopted pursuant to section 3328.13 of the Revised~~ 50437  
Code from a public school that has adopted a policy ~~under section~~ 50438  
~~3313.613 of the Revised Code or, for a college preparatory~~ 50439  
~~boarding school, in accordance with the school's bylaws adopted~~ 50440  
~~pursuant to section 3328.13 of the Revised Code~~ to deny high 50441  
school credit for courses taken under the college credit plus 50442  
program during an expulsion, that election is automatically 50443  
revoked for all college courses in which the student is enrolled 50444  
during the college term in which the expulsion is imposed. Any 50445  
reimbursement under section 3365.07 of the Revised Code for the 50446  
student's attendance prior to the expulsion shall be the same as 50447  
would be paid for a student who voluntarily withdrew from the 50448  
college at the same time in the term. If the revocation results in 50449  
the college's receiving no reimbursement, the college or secondary 50450  
school may require the student to return or pay for any textbooks 50451  
and materials it provided the student free of charge. 50452

Not later than five days after receiving an expulsion notice 50453  
from the superintendent, or equivalent, of a public school that 50454  
has adopted a policy ~~under section 3313.613 of the Revised Code~~ 50455  
~~or, for a college preparatory boarding school, in accordance with~~ 50456  
~~the school's bylaws adopted pursuant to section 3328.13 of the~~ 50457  
~~Revised Code~~ to deny high school credit for courses taken under 50458  
the college credit plus program during an expulsion, the college 50459  
shall send a written notice to the expelled student that the 50460  
student's election of division (B) of section 3365.06 of the 50461  
Revised Code is revoked. If the college elects not to withdraw its 50462  
acceptance of the student, the student shall pay all applicable 50463  
tuition and fees for the college courses and shall pay for any 50464  
textbooks and materials that the college or secondary school 50465  
provided to the student. 50466

Sec. 3365.035. (A) As used in this section, "mature subject matter" means any course subject matter or material of a graphic, explicit, violent, or sexual nature. 50467  
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(B) The department of education and the department of higher education shall jointly develop a permission slip regarding the potential for mature subject matter in a course taken through the college credit plus program. The departments shall post the permission slip in a prominent place on their college credit plus program web sites. 50470  
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(C) For a student enrolled in a public, chartered nonpublic, or nonchartered nonpublic school or a home-instructed student to enroll in any college course under the college credit plus program, the parent of the student and the student shall sign and include the permission slip described in division (B) of this section within the student's application to the public college, participating private college, or eligible out-of-state college in which the student wishes to enroll. 50476  
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(D) Each public and participating private college and eligible out-of-state college participating in the program, upon admitting a student under the program, shall include in the college's enrollment materials the following: 50484  
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(1) A questionnaire for students, developed by the college, to answer in the affirmative acknowledging that the student possesses the necessary social and emotional maturity and is ready to accept the responsibility and independence that a college classroom demands and to resubmit to the college; 50488  
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(2) Guidance on reviewing any course materials available prior to enrolling in a course; 50493  
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(3) Information about the college's and the program's policies on withdrawing from or dropping a course; 50495  
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(4) Information about the student's right to speak with the student's high school counselor or with the academic advisor assigned to the student as prescribed in division (F) of section 3365.05 of the Revised Code. 50497  
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(E) Each public and participating private college and eligible out-of-state college participating in the program shall include a discussion at student orientation about the potential for mature subject matter in courses taken through the program. 50501  
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(F) The department of education, the department of higher education, and each public and participating private college and eligible out-of-state college participating in the program shall post in a prominent place on their college credit plus program web sites the following disclaimer: 50505  
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"The subject matter of a course enrolled in under the college credit plus program may include mature subject matter or materials, including those of a graphic, explicit, violent, or sexual nature, that will not be modified based upon college credit plus enrollee participation regardless of where course instruction occurs." 50510  
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**Sec. 3365.04.** Each public and participating nonpublic secondary school shall do all of the following with respect to the college credit plus program: 50516  
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(A) Provide information about the program prior to the first day of February of each year to all students enrolled in grades six through eleven; 50519  
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(B) Provide counseling services to students in grades six through eleven and to their parents before the students participate in the program under this chapter to ensure that students and parents are fully aware of the possible consequences and benefits of participation. Counseling information shall 50522  
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|------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|----------------------------------|
| include:                                                                                                                                                                                                         | 50527                            |
| (1) Program eligibility;                                                                                                                                                                                         | 50528                            |
| (2) The process for granting academic credits;                                                                                                                                                                   | 50529                            |
| (3) Any necessary financial arrangements for tuition,<br>textbooks, and fees;                                                                                                                                    | 50530<br>50531                   |
| (4) Criteria for any transportation aid;                                                                                                                                                                         | 50532                            |
| (5) Available support services;                                                                                                                                                                                  | 50533                            |
| (6) Scheduling;                                                                                                                                                                                                  | 50534                            |
| (7) Communicating the possible consequences and benefits of<br>participation, including all of the following:                                                                                                    | 50535<br>50536                   |
| (a) The consequences of failing or not completing a course<br>under the program, including the effect on the student's ability<br>to complete the secondary school's graduation requirements;                    | 50537<br>50538<br>50539          |
| (b) The effect of the grade attained in a course under the<br>program being included in the student's grade point average, as<br>applicable;                                                                     | 50540<br>50541<br>50542          |
| (c) The benefits to the student for successfully completing a<br>course under the program, including the ability to reduce the<br>overall costs of, and the amount of time required for, a college<br>education. | 50543<br>50544<br>50545<br>50546 |
| (8) The academic and social responsibilities of students and<br>parents under the program;                                                                                                                       | 50547<br>50548                   |
| (9) Information about and encouragement to use the counseling<br>services of the college in which the student intends to enroll;                                                                                 | 50549<br>50550                   |
| (10) The standard packet of information for the program<br>developed by the chancellor of higher education pursuant to<br>section 3365.15 of the Revised Code;                                                   | 50551<br>50552<br>50553          |
| For a participating nonpublic secondary school, counseling<br>information shall also include an explanation that funding may be                                                                                  | 50554<br>50555                   |

limited and that not all students who wish to participate may be 50556  
able to do so. 50557

(11) Information about the potential for mature subject 50558  
matter, as defined in section 3365.035 of the Revised Code, in 50559  
courses in which the student intends to enroll through the program 50560  
and notification that courses will not be modified based upon 50561  
program enrollee participation regardless of where course 50562  
instruction occurs. The information shall include the permission 50563  
slip described in division (B) of section 3365.035 of the Revised 50564  
Code. 50565

(C) Promote the program on the school's web site, including 50566  
the details of the school's current agreements with partnering 50567  
colleges; 50568

(D) Schedule at least one informational session per school 50569  
year to allow each participating college that is located within 50570  
thirty miles of the school to meet with interested students and 50571  
parents. The session shall include the benefits and consequences 50572  
of participation and shall outline any changes or additions to the 50573  
requirements of the program. If there are no participating 50574  
colleges located within thirty miles of the school, the school 50575  
shall coordinate with the closest participating college to offer 50576  
an informational session. 50577

For the purposes of division (D) of this section, 50578  
"participating college" shall include both of the following: 50579

(1) A partnering college; 50580

(2) Any public college, private college, or eligible 50581  
out-of-state college to which both of the following ~~applies~~ apply: 50582

(a) The college participates in the college credit plus 50583  
program. 50584

(b) The college submits to the public or participating 50585

nonpublic secondary school a request to attend an informational session. 50586  
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(E) Implement a policy for the awarding of grades and the calculation of class standing for courses taken under division (A)(2) or (B) of section 3365.06 of the Revised Code. The policy adopted under this division shall be equivalent to the school's policy for courses taken under the advanced standing programs described in divisions (A)(2) and (3) of section 3313.6013 of the Revised Code or for other courses designated as honors courses by the school. If the policy includes awarding a weighted grade or enhancing a student's class standing for these courses, the policy adopted under this section shall also provide for these procedures to be applied to courses taken under the college credit plus program. 50588  
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(F) Develop model course pathways, pursuant to section 3365.13 of the Revised Code, and publish the course pathways among the school's official list of course offerings for the program. 50600  
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(G) Annually collect, report, and track specified data related to the program according to data reporting guidelines adopted by the chancellor and the superintendent of public instruction pursuant to section 3365.15 of the Revised Code. 50603  
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**Sec. 3365.07.** The department of education shall calculate and pay state funds to colleges for participants in the college credit plus program under division (B) of section 3365.06 of the Revised Code pursuant to this section. For a nonpublic secondary school participant, a nonchartered nonpublic secondary school participant, or a home-instructed participant, the department shall pay state funds pursuant to this section only if that participant is awarded funding according to rules adopted by the chancellor of higher education, in consultation with the superintendent of public instruction, pursuant to section 3365.071 50607  
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of the Revised Code. The program shall be the sole mechanism by 50617  
which state funds are paid to colleges for students to earn 50618  
transcripted credit for college courses while enrolled in both a 50619  
secondary school and a college, with the exception of state funds 50620  
paid to colleges according to an agreement described in division 50621  
(A)(1) of section 3365.02 of the Revised Code. 50622

(A) For each public or nonpublic secondary school participant 50623  
enrolled in a public college: 50624

(1) If no agreement has been entered into under division 50625  
(A)(2) of this section, both of the following shall apply: 50626

(a) The department shall pay to the college the applicable 50627  
amount as follows: 50628

(i) For a participant enrolled in a college course delivered 50629  
on the college campus, at another location operated by the 50630  
college, or online, the lesser of the default ceiling amount or 50631  
the college's standard rate; 50632

(ii) For a participant enrolled in a college course delivered 50633  
at the participant's secondary school but taught by college 50634  
faculty, the lesser of fifty per cent of the default ceiling 50635  
amount or the college's standard rate; 50636

(iii) For a participant enrolled in a college course 50637  
delivered at the participant's secondary school and taught by a 50638  
high school teacher who has met the credential requirements 50639  
established for purposes of the program in rules adopted by the 50640  
chancellor, the default floor amount. 50641

(b) The participant's secondary school shall pay for 50642  
textbooks, and the college shall waive payment of all other fees 50643  
related to participation in the program. 50644

(2) The governing entity of a participant's secondary school 50645  
and the college may enter into an agreement to establish an 50646

alternative payment structure for tuition, textbooks, and fees. 50647  
Under such an agreement, payments for each participant made by the 50648  
department shall be not less than the default floor amount, unless 50649  
approved by the chancellor, and not more than either the default 50650  
ceiling amount or the college's standard rate, whichever is less. 50651  
The chancellor may approve an agreement that includes a payment 50652  
below the default floor amount, as long as the provisions of the 50653  
agreement comply with all other requirements of this chapter to 50654  
ensure program quality. If no agreement is entered into under 50655  
division (A)(2) of this section, both of the following shall 50656  
apply: 50657

(a) The department shall pay to the college the applicable 50658  
default amounts prescribed by division (A)(1)(a) of this section, 50659  
depending upon the method of delivery and instruction. 50660

(b) In accordance with division (A)(1)(b) of this section, 50661  
the participant's secondary school shall pay for textbooks, and 50662  
the college shall waive payment of all other fees related to 50663  
participation in the program. 50664

(3) No participant that is enrolled in a public college shall 50665  
be charged for any tuition, textbooks, or other fees related to 50666  
participation in the program. 50667

(B) For each public secondary school participant enrolled in 50668  
a private college: 50669

(1) If no agreement has been entered into under division 50670  
(B)(2) of this section, the department shall pay to the college 50671  
the applicable amount calculated in the same manner as in division 50672  
(A)(1)(a) of this section. 50673

(2) The governing entity of a participant's secondary school 50674  
and the college may enter into an agreement to establish an 50675  
alternative payment structure for tuition, textbooks, and fees. 50676  
Under such an agreement, payments shall be not less than the 50677

default floor amount, unless approved by the chancellor, and not 50678  
more than either the default ceiling amount or the college's 50679  
standard rate, whichever is less. 50680

If an agreement is entered into under division (B)(2) of this 50681  
section, both of the following shall apply: 50682

(a) The department shall make a payment to the college for 50683  
each participant that is equal to the default floor amount, unless 50684  
approved by the chancellor to pay an amount below the default 50685  
floor amount. The chancellor may approve an agreement that 50686  
includes a payment below the default floor amount, as long as the 50687  
provisions of the agreement comply with all other requirements of 50688  
this chapter to ensure program quality. 50689

(b) Payment for costs for the participant that exceed the 50690  
amount paid by the department pursuant to division (B)(2)(a) of 50691  
this section shall be negotiated by the school and the college. 50692  
The agreement may include a stipulation permitting the charging of 50693  
a participant. 50694

However, under no circumstances shall: 50695

(i) Payments for a participant made by the department under 50696  
division (B)(2) of this section exceed the lesser of the default 50697  
ceiling amount or the college's standard rate; 50698

(ii) The amount charged to a participant under division 50699  
(B)(2) of this section exceed the difference between the maximum 50700  
per participant charge amount and the default floor amount; 50701

(iii) The sum of the payments made by the department for a 50702  
participant and the amount charged to that participant under 50703  
division (B)(2) of this section exceed the following amounts, as 50704  
applicable: 50705

(I) For a participant enrolled in a college course delivered 50706  
on the college campus, at another location operated by the 50707

college, or online, the maximum per participant charge amount; 50708

(II) For a participant enrolled in a college course delivered 50709  
at the participant's secondary school but taught by college 50710  
faculty, one hundred twenty-five dollars; 50711

(III) For a participant enrolled in a college course 50712  
delivered at the participant's secondary school and taught by a 50713  
high school teacher who has met the credential requirements 50714  
established for purposes of the program in rules adopted by the 50715  
chancellor, one hundred dollars. 50716

(iv) A participant that is identified as economically 50717  
disadvantaged according to rules adopted by the department be 50718  
charged under division (B)(2) of this section for any tuition, 50719  
textbooks, or other fees related to participation in the program. 50720

(C) For each nonpublic secondary school participant enrolled 50721  
in a private or eligible out-of-state college, the department 50722  
shall pay to the college the applicable amount calculated in the 50723  
same manner as in division (A)(1)(a) of this section. Payment for 50724  
costs for the participant that exceed the amount paid by the 50725  
department shall be negotiated by the governing body of the 50726  
nonpublic secondary school and the college. 50727

However, under no circumstances shall: 50728

(1) The payments for a participant made by the department 50729  
under this division exceed the lesser of the default ceiling 50730  
amount or the college's standard rate. 50731

(2) Any nonpublic secondary school participant, who is 50732  
enrolled in that secondary school with a scholarship awarded under 50733  
either the educational choice scholarship pilot program, as 50734  
prescribed by sections 3310.01 to 3310.17, or the pilot project 50735  
scholarship program, as prescribed by sections 3313.974 to 50736  
3313.979 of the Revised Code, and who qualifies as a low-income 50737  
student under either of those programs, be charged for any 50738

tuition, textbooks, or other fees related to participation in the 50739  
college credit plus program. 50740

(D) For each nonchartered nonpublic secondary school 50741  
participant and each home-instructed participant enrolled in a 50742  
public, private, or eligible out-of-state college, the department 50743  
shall pay to the college the lesser of the default ceiling amount 50744  
or the college's standard rate, if that participant is enrolled in 50745  
a college course delivered on the college campus, at another 50746  
location operated by the college, or online. 50747

(E) Not later than thirty days after the end of each term, 50748  
each college expecting to receive payment for the costs of a 50749  
participant under this section shall notify the department of the 50750  
number of enrolled credit hours for each participant. 50751

(F) The department shall make the applicable payments under 50752  
this section to each college, which provided proper notification 50753  
to the department under division (E) of this section, for the 50754  
number of enrolled credit hours for participants enrolled in the 50755  
college under division (B) of section 3365.06 of the Revised Code. 50756  
Except in cases involving incomplete participant information or a 50757  
dispute of participant information, payments shall be made by the 50758  
last day of January for participants who were enrolled during the 50759  
fall term and by the last day of July for participants who were 50760  
enrolled during the spring term. The department shall not make any 50761  
payments to a college under this section if a participant withdrew 50762  
from a course prior to the date on which a withdrawal from the 50763  
course would have negatively affected the participant's 50764  
transcripted grade, as prescribed by the college's established 50765  
withdrawal policy. 50766

(1) Payments made for public secondary school participants 50767  
under this section shall be deducted as follows: 50768

(a) For a participant enrolled in a school district, from the 50769

school foundation payments made to the participant's school 50770  
district ~~or, if the participant is enrolled in a community school,~~ 50771  
~~a STEM school, or a college preparatory boarding school, from the~~ 50772  
~~payments made to that school under section 3314.08, 3326.33, or~~ 50773  
~~3328.34 of the Revised Code.~~ If the participant is enrolled in a 50774  
joint vocational school district, a portion of the amount shall be 50775  
deducted from the payments to the joint vocational school district 50776  
and a portion shall be deducted from the payments to the 50777  
participant's city, local, or exempted village school district in 50778  
accordance with the full-time equivalency of the student's 50779  
enrollment in each district. 50780

(b) For a participant enrolled in a community school 50781  
established under Chapter 3314. of the Revised Code, from the 50782  
payments made to that school under section 3317.022 of the Revised 50783  
Code; 50784

(c) For a participant enrolled in a STEM school, from the 50785  
payments made to that school under section 3317.022 of the Revised 50786  
Code; 50787

(d) For a participant enrolled in a college-preparatory 50788  
boarding school, from the payments made to that school under 50789  
section 3328.34 of the Revised Code; 50790

(e) For a participant enrolled in the state school for the 50791  
deaf or the state school for the blind, from the amount paid to 50792  
that school with funds appropriated by the general assembly for 50793  
support of that school; 50794

(f) For a participant enrolled in an institution operated by 50795  
the department of youth services, from the amount paid to that 50796  
institution with funds appropriated by the general assembly for 50797  
support of that institution. Amounts 50798

Amounts deducted under ~~division~~ divisions (F)(1)(a) to (f) of 50799  
this section shall be calculated in accordance with rules adopted 50800

by the chancellor, in consultation with the state superintendent, 50801  
pursuant to division (B) of section 3365.071 of the Revised Code 50802

(2) Payments made for nonpublic secondary school 50803  
participants, nonchartered nonpublic secondary school 50804  
participants, and home-instructed participants under this section 50805  
shall be deducted from moneys appropriated by the general assembly 50806  
for such purpose. Payments shall be allocated and distributed in 50807  
accordance with rules adopted by the chancellor, in consultation 50808  
with the state superintendent, pursuant to division (A) of section 50809  
3365.071 of the Revised Code. 50810

(G) Any public college that enrolls a student under division 50811  
(B) of section 3365.06 of the Revised Code may include that 50812  
student in the calculation used to determine its state share of 50813  
instruction funds appropriated to the department of higher 50814  
education by the general assembly. 50815

**Sec. 3365.08.** (A) No participant enrolled under this chapter 50816  
in a course for which credit toward high school graduation is 50817  
awarded shall receive direct financial aid through any state or 50818  
federal program. 50819

(B) If a school district provides transportation for resident 50820  
school students in grades eleven and twelve under section 3327.01 50821  
of the Revised Code, a parent of a participant enrolled in a 50822  
course under division (A)(2) or (B) of section 3365.06 of the 50823  
Revised Code may apply to the board of education for full or 50824  
partial reimbursement for the necessary costs of transporting the 50825  
participant between the secondary school the participant attends 50826  
and the college in which the participant is enrolled. 50827  
Reimbursement may be paid solely from funds received by the 50828  
district for student transportation under section 3317.0212 of the 50829  
Revised Code or other provisions of law. The state board of 50830  
education shall establish guidelines, based on financial need, 50831

under which a district may provide such reimbursement. 50832

(C) If a community school provides or arranges transportation 50833  
for its students in grades nine through twelve under section 50834  
3314.091 of the Revised Code, a parent of a participant of the 50835  
community school who is enrolled in a course under division (A)(2) 50836  
or (B) of section 3365.06 of the Revised Code may apply to the 50837  
governing authority of the community school for full or partial 50838  
reimbursement of the necessary costs of transporting the 50839  
participant between the community school and the college. The 50840  
governing authority may pay the reimbursement in accordance with 50841  
the state board's rules adopted under division (B) of this section 50842  
solely from funds paid to it under division (H) of section 50843  
~~3314.091~~ 3317.0212 of the Revised Code. 50844

Sec. 3375.011. Any library organized under Chapter 3375. of 50845  
the Revised Code shall provide free of charge to any individual a 50846  
photocopy of that individual's driver's license, temporary 50847  
driver's permit, or state identification card, if the individual 50848  
requests one. 50849

Sec. 3376.01. As used in this chapter: 50850

(A) "State institution of higher education" has the same 50851  
meaning as in section 3345.011 of the Revised Code. 50852

(B) "Private college" has the same meaning as in section 50853  
3365.01 of the Revised Code. 50854

Sec. 3376.02. No state institution of higher education or 50855  
private college shall uphold any rule, requirement, standard, or 50856  
other limitation that prevents a student of that institution or 50857  
college from fully participating in intercollegiate athletics 50858  
because the student earns compensation as a result of the use of 50859  
the student's name, image, or likeness. Earning compensation from 50860

the use of a student's name, image, or likeness shall not affect 50861  
the student's scholarship eligibility or renewal. 50862

Sec. 3376.03. An athletic association, conference, or other 50863  
group or organization with authority over intercollegiate 50864  
athletics, including the national collegiate athletic association 50865  
or its successor organization, shall not do either of the 50866  
following: 50867

(A) Prevent a student of a state institution of higher 50868  
education or private college from fully participating in 50869  
intercollegiate athletics because the student earns compensation 50870  
as a result of the use of the student's name, image, or likeness; 50871

(B) Prevent a state institution of higher education or 50872  
private college from fully participating in intercollegiate 50873  
athletics because a student of that institution or college 50874  
participating in intercollegiate athletics does either of the 50875  
following: 50876

(1) Uses the student's name, image, or likeness; 50877

(2) Obtains professional representation in relation to 50878  
contracts or legal matters regarding opportunities to earn 50879  
compensation for use of the student's name, image, or likeness. 50880

Sec. 3376.04. No state institution of higher education, 50881  
private college, athletic association, conference, or other group 50882  
or organization with authority over intercollegiate athletics 50883  
shall do any of the following: 50884

(A) Provide a prospective student who intends to participate 50885  
in intercollegiate athletics with compensation in relation to the 50886  
prospective student's name, image, or likeness; 50887

(B) Prevent a student who resides in this state and 50888  
participates in intercollegiate athletics from obtaining 50889

professional representation in relation to contracts or legal matters regarding opportunities to be compensated for use of the student's name, image, or likeness; 50890  
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(C) Interfere with or prevent a student from fully participating in intercollegiate athletics because the student obtains professional representation in relation to contracts or legal matters regarding opportunities to earn compensation for use of the student's name, image, or likeness. 50893  
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Sec. 3376.05. A scholarship from a state institution of higher education or private college at which a student is enrolled is not compensation for use of the student's name, image, or likeness for purposes of this chapter. No state institution of higher education or private college shall revoke or reduce a scholarship as a result of a student earning compensation for use of the student's name, image, or likeness if the student earns that compensation in accordance with this chapter. 50898  
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Sec. 3376.06. (A) As used in this section: 50906

(1) "Official team activities" means all games, practices, exhibitions, scrimmages, team appearances, team photograph sessions, sports camps sponsored by the institution or college, and other team-organized activities, regardless of whether the activity takes place on or off campus, including individual photograph sessions and news media interviews. 50907  
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(2) "Student" means an individual enrolled at a state institution of higher education or private college who participates in intercollegiate athletics. 50913  
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(B) A state institution of higher education's or private college's contract with a student shall not prevent the student from using the student's name, image, or likeness for a commercial purpose when the student is not engaged in official team 50916  
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activities. 50920

(C) A student shall not enter into a contract providing 50921  
compensation to the student for use of the student's name, image, 50922  
or likeness that requires the student to display a sponsor's 50923  
product, or otherwise advertise for a sponsor, during official 50924  
team activities or any other time if that requirement is in 50925  
conflict with a provision of a contract to which a state 50926  
institution of higher education or private college is a party. 50927

(D)(1) A student who intends to enter into a verbal or 50928  
written contract providing compensation to the student for use of 50929  
the student's name, image, or likeness shall disclose the proposed 50930  
contract to an official of the state institution of higher 50931  
education or private college for review by the institution or 50932  
college. The institution or college shall designate an official to 50933  
whom the student is to disclose the proposed contract. 50934

(2) If a state institution of higher education or private 50935  
college identifies a conflict between the proposed verbal or 50936  
written contract described in division (D)(1) of this section and 50937  
any existing provisions of a contract to which the institution or 50938  
college is a party, the institution or college shall communicate 50939  
to the student the relevant contract provision that is in 50940  
conflict. The student shall not enter into the proposed contract, 50941  
but the student may negotiate a revision to the proposed contract 50942  
to avoid the conflict. The revised proposed contract is subject to 50943  
review by the institution or college to ensure compliance with 50944  
this chapter. 50945

(E) A state institution of higher education or private 50946  
college may establish reasonable policies or standards to address 50947  
a student's failure to provide the disclosure required under 50948  
division (D)(1) of this section or any other failure to comply 50949  
with the requirements of this chapter. 50950

Sec. 3376.07. A state institution of higher education, 50951  
private college, athletic association, conference, or other group 50952  
or organization with authority over intercollegiate athletics may 50953  
prohibit a student who participates in intercollegiate athletics 50954  
from entering into a contract providing compensation to the 50955  
student for use of the student's name, image, or likeness if under 50956  
the contract the student's name, image, or likeness is associated 50957  
with any of the following: 50958

(A) Any company that manufactures, markets, or sells, or 50959  
brand that is associated with, a controlled substance, marihuana 50960  
product, medical marijuana product, alcoholic product, tobacco 50961  
product, electronic smoking device, vapor product, or product or 50962  
device that consists of or contains nicotine that can be ingested 50963  
into the body; 50964

(B) Any medical marijuana cultivator, processor, laboratory, 50965  
or retail dispensary licensed under Chapter 3796. of the Revised 50966  
Code or under the laws of another state; 50967

(C) Any business engaged in the sale, rental, or exhibition 50968  
for any form of consideration of adult entertainment that is 50969  
characterized by an emphasis on the exposure or display of sexual 50970  
activity; 50971

(D) Any casino or entity that sponsors or promotes gambling 50972  
activities; 50973

(E) Any other category of companies, brands, or types of 50974  
contracts that are similar to those described in divisions (A) to 50975  
(D) of this section that the institution or college communicates 50976  
to the student before the student enrolls at the institution or 50977  
college. 50978

Sec. 3376.08. Nothing in this chapter does any of the 50979  
following: 50980

(A) Requires a state institution of higher education, private college, athletic association, conference, or other group or organization with authority over intercollegiate athletics to identify, create, facilitate, negotiate, or otherwise enable opportunities for a student to earn compensation for use of the student's name, image, or likeness; 50981  
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(B) Establishes or grants to a student any right to use the name, trademarks, services marks, logos, symbols, or any other intellectual property, regardless of whether the intellectual property is registered with the appropriate authority, that belong to a state institution of higher education, private college, athletic association, conference, or other group or organization with authority over intercollegiate athletics, to further the student's opportunities to earn compensation for use of the student's name, image, or likeness; 50987  
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(C) Limits the rights of a state institution of higher education or private college to establish and enforce any of the following: 50996  
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(1) Academic standards, requirements, regulations, or obligations for its students; 50999  
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(2) Team rules of conduct or other rules of conduct; 51001

(3) Standards or policies regarding the governance or operation of or participation in intercollegiate varsity athletics; 51002  
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(4) Disciplinary rules and standards generally applicable to all students of the institution or college. 51005  
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**Sec. 3501.054.** (A) As used in this section, "public official" means any elected or appointed officer, employee, or agent of the state or any political subdivision, board, commission, bureau, or other public body established by law. 51007  
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(B) No public official that is responsible for administering or conducting an election in this state shall collaborate with, or accept or expend any money from, a nongovernmental person or entity for any costs or activities related to voter registration, voter education, voter identification, get-out-the-vote, absent voting, election official recruitment or training, or any other election-related purpose, other than the following: 51011  
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(1) The collection of any fee that is authorized by law; 51018

(2) The use of any building to conduct an election, including as a polling place; 51019  
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(3) The donation of food for precinct election officials at a polling place on election day. 51021  
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(C) This section does not apply to any money to be deposited in the address confidentiality program fund established under section 111.48 of the Revised Code or the women's suffrage centennial commission fund established under Section 1 of S.B. 30 of the 132nd general assembly, as amended. 51023  
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**Sec. 3501.302.** The secretary of state may enter into agreements for the bulk purchase of election supplies in order to reduce the costs for such purchases by individual boards of elections. A board of elections desiring to participate in such purchase agreements shall file with the secretary of state a written request for inclusion. A request for inclusion shall include an agreement to be bound by such terms and conditions as the secretary of state prescribes and to make direct payments to the vendor under each purchase agreement. 51028  
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Nothing in this section prohibits a board of elections from purchasing election supplies through the department of administrative services under section 125.04 of the Revised Code. 51037  
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**Sec. 3701.021.** (A) The director of health shall adopt, in 51040

accordance with Chapter 119. of the Revised Code, such rules as 51041  
are necessary to carry out sections 3701.021 to 3701.0210 of the 51042  
Revised Code, including, but not limited to, rules to establish 51043  
the following: 51044

(1) ~~Medical~~ Subject to division (D) of this section, medical 51045  
and financial eligibility requirements for the program for 51046  
medically handicapped children; 51047

(2) Subject to division (C) of this section, eligibility 51048  
requirements for providers who provide goods and services for the 51049  
program for medically handicapped children; 51050

(3) Procedures to be followed by the department of health in 51051  
disqualifying providers for violating requirements adopted under 51052  
division (A)(2) of this section; 51053

(4) Procedures to be used by the department regarding 51054  
application for diagnostic services under division (B) of section 51055  
3701.023 of the Revised Code and payment for those services under 51056  
division (E) of that section; 51057

(5) Standards for the provision of service coordination by 51058  
the department of health and city and general health districts; 51059

(6) Procedures for the department to use to determine the 51060  
amount to be paid annually by each county for services for 51061  
medically handicapped children and to allow counties to retain 51062  
funds under divisions (A)(2) and (3) of section 3701.024 of the 51063  
Revised Code; 51064

(7) Financial eligibility requirements for services for Ohio 51065  
residents twenty-one years of age or older who have cystic 51066  
fibrosis; 51067

(8) Criteria for payment of approved providers who provide 51068  
goods and services for medically handicapped children; 51069

(9) Criteria for the department to use in determining whether 51070

the payment of health insurance premiums of participants in the program for medically handicapped children is cost-effective; 51071  
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(10) Procedures for appeal of denials of applications under divisions (A) and (D) of section 3701.023 of the Revised Code, disqualification of providers, and amounts paid for services; 51073  
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(11) Terms of appointment for members of the medically handicapped children's medical advisory council created in section 3701.025 of the Revised Code; 51076  
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(12) Eligibility requirements for the hemophilia program, including income and hardship requirements; 51079  
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(13) If a manufacturer discount program is established under division (J)(1) of section 3701.023 of the Revised Code, procedures for administering the program, including criteria and other requirements for participation in the program by manufacturers of drugs and nutritional formulas. 51081  
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(B) The department of health shall develop a manual of operational procedures and guidelines for the program for medically handicapped children to implement sections 3701.021 to 3701.0210 of the Revised Code. 51086  
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(C) A medicaid provider, as defined in section 5164.01 of the Revised Code, is eligible to be a provider of the same goods and services for the program for medically handicapped children that the provider is approved to provide for the medicaid program and the director shall approve such a provider for participation in the program for medically handicapped children. 51090  
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(D) In establishing medical and financial eligibility requirements for the program for medically handicapped children, the director of health shall not specify an age restriction that excludes from eligibility an individual who is either of the following: 51096  
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|---------------------------------------------------------------------------|-------|
| <u>(1) Beginning on July 1, 2021, less than twenty-two years of</u>       | 51101 |
| <u>age;</u>                                                               | 51102 |
| <u>(2) Beginning on July 1, 2022, less than twenty-three years</u>        | 51103 |
| <u>of age.</u>                                                            | 51104 |
| <b>Sec. 3701.022.</b> As used in sections 3701.021 to 3701.0210 of        | 51105 |
| the Revised Code:                                                         | 51106 |
| (A) "Medically handicapped child" means an Ohio resident <u>who</u>       | 51107 |
| <u>meets the age requirements set forth in division (D) of section</u>    | 51108 |
| <u>3701.021 of the Revised Code</u> who suffers primarily from an organic | 51109 |
| disease, defect, or a congenital or acquired physically                   | 51110 |
| handicapping and associated condition that may hinder the                 | 51111 |
| achievement of normal growth and development.                             | 51112 |
| (B) "Provider" means a health professional, hospital, medical             | 51113 |
| equipment supplier, and any individual, group, or agency that is          | 51114 |
| approved by the department of health pursuant to division (C) of          | 51115 |
| section 3701.023 of the Revised Code and that provides or intends         | 51116 |
| to provide goods or services to a child who is eligible for the           | 51117 |
| program for medically handicapped children.                               | 51118 |
| (C) "Service coordination" means case management services                 | 51119 |
| provided to medically handicapped children that promote effective         | 51120 |
| and efficient organization and utilization of public and private          | 51121 |
| resources and ensure that care rendered is family-centered,               | 51122 |
| community-based, and coordinated.                                         | 51123 |
| (D)(1) "Third party" means any person or government entity                | 51124 |
| other than the following:                                                 | 51125 |
| (a) A medically handicapped child participating in the                    | 51126 |
| program for medically handicapped children or the child's parent          | 51127 |
| or guardian;                                                              | 51128 |
| (b) The department or any program administered by the                     | 51129 |
| department, including the "Maternal and Child Health Block Grant,"        | 51130 |

|                                                                          |       |
|--------------------------------------------------------------------------|-------|
| Title V of the "Social Security Act," 95 Stat. 818 (1981), 42            | 51131 |
| U.S.C.A. 701, as amended;                                                | 51132 |
| (c) The "caring program for children" operated by the                    | 51133 |
| nonprofit community mutual insurance corporation.                        | 51134 |
| (2) "Third party" includes all of the following:                         | 51135 |
| (a) Any trust established to benefit a medically handicapped             | 51136 |
| child participating in the program or the child's family or              | 51137 |
| guardians, if the trust was established after the date the               | 51138 |
| medically handicapped child applied to participate in the program;       | 51139 |
| (b) That portion of a trust designated to pay for the medical            | 51140 |
| and ancillary care of a medically handicapped child, if the trust        | 51141 |
| was established on or before the date the medically handicapped          | 51142 |
| child applied to participate in the program;                             | 51143 |
| (c) The program awarding reparations to victims of crime                 | 51144 |
| established under sections 2743.51 to 2743.72 of the Revised Code.       | 51145 |
| (E) "Third-party benefits" means any and all benefits paid by            | 51146 |
| a third party to or on behalf of a medically handicapped child           | 51147 |
| participating in the program or the child's parent or guardian for       | 51148 |
| goods or services that are authorized by the department pursuant         | 51149 |
| to division (B) or (D) of section 3701.023 of the Revised Code.          | 51150 |
| (F) "Hemophilia program" means the hemophilia program the                | 51151 |
| department of health is required to establish and administer under       | 51152 |
| section 3701.029 of the Revised Code.                                    | 51153 |
| <u>Sec. 3701.0410. The department of health shall adopt rules in</u>     | 51154 |
| <u>accordance with Chapter 119. of the Revised Code that establish a</u> | 51155 |
| <u>procedure for county or regional drug overdose fatality review</u>    | 51156 |
| <u>committees to follow in conducting a review of an overdose death.</u> | 51157 |
| <u>The rules shall do all of the following:</u>                          | 51158 |
| <u>(A) Establish the format for the annual reports required by</u>       | 51159 |
| <u>section 307.636 of the Revised Code;</u>                              | 51160 |

(B) Establish guidelines for a county or regional review committee to follow in compiling statistics for annual reports so that the reports do not contain any information that would permit any person's identity to be ascertained from a report; 51161  
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(C) Establish guidelines for a county or regional review committee to follow in creating and maintaining the comprehensive database of overdose deaths required by section 307.634 of the Revised Code, including provisions establishing uniform record-keeping procedures; 51165  
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(D) Establish guidelines for reporting drug overdose fatality review data to the department of health, which must maintain the confidentiality of information that would permit a person's identity to be ascertained; 51170  
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(E) Establish guidelines, materials, and training to help educate members of county or regional review committees about the purpose of the review process and the confidentiality of the information described in section 307.639 of the Revised Code; 51174  
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(F) Establish guidelines, materials, and training, in consultation with the state board of pharmacy, about the appropriate use of the drug database maintained in accordance with section 4729.75 of the Revised Code. 51178  
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Sec. 3701.0411. The department of health shall adopt rules in accordance with Chapter 119. of the Revised Code that establish a procedure for county or regional suicide fatality review committees to follow in conducting a review of a suicide death. The rules shall do all of the following: 51182  
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(A) Establish the format for the annual reports required by section 307.646 of the Revised Code; 51187  
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(B) Establish guidelines for a county or regional review committee to follow in compiling statistics for annual reports so 51189  
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that the reports do not contain any information that would permit 51191  
any person's identity to be ascertained from a report; 51192

(C) Establish guidelines for a county or regional review 51193  
committee to follow in creating and maintaining the comprehensive 51194  
database of deaths by suicide required by section 307.643 of the 51195  
Revised Code, including provisions establishing uniform 51196  
record-keeping procedures; 51197

(D) Establish guidelines for reporting suicide fatality 51198  
review data to the department of health, which must maintain the 51199  
confidentiality of information that would permit a person's 51200  
identity to be ascertained; 51201

(E) Establish guidelines, materials, and training to help 51202  
educate members of county or regional review committees about the 51203  
purpose of the review process and the confidentiality of the 51204  
information described in section 307.649 of the Revised Code; 51205

(F) Establish guidelines, materials, and training, in 51206  
consultation with the state board of pharmacy, about the 51207  
appropriate use of the drug database maintained in accordance with 51208  
section 4729.75 of the Revised Code. 51209

**Sec. 3701.132.** (A) As used in this section, "WIC program" 51210  
means the "special supplemental nutrition program for women, 51211  
infants, and children" established under the "Child Nutrition Act 51212  
of 1966," 80 Stat. 885, 42 U.S.C. 1786, as amended. 51213

(B) The department of health is hereby designated as the 51214  
state agency to administer the WIC program. 51215

The director of health shall adopt rules pursuant to Chapter 51216  
119. of the Revised Code as necessary for administering the WIC 51217  
program. The rules may include civil money penalties for 51218  
violations of the rules. ~~The rules shall require a contract the~~ 51219  
~~department enters into with a WIC clinic to include provisions~~ 51220

~~requiring the clinic to promote the use of technology based 51221  
resources, such as mobile telephone or text messaging 51222  
applications, that offer tips on having a healthy pregnancy and 51223  
healthy baby to clinic clients who are pregnant or have an infant 51224  
who is less than one year of age. 51225~~

(C) In determining eligibility for services provided under 51226  
the WIC program, the department may use the application form 51227  
established under section 5163.40 of the Revised Code for the 51228  
healthy start program. The department may require applicants to 51229  
furnish their social security numbers. 51230

(D) If the department determines that a vendor has committed 51231  
an act with respect to the WIC program that federal statutes or 51232  
regulations or state statutes or rules prohibit, the department 51233  
shall take action against the vendor in the manner required by 7 51234  
C.F.R. part 246, including imposition of a civil money penalty in 51235  
accordance with 7 C.F.R. 246.12, or rules adopted under this 51236  
section. 51237

Sec. 3701.145. (A) The director of health shall ensure that, 51238  
as part of the Ohio breast and cervical cancer project 51239  
administered under section 3701.144 of the Revised Code, a woman 51240  
who meets all of the following conditions receives treatment for 51241  
breast or cervical cancer: 51242

(1) The woman was screened for breast or cervical cancer by a 51243  
provider who either does not participate in or was not paid for 51244  
the screening by the Ohio breast and cervical cancer project. 51245

(2) The woman is in need of treatment for breast or cervical 51246  
cancer. 51247

(3) The woman has a countable income not exceeding three 51248  
hundred per cent of the federal poverty line. 51249

(4) The woman is not covered by health insurance. 51250

|                                                                         |       |
|-------------------------------------------------------------------------|-------|
| <u>(5) The woman is less than sixty-five years of age.</u>              | 51251 |
| <u>(B) The director of health may adopt rules as necessary to</u>       | 51252 |
| <u>implement this section. The rules shall be adopted in accordance</u> | 51253 |
| <u>with Chapter 119. of the Revised Code.</u>                           | 51254 |
| <b>Sec. 3701.362.</b> (A) Each of the health care facilities and        | 51255 |
| providers identified in division (B) of this section shall do both      | 51256 |
| of the following:                                                       | 51257 |
| (1) Establish a system for identifying patients or residents            | 51258 |
| who could benefit from palliative care;                                 | 51259 |
| (2) Provide information on palliative care to patients and              | 51260 |
| residents who could benefit from palliative care.                       | 51261 |
| (B) Division (A) of this section applies to all of the                  | 51262 |
| following:                                                              | 51263 |
| (1) A hospital registered under section 3701.07 of the                  | 51264 |
| Revised Code;                                                           | 51265 |
| (2) An ambulatory surgical facility, as defined in section              | 51266 |
| 3702.30 of the Revised Code;                                            | 51267 |
| (3) A nursing home, residential care facility, county home,             | 51268 |
| or district home, as defined in section 3721.01 of the Revised          | 51269 |
| Code;                                                                   | 51270 |
| (4) A veterans' home operated under Chapter 5907. of the                | 51271 |
| Revised Code;                                                           | 51272 |
| (5) A hospice care program or pediatric respite care program,           | 51273 |
| as defined in section 3712.01 of the Revised Code;                      | 51274 |
| (6) A home health agency, as defined in section <del>3701.881</del>     | 51275 |
| <u>3740.01</u> of the Revised Code.                                     | 51276 |
| <b>Sec. 3701.501.</b> (A)(1) Except as provided in division (A)(2)      | 51277 |
| of this section, all newborn children shall be screened for the         | 51278 |

presence of the genetic, endocrine, and metabolic disorders 51279  
specified in rules adopted pursuant to this section. 51280

(2) Division (A)(1) of this section does not apply in ~~either~~ 51281  
any of the following circumstances: 51282

(a) If the parents of the child object to the screening on 51283  
the grounds that it conflicts with their religious tenets and 51284  
practices; 51285

(b) With respect to the screening for Krabbe disease 51286  
described in division (C)(1)(b) of this section, if the parents of 51287  
the child communicate their decision to forgo the screening; 51288

(c) If appropriate laboratory equipment is not available. 51289

(B) There is hereby created the newborn screening advisory 51290  
council to advise the director of health regarding the screening 51291  
of newborn children for genetic, endocrine, and metabolic 51292  
disorders. The council shall engage in an ongoing review of the 51293  
newborn screening requirements established under this section and 51294  
shall provide recommendations and reports to the director as the 51295  
director requests and as the council considers necessary. The 51296  
director may assign other duties to the council, as the director 51297  
considers appropriate. 51298

The council shall consist of fourteen members appointed by 51299  
the director. In making appointments, the director shall select 51300  
individuals and representatives of entities with interest and 51301  
expertise in newborn screening, including such individuals and 51302  
entities as health care professionals, hospitals, children's 51303  
hospitals, regional genetic centers, regional sickle cell centers, 51304  
newborn screening coordinators, and members of the public. 51305

The department of health shall provide meeting space, staff 51306  
services, and other technical assistance required by the council 51307  
in carrying out its duties. Members of the council shall serve 51308  
without compensation, but shall be reimbursed for their actual and 51309

necessary expenses incurred in attending meetings of the council 51310  
or performing assignments for the council. 51311

The council is not subject to sections 101.82 to 101.87 of 51312  
the Revised Code. 51313

(C)(1)(a) Subject to division (C)(1)(b) of this section, the 51314  
director of health shall adopt rules in accordance with Chapter 51315  
119. of the Revised Code specifying the disorders for which each 51316  
newborn child must be screened. 51317

(b) In adopting the rules, all of the following apply: 51318

(i) The director shall specify Krabbe disease as a disorder 51319  
for which a newborn child who is born on or after July 1, 2016, 51320  
must be screened. 51321

(ii) The director shall specify spinal muscular atrophy and 51322  
X-linked adrenoleukodystrophy as disorders for which a newborn 51323  
child who is born on or after the date that is two hundred forty 51324  
days after the effective date of this amendment must be screened. 51325

(iii) Not later than six months after receiving a 51326  
recommendation as described in division (C)(3)(b) of this section, 51327  
the director shall specify for screening a disorder recommended as 51328  
described in division (C)(3)(b) of this section, with such 51329  
screening to begin not later than one year after the date that the 51330  
rule specifying the disorder for screening becomes effective. 51331

(2) The newborn screening advisory council shall evaluate 51332  
genetic, metabolic, and endocrine disorders to assist the director 51333  
in determining which disorders should be included in the 51334  
screenings required under this section. In determining whether a 51335  
disorder should be included, the council shall consider all of the 51336  
following: 51337

(a) The disorder's incidence, mortality, and morbidity; 51338

(b) Whether the disorder causes disability if diagnosis, 51339

treatment, and early intervention are delayed; 51340

(c) The potential for successful treatment of the disorder; 51341

(d) The expected benefits to children and society in relation 51342  
to the risks and costs associated with screening for the disorder; 51343

(e) Whether a screening for the disorder can be conducted 51344  
without taking an additional blood sample or specimen; 51345

(f) Whether the secretary of the United States department of 51346  
health and human services has included the disorder in the federal 51347  
recommended uniform screening panel. 51348

(3)(a) Based on the considerations specified in division 51349  
(C)(2) of this section, the council shall make recommendations to 51350  
the director of health for the adoption of rules under division 51351  
(C)(1) of this section. ~~The~~ 51352

(b) In the case of a disorder included within the federal 51353  
recommended uniform screening panel, the council shall determine 51354  
not later than six months after the date of the disorder's 51355  
inclusion on the federal panel whether or not to recommend to the 51356  
director that each newborn child be screened for the disorder. If 51357  
the council recommends screening for the disorder, the council 51358  
shall submit to the director as soon as practicable a 51359  
recommendation for such screening. 51360

(c) The director shall promptly and thoroughly review each 51361  
recommendation the council submits. 51362

(D) The director shall adopt rules in accordance with Chapter 51363  
119. of the Revised Code establishing standards and procedures for 51364  
the screenings required by this section. The rules shall include 51365  
standards and procedures for all of the following: 51366

(1) Causing rescreenings to be performed when initial 51367  
screenings have abnormal results; 51368

(2) Designating the person or persons who will be responsible 51369

for causing screenings and rescreenings to be performed; 51370

(3) Giving to the parents of a child notice of the required 51371  
initial screening and the possibility that rescreenings may be 51372  
necessary; 51373

(4) Communicating to the parents of a child the results of 51374  
the child's screening and any rescreenings that are performed; 51375

(5) Giving notice of the results of an initial screening and 51376  
any rescreenings to the person who caused the child to be screened 51377  
or rescreened, or to another person or government entity when the 51378  
person who caused the child to be screened or rescreened cannot be 51379  
contacted; 51380

(6) Referring children who receive abnormal screening or 51381  
rescreening results to providers of follow-up services, including 51382  
the services made available through funds disbursed under division 51383  
(F) of this section. 51384

(E)(1) Except as provided in divisions (E)(2) and (3) of this 51385  
section, all newborn screenings required by this section shall be 51386  
performed by the public health laboratory authorized under section 51387  
3701.22 of the Revised Code. 51388

(2) If the director determines that the public health 51389  
laboratory is unable to perform screenings for all of the 51390  
disorders specified in the rules adopted under division (C) of 51391  
this section, the director shall select another laboratory to 51392  
perform the screenings. The director shall select the laboratory 51393  
by issuing a request for proposals. The director may accept 51394  
proposals submitted by laboratories located outside this state. At 51395  
the conclusion of the selection process, the director shall enter 51396  
into a written contract with the selected laboratory. If the 51397  
director determines that the laboratory is not complying with the 51398  
terms of the contract, the director shall immediately terminate 51399  
the contract and another laboratory shall be selected and 51400

contracted with in the same manner. 51401

(3) Any rescreening caused to be performed pursuant to this 51402  
section may be performed by the public health laboratory or one or 51403  
more other laboratories designated by the director. Any laboratory 51404  
the director considers qualified to perform rescreenings may be 51405  
designated, including a laboratory located outside this state. If 51406  
more than one laboratory is designated, the person responsible for 51407  
causing a rescreening to be performed is also responsible for 51408  
selecting the laboratory to be used. 51409

(F)(1) The director shall adopt rules in accordance with 51410  
Chapter 119. of the Revised Code establishing a fee that shall be 51411  
charged and collected in addition to or in conjunction with any 51412  
laboratory fee that is charged and collected for performing the 51413  
screenings required by this section. The fee, which shall be not 51414  
less than fourteen dollars, shall be disbursed as follows: 51415

(a) Not less than ten dollars and twenty-five cents shall be 51416  
deposited in the state treasury to the credit of the genetics 51417  
services fund, which is hereby created. Not less than seven 51418  
dollars and twenty-five cents of each fee credited to the genetics 51419  
services fund shall be used to defray the costs of the programs 51420  
authorized by section 3701.502 of the Revised Code. Not less than 51421  
three dollars from each fee credited to the genetics services fund 51422  
shall be used to defray costs of phenylketonuria programs. 51423

(b) Not less than three dollars and seventy-five cents shall 51424  
be deposited into the state treasury to the credit of the sickle 51425  
cell fund, which is hereby created. Money credited to the sickle 51426  
cell fund shall be used to defray costs of programs authorized by 51427  
section 3701.131 of the Revised Code. 51428

(2) In adopting rules under division (F)(1) of this section, 51429  
the director shall not establish a fee that differs according to 51430  
whether a screening is performed by the public health laboratory 51431

or by another laboratory selected by the director pursuant to 51432  
division (E)(2) of this section. 51433

**Sec. 3701.602.** (A) As used in this section, "eligible 51434  
nonprofit corporation" means a nonprofit corporation that meets 51435  
all of the following requirements: 51436

(1) The nonprofit corporation is exempt from federal income 51437  
taxation under subsection 501(c)(3) of the Internal Revenue Code. 51438

(2) For at least ten years before ~~the effective date of this~~ 51439  
~~section~~ September 29, 2015, the primary purpose of the nonprofit 51440  
corporation, or the nonprofit corporation's predecessor in 51441  
interest, has been granting the wishes of individuals under the 51442  
age of eighteen who have been diagnosed with a life-threatening 51443  
medical condition. 51444

(3) The nonprofit corporation has spent at least ~~one million~~ 51445  
two hundred fifty thousand dollars per year for each of the last 51446  
three years in furtherance of the purpose described in division 51447  
(A)(2) of this section. 51448

(B) There is hereby created in the state treasury the wishes 51449  
for sick children income tax contribution fund, which shall 51450  
consist of money contributed to it under section 5747.113 of the 51451  
Revised Code and of contributions made directly to it. Any person 51452  
may contribute directly to the fund in addition to or 51453  
independently of the income tax refund contribution system 51454  
established in section 5747.113 of the Revised Code. 51455

The department of health shall distribute all funds 51456  
contributed under this section to an eligible nonprofit 51457  
corporation that will use the contributions to grant the wishes of 51458  
individuals who are under the age of eighteen, are residents of 51459  
this state, and have been diagnosed with a life-threatening 51460  
medical condition. Not later than six months after ~~the effective~~ 51461

~~date of this section~~ September 29, 2015, the department shall 51462  
develop guidelines under which an eligible nonprofit corporation 51463  
may apply to receive funding under this section. 51464

**Sec. 3701.61.** (A) The department of health shall establish 51465  
the help me grow program as the state's evidence-based parent 51466  
support program that encourages early prenatal and well-baby care, 51467  
as well as provides parenting education to promote the 51468  
comprehensive health and development of children. The program 51469  
shall ~~also~~ provide home visiting services to families with a 51470  
pregnant woman or ~~an infant or toddler~~ child under ~~three~~ five 51471  
years of age ~~who~~ that meet the eligibility requirements 51472  
established in rules adopted under this section. Home visiting 51473  
services shall be provided through evidence-based home visiting 51474  
models or innovative, promising home visiting models recommended 51475  
by the Ohio home visiting consortium created under section 51476  
3701.612 of the Revised Code. 51477

(B) Families shall be referred to the appropriate home 51478  
visiting services through the central intake and referral system 51479  
created under section 3701.611 of the Revised Code. 51480

(C) To the extent possible, the goals of the help me grow 51481  
program shall be consistent with the goals of the federal home 51482  
visiting program, as specified by the maternal and child health 51483  
bureau of the health resources and services administration in the 51484  
United States department of health and human services or its 51485  
successor. 51486

(D) The director of health may enter into an interagency 51487  
agreement with one or more state agencies to implement the help me 51488  
grow program and ensure coordination of early childhood programs. 51489

(E) The director may distribute help me grow program funds 51490  
through contracts, grants, or subsidies to entities providing 51491  
services under the program. 51492

(F) As a condition of receiving payments for home visiting services, providers shall ~~do both of the following:~~ 51493  
51494

~~(1) Promote the use of technology based resources, such as mobile telephone or text messaging applications, that offer tips on having a healthy pregnancy and healthy baby to families with a pregnant woman or infant who is less than one year of age;~~ 51495  
51496  
51497  
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~~(2) Report report to the director data on the program performance indicators, specified in rules adopted under division (G) of this section, that are used to assess progress toward achieving all of the following:~~ 51499  
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~~(a)(1) The benchmark domains established for the federal home visiting program, including improvement in maternal and newborn health; reduction in child injuries, abuse, and neglect; improved school readiness and achievement; reduction in crime and domestic violence; and improved family economic self-sufficiency;~~ 51503  
51504  
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~~(b)(2) Improvement in birth outcomes and reduction in stillbirths, as that term is defined in section 3701.97 of the Revised Code;~~ 51508  
51509  
51510

~~(c)(3) Reduction in tobacco use by pregnant women, new parents, and others living in households with children.~~ 51511  
51512

The providers shall report the data in the format and within the time frames specified in the rules. 51513  
51514

The director shall prepare an annual report on the data received from the providers. The director shall make the report available on the internet web site maintained by the department of health. 51515  
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(G) Pursuant to Chapter 119. of the Revised Code, the director shall adopt rules that are necessary and proper to implement this section. The rules shall specify all of the following: 51519  
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|                                                                                                                                                                                                                                                                                                           |                                           |
|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-------------------------------------------|
| (1) Subject to division (H) of this section, eligibility requirements for home visiting services;                                                                                                                                                                                                         | 51523<br>51524                            |
| (2) Eligibility requirements for providers of home visiting services;                                                                                                                                                                                                                                     | 51525<br>51526                            |
| (3) Standards and procedures for the provision of program services, including data collection, program monitoring, and program evaluation;                                                                                                                                                                | 51527<br>51528<br>51529                   |
| (4) Procedures for appealing the denial of an application for program services or the termination of services;                                                                                                                                                                                            | 51530<br>51531                            |
| (5) Procedures for appealing the denial of an application to become a provider of program services or the termination of the department's approval of a provider;                                                                                                                                         | 51532<br>51533<br>51534                   |
| (6) Procedures for addressing complaints;                                                                                                                                                                                                                                                                 | 51535                                     |
| (7) The program performance indicators on which data must be reported by providers of home visiting services under division (F) of this section, which, to the extent possible, shall be consistent with federal reporting requirements for federally funded home visiting services;                      | 51536<br>51537<br>51538<br>51539<br>51540 |
| (8) The format in which reports must be submitted under division (F) of this section and the time frames within which the reports must be submitted;                                                                                                                                                      | 51541<br>51542<br>51543                   |
| (9) Criteria for payment of approved providers of program services;                                                                                                                                                                                                                                       | 51544<br>51545                            |
| (10) Any other rules necessary to implement the program.                                                                                                                                                                                                                                                  | 51546                                     |
| (H) When adopting rules required by division (G)(1) of this section, the department shall specify that families residing in the urban and rural communities specified in rules adopted under section 3701.142 of the Revised Code are to receive priority over other families for home visiting services. | 51547<br>51548<br>51549<br>51550<br>51551 |

**Sec. 3701.613.** Beginning in fiscal year 2018, the department 51552  
of health shall facilitate and allocate funds for a ~~biannual~~ 51553  
biennial summit on home visiting programs. The purpose of each 51554  
summit is to convene persons and government entities involved with 51555  
the delivery of home visiting services in this state, as well as 51556  
other interested persons, to do all of the following: 51557

(A) Share the latest research on evidence-based and 51558  
innovative, promising home visiting models; 51559

(B) Discuss strategies to ensure that home visiting programs 51560  
in this state use evidence-based or innovative, promising home 51561  
visiting models; 51562

(C) Discuss strategies to reduce tobacco use by families 51563  
participating in home visiting programs; 51564

(D) Present successes and challenges encountered by home 51565  
visiting programs. 51566

**Sec. 3701.831.** The director of health may assess the 51567  
operating funds of the department to pay a share of the 51568  
department's administrative costs. The assessments shall be based 51569  
on a plan that the director develops ~~and submits to the office of~~ 51570  
~~budget and management not later than the fifteenth day of July of~~ 51571  
~~the fiscal year in which the assessments are to be made. If the~~ 51572  
~~office of budget and management determines that the assessments~~ 51573  
~~proposed in the plan can be implemented with uniformity and~~ 51574  
~~administrative ease, it shall approve the plan within two weeks~~ 51575  
~~after it is submitted.~~ Assessments shall be paid from the funds 51576  
designated in the plan and credited by means of intrastate 51577  
transfer voucher to the central support indirect fund which is 51578  
hereby created in the state treasury. The fund shall be 51579  
administered by the director of health and used to pay 51580  
administrative costs of the department of health. 51581

**Sec. 3701.916.** (A) As used in this section, "direct care" and 51582  
"home health agency" have the same meanings as in section ~~3701.881~~ 51583  
3740.01 of the Revised Code. 51584

(B) For the purpose of identifying jobs that are in demand in 51585  
this state under section 6301.11 of the Revised Code, direct care 51586  
provided by a home health agency shall be considered a targeted 51587  
industry sector as identified by the governor's office of 51588  
workforce transformation. 51589

(C) The director of job and family services shall review the 51590  
criteria for any program that provides occupational training, 51591  
adult education, or career pathway assistance through a grant or 51592  
other source of funding to determine whether an employee of a home 51593  
health agency may participate in the program, and, to the extent 51594  
possible, make any necessary changes to the criteria to allow a 51595  
home health agency employee to participate in the program. 51596

**Sec. 3702.304.** (A)(1) The director of health may grant a 51597  
variance from the written transfer agreement requirement of 51598  
section 3702.303 of the Revised Code if the ambulatory surgical 51599  
facility submits to the director a complete variance application, 51600  
prescribed by the director, and the director determines after 51601  
reviewing the application that the facility is capable of 51602  
achieving the purpose of a written transfer agreement in the 51603  
absence of one. The director's determination is final. 51604

(2) Not later than sixty days after receiving a variance 51605  
application from an ambulatory surgical facility, the director 51606  
shall grant or deny the variance. A variance application that has 51607  
not been approved within sixty days is considered denied. 51608

(B) A variance application is complete for purposes of 51609  
division (A)(1) of this section if it contains or includes as 51610  
attachments all of the following: 51611

(1) A statement explaining why application of the requirement 51612  
would cause the facility undue hardship and why the variance will 51613  
not jeopardize the health and safety of any patient; 51614

(2) A letter, contract, or memorandum of understanding signed 51615  
by the facility and one or more consulting physicians who have 51616  
admitting privileges at a minimum of one local hospital that is 51617  
located within a twenty-five mile radius of the facility, 51618  
memorializing the physician or physicians' agreement to provide 51619  
back-up coverage when medical care beyond the level the facility 51620  
can provide is necessary; 51621

(3) For each consulting physician described in division 51622  
(B)(2) of this section: 51623

(a) A signed statement in which the physician attests ~~that~~ 51624  
the to all of the following: 51625

(i) The physician actively practices clinical medicine within 51626  
a twenty-five mile radius of the facility. 51627

(ii) The physician is familiar with the facility and its 51628  
operations, ~~and.~~ 51629

(iii) The physician agrees to provide notice to the facility 51630  
of any changes in the physician's ability to provide back-up 51631  
coverage; ~~.~~ 51632

(b) The estimated travel time from the physician's main 51633  
residence or office to each local hospital where the physician has 51634  
admitting privileges; 51635

(c) Written verification that the facility has a record of 51636  
the name, telephone numbers, and practice specialties of the 51637  
physician; 51638

(d) Written verification from the state medical board that 51639  
the physician possesses a valid license to practice medicine and 51640  
surgery or osteopathic medicine and surgery issued under Chapter 51641

4731. of the Revised Code; 51642

(e) Documented verification that each hospital at which the 51643  
physician has admitting privileges has been informed in writing by 51644  
the physician that the physician is a consulting physician for the 51645  
ambulatory surgical facility and has agreed to provide back-up 51646  
coverage for the facility when medical care beyond the care the 51647  
facility can provide is necessary. 51648

(4) A copy of the facility's operating procedures or 51649  
protocols that, at a minimum, do all of the following: 51650

(a) Address how back-up coverage by consulting physicians is 51651  
to occur, including how back-up coverage is to occur when 51652  
consulting physicians are temporarily unavailable; 51653

(b) Specify that each consulting physician is required to 51654  
notify the facility, without delay, when the physician is unable 51655  
to expeditiously admit patients to a local hospital and provide 51656  
for continuity of patient care; 51657

(c) Specify that a patient's medical record maintained by the 51658  
facility must be transferred contemporaneously with the patient 51659  
when the patient is transferred from the facility to a hospital. 51660

(5) Any other information the director considers necessary. 51661

(C) The director's decision to grant, refuse, or rescind a 51662  
variance is final. 51663

(D) The director shall consider each application for a 51664  
variance independently without regard to any decision the director 51665  
may have made on a prior occasion to grant or deny a variance to 51666  
that ambulatory surgical facility or any other facility. 51667

**Sec. 3702.511.** (A) Except as provided in division (B) of this 51668  
section and section 3702.512 of the Revised Code, the following 51669  
activities are reviewable under sections 3702.51 to 3702.62 of the 51670  
Revised Code: 51671

|                                                                                                                                                                                                                                                                                                                      |                                           |
|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-------------------------------------------|
| (1) Establishment, development, or construction of a new long-term care facility;                                                                                                                                                                                                                                    | 51672<br>51673                            |
| (2) Replacement of an existing long-term care facility;                                                                                                                                                                                                                                                              | 51674                                     |
| (3) Renovation of or addition to a long-term care facility that involves a capital expenditure of <del>two</del> <u>four</u> million dollars or more, not including expenditures for equipment, staffing, or operational costs;                                                                                      | 51675<br>51676<br>51677<br>51678          |
| (4) An increase in long-term care bed capacity;                                                                                                                                                                                                                                                                      | 51679                                     |
| (5) A relocation of long-term care beds from one physical facility or site to another, excluding relocation of beds within a long-term care facility or among buildings of a long-term care facility at the same site;                                                                                               | 51680<br>51681<br>51682<br>51683          |
| (6) Expenditure of more than one hundred ten per cent of the maximum expenditure specified in a certificate of need concerning long-term care beds;                                                                                                                                                                  | 51684<br>51685<br>51686                   |
| (7) Any failure to conduct a reviewable activity in substantial accordance with the approved application for which a certificate of need was granted, including a change in the site, if the failure occurs within five years after implementation of the reviewable activity for which the certificate was granted. | 51687<br>51688<br>51689<br>51690<br>51691 |
| (B) The following activities are not subject to review under sections 3702.51 to 3702.62 of the Revised Code:                                                                                                                                                                                                        | 51692<br>51693                            |
| (1) Acquisition of computer hardware or software;                                                                                                                                                                                                                                                                    | 51694                                     |
| (2) Acquisition of a telephone system;                                                                                                                                                                                                                                                                               | 51695                                     |
| (3) Construction or acquisition of parking facilities;                                                                                                                                                                                                                                                               | 51696                                     |
| (4) Correction of cited deficiencies that constitute an imminent threat to public health or safety and are in violation of federal, state, or local fire, building, or safety statutes, ordinances, rules, or regulations;                                                                                           | 51697<br>51698<br>51699<br>51700          |

|                                                                                                                                                                                                                                                                                                                                                                                     |                                                    |
|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|----------------------------------------------------|
| (5) Acquisition of an existing long-term care facility that does not involve a change in the number of the beds;                                                                                                                                                                                                                                                                    | 51701<br>51702                                     |
| (6) Mergers, consolidations, or other corporate reorganizations of long-term care facilities that do not involve a change in the number of beds;                                                                                                                                                                                                                                    | 51703<br>51704<br>51705                            |
| (7) Construction, repair, or renovation of bathroom facilities;                                                                                                                                                                                                                                                                                                                     | 51706<br>51707                                     |
| (8) Construction of laundry facilities, waste disposal facilities, dietary department projects, heating and air conditioning projects, administrative offices, and portions of medical office buildings used exclusively for physician services;                                                                                                                                    | 51708<br>51709<br>51710<br>51711                   |
| (9) Removal of asbestos from a health care facility.                                                                                                                                                                                                                                                                                                                                | 51712                                              |
| Only that portion of a project that is described in this division is not reviewable.                                                                                                                                                                                                                                                                                                | 51713<br>51714                                     |
| <b>Sec. 3703.01.</b> (A) Except as otherwise provided in this section, the division of industrial compliance in the department of commerce shall do all of the following:                                                                                                                                                                                                           | 51715<br>51716<br>51717                            |
| (1) Inspect all nonresidential buildings within the meaning of section 3781.06 of the Revised Code;                                                                                                                                                                                                                                                                                 | 51718<br>51719                                     |
| (2) Condemn all unsanitary or defective plumbing that is found in connection with those places;                                                                                                                                                                                                                                                                                     | 51720<br>51721                                     |
| (3) Order changes in plumbing necessary to insure the safety of the public health.                                                                                                                                                                                                                                                                                                  | 51722<br>51723                                     |
| (B)(1)(a) The division of industrial compliance, boards of health of city and general health districts, and county building departments shall not inspect plumbing or collect fees for inspecting plumbing in particular types of buildings in any municipal corporation that is certified by the board of building standards under section 3781.10 of the Revised Code to exercise | 51724<br>51725<br>51726<br>51727<br>51728<br>51729 |

enforcement authority for plumbing in those types of buildings. 51730

(b) The division shall not inspect plumbing or collect fees 51731  
for inspecting plumbing in particular types of buildings in any 51732  
health district that ~~employs~~ has given the division written notice 51733  
that it intends to inspect plumbing in the particular types of 51734  
buildings and that either: 51735

(i) Employs one or more plumbing inspectors, certified 51736  
pursuant to ~~division (D) of this~~ section 3781.10 of the Revised 51737  
Code, to enforce Chapters 3781. and 3791. of the Revised Code and 51738  
the rules adopted pursuant to those chapters relating to plumbing 51739  
in those types of buildings; 51740

(ii) Has a contract with a board of county commissioners or 51741  
another board of health, entered pursuant to division (C) of this 51742  
section, that authorizes a county building department or the other 51743  
board of health to inspect plumbing in the particular types of 51744  
buildings in the health district. 51745

~~(c) The division shall not inspect plumbing or collect fees 51746  
for inspecting plumbing in particular types of buildings in any 51747  
health district where the county building department is authorized 51748  
to inspect those types of buildings pursuant to a contract 51749  
described in division (C)(1) of this section. 51750~~

~~(d) The division shall not inspect plumbing or collect fees 51751  
for inspecting plumbing in particular types of buildings in any 51752  
health district where the board of health has entered into a 51753  
contract with the board of health of another district to conduct 51754  
inspections pursuant to division (C)(2) of this section. 51755~~

(2) No county building department shall inspect plumbing or 51756  
collect fees for inspecting plumbing in any type of building in a 51757  
health district unless the department is authorized to inspect 51758  
that type of building pursuant to a contract described in division 51759  
(C)(1) of this section. 51760

(3) No municipal corporation shall inspect plumbing or 51761  
collect fees for inspecting plumbing in types of buildings for 51762  
which it is not certified by the board of building standards under 51763  
section 3781.10 of the Revised Code to exercise enforcement 51764  
authority. 51765

~~(4) No board of health of a health district shall inspect 51766  
plumbing or collect fees for inspecting plumbing in types of 51767  
buildings for which it does not have a plumbing inspector 51768  
certified pursuant to division (D) of this section. 51769~~

(C)(1) The board of health of a health district may enter 51770  
into a contract with a board of county commissioners to authorize 51771  
the county building department to inspect plumbing in buildings 51772  
within the health district. The contract may designate that the 51773  
department inspect either residential or nonresidential buildings, 51774  
as those terms are defined in section 3781.06 of the Revised Code, 51775  
or both types of buildings, ~~so long as the department employs or 51776  
contracts with a plumbing inspector certified pursuant to division 51777  
(D) of this section to inspect the types of buildings the contract 51778  
designates. The board of health may enter into a contract 51779  
regardless of whether the health district employs any certified 51780  
plumbing inspectors to enforce Chapters 3781. and 3791. of the 51781  
Revised Code. 51782~~

(2) The board of health of a health district, ~~regardless of 51783  
whether it employs any certified plumbing inspectors to enforce 51784  
Chapters 3781. and 3791. of the Revised Code,~~ may enter into a 51785  
contract with the board of health of another health district to 51786  
authorize that board to inspect plumbing in buildings within the 51787  
contracting board's district. The contract may designate the 51788  
inspection of either residential or nonresidential buildings as 51789  
defined in section 3781.06 of the Revised Code, or both types of 51790  
buildings, ~~so long as the board that performs the inspections 51791  
employs a plumbing inspector certified pursuant to division (D) of 51792~~

~~this section to inspect the types of buildings the contract designates.~~ 51793  
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~~(D) The superintendent of industrial compliance shall adopt rules prescribing minimum qualifications based on education, training, experience, or demonstrated ability, that the superintendent shall use in certifying or recertifying plumbing inspectors to do plumbing inspections for health districts and county building departments that are authorized to perform inspections pursuant to a contract under division (C)(1) of this section, and for continuing education of plumbing inspectors. Those minimum qualifications shall be related to the types of buildings for which a person seeks certification.~~ 51795  
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~~(E) The superintendent may enter into reciprocal registration, licensure, or certification agreements with other states and other agencies of this state relative to plumbing inspectors if both of the following apply:~~ 51805  
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~~(1) The requirements for registration, licensure, or certification of plumbing inspectors under the laws of the other state or laws administered by the other agency are substantially equal to the requirements the superintendent adopts under division (D) of this section for certifying plumbing inspectors.~~ 51809  
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~~(2) The other state or agency extends similar reciprocity to persons certified under this chapter.~~ 51814  
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~~(F) The superintendent may select and contract with one or more persons to do all of the following regarding examinations for certification of plumbing inspectors:~~ 51816  
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~~(1) Prepare, administer, score, and maintain the confidentiality of the examination;~~ 51819  
51820

~~(2) Maintain responsibility for all expenses required to comply with division (F)(1) of this section;~~ 51821  
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~~(3) Charge each applicant a fee for administering the examination in an amount the superintendent authorizes;~~ 51823  
51824

~~(4) Design the examination for certification of plumbing inspectors to determine an applicant's competence to inspect plumbing.~~ 51825  
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~~(G)~~ Standards and methods prescribed in local plumbing regulations shall not be less than those prescribed in Chapters 3781. and 3791. of the Revised Code and the rules adopted pursuant to those chapters. 51828  
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~~(H)~~(E) Notwithstanding any other provision of this section, the division shall make a plumbing inspection of any building or other place that there is reason to believe is in a condition to be a menace to the public health. 51832  
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**Sec. 3703.03.** In the administration of sections 3703.01 to 3703.08 of the Revised Code, the division of industrial compliance shall enforce rules governing plumbing adopted by the board of building standards under authority of sections 3781.10 and 3781.11 of the Revised Code, ~~and register those persons engaged in or at the plumbing business.~~ 51836  
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Plans and specifications for all plumbing to be installed in or for buildings coming within such sections shall be submitted to and approved by the division before the contract for plumbing is let. 51842  
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**Sec. 3709.012.** (A) Except as provided in division (F) of this section, not later than the date that is eighteen months after the official announcement of the result of a federal decennial census taken in a particular census year, including the 2020 census, a city with a population less than fifty thousand that is represented by a board of health of a city health district shall complete a study examining the efficiency and effectiveness of the 51846  
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city health district merging with the general health district of 51853  
the county in which the city is located. As part of the study, the 51854  
city shall compare the merger's efficiency and effectiveness with 51855  
that of remaining as a separate health district. 51856

(B) The director of health shall develop criteria to be used 51857  
by the city described in division (A) of this section in 51858  
determining whether such a merger is advisable. The criteria may 51859  
include accreditation standards promulgated by the public health 51860  
accreditation board. 51861

(C) The director of health shall provide technical and 51862  
financial assistance to each city described in division (A) of 51863  
this section and shall oversee any efficiency and effectiveness 51864  
study conducted. 51865

(D) If, based on the criteria described in division (B) of 51866  
this section, the study indicates that a merger would be efficient 51867  
and effective, then the chief executive of the city shall enter 51868  
into a contract with the district advisory council of the general 51869  
health district that includes the city for the administration of 51870  
health affairs in the former city health district and the merged 51871  
general health district. 51872

(E) If a merger is required by this section, the merger shall 51873  
be completed not later than thirty months after the official 51874  
announcement of the result of a federal decennial census, unless 51875  
either of the following, as applicable, acts for good cause to 51876  
delay implementation of the merger: 51877

(1) In the case of a general health district consisting of a 51878  
single county, the district advisory council of the general health 51879  
district; 51880

(2) In the case of a general health district consisting of 51881  
more than one county as a result of a union of general health 51882  
districts under section 3709.10 of the Revised Code, the district 51883

advisory council representing the county within the district where 51884  
a majority of the population to be served by the merged general 51885  
health district resides. 51886

(F) This section does not apply to a city with a population 51887  
less than fifty thousand whose city health district meets either 51888  
of the following conditions regarding accreditation by an 51889  
accreditation body approved by the director of health: 51890

(1) The district has received accreditation and maintains its 51891  
accreditation. 51892

(2) The district is in the process of applying for 51893  
accreditation on the effective date of this section, receives 51894  
accreditation not later than December 31, 2025, and maintains its 51895  
accreditation. 51896

**Sec. 3709.052.** When a majority of the members of the 51897  
legislative authority or a majority of the electors of each city 51898  
constituting a city health district have voted affirmatively, the 51899  
chief executives of the cities affected shall enter into a 51900  
contract for the administration of public health affairs in the 51901  
combined district. Such contract shall state the proportion of 51902  
expenses of the board of health or health department of the 51903  
combined district to be paid by each city. Unless the proposal 51904  
establishing the district as contained in the petition and 51905  
submitted to the electors provides for the board of health of the 51906  
new district, the contract may provide that the administration of 51907  
the combined district be taken over by either the board of health 51908  
or the health department of one of the cities or by a combined 51909  
board of health. If the contract provides for a combined board of 51910  
health, the number of members of the board, their terms of office, 51911  
and the method of appointment, shall be set forth in the contract. 51912  
The contract shall designate the city in which the central office 51913  
of the board of health shall be located. The city treasurer of 51914

such city shall be the custodian of the health funds of the 51915  
combined district. The auditor of such city shall act as the 51916  
auditor of the combined district and shall pay the expenses of the 51917  
health program as approved by the board of health and signed by 51918  
the health commissioner. A copy of such contract shall be filed 51919  
with the director of health. 51920

The service status of any person employed by a city health 51921  
district shall not be affected by the creation of a combined 51922  
district. 51923

**Sec. 3709.06.** If any city constituting a city health district 51924  
fails to establish a board of health under section 3709.05 of the 51925  
Revised Code, the director of health may appoint a health 51926  
commissioner for such city, and fix the commissioner's salary and 51927  
term of office. Such commissioner shall have the same powers and 51928  
perform the duties granted to or imposed upon a board of health of 51929  
a city health district, except that rules, regulations, or orders 51930  
of a general nature, made by the commissioner and required to be 51931  
published, shall be approved by the director. The salary of such 51932  
commissioner and all necessary expenses incurred by the 51933  
commissioner in performing the duties of the board shall be paid 51934  
by and be a valid claim against such city. 51935

**Sec. 3709.07.** Except as provided in section 3709.071 of the 51936  
Revised Code, when it is proposed that one or more city health 51937  
districts unite with a general health district in the formation of 51938  
a single district, the district advisory council of the general 51939  
health district shall meet and vote on the question of union. It 51940  
shall require a majority affirmative vote of the members of the 51941  
district advisory council to carry the question. The legislative 51942  
authority of each city constituting a city health district shall 51943  
likewise vote on the question. A majority voting affirmatively 51944  
shall be required for approval. When the majority of the district 51945

advisory council and the legislative authority have voted 51946  
affirmatively, the chair of the council and the chief executive of 51947  
each city shall enter into a contract for the administration of 51948  
health affairs in the combined district. Such contract shall state 51949  
the proportion of the expenses of the board of health or health 51950  
department of the combined district to be paid by the city or 51951  
cities and by the original general health district. The contract 51952  
may provide that the administration of the combined district shall 51953  
be taken over by either the board of health or health department 51954  
of one of the cities, by the board of health of the general health 51955  
district, or by a combined board of health. Such contract shall 51956  
prescribe the date on which such change of administration shall be 51957  
made. A copy of such contract shall be filed with the director of 51958  
health. 51959

The combined district shall constitute a general health 51960  
district, and the board of health or health department of the 51961  
city, the board of health of the original general health district, 51962  
or the combined board of health, as may be agreed in the contract, 51963  
shall have, within the combined district, all the powers granted 51964  
to, and perform all the duties required of, the board of health of 51965  
a general health district. 51966

The district advisory council of the combined general health 51967  
district shall consist of the members of the district advisory 51968  
council of the original general health district and the chief 51969  
executive of each city constituting a city health district, each 51970  
member having one vote. 51971

If the contract provides that the administration of the 51972  
combined district shall be taken over by a combined board of 51973  
health, rather than the board of health of the original health 51974  
district, the contract shall set forth the number of members of 51975  
such board, their terms of office, and the manner of appointment 51976  
or election of officers. One of the members of such combined board 51977

of health shall be a physician, and one member shall be an 51978  
individual appointed by the health district licensing council, if 51979  
such council is established under section 3709.41 of the Revised 51980  
Code. The contract may also provide for the representation of 51981  
areas by one or more members and shall, in such event, specify the 51982  
territory to be included in each such area. 51983

The appointment of any member of the combined board who is 51984  
designated by the provisions of the contract to represent a city 51985  
shall be made by the chief executive and approved by the 51986  
legislative authority of such city. If a member is designated by 51987  
the contract to represent more than one city, the member shall be 51988  
appointed by majority vote of the chief executives of all cities 51989  
included in any such area. Except for the member appointed by the 51990  
health district licensing council, if such council is established, 51991  
the appointment of all members of the combined board who are 51992  
designated to represent the balance of the district shall be made 51993  
by the district advisory council. 51994

The service status of any person employed by a city or 51995  
general health district shall not be affected by the creation of a 51996  
combined district. 51997

**Sec. 3713.02.** Subject to sections 3713.021 and 3713.022 of 51998  
the Revised Code, all of the following apply: 51999

(A) Except as provided in section 3713.05 of the Revised 52000  
Code, no person shall import, manufacture, renovate, wholesale, or 52001  
reupholster stuffed toys or articles of bedding, or sell or offer 52002  
for sale any second-hand stuffed toy or any second-hand article of 52003  
bedding, in this state without first registering to do so with the 52004  
superintendent of industrial compliance in accordance with section 52005  
3713.05 of the Revised Code. 52006

(B) No person shall manufacture, offer for sale, sell, 52007  
deliver, or possess for the purpose of manufacturing, selling, or 52008

delivering, an article of bedding or a stuffed toy that is not 52009  
labeled in accordance with section 3713.08 of the Revised Code. 52010

(C) No person shall manufacture, offer for sale, sell, 52011  
deliver, or possess for the purpose of manufacturing, selling, or 52012  
delivering, an article of bedding or a stuffed toy that is falsely 52013  
labeled. 52014

(D) No person shall sell or offer for sale any secondhand 52015  
article of bedding or any secondhand stuffed toy that has not been 52016  
sanitized in accordance with section 3713.08 of the Revised Code. 52017

(E) The possession of any article of bedding or stuffed toy 52018  
in the course of business by a person required to obtain 52019  
registration under this chapter, or by that person's agent or 52020  
servant shall be prima-facie evidence of the person's intent to 52021  
sell the article of bedding or stuffed toy. 52022

**Sec. 3717.22.** (A) The following are not retail food 52023  
establishments: 52024

(1) A food service operation licensed under this chapter, 52025  
including a food service operation that provides the services of a 52026  
retail food establishment pursuant to an endorsement issued under 52027  
section 3717.44 of the Revised Code; 52028

(2) An entity exempt under divisions (B)(1) to (9), (11) to 52029  
(13), or (15) of section 3717.42 of the Revised Code from the 52030  
requirement to be licensed as a food service operation and an 52031  
entity exempt under division (B)(10) of that section if the entity 52032  
is regulated by the department of agriculture as a food processing 52033  
establishment under section 3715.021 of the Revised Code; 52034

(3) A business or that portion of a business that is 52035  
regulated by the federal government or the department of 52036  
agriculture as a food manufacturing or food processing business, 52037  
including a business or that portion of a business regulated by 52038

the department of agriculture under Chapter 911., 913., 915., 52039  
917., 918., or 925. of the Revised Code. 52040

(B) All of the following are exempt from the requirement to 52041  
be licensed as a retail food establishment: 52042

(1) An establishment with commercially prepackaged foods that 52043  
are not potentially hazardous and contained in displays, the total 52044  
space of which equals less than two hundred cubic feet; 52045

(2) A person at a farmers market ~~that is registered with the~~ 52046  
~~director of agriculture pursuant to section 3717.221 of the~~ 52047  
~~Revised Code~~ that offers for sale only one or more of the 52048  
following: 52049

(a) Fresh unprocessed fruits or vegetables; 52050

(b) Products of a cottage food production operation; 52051

(c) Tree syrup, sorghum, honey, apple syrup, or apple butter 52052  
that is produced by a tree syrup or sorghum producer, beekeeper, 52053  
or apple syrup or apple butter processor described in division (A) 52054  
of section 3715.021 of the Revised Code; 52055

(d) Wine as authorized under section 4303.2010 of the Revised 52056  
Code; 52057

(e) Commercially prepackaged food that is not potentially 52058  
hazardous, on the condition that the food is contained in 52059  
displays, the total space of which equals less than one hundred 52060  
cubic feet on the premises where the person conducts business at 52061  
the farmers market. 52062

(3) A person who offers for sale at a roadside stand only 52063  
fresh fruits and fresh vegetables that are unprocessed; 52064

(4) A nonprofit organization exempt from federal income 52065  
taxation under section 501(c)(3) of the "Internal Revenue Code of 52066  
1986," 100 Stat. 2085, 26 U.S.C.A. 1, as amended, that raises 52067  
funds by selling foods and that, if required to be licensed, would 52068

be classified as risk level one in accordance with rules 52069  
establishing licensing categories for retail food establishments 52070  
adopted under section 3717.33 of the Revised Code, if the sales 52071  
occur inside a building and are for not more than seven 52072  
consecutive days or more than fifty-two separate days during a 52073  
licensing period. This exemption extends to any individual or 52074  
group raising all of its funds during the time periods specified 52075  
in division (B)(4) of this section for the benefit of the 52076  
nonprofit organization by selling foods under the same conditions. 52077

(5) An establishment that offers food contained in displays 52078  
of less than five hundred square feet, and if required to be 52079  
licensed would be classified as risk level one pursuant to rules 52080  
establishing licensing categories for retail food establishments 52081  
adopted under section 3717.33 of the Revised Code, on the 52082  
condition that the establishment offers the food for sale at 52083  
retail not more than six months in each calendar year; 52084

(6) A cottage food production operation, on the condition 52085  
that the operation offers its products directly to the consumer 52086  
from the site where the products are produced; 52087

(7) A tree syrup and sorghum processor, beekeeper, or apple 52088  
syrup and apple butter processor described in division (A) of 52089  
section 3715.021 of the Revised Code, on the condition that the 52090  
processor or beekeeper offers only tree syrup, sorghum, honey, 52091  
apple syrup, or apple butter directly to the consumer from the 52092  
site where those products are processed; 52093

(8) A person who annually maintains five hundred or fewer 52094  
birds, on the condition that the person offers the eggs from those 52095  
birds directly to the consumer from the location where the eggs 52096  
are produced or at a farm product auction to which division 52097  
(B)(11) of this section applies; 52098

(9) A person who annually raises and slaughters one thousand 52099

or fewer chickens, on the condition that the person offers dressed 52100  
chickens directly to the consumer from the location where the 52101  
chickens are raised and slaughtered or at a farm product auction 52102  
to which division (B)(11) of this section applies; 52103

(10) A person who raises, slaughters, and processes the meat 52104  
of nonamenable species described in divisions (A) and (B) of 52105  
section 918.12 of the Revised Code, on the condition that the 52106  
person offers the meat directly to the consumer from the location 52107  
where the meat is processed or at a farm product auction to which 52108  
division (B)(11) of this section applies; 52109

(11) A farm product auction, on the condition that it is 52110  
registered with the director pursuant to section 3717.221 of the 52111  
Revised Code that offers for sale at the farm product auction only 52112  
one or more of the following: 52113

(a) The products described in divisions (B)(8) to (10) of 52114  
this section that are produced, raised, slaughtered, or processed, 52115  
as appropriate, by persons described in divisions (B)(8) to (10) 52116  
of this section; 52117

(b) Fresh unprocessed fruits or vegetables; 52118

(c) Products of a cottage food production operation; 52119

(d) Tree syrup, sorghum, honey, apple syrup, or apple butter 52120  
that is produced by a tree syrup or sorghum producer, beekeeper, 52121  
or apple syrup or apple butter processor described in division (A) 52122  
of section 3715.021 of the Revised Code. 52123

(12) An establishment that, with respect to offering food for 52124  
sale, offers only alcoholic beverages or prepackaged beverages 52125  
that are not potentially hazardous; 52126

(13) An establishment that, with respect to offering food for 52127  
sale, offers only alcoholic beverages, prepackaged beverages that 52128  
are not potentially hazardous, or commercially prepackaged food 52129

that is not potentially hazardous, on the condition that the 52130  
commercially prepackaged food is contained in displays, the total 52131  
space of which equals less than two hundred cubic feet on the 52132  
premises of the establishment; 52133

(14) An establishment that, with respect to offering food for 52134  
sale, offers only fountain beverages that are not potentially 52135  
hazardous; 52136

(15) A person who offers for sale only one or more of the 52137  
following foods at a festival or celebration, on the condition 52138  
that the festival or celebration is organized by a political 52139  
subdivision of the state and lasts for a period not longer than 52140  
seven consecutive days: 52141

(a) Fresh unprocessed fruits or vegetables; 52142

(b) Products of a cottage food production operation; 52143

(c) Tree syrup, sorghum, honey, apple syrup, or apple butter 52144  
if produced by a tree syrup or sorghum processor, beekeeper, or 52145  
apple syrup or apple butter processor as described in division (A) 52146  
of section 3715.021 of the Revised Code; 52147

(d) Commercially prepackaged food that is not potentially 52148  
hazardous, on the condition that the food is contained in 52149  
displays, the total space of which equals less than one hundred 52150  
cubic feet; 52151

(e) Fruit butter produced at the festival or celebration and 52152  
sold from the production site. 52153

(16) A farm market on the condition that it is registered 52154  
with the director pursuant to section 3717.221 of the Revised Code 52155  
that offers for sale at the farm market only one or more of the 52156  
following: 52157

(a) Fresh unprocessed fruits or vegetables; 52158

(b) Products of a cottage food production operation; 52159

|                                                                    |       |
|--------------------------------------------------------------------|-------|
| (c) Tree syrup, sorghum, honey, apple syrup, or apple butter       | 52160 |
| that is produced by a tree syrup or sorghum producer, beekeeper,   | 52161 |
| or apple syrup or apple butter processor described in division (A) | 52162 |
| of section 3715.021 of the Revised Code;                           | 52163 |
| (d) Commercially prepackaged food that is not potentially          | 52164 |
| hazardous, on the condition that the food is contained in          | 52165 |
| displays, the total space of which equals less than one hundred    | 52166 |
| cubic feet on the premises where the person conducts business at   | 52167 |
| the farm market;                                                   | 52168 |
| (e) Cider and other juices manufactured on site at the farm        | 52169 |
| market;                                                            | 52170 |
| (f) The products or items described in divisions (B)(8) to         | 52171 |
| (10) of this section, on the condition that those products or      | 52172 |
| items were produced by the person offering to sell them, and       | 52173 |
| further conditioned that, with respect to eggs offered, the person | 52174 |
| offering to sell them annually maintains five hundred or fewer     | 52175 |
| birds, and with respect to dressed chickens offered, the person    | 52176 |
| annually raises and slaughters one thousand or fewer chickens.     | 52177 |
| (17)(a) An establishment to which all of the following apply:      | 52178 |
| (i) The establishment has been issued an A-2 permit under          | 52179 |
| section 4303.03 of the Revised Code or an A-2f permit under        | 52180 |
| section 4303.031 of the Revised Code, annually produces ten        | 52181 |
| thousand gallons or less of wine, and sells that wine in           | 52182 |
| accordance with Chapter 4303. of the Revised Code on the premises  | 52183 |
| of the establishment.                                              | 52184 |
| (ii) The establishment serves unopened commercially                | 52185 |
| prepackaged food, other than wine.                                 | 52186 |
| (iii) The amount of the establishment's commercially               | 52187 |
| prepackaged food sales, other than wine sales, for the previous    | 52188 |
| calendar year did not exceed five per cent of the establishment's  | 52189 |
| total gross receipts.                                              | 52190 |

(b) The owner or operator of the establishment shall notify the director that it is exempt from licensure because it qualifies under division (B)(17)(a) of this section. The owner or operator also shall display a notice in a place conspicuous to all of its guests informing them that the establishment is not required to be licensed as a retail food establishment.

**Sec. 3717.221.** (A) ~~Any~~ Either of the following may register with the director of agriculture:

(1) A farm market, which is a location where a producer offers fruits, vegetables, and other items for sale;

~~(2) A farmers market, which is a location where producers congregate to offer fruits, vegetables, and other items for sale;~~

~~(3)~~ A farm product auction, which is a location where agricultural products, including food products, are offered for sale at auction.

(B) The director shall inspect each farm market, ~~farmers market,~~ and farm product auction that registers under this section. Inspections shall occur at a frequency considered appropriate by the director and shall be conducted in accordance with sanitation standards established in rules adopted under this section.

(C) The director shall adopt rules in accordance with Chapter 119. of the Revised Code as necessary to administer this section.

**Sec. 3721.02.** (A) As used in this section, "residential facility" means a residential facility licensed under section 5119.34 of the Revised Code that provides accommodations, supervision, and personal care services for three to sixteen unrelated adults.

(B)(1) The director of health shall license homes and

establish procedures to be followed in inspecting and licensing 52220  
homes. The director may inspect a home at any time. ~~Each~~ The 52221  
director may enter at any time, for the purposes of investigation, 52222  
any institution, residence, facility, or other structure that has 52223  
been reported to the director or that the director has reasonable 52224  
cause to believe is operating as a nursing home, residential care 52225  
facility, or home for the aging without a valid license required 52226  
by section 3721.05 of the Revised Code or, in the case of a county 52227  
home or district home, is operating despite the revocation of its 52228  
residential care facility license. The director may delegate the 52229  
director's authority and duties under this chapter to any 52230  
division, bureau, agency, or official of the department of health. 52231

(2)(a) Except as provided in division (B)(2)(b) of this 52232  
section, prior to the issuance of a license, each home shall be 52233  
inspected by the director ~~at least once prior to the issuance of a~~ 52234  
~~license and at least once every fifteen months thereafter. The~~ and 52235  
the state fire marshal or a township, municipal, or other legally 52236  
constituted fire department approved by the marshal ~~shall also~~ 52237  
~~inspect a home prior to issuance of a license.~~ 52238

(b) The inspections set forth in division (B)(2)(a) of this 52239  
section are not required prior to the issuance of a license if 52240  
ownership of the home is assigned or transferred to a different 52241  
person and the home was licensed under this chapter immediately 52242  
prior to the assignment or transfer. 52243

(3) After issuance of a license by the director, each home 52244  
shall be inspected as follows: 52245

(a) By the director at least once every fifteen months 52246  
~~thereafter, and at any other time requested by the director. A~~ 52247  
~~home does not have to be inspected prior to issuance of a license~~ 52248  
~~by the director, state fire marshal, or a fire department if~~ 52249  
~~ownership of the home is assigned or transferred to a different~~ 52250  
~~person and the home was licensed under this chapter immediately~~ 52251

~~prior to the assignment or transfer~~ except that a home that is a 52252  
residential care facility, or part of a home for the aging that is 52253  
licensed as a residential care facility, may, at the discretion of 52254  
the director, be inspected at least once every thirty months if 52255  
all of the following apply: 52256

(i) During the two most recent consecutive inspections that 52257  
occurred at least once every fifteen months, there were no 52258  
substantiated violations against the residential care facility; 52259

(ii) During the time period of the inspections referred to in 52260  
division (B)(4)(a) of this section, there were no substantiated 52261  
violations against the residential care facility from any other 52262  
inspections or from any investigations of complaints; 52263

(iii) The residential care facility does not have any 52264  
outstanding violations from any previous inspections or 52265  
investigations. 52266

(b) By the state fire marshal or a township, municipal, or 52267  
other legally constituted fire department approved by the marshal 52268  
at least once every fifteen months. 52269

(4) A nursing home does not need to be inspected before the 52270  
director increases the nursing home's licensed capacity if the 52271  
beds being added to the nursing home are placed in resident rooms 52272  
that were inspected, as part of the most recent previous 52273  
inspection of the nursing home, for the same number of residents 52274  
proposed to be placed in a room after the capacity increase. ~~The~~ 52275  
~~director may enter at any time, for the purposes of investigation,~~ 52276  
~~any institution, residence, facility, or other structure that has~~ 52277  
~~been reported to the director or that the director has reasonable~~ 52278  
~~cause to believe is operating as a nursing home, residential care~~ 52279  
~~facility, or home for the aging without a valid license required~~ 52280  
~~by section 3721.05 of the Revised Code or, in the case of a county~~ 52281  
~~home or district home, is operating despite the revocation of its~~ 52282

~~residential care facility license. The director may delegate the 52283  
director's authority and duties under this chapter to any 52284  
division, bureau, agency, or official of the department of health. 52285~~

~~(2)(5)(a) If, prior to issuance of a license, a home The 52286  
inspection procedures established under division (B) of this 52287  
section shall include a process for conducting expedited licensing 52288  
inspections. An expedited licensing inspection may be requested by 52289  
an applicant seeking a license for a new home or, in the case of 52290  
an existing home, an applicant seeking approval to increase or 52291  
decrease the home's licensed capacity or to make any other change 52292  
for which the director requires a licensing inspection to be 52293  
conducted. 52294~~

~~If an applicant submits a complete request for an expedited 52295  
licensing inspection and the request is submitted in a manner and 52296  
form approved by the director, the director shall commence anthe 52297  
inspection of the home not later than ten business days after 52298  
receiving the complete request. 52299~~

~~Any rules adopted by the director pursuant to section 3721.04 52300  
of the Revised Code to implement the requirements described in 52301  
division (B)(5)(a) of this section are not subject to the 52302  
requirements of division (F) of section 121.95 of the Revised 52303  
Code. 52304~~

~~(b) On request, submitted in a manner and form approved by 52305  
the director, the director may review plans for a building that is 52306  
to be used as a home for compliance with applicable state and 52307  
local building and safety codes. 52308~~

~~(e) The director may charge a fee for an expedited licensing 52309  
inspection or a plan review that is adequate to cover the expense 52310  
of expediting the inspection or reviewing the plans. The fee shall 52311  
be deposited in the state treasury to the credit of the general 52312  
operations fund created in section 3701.83 of the Revised Code and 52313~~

used solely for expediting inspections ~~and reviewing plans.~~ 52314

(C) A single facility may be licensed both as a nursing home 52315  
pursuant to this chapter and as a residential facility pursuant to 52316  
section 5119.34 of the Revised Code if the director determines 52317  
that the part or unit to be licensed as a nursing home can be 52318  
maintained separate and discrete from the part or unit to be 52319  
licensed as a residential facility. 52320

(D) In determining the number of residents in a home for the 52321  
purpose of licensing, the director shall consider all the 52322  
individuals for whom the home provides accommodations as one group 52323  
unless one of the following is the case: 52324

(1) The home is a home for the aging, in which case all the 52325  
individuals in the part or unit licensed as a nursing home shall 52326  
be considered as one group, and all the individuals in the part or 52327  
unit licensed as a ~~rest home~~ residential care facility shall be 52328  
considered as another group. 52329

(2) The home is both a nursing home and a residential 52330  
facility. In that case, all the individuals in the part or unit 52331  
licensed as a nursing home shall be considered as one group, and 52332  
all the individuals in the part or unit licensed as an ~~adult care~~ 52333  
residential facility shall be considered as another group. 52334

(3) The home maintains, in addition to a nursing home or 52335  
residential care facility, a separate and discrete part or unit 52336  
that provides accommodations to individuals who do not require or 52337  
receive skilled nursing care and do not receive personal care 52338  
services from the home, in which case the individuals in the 52339  
separate and discrete part or unit shall not be considered in 52340  
determining the number of residents in the home if the separate 52341  
and discrete part or unit is in compliance with the Ohio basic 52342  
building code established by the board of building standards under 52343  
Chapters 3781. and 3791. of the Revised Code and the home permits 52344

the director, on request, to inspect the separate and discrete 52345  
part or unit and speak with the individuals residing there, if 52346  
they consent, to determine whether the separate and discrete part 52347  
or unit meets the requirements of this division. 52348

(E)(1) The director of health shall charge the following 52349  
application fee and annual renewal licensing and inspection fee 52350  
for each fifty persons or part thereof of a home's licensed 52351  
capacity: 52352

(a) For state fiscal year 2010, two hundred twenty dollars; 52353

(b) For state fiscal year 2011, two hundred seventy dollars; 52354

(c) For each state fiscal year thereafter, three hundred 52355  
twenty dollars. 52356

(2) All fees collected by the director for the issuance or 52357  
renewal of licenses shall be deposited into the state treasury to 52358  
the credit of the general operations fund created in section 52359  
3701.83 of the Revised Code for use only in administering and 52360  
enforcing this chapter and rules adopted under it. 52361

(F)(1) Except as otherwise provided in this section, the 52362  
results of an inspection or investigation of a home that is 52363  
conducted under this section, including any statement of 52364  
deficiencies and all findings and deficiencies cited in the 52365  
statement on the basis of the inspection or investigation, shall 52366  
be used solely to determine the home's compliance with this 52367  
chapter or another chapter of the Revised Code in any action or 52368  
proceeding other than an action commenced under division (I) of 52369  
section 3721.17 of the Revised Code. Those results of an 52370  
inspection or investigation, that statement of deficiencies, and 52371  
the findings and deficiencies cited in that statement shall not be 52372  
used in either of the following: 52373

(a) Any court or in any action or proceeding that is pending 52374  
in any court and are not admissible in evidence in any action or 52375

proceeding unless that action or proceeding is an appeal of an 52376  
action by the department of health under this chapter or is an 52377  
action by any department or agency of the state to enforce this 52378  
chapter or another chapter of the Revised Code; 52379

(b) An advertisement, unless the advertisement includes all 52380  
of the following: 52381

(i) The date the inspection or investigation was conducted; 52382

(ii) A statement that the director of health inspects all 52383  
homes at least once every fifteen months or, if applicable under 52384  
this section, at least once every thirty months; 52385

(iii) If a finding or deficiency cited in the statement of 52386  
deficiencies has been substantially corrected, a statement that 52387  
the finding or deficiency has been substantially corrected and the 52388  
date that the finding or deficiency was substantially corrected; 52389

(iv) The number of findings and deficiencies cited in the 52390  
statement of deficiencies on the basis of the inspection or 52391  
investigation; 52392

(v) The average number of findings and deficiencies cited in 52393  
a statement of deficiencies on the basis of an inspection or 52394  
investigation conducted under this section during the same 52395  
calendar year as the inspection or investigation used in the 52396  
advertisement; 52397

(vi) A statement that the advertisement is neither authorized 52398  
nor endorsed by the department of health or any other government 52399  
agency. 52400

(2) Nothing in division (F)(1) of this section prohibits the 52401  
results of an inspection or investigation conducted under this 52402  
section from being used in a criminal investigation or 52403  
prosecution. 52404

Sec. 3721.081. (A) Notwithstanding any action the director of 52405

health may take under section 3721.08 of the Revised Code, if the 52406  
director determines immediate action is necessary to protect 52407  
resident health or safety because a home has neglected or refused 52408  
to act with sufficient promptness or efficiency to protect 52409  
resident health or safety, the director may do either or both of 52410  
the following before a home is provided notice and an opportunity 52411  
for a hearing under Chapter 119. of the Revised Code: 52412

(1) Issue orders, including specifying actions that a home 52413  
must take immediately to address resident health and safety; 52414

(2) Take direct action to protect resident health or safety 52415  
if the home fails to act on an order issued pursuant to division 52416  
(A)(1) of this section. 52417

(B)(1) Subject to divisions (B)(2) and (3) of this section, 52418  
orders that may be issued and direct action that may be taken 52419  
under this section include all of the following: 52420

(a) Removing a threat to resident health or safety; 52421

(b) Transferring residents to another home or appropriate 52422  
care setting until a threat to resident health or safety is 52423  
resolved; 52424

(c) Appointing a temporary administrator for a home for the 52425  
duration of an order; 52426

(d) Issuing any other order or taking any other action as 52427  
necessary to protect the health or safety of residents of a home. 52428

(2) The director shall not enter a home pursuant to this 52429  
section unless the director provides the operator with notice at 52430  
least twenty-four hours in advance. 52431

(3) The director's authority to transfer residents under this 52432  
section is subject to both of the following: 52433

(a) If the reason for the transfer is due to an environmental 52434

condition affecting the home, the director may transfer only those 52435  
residents directly affected by the environmental condition. 52436

(b) If the reason for the transfer is due to a clinical 52437  
condition that affects the entire home, the director may transfer 52438  
all residents for the lesser of thirty calendar days or until the 52439  
date that the condition is no longer affecting the home. If the 52440  
condition persists longer than thirty calendar days, the director 52441  
shall provide the home a notice regarding the reason for 52442  
determining that the condition is still affecting the home. The 52443  
home may request a hearing regarding the notice in accordance with 52444  
this section. 52445

(C) Any expenses incurred by a home to comply with an order 52446  
issued under this section shall be borne by the home. 52447

If a hearing is conducted in accordance with this section and 52448  
the director is found to have acted in violation of this section, 52449  
all reasonable expenses incurred by the home as a result of the 52450  
director's action shall be reimbursed to the home by the 52451  
department of health within ninety days after the date that the 52452  
final adjudication order is issued. 52453

(D) If a home fails to comply with an order issued under this 52454  
section, the director shall issue an order imposing a fine of not 52455  
more than one hundred thousand dollars for each instance of 52456  
noncompliance. Any fine imposed shall be reasonably commensurate 52457  
to the harm caused by the home, and the home may request a hearing 52458  
as to the fine's reasonableness in accordance with this section. 52459

(E) All fines collected under this section shall be deposited 52460  
in the state treasury to the credit of the general operations fund 52461  
created by section 3701.83 of the Revised Code. 52462

(F) A home subject to an order or action under this section 52463  
may request a hearing under Chapter 119. of the Revised Code. The 52464  
request must be received by the director within fifteen days after 52465

the notice of the order was mailed. If the home timely requests a hearing, the date set for the hearing shall be within ten days after the home requested the hearing, unless otherwise agreed to by both the director and the home. 52466  
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An order issued under this section shall remain in effect, unless reversed by the director, until a final adjudication order issued by the director pursuant to this section and Chapter 119. of the Revised Code becomes effective. The director shall issue the final adjudication order not later than thirty days after completion of the hearing. 52470  
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A home may appeal a final adjudication order in accordance with Chapter 119. of the Revised Code. 52476  
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**Sec. 3727.80.** (A) As used in this section, "health benefit plan," "health plan issuer," and "health care services" have the same meanings as in section 3922.01 of the Revised Code. 52478  
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(B) If a patient is admitted to a hospital for inpatient health care services and the hospital is informed at the time of admission that the person is covered by a health benefit plan, the hospital shall notify the health plan issuer of the admission within forty-eight hours of the patient being admitted. 52481  
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(C) If a patient is admitted to a hospital for inpatient health care services prior to the hospital being informed that the patient is covered by a health benefit plan, the hospital shall notify the health plan issuer within forty-eight hours of being informed the patient is covered by the health plan issuer. 52486  
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(D) A hospital shall be considered to have been informed that a patient is covered by a health benefit plan upon being provided with an identification card that provides the health plan issuer's contact information or other information sufficient for the hospital to contact the health plan issuer and confirm coverage. 52491  
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(E) The notice required under divisions (B) and (C) of this section shall be made in writing and may be provided through a secure electronic transmission by the hospital to the health plan issuer or, if written notice is not possible, then the notice shall be made by telephonic communication.

**Sec. 3734.57.** (A) The following fees are hereby levied on the transfer or disposal of solid wastes in this state:

(1) Ninety cents per ton through June 30, ~~2022~~2024, twenty cents of the proceeds of which shall be deposited in the state treasury to the credit of the hazardous waste facility management fund created in section 3734.18 of the Revised Code and seventy cents of the proceeds of which shall be deposited in the state treasury to the credit of the hazardous waste clean-up fund created in section 3734.28 of the Revised Code;

(2) An additional seventy-five cents per ton through June 30, ~~2022~~2024, the proceeds of which shall be deposited in the state treasury to the credit of the waste management fund created in section 3734.061 of the Revised Code.

(3) An additional two dollars and eighty-five cents per ton through June 30, ~~2022~~2024, the proceeds of which shall be deposited in the state treasury to the credit of the environmental protection fund created in section 3745.015 of the Revised Code;

(4) An additional twenty-five cents per ton through June 30, ~~2022~~2024, the proceeds of which shall be deposited in the state treasury to the credit of the soil and water conservation district assistance fund created in section 940.15 of the Revised Code.

In the case of solid wastes that are taken to a solid waste transfer facility located in this state prior to being transported for disposal at a solid waste disposal facility located in this state or outside of this state, the fees levied under this

division shall be collected by the owner or operator of the 52526  
transfer facility as a trustee for the state. The amount of fees 52527  
required to be collected under this division at such a transfer 52528  
facility shall equal the total tonnage of solid wastes received at 52529  
the facility multiplied by the fees levied under this division. In 52530  
the case of solid wastes that are not taken to a solid waste 52531  
transfer facility located in this state prior to being transported 52532  
to a solid waste disposal facility, the fees shall be collected by 52533  
the owner or operator of the solid waste disposal facility as a 52534  
trustee for the state. The amount of fees required to be collected 52535  
under this division at such a disposal facility shall equal the 52536  
total tonnage of solid wastes received at the facility that was 52537  
not previously taken to a solid waste transfer facility located in 52538  
this state multiplied by the fees levied under this division. Fees 52539  
levied under this division do not apply to materials separated 52540  
from a mixed waste stream for recycling by a generator or 52541  
materials removed from the solid waste stream through recycling, 52542  
as "recycling" is defined in rules adopted under section 3734.02 52543  
of the Revised Code. 52544

The owner or operator of a solid waste transfer facility or 52545  
disposal facility, as applicable, shall prepare and file with the 52546  
director of environmental protection each month a return 52547  
indicating the total tonnage of solid wastes received at the 52548  
facility during that month and the total amount of the fees 52549  
required to be collected under this division during that month. In 52550  
addition, the owner or operator of a solid waste disposal facility 52551  
shall indicate on the return the total tonnage of solid wastes 52552  
received from transfer facilities located in this state during 52553  
that month for which the fees were required to be collected by the 52554  
transfer facilities. The monthly returns shall be filed on a form 52555  
prescribed by the director. Not later than thirty days after the 52556  
last day of the month to which a return applies, the owner or 52557  
operator shall mail to the director the return for that month 52558

together with the fees required to be collected under this 52559  
division during that month as indicated on the return or may 52560  
submit the return and fees electronically in a manner approved by 52561  
the director. If the return is filed and the amount of the fees 52562  
due is paid in a timely manner as required in this division, the 52563  
owner or operator may retain a discount of three-fourths of one 52564  
per cent of the total amount of the fees that are required to be 52565  
paid as indicated on the return. 52566

The owner or operator may request an extension of not more 52567  
than thirty days for filing the return and remitting the fees, 52568  
provided that the owner or operator has submitted such a request 52569  
in writing to the director together with a detailed description of 52570  
why the extension is requested, the director has received the 52571  
request not later than the day on which the return is required to 52572  
be filed, and the director has approved the request. If the fees 52573  
are not remitted within thirty days after the last day of the 52574  
month to which the return applies or are not remitted by the last 52575  
day of an extension approved by the director, the owner or 52576  
operator shall not retain the three-fourths of one per cent 52577  
discount and shall pay an additional ten per cent of the amount of 52578  
the fees for each month that they are late. For purposes of 52579  
calculating the late fee, the first month in which fees are late 52580  
begins on the first day after the deadline has passed for timely 52581  
submitting the return and fees, and one additional month shall be 52582  
counted every thirty days thereafter. 52583

The owner or operator of a solid waste facility may request a 52584  
refund or credit of fees levied under this division and remitted 52585  
to the director that have not been paid to the owner or operator. 52586  
Such a request shall be made only if the fees have not been 52587  
collected by the owner or operator, have become a debt that has 52588  
become worthless or uncollectable for a period of six months or 52589  
more, and may be claimed as a deduction, including a deduction 52590

claimed if the owner or operator keeps accounts on an accrual 52591  
basis, under the "Internal Revenue Code of 1954," 68A Stat. 50, 26 52592  
U.S.C. 166, as amended, and regulations adopted under it. Prior to 52593  
making a request for a refund or credit, an owner or operator 52594  
shall make reasonable efforts to collect the applicable fees. A 52595  
request for a refund or credit shall not include any costs 52596  
resulting from those efforts to collect unpaid fees. 52597

A request for a refund or credit of fees shall be made in 52598  
writing, on a form prescribed by the director, and shall be 52599  
supported by evidence that may be required in rules adopted by the 52600  
director under this chapter. After reviewing the request, and if 52601  
the request and evidence submitted with the request indicate that 52602  
a refund or credit is warranted, the director shall grant a refund 52603  
to the owner or operator or shall permit a credit to be taken by 52604  
the owner or operator on a subsequent monthly return submitted by 52605  
the owner or operator. The amount of a refund or credit shall not 52606  
exceed an amount that is equal to ninety days' worth of fees owed 52607  
to an owner or operator by a particular debtor of the owner or 52608  
operator. A refund or credit shall not be granted by the director 52609  
to an owner or operator more than once in any twelve-month period 52610  
for fees owed to the owner or operator by a particular debtor. 52611

If, after receiving a refund or credit from the director, an 52612  
owner or operator receives payment of all or part of the fees, the 52613  
owner or operator shall remit the fees with the next monthly 52614  
return submitted to the director together with a written 52615  
explanation of the reason for the submittal. 52616

For purposes of computing the fees levied under this division 52617  
or division (B) of this section, any solid waste transfer or 52618  
disposal facility that does not use scales as a means of 52619  
determining gate receipts shall use a conversion factor of three 52620  
cubic yards per ton of solid waste or one cubic yard per ton for 52621  
baled waste, as applicable. 52622

The fees levied under this division and divisions (B) and (C) 52623  
of this section are in addition to all other applicable fees and 52624  
taxes and shall be paid by the customer or a political subdivision 52625  
to the owner or operator of a solid waste transfer or disposal 52626  
facility. In the alternative, the fees shall be paid by a customer 52627  
or political subdivision to a transporter of waste who 52628  
subsequently transfers the fees to the owner or operator of such a 52629  
facility. The fees shall be paid notwithstanding the existence of 52630  
any provision in a contract that the customer or a political 52631  
subdivision may have with the owner or operator or with a 52632  
transporter of waste to the facility that would not require or 52633  
allow such payment regardless of whether the contract was entered 52634  
prior to or after October 16, 2009. For those purposes, "customer" 52635  
means a person who contracts with, or utilizes the solid waste 52636  
services of, the owner or operator of a solid waste transfer or 52637  
disposal facility or a transporter of solid waste to such a 52638  
facility. 52639

(B) For the purposes specified in division (G) of this 52640  
section, the solid waste management policy committee of a county 52641  
or joint solid waste management district may levy fees upon the 52642  
following activities: 52643

(1) The disposal at a solid waste disposal facility located 52644  
in the district of solid wastes generated within the district; 52645

(2) The disposal at a solid waste disposal facility within 52646  
the district of solid wastes generated outside the boundaries of 52647  
the district, but inside this state; 52648

(3) The disposal at a solid waste disposal facility within 52649  
the district of solid wastes generated outside the boundaries of 52650  
this state. 52651

The solid waste management plan of the county or joint 52652  
district approved under section 3734.521 or 3734.55 of the Revised 52653

Code and any amendments to it, or the resolution adopted under 52654  
this division, as appropriate, shall establish the rates of the 52655  
fees levied under divisions (B)(1), (2), and (3) of this section, 52656  
if any, and shall specify whether the fees are levied on the basis 52657  
of tons or cubic yards as the unit of measurement. A solid waste 52658  
management district that levies fees under this division on the 52659  
basis of cubic yards shall do so in accordance with division (A) 52660  
of this section. 52661

The fee levied under division (B)(1) of this section shall be 52662  
not less than one dollar per ton nor more than two dollars per 52663  
ton, the fee levied under division (B)(2) of this section shall be 52664  
not less than two dollars per ton nor more than four dollars per 52665  
ton, and the fee levied under division (B)(3) of this section 52666  
shall be not more than the fee levied under division (B)(1) of 52667  
this section. 52668

Prior to the approval of the solid waste management plan of a 52669  
district under section 3734.55 of the Revised Code, the solid 52670  
waste management policy committee of a district may levy fees 52671  
under this division by adopting a resolution establishing the 52672  
proposed amount of the fees. Upon adopting the resolution, the 52673  
committee shall deliver a copy of the resolution to the board of 52674  
county commissioners of each county forming the district and to 52675  
the legislative authority of each municipal corporation and 52676  
township under the jurisdiction of the district and shall prepare 52677  
and publish the resolution and a notice of the time and location 52678  
where a public hearing on the fees will be held. Upon adopting the 52679  
resolution, the committee shall deliver written notice of the 52680  
adoption of the resolution; of the amount of the proposed fees; 52681  
and of the date, time, and location of the public hearing to the 52682  
director and to the fifty industrial, commercial, or institutional 52683  
generators of solid wastes within the district that generate the 52684  
largest quantities of solid wastes, as determined by the 52685

committee, and to their local trade associations. The committee 52686  
shall make good faith efforts to identify those generators within 52687  
the district and their local trade associations, but the 52688  
nonprovision of notice under this division to a particular 52689  
generator or local trade association does not invalidate the 52690  
proceedings under this division. The publication shall occur at 52691  
least thirty days before the hearing. After the hearing, the 52692  
committee may make such revisions to the proposed fees as it 52693  
considers appropriate and thereafter, by resolution, shall adopt 52694  
the revised fee schedule. Upon adopting the revised fee schedule, 52695  
the committee shall deliver a copy of the resolution doing so to 52696  
the board of county commissioners of each county forming the 52697  
district and to the legislative authority of each municipal 52698  
corporation and township under the jurisdiction of the district. 52699  
Within sixty days after the delivery of a copy of the resolution 52700  
adopting the proposed revised fees by the policy committee, each 52701  
such board and legislative authority, by ordinance or resolution, 52702  
shall approve or disapprove the revised fees and deliver a copy of 52703  
the ordinance or resolution to the committee. If any such board or 52704  
legislative authority fails to adopt and deliver to the policy 52705  
committee an ordinance or resolution approving or disapproving the 52706  
revised fees within sixty days after the policy committee 52707  
delivered its resolution adopting the proposed revised fees, it 52708  
shall be conclusively presumed that the board or legislative 52709  
authority has approved the proposed revised fees. The committee 52710  
shall determine if the resolution has been ratified in the same 52711  
manner in which it determines if a draft solid waste management 52712  
plan has been ratified under division (B) of section 3734.55 of 52713  
the Revised Code. 52714

The committee may amend the schedule of fees levied pursuant 52715  
to a resolution adopted and ratified under this division by 52716  
adopting a resolution establishing the proposed amount of the 52717  
amended fees. The committee may repeal the fees levied pursuant to 52718

such a resolution by adopting a resolution proposing to repeal 52719  
them. Upon adopting such a resolution, the committee shall proceed 52720  
to obtain ratification of the resolution in accordance with this 52721  
division. 52722

Not later than fourteen days after declaring the new fees to 52723  
be ratified or the fees to be repealed under this division, the 52724  
committee shall notify by certified mail the owner or operator of 52725  
each solid waste disposal facility that is required to collect the 52726  
fees of the ratification and the amount of the fees or of the 52727  
repeal of the fees. Collection of any fees shall commence or 52728  
collection of repealed fees shall cease on the first day of the 52729  
second month following the month in which notification is sent to 52730  
the owner or operator. 52731

Fees levied under this division also may be established, 52732  
amended, or repealed by a solid waste management policy committee 52733  
through the adoption of a new district solid waste management 52734  
plan, the adoption of an amended plan, or the amendment of the 52735  
plan or amended plan in accordance with sections 3734.55 and 52736  
3734.56 of the Revised Code or the adoption or amendment of a 52737  
district plan in connection with a change in district composition 52738  
under section 3734.521 of the Revised Code. 52739

Not later than fourteen days after the director issues an 52740  
order approving a district's solid waste management plan, amended 52741  
plan, or amendment to a plan or amended plan that establishes, 52742  
amends, or repeals a schedule of fees levied by the district, the 52743  
committee shall notify by certified mail the owner or operator of 52744  
each solid waste disposal facility that is required to collect the 52745  
fees of the approval of the plan or amended plan, or the amendment 52746  
to the plan, as appropriate, and the amount of the fees, if any. 52747  
In the case of an initial or amended plan approved under section 52748  
3734.521 of the Revised Code in connection with a change in 52749  
district composition, other than one involving the withdrawal of a 52750

county from a joint district, the committee, within fourteen days 52751  
after the change takes effect pursuant to division (G) of that 52752  
section, shall notify by certified mail the owner or operator of 52753  
each solid waste disposal facility that is required to collect the 52754  
fees that the change has taken effect and of the amount of the 52755  
fees, if any. Collection of any fees shall commence or collection 52756  
of repealed fees shall cease on the first day of the second month 52757  
following the month in which notification is sent to the owner or 52758  
operator. 52759

If, in the case of a change in district composition involving 52760  
the withdrawal of a county from a joint district, the director 52761  
completes the actions required under division (G)(1) or (3) of 52762  
section 3734.521 of the Revised Code, as appropriate, forty-five 52763  
days or more before the beginning of a calendar year, the policy 52764  
committee of each of the districts resulting from the change that 52765  
obtained the director's approval of an initial or amended plan in 52766  
connection with the change, within fourteen days after the 52767  
director's completion of the required actions, shall notify by 52768  
certified mail the owner or operator of each solid waste disposal 52769  
facility that is required to collect the district's fees that the 52770  
change is to take effect on the first day of January immediately 52771  
following the issuance of the notice and of the amount of the fees 52772  
or amended fees levied under divisions (B)(1) to (3) of this 52773  
section pursuant to the district's initial or amended plan as so 52774  
approved or, if appropriate, the repeal of the district's fees by 52775  
that initial or amended plan. Collection of any fees set forth in 52776  
such a plan or amended plan shall commence on the first day of 52777  
January immediately following the issuance of the notice. If such 52778  
an initial or amended plan repeals a schedule of fees, collection 52779  
of the fees shall cease on that first day of January. 52780

If, in the case of a change in district composition involving 52781  
the withdrawal of a county from a joint district, the director 52782

completes the actions required under division (G)(1) or (3) of 52783  
section 3734.521 of the Revised Code, as appropriate, less than 52784  
forty-five days before the beginning of a calendar year, the 52785  
director, on behalf of each of the districts resulting from the 52786  
change that obtained the director's approval of an initial or 52787  
amended plan in connection with the change proceedings, shall 52788  
notify by certified mail the owner or operator of each solid waste 52789  
disposal facility that is required to collect the district's fees 52790  
that the change is to take effect on the first day of January 52791  
immediately following the mailing of the notice and of the amount 52792  
of the fees or amended fees levied under divisions (B)(1) to (3) 52793  
of this section pursuant to the district's initial or amended plan 52794  
as so approved or, if appropriate, the repeal of the district's 52795  
fees by that initial or amended plan. Collection of any fees set 52796  
forth in such a plan or amended plan shall commence on the first 52797  
day of the second month following the month in which notification 52798  
is sent to the owner or operator. If such an initial or amended 52799  
plan repeals a schedule of fees, collection of the fees shall 52800  
cease on the first day of the second month following the month in 52801  
which notification is sent to the owner or operator. 52802

If the schedule of fees that a solid waste management 52803  
district is levying under divisions (B)(1) to (3) of this section 52804  
is amended or repealed, the fees in effect immediately prior to 52805  
the amendment or repeal shall continue to be collected until 52806  
collection of the amended fees commences or collection of the 52807  
repealed fees ceases, as applicable, as specified in this 52808  
division. In the case of a change in district composition, money 52809  
so received from the collection of the fees of the former 52810  
districts shall be divided among the resulting districts in 52811  
accordance with division (B) of section 343.012 of the Revised 52812  
Code and the agreements entered into under division (B) of section 52813  
343.01 of the Revised Code to establish the former and resulting 52814  
districts and any amendments to those agreements. 52815

For the purposes of the provisions of division (B) of this section establishing the times when newly established or amended fees levied by a district are required to commence and the collection of fees that have been amended or repealed is required to cease, "fees" or "schedule of fees" includes, in addition to fees levied under divisions (B)(1) to (3) of this section, those levied under section 3734.573 or 3734.574 of the Revised Code.

(C) For the purposes of defraying the added costs to a municipal corporation or township of maintaining roads and other public facilities and of providing emergency and other public services, and compensating a municipal corporation or township for reductions in real property tax revenues due to reductions in real property valuations resulting from the location and operation of a solid waste disposal facility within the municipal corporation or township, a municipal corporation or township in which such a solid waste disposal facility is located may levy a fee of not more than twenty-five cents per ton on the disposal of solid wastes at a solid waste disposal facility located within the boundaries of the municipal corporation or township regardless of where the wastes were generated.

The legislative authority of a municipal corporation or township may levy fees under this division by enacting an ordinance or adopting a resolution establishing the amount of the fees. Upon so doing the legislative authority shall mail a certified copy of the ordinance or resolution to the board of county commissioners or directors of the county or joint solid waste management district in which the municipal corporation or township is located or, if a regional solid waste management authority has been formed under section 343.011 of the Revised Code, to the board of trustees of that regional authority, the owner or operator of each solid waste disposal facility in the municipal corporation or township that is required to collect the

fee by the ordinance or resolution, and the director of 52848  
environmental protection. Although the fees levied under this 52849  
division are levied on the basis of tons as the unit of 52850  
measurement, the legislative authority, in its ordinance or 52851  
resolution levying the fees under this division, may direct that 52852  
the fees be levied on the basis of cubic yards as the unit of 52853  
measurement based upon a conversion factor of three cubic yards 52854  
per ton generally or one cubic yard per ton for baled wastes. 52855

Not later than five days after enacting an ordinance or 52856  
adopting a resolution under this division, the legislative 52857  
authority shall so notify by certified mail the owner or operator 52858  
of each solid waste disposal facility that is required to collect 52859  
the fee. Collection of any fee levied on or after March 24, 1992, 52860  
shall commence on the first day of the second month following the 52861  
month in which notification is sent to the owner or operator. 52862

(D)(1) The fees levied under divisions (A), (B), and (C) of 52863  
this section do not apply to the disposal of solid wastes that: 52864

(a) Are disposed of at a facility owned by the generator of 52865  
the wastes when the solid waste facility exclusively disposes of 52866  
solid wastes generated at one or more premises owned by the 52867  
generator regardless of whether the facility is located on a 52868  
premises where the wastes are generated; 52869

(b) Are generated from the combustion of coal, or from the 52870  
combustion of primarily coal, regardless of whether the disposal 52871  
facility is located on the premises where the wastes are 52872  
generated; 52873

(c) Are asbestos or asbestos-containing materials or products 52874  
disposed of at a construction and demolition debris facility that 52875  
is licensed under Chapter 3714. of the Revised Code or at a solid 52876  
waste facility that is licensed under this chapter. 52877

(2) Except as provided in section 3734.571 of the Revised 52878

Code, any fees levied under division (B)(1) of this section apply 52879  
to solid wastes originating outside the boundaries of a county or 52880  
joint district that are covered by an agreement for the joint use 52881  
of solid waste facilities entered into under section 343.02 of the 52882  
Revised Code by the board of county commissioners or board of 52883  
directors of the county or joint district where the wastes are 52884  
generated and disposed of. 52885

(3) When solid wastes, other than solid wastes that consist 52886  
of scrap tires, are burned in a disposal facility that is an 52887  
incinerator or energy recovery facility, the fees levied under 52888  
divisions (A), (B), and (C) of this section shall be levied upon 52889  
the disposal of the fly ash and bottom ash remaining after burning 52890  
of the solid wastes and shall be collected by the owner or 52891  
operator of the sanitary landfill where the ash is disposed of. 52892

(4) When solid wastes are delivered to a solid waste transfer 52893  
facility, the fees levied under divisions (B) and (C) of this 52894  
section shall be levied upon the disposal of solid wastes 52895  
transported off the premises of the transfer facility for disposal 52896  
and shall be collected by the owner or operator of the solid waste 52897  
disposal facility where the wastes are disposed of. 52898

(5) The fees levied under divisions (A), (B), and (C) of this 52899  
section do not apply to sewage sludge that is generated by a waste 52900  
water treatment facility holding a national pollutant discharge 52901  
elimination system permit and that is disposed of through 52902  
incineration, land application, or composting or at another 52903  
resource recovery or disposal facility that is not a landfill. 52904

(6) The fees levied under divisions (A), (B), and (C) of this 52905  
section do not apply to solid wastes delivered to a solid waste 52906  
composting facility for processing. When any unprocessed solid 52907  
waste or compost product is transported off the premises of a 52908  
composting facility and disposed of at a landfill, the fees levied 52909  
under divisions (A), (B), and (C) of this section shall be 52910

collected by the owner or operator of the landfill where the 52911  
unprocessed waste or compost product is disposed of. 52912

(7) When solid wastes that consist of scrap tires are 52913  
processed at a scrap tire recovery facility, the fees levied under 52914  
divisions (A), (B), and (C) of this section shall be levied upon 52915  
the disposal of the fly ash and bottom ash or other solid wastes 52916  
remaining after the processing of the scrap tires and shall be 52917  
collected by the owner or operator of the solid waste disposal 52918  
facility where the ash or other solid wastes are disposed of. 52919

(8) The director of environmental protection may issue an 52920  
order exempting from the fees levied under this section solid 52921  
wastes, including, but not limited to, scrap tires, that are 52922  
generated, transferred, or disposed of as a result of a contract 52923  
providing for the expenditure of public funds entered into by the 52924  
administrator or regional administrator of the United States 52925  
environmental protection agency, the director of environmental 52926  
protection, or the director of administrative services on behalf 52927  
of the director of environmental protection for the purpose of 52928  
remediating conditions at a hazardous waste facility, solid waste 52929  
facility, or other location at which the administrator or regional 52930  
administrator or the director of environmental protection has 52931  
reason to believe that there is a substantial threat to public 52932  
health or safety or the environment or that the conditions are 52933  
causing or contributing to air or water pollution or soil 52934  
contamination. An order issued by the director of environmental 52935  
protection under division (D)(8) of this section shall include a 52936  
determination that the amount of the fees not received by a solid 52937  
waste management district as a result of the order will not 52938  
adversely impact the implementation and financing of the 52939  
district's approved solid waste management plan and any approved 52940  
amendments to the plan. Such an order is a final action of the 52941  
director of environmental protection. 52942

(E) The fees levied under divisions (B) and (C) of this section shall be collected by the owner or operator of the solid waste disposal facility where the wastes are disposed of as a trustee for the county or joint district and municipal corporation or township where the wastes are disposed of. Moneys from the fees levied under division (B) of this section shall be forwarded to the board of county commissioners or board of directors of the district in accordance with rules adopted under division (H) of this section. Moneys from the fees levied under division (C) of this section shall be forwarded to the treasurer or such other officer of the municipal corporation as, by virtue of the charter, has the duties of the treasurer or to the fiscal officer of the township, as appropriate, in accordance with those rules.

(F) Moneys received by the treasurer or other officer of the municipal corporation under division (E) of this section shall be paid into the general fund of the municipal corporation. Moneys received by the fiscal officer of the township under that division shall be paid into the general fund of the township. The treasurer or other officer of the municipal corporation or the township fiscal officer, as appropriate, shall maintain separate records of the moneys received from the fees levied under division (C) of this section.

(G) Moneys received by the board of county commissioners or board of directors under division (E) of this section or section 3734.571, 3734.572, 3734.573, or 3734.574 of the Revised Code shall be paid to the county treasurer, or other official acting in a similar capacity under a county charter, in a county district or to the county treasurer or other official designated by the board of directors in a joint district and kept in a separate and distinct fund to the credit of the district. If a regional solid waste management authority has been formed under section 343.011 of the Revised Code, moneys received by the board of trustees of

that regional authority under division (E) of this section shall 52975  
be kept by the board in a separate and distinct fund to the credit 52976  
of the district. Moneys in the special fund of the county or joint 52977  
district arising from the fees levied under division (B) of this 52978  
section and the fee levied under division (A) of section 3734.573 52979  
of the Revised Code shall be expended by the board of county 52980  
commissioners or directors of the district in accordance with the 52981  
district's solid waste management plan or amended plan approved 52982  
under section 3734.521, 3734.55, or 3734.56 of the Revised Code 52983  
exclusively for the following purposes: 52984

(1) Preparation of the solid waste management plan of the 52985  
district under section 3734.54 of the Revised Code, monitoring 52986  
implementation of the plan, and conducting the periodic review and 52987  
amendment of the plan required by section 3734.56 of the Revised 52988  
Code by the solid waste management policy committee; 52989

(2) Implementation of the approved solid waste management 52990  
plan or amended plan of the district, including, without 52991  
limitation, the development and implementation of solid waste 52992  
recycling or reduction programs; 52993

(3) Providing financial assistance to boards of health within 52994  
the district, if solid waste facilities are located within the 52995  
district, for enforcement of this chapter and rules, orders, and 52996  
terms and conditions of permits, licenses, and variances adopted 52997  
or issued under it, other than the hazardous waste provisions of 52998  
this chapter and rules adopted and orders and terms and conditions 52999  
of permits issued under those provisions; 53000

(4) Providing financial assistance to each county within the 53001  
district to defray the added costs of maintaining roads and other 53002  
public facilities and of providing emergency and other public 53003  
services resulting from the location and operation of a solid 53004  
waste facility within the county under the district's approved 53005  
solid waste management plan or amended plan; 53006

(5) Pursuant to contracts entered into with boards of health within the district, if solid waste facilities contained in the district's approved plan or amended plan are located within the district, for paying the costs incurred by those boards of health for collecting and analyzing samples from public or private water wells on lands adjacent to those facilities;

(6) Developing and implementing a program for the inspection of solid wastes generated outside the boundaries of this state that are disposed of at solid waste facilities included in the district's approved solid waste management plan or amended plan;

(7) Providing financial assistance to boards of health within the district for the enforcement of section 3734.03 of the Revised Code or to local law enforcement agencies having jurisdiction within the district for enforcing anti-littering laws and ordinances;

(8) Providing financial assistance to boards of health of health districts within the district that are on the approved list under section 3734.08 of the Revised Code to defray the costs to the health districts for the participation of their employees responsible for enforcement of the solid waste provisions of this chapter and rules adopted and orders and terms and conditions of permits, licenses, and variances issued under those provisions in the training and certification program as required by rules adopted under division (L) of section 3734.02 of the Revised Code;

(9) Providing financial assistance to individual municipal corporations and townships within the district to defray their added costs of maintaining roads and other public facilities and of providing emergency and other public services resulting from the location and operation within their boundaries of a composting, energy or resource recovery, incineration, or recycling facility that either is owned by the district or is furnishing solid waste management facility or recycling services

to the district pursuant to a contract or agreement with the board 53039  
of county commissioners or directors of the district; 53040

(10) Payment of any expenses that are agreed to, awarded, or 53041  
ordered to be paid under section 3734.35 of the Revised Code and 53042  
of any administrative costs incurred pursuant to that section. In 53043  
the case of a joint solid waste management district, if the board 53044  
of county commissioners of one of the counties in the district is 53045  
negotiating on behalf of affected communities, as defined in that 53046  
section, in that county, the board shall obtain the approval of 53047  
the board of directors of the district in order to expend moneys 53048  
for administrative costs incurred. 53049

Prior to the approval of the district's solid waste 53050  
management plan under section 3734.55 of the Revised Code, moneys 53051  
in the special fund of the district arising from the fees shall be 53052  
expended for those purposes in the manner prescribed by the solid 53053  
waste management policy committee by resolution. 53054

Notwithstanding division (G)(6) of this section as it existed 53055  
prior to October 29, 1993, or any provision in a district's solid 53056  
waste management plan prepared in accordance with division 53057  
(B)(2)(e) of section 3734.53 of the Revised Code as it existed 53058  
prior to that date, any moneys arising from the fees levied under 53059  
division (B)(3) of this section prior to January 1, 1994, may be 53060  
expended for any of the purposes authorized in divisions (G)(1) to 53061  
(10) of this section. 53062

(H) The director shall adopt rules in accordance with Chapter 53063  
119. of the Revised Code prescribing procedures for collecting and 53064  
forwarding the fees levied under divisions (B) and (C) of this 53065  
section to the boards of county commissioners or directors of 53066  
county or joint solid waste management districts and to the 53067  
treasurers or other officers of municipal corporations and the 53068  
fiscal officers of townships. The rules also shall prescribe the 53069  
dates for forwarding the fees to the boards and officials and may 53070

prescribe any other requirements the director considers necessary 53071  
or appropriate to implement and administer divisions (A), (B), and 53072  
(C) of this section. 53073

**Sec. 3734.85.** (A) On and after the effective date of the 53074  
rules adopted under sections 3734.70, 3734.71, 3734.72, and 53075  
3734.73 of the Revised Code, the director of environmental 53076  
protection may take action under this section to abate 53077  
accumulations of scrap tires. If the director determines that an 53078  
accumulation of scrap tires constitutes a danger to the public 53079  
health or safety or to the environment, the director shall issue 53080  
an order under section 3734.13 of the Revised Code to the person 53081  
responsible for the accumulation of scrap tires directing that 53082  
person, within one hundred twenty days after the issuance of the 53083  
order, to remove the accumulation of scrap tires from the premises 53084  
on which it is located and transport the tires to a scrap tire 53085  
storage, monocell, monofill, or recovery facility licensed under 53086  
section 3734.81 of the Revised Code, to such a facility in another 53087  
state operating in compliance with the laws of the state in which 53088  
it is located, or to any other solid waste disposal facility in 53089  
another state that is operating in compliance with the laws of 53090  
that state. If the person responsible for causing the accumulation 53091  
of scrap tires is a person different from the owner of the land on 53092  
which the accumulation is located, the director may issue such an 53093  
order to the landowner. 53094

If the director is unable to ascertain immediately the 53095  
identity of the person responsible for causing the accumulation of 53096  
scrap tires, the director shall examine the records of the 53097  
applicable board of health and law enforcement agencies to 53098  
ascertain that person's identity. Before initiating any 53099  
enforcement or removal actions under this division against the 53100  
owner of the land on which the accumulation is located, the 53101  
director shall initiate any such actions against the person that 53102

the director has identified as responsible for causing the 53103  
accumulation of scrap tires. Failure of the director to make 53104  
diligent efforts to ascertain the identity of the person 53105  
responsible for causing the accumulation of scrap tires or to 53106  
initiate an action against the person responsible for causing the 53107  
accumulation shall not constitute an affirmative defense by a 53108  
landowner to an enforcement action initiated by the director under 53109  
this division requiring immediate removal of any accumulation of 53110  
scrap tires. 53111

Upon the written request of the recipient of an order issued 53112  
under this division, the director may extend the time for 53113  
compliance with the order if the request demonstrates that the 53114  
recipient has acted in good faith to comply with the order. If the 53115  
recipient of an order issued under this division fails to comply 53116  
with the order within one hundred twenty days after the issuance 53117  
of the order or, if the time for compliance with the order was so 53118  
extended, within that time, the director shall take such actions 53119  
as the director considers reasonable and necessary to remove and 53120  
properly manage the scrap tires located on the land named in the 53121  
order. The director, through employees of the environmental 53122  
protection agency or a contractor, may enter upon the land on 53123  
which the accumulation of scrap tires is located and remove and 53124  
transport them to a scrap tire recovery facility for processing, 53125  
to a scrap tire storage facility for storage, or to a scrap tire 53126  
monocell or monofill facility for storage or disposal. 53127

The director shall enter into contracts for the storage, 53128  
disposal, or processing of scrap tires removed through removal 53129  
operations conducted under this section. 53130

If a person to whom a removal order is issued under this 53131  
division fails to comply with the order and if the director 53132  
performs a removal action under this section, the person to whom 53133  
the removal order is issued is liable to the director for the 53134

costs incurred by the director for conducting the removal 53135  
operation, storage at a scrap tire storage facility, storage or 53136  
disposal at a scrap tire monocell or monofill facility, or 53137  
processing of the scrap tires so removed, the transportation of 53138  
the scrap tires from the site of the accumulation to the scrap 53139  
tire storage, monocell, monofill, or recovery facility where the 53140  
scrap tires were stored, disposed of, or processed, and the 53141  
administrative and legal expenses incurred by the director in 53142  
connection with the removal operation. The director shall keep an 53143  
itemized record of those costs. Upon completion of the actions for 53144  
which the costs were incurred, the director shall record the costs 53145  
at the office of the county recorder of the county in which the 53146  
accumulation of scrap tires was located. The costs so recorded 53147  
constitute a lien on the property on which the accumulation of 53148  
scrap tires was located until discharged. Upon the written request 53149  
of the director, the attorney general shall bring a civil action 53150  
against the person responsible for the accumulation of the scrap 53151  
tires that were the subject of the removal operation to recover 53152  
the costs for which the person is liable under this division. Any 53153  
money so received or recovered shall be credited to the scrap tire 53154  
management fund created in section 3734.82 of the Revised Code. 53155

If, in a civil action brought under this division, an owner 53156  
of real property is ordered to pay to the director the costs of a 53157  
removal action that removed an accumulation of scrap tires from 53158  
the person's land or if a lien is placed on the person's land for 53159  
the costs of such a removal action, and, in either case, if the 53160  
landowner was not the person responsible for causing the 53161  
accumulation of scrap tires so removed, the landowner may bring a 53162  
civil action against the person who was responsible for causing 53163  
the accumulation to recover the amount of the removal costs that 53164  
the court ordered the landowner to pay to the director or the 53165  
amount of the removal costs certified to the county recorder as a 53166  
lien on the landowner's property, whichever is applicable. If the 53167

landowner prevails in the civil action against the person who was 53168  
responsible for causing the accumulation of scrap tires, the 53169  
court, as it considers appropriate, may award to the landowner the 53170  
reasonable attorney's fees incurred by the landowner for bringing 53171  
the action, court costs, and other reasonable expenses incurred by 53172  
the landowner in connection with the civil action. A landowner 53173  
shall bring such a civil action within two years after making the 53174  
final payment of the removal costs to the director pursuant to the 53175  
judgment rendered against the landowner in the civil action 53176  
brought under this division upon the director's request or within 53177  
two years after the director certified the costs of the removal 53178  
action to the county recorder, as appropriate. A person who, at 53179  
the time that a removal action was conducted under this division, 53180  
owned the land on which the removal action was performed may bring 53181  
an action under this division to recover the costs of the removal 53182  
action from the person responsible for causing the accumulation of 53183  
scrap tires so removed regardless of whether the person owns the 53184  
land at the time of bringing the action. 53185

Subject to the limitations set forth in division (G) of 53186  
section 3734.82 of the Revised Code, the director may use moneys 53187  
in the scrap tire management fund for conducting removal actions 53188  
under this division. Any moneys recovered under this division 53189  
shall be credited to the scrap tire management fund. 53190

(B) The director shall initiate enforcement and removal 53191  
actions under division (A) of this section in accordance with the 53192  
following descending listing of priorities: 53193

(1) Accumulations of scrap tires that the director finds 53194  
constitute a fire hazard or threat to public health; 53195

(2) Accumulations of scrap tires determined by the director 53196  
to contain more than one million scrap tires; 53197

(3) Accumulations of scrap tires in densely populated areas; 53198

|                                                                                                                                                                                                                                              |                                  |
|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|----------------------------------|
| (4) Other accumulations of scrap tires that the director or board of health of the health district in which the accumulation is located determines constitute a public nuisance;                                                             | 53199<br>53200<br>53201          |
| (5) Any other accumulations of scrap tires present on premises operating without a valid license issued under section 3734.05 or 3734.81 of the Revised Code.                                                                                | 53202<br>53203<br>53204          |
| (C) The director shall not take enforcement and removal actions under division (A) of this section against the owner or operator of, or the owner of the land on which is located, any of the following:                                     | 53205<br>53206<br>53207<br>53208 |
| (1) A premises where not more than one hundred scrap tires are present at any time;                                                                                                                                                          | 53209<br>53210                   |
| (2) The premises of a business engaging in the sale of tires at retail that meets either of the following criteria:                                                                                                                          | 53211<br>53212                   |
| (a) Not more than one thousand scrap tires are present on the premises at any time in an unsecured, uncovered outdoor location.                                                                                                              | 53213<br>53214                   |
| (b) Any number of scrap tires are secured in a building or a covered, enclosed container, trailer, or installation.                                                                                                                          | 53215<br>53216                   |
| (3) The premises of a tire retreading business, a tire manufacturing finishing center, or a tire adjustment center on which is located a single, covered scrap tire storage area where not more than four thousand scrap tires are stored;   | 53217<br>53218<br>53219<br>53220 |
| (4) The premises of a business that removes tires from motor vehicles in the ordinary course of business and on which is located a single scrap tire storage area that occupies not more than twenty-five hundred square feet;               | 53221<br>53222<br>53223<br>53224 |
| (5) A solid waste facility licensed under section 3734.05 of the Revised Code that stores scrap tires on the surface of the ground if the total land area on which scrap tires are actually stored does not exceed ten thousand square feet; | 53225<br>53226<br>53227<br>53228 |

|                                                                                                                                                                                                                                                                                                                                                                                                                                    |                                                             |
|------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-------------------------------------------------------------|
| (6) A premises where not more than two hundred fifty scrap tires are stored or kept for agricultural use;                                                                                                                                                                                                                                                                                                                          | 53229<br>53230                                              |
| (7) A construction site where scrap tires are stored for use or used in road resurfacing or the construction of embankments;                                                                                                                                                                                                                                                                                                       | 53231<br>53232                                              |
| (8) A scrap tire collection, storage, monocell, monofill, or recovery facility licensed under section 3734.81 of the Revised Code;                                                                                                                                                                                                                                                                                                 | 53233<br>53234<br>53235                                     |
| (9) A solid waste incineration or energy recovery facility that is subject to regulation under this chapter and that burns scrap tires;                                                                                                                                                                                                                                                                                            | 53236<br>53237<br>53238                                     |
| (10) A premises where scrap tires are beneficially used and for which the notice required by rules adopted under section 3734.84 of the Revised Code has been given;                                                                                                                                                                                                                                                               | 53239<br>53240<br>53241                                     |
| (11) A transporter registered under section 3734.83 of the Revised Code that collects and holds scrap tires in a covered trailer or vehicle for not longer than thirty days prior to transporting them to their final destination.                                                                                                                                                                                                 | 53242<br>53243<br>53244<br>53245                            |
| (D) Nothing in this section restricts any right any person may have under statute or common law to enforce or seek enforcement of any law applicable to the management of scrap tires, abate a nuisance, or seek any other appropriate relief.                                                                                                                                                                                     | 53246<br>53247<br>53248<br>53249                            |
| (E) An owner of real property <del>upon which there is located an accumulation of not more than five thousand scrap tires</del> is not liable under division (A) of this section for the cost of the removal of <u>the up to ten thousand scrap tires on the owner's property, or more at the director's discretion</u> , and no lien shall attach to the property under this section, if all of the following conditions are met: | 53250<br>53251<br>53252<br>53253<br>53254<br>53255<br>53256 |
| (1) The tires were placed on the property after the owner acquired title to the property, or the tires were placed on the                                                                                                                                                                                                                                                                                                          | 53257<br>53258                                              |

property before the owner acquired title to the property and the 53259  
owner acquired title to the property by bequest or devise. 53260

(2) The owner of the property did not have knowledge that the 53261  
tires were being placed on the property, or the owner posted on 53262  
the property signs prohibiting dumping or took other action to 53263  
prevent the placing of tires on the property. 53264

(3) The owner of the property did not participate in or 53265  
consent to the placing of the tires on the property. 53266

(4) The owner of the property received no financial benefit 53267  
from the placing of the tires on the property or otherwise having 53268  
the tires on the property. 53269

(5) Title to the property was not transferred to the owner 53270  
for the purpose of evading liability under division (A) of this 53271  
section. 53272

(6) The person responsible for placing the tires on the 53273  
property, in doing so, was not acting as an agent for the owner of 53274  
the property. 53275

**Sec. 3734.901.** (A)(1) For the purpose of providing revenue to 53276  
defray the cost of administering and enforcing the scrap tire 53277  
provisions of this chapter, rules adopted under those provisions, 53278  
and terms and conditions of orders, variances, and licenses issued 53279  
under those provisions; to abate accumulations of scrap tires; to 53280  
make grants supporting market development activities for scrap 53281  
tires and synthetic rubber from tire manufacturing processes and 53282  
tire recycling processes and to support scrap tire amnesty and 53283  
cleanup events; to make loans to promote the recycling or recovery 53284  
of energy from scrap tires; and to defray the costs of 53285  
administering and enforcing sections 3734.90 to 3734.9014 of the 53286  
Revised Code, a fee of fifty cents per tire is hereby levied on 53287  
the sale of tires. The proceeds of the fee shall be deposited in 53288

the state treasury to the credit of the scrap tire management fund 53289  
created in section 3734.82 of the Revised Code. The fee is levied 53290  
from the first day of the calendar month that begins next after 53291  
thirty days from October 29, 1993, through June 30, ~~2022~~2024. 53292

(2) Beginning on July 1, 2011, and ending on June 30, 53293  
~~2022~~2024, there is hereby levied an additional fee of fifty cents 53294  
per tire on the sale of tires the proceeds of which shall be 53295  
deposited in the state treasury to the credit of the soil and 53296  
water conservation district assistance fund created in section 53297  
940.15 of the Revised Code. 53298

(B) Only one sale of the same article shall be used in 53299  
computing the amount of the fee due. 53300

**Sec. 3735.65.** As used in sections 3735.65 to 3735.70 of the 53301  
Revised Code: 53302

(A) "Housing officer" means an officer or agency of a 53303  
municipal corporation or county designated by the legislative 53304  
authority of the municipal corporation or county, pursuant to 53305  
section 3735.66 of the Revised Code, for each community 53306  
reinvestment area to administer sections 3735.65 to 3735.69 of the 53307  
Revised Code. One officer or agency may be designated as the 53308  
housing officer for more than one community reinvestment area. 53309

(B) "Community reinvestment area" means an area within a 53310  
municipal corporation or unincorporated area of a county for which 53311  
the legislative authority of the municipal corporation or, for the 53312  
unincorporated area, of the county, has adopted a resolution under 53313  
section 3735.66 of the Revised Code describing the boundaries of 53314  
the area and containing a statement of finding that the area 53315  
included in the description is one in which housing facilities or 53316  
structures of historical significance are located and new housing 53317  
construction and repair of existing facilities or structures are 53318  
discouraged. 53319

(C) "Remodeling" means any change made in a structure for the purpose of making it structurally more sound, more habitable, or for the purpose of improving its appearance.

(D) "Structure of historical or architectural significance" means those designated as such by resolution of the legislative authority of a municipal corporation, for those located in a municipal corporation, or the county, for those located in the unincorporated area of the county based on age, rarity, architectural quality, or because of a previous designation by a historical society, association, or agency.

(E) "Megaproject," "megaproject operator," and "megaproject supplier" have the same meanings as in section 122.17 of the Revised Code.

**Sec. 3735.67.** (A) The owner of real property located in a community reinvestment area and eligible for exemption from taxation under a resolution adopted pursuant to section 3735.66 of the Revised Code may file an application for an exemption from real property taxation of a percentage of the assessed valuation of a new structure, or of the increased assessed valuation of an existing structure after remodeling began, if the new structure or remodeling is completed after the effective date of the resolution adopted pursuant to section 3735.66 of the Revised Code. The application shall be filed with the housing officer designated for the community reinvestment area in which the property is located. If any part of the new structure or remodeled structure that would be exempted is of real property to be used for commercial or industrial purposes, the legislative authority and the owner of the property shall enter into a written agreement pursuant to section 3735.671 of the Revised Code prior to commencement of construction or remodeling; if such an agreement is subject to approval by the board of education of the school district within

the territory of which the property is or will be located, the 53351  
agreement shall not be formally approved by the legislative 53352  
authority until the board of education approves the agreement in 53353  
the manner prescribed by that section. 53354

(B) The housing officer shall verify the construction of the 53355  
new structure or the cost of the remodeling of the existing 53356  
structure and the facts asserted in the application. The housing 53357  
officer shall determine whether the construction or remodeling 53358  
meets the requirements for an exemption under this section. In 53359  
cases involving a structure of historical or architectural 53360  
significance, the housing officer shall not determine whether the 53361  
remodeling meets the requirements for a tax exemption unless the 53362  
appropriateness of the remodeling has been certified, in writing, 53363  
by the society, association, agency, or legislative authority that 53364  
has designated the structure or by any organization or person 53365  
authorized, in writing, by such society, association, agency, or 53366  
legislative authority to certify the appropriateness of the 53367  
remodeling. 53368

(C) If the construction or remodeling meets the requirements 53369  
for exemption, the housing officer shall forward the application 53370  
to the county auditor with a certification as to the division of 53371  
this section under which the exemption is granted, and the period 53372  
and percentage of the exemption as determined by the legislative 53373  
authority pursuant to that division. If the construction or 53374  
remodeling is of commercial or industrial property and the 53375  
legislative authority is not required to certify a copy of a 53376  
resolution under section 3735.671 of the Revised Code, the housing 53377  
officer shall comply with the notice requirements prescribed under 53378  
section 5709.83 of the Revised Code, unless the board has adopted 53379  
a resolution under that section waiving its right to receive such 53380  
a notice. 53381

(D) Except as provided in division (F) of this section, the 53382  
tax exemption shall first apply in the year the construction or 53383  
remodeling would first be taxable but for this section. In the 53384  
case of remodeling that qualifies for exemption, a percentage, not 53385  
to exceed one hundred per cent, of the increased assessed 53386  
valuation of an existing structure after remodeling began shall be 53387  
exempted from real property taxation. In the case of construction 53388  
of a structure that qualifies for exemption, a percentage, not to 53389  
exceed one hundred per cent, of the assessed value of the 53390  
structure shall be exempted from real property taxation. In either 53391  
case, the percentage shall be the percentage set forth in the 53392  
agreement if the structure or remodeling is to be used for 53393  
commercial or industrial purposes, or the percentage set forth in 53394  
the resolution describing the community reinvestment area if the 53395  
structure or remodeling is to be used for residential purposes. 53396

The construction of new structures and the remodeling of 53397  
existing structures are hereby declared to be a public purpose for 53398  
which exemptions from real property taxation may be granted for 53399  
the following periods: 53400

(1) For every dwelling and commercial or industrial 53401  
properties, located within the same community reinvestment area, 53402  
upon which the cost of remodeling is at least two thousand five 53403  
hundred dollars in the case of a dwelling containing not more than 53404  
two family units or at least five thousand dollars in the case of 53405  
all other property, a period to be determined by the legislative 53406  
authority adopting the resolution, but not exceeding fifteen 53407  
years. The period of exemption for a dwelling described in 53408  
division (D)(1) of this section may be extended by a legislative 53409  
authority for up to an additional ten years if the dwelling is a 53410  
structure of historical or architectural significance, is a 53411  
certified historic structure that has been subject to federal tax 53412  
treatment under 26 U.S.C. 47 and 170(h), and units within the 53413

structure have been leased to individual tenants for five 53414  
consecutive years; 53415

(2) Except as provided in division (F) of this section, for 53416  
construction of every dwelling, and commercial or industrial 53417  
structure located within the same community reinvestment area, a 53418  
period to be determined by the legislative authority adopting the 53419  
resolution, but not exceeding fifteen years. The period of 53420  
exemption for construction of a commercial or industrial structure 53421  
may be extended by a legislative authority for up to an additional 53422  
fifteen years if the structure is situated on the site of a 53423  
megaproject or is owned and occupied by a megaproject supplier. 53424

(E) Any person, board, or officer authorized by section 53425  
5715.19 of the Revised Code to file complaints with the county 53426  
board of revision may file a complaint with the housing officer 53427  
challenging the continued exemption of any property granted an 53428  
exemption under this section. A complaint against exemption shall 53429  
be filed prior to the thirty-first day of December of the tax year 53430  
for which taxation of the property is requested. The housing 53431  
officer shall determine whether the property continues to meet the 53432  
requirements for exemption and shall certify the housing officer's 53433  
findings to the complainant. If the housing officer determines 53434  
that the property does not meet the requirements for exemption, 53435  
the housing officer shall notify the county auditor, who shall 53436  
correct the tax list and duplicate accordingly. 53437

(F) The owner of a dwelling constructed in a community 53438  
reinvestment area may file an application for an exemption after 53439  
the year the construction first became subject to taxation. The 53440  
application shall be processed in accordance with the procedures 53441  
prescribed under this section and shall be granted if the 53442  
construction that is the subject of the application otherwise 53443  
meets the requirements for an exemption under this section. If 53444  
approved, the exemption sought in the application first applies in 53445

the year the application is filed. An exemption approved pursuant 53446  
to this division continues only for those years remaining in the 53447  
period described in division (D)(2) of this section. No exemption 53448  
may be claimed for any year in that period that precedes the year 53449  
in which the application is filed. 53450

**Sec. 3735.671.** (A) If construction or remodeling of 53451  
commercial or industrial property is to be exempted from taxation 53452  
pursuant to section 3735.67 of the Revised Code, the legislative 53453  
authority and the owner of the property, prior to the commencement 53454  
of construction or remodeling, shall enter into a written 53455  
agreement, binding on both parties for a period of time that does 53456  
not end prior to the end of the period of the exemption, that 53457  
includes all of the information and statements prescribed by this 53458  
section. Agreements may include terms not prescribed by this 53459  
section, but such terms shall in no way derogate from the 53460  
information and statements prescribed by this section. 53461

(1) Except as otherwise provided in division (A)(2) or (3) of 53462  
this section, an agreement entered into under this section shall 53463  
not be approved by the legislative authority unless the board of 53464  
education of the city, local, or exempted village school district 53465  
within the territory of which the property is or will be located 53466  
approves the agreement. For the purpose of obtaining such 53467  
approval, the legislative authority shall certify a copy of the 53468  
agreement to the board of education not later than forty-five days 53469  
prior to approving the agreement, excluding Saturday, Sunday, and 53470  
a legal holiday as defined in section 1.14 of the Revised Code. 53471  
The board of education, by resolution adopted by a majority of the 53472  
board, shall approve or disapprove the agreement and certify a 53473  
copy of the resolution to the legislative authority not later than 53474  
fourteen days prior to the date stipulated by the legislative 53475  
authority as the date upon which approval of the agreement is to 53476  
be formally considered by the legislative authority. The board of 53477

education may include in the resolution conditions under which the board would approve the agreement. The legislative authority may approve an agreement at any time after the board of education certifies its resolution approving the agreement to the legislative authority, or, if the board approves the agreement conditionally, at any time after the conditions are agreed to by the board and the legislative authority.

(2) Approval of an agreement by the board of education is not required under division (A)(1) of this section if, for each tax year the real property is exempted from taxation, the sum of the following quantities, as estimated at or prior to the time the agreement is formally approved by the legislative authority, equals or exceeds fifty per cent of the amount of taxes, as estimated at or prior to that time, that would have been charged and payable that year upon the real property had that property not been exempted from taxation:

(a) The amount of taxes charged and payable on any portion of the assessed valuation of the new structure or of the increased assessed valuation of an existing structure after remodeling began that will not be exempted from taxation under the agreement;

(b) The amount of taxes charged and payable on tangible personal property located on the premises of the new structure or of the structure to be remodeled under the agreement, whether payable by the owner of the structure or by a related member, as defined in section 5733.042 of the Revised Code without regard to division (B) of that section.

(c) The amount of any cash payment by the owner of the new structure or structure to be remodeled to the school district, the dollar value, as mutually agreed to by the owner and the board of education, of any property or services provided by the owner of the property to the school district, whether by gift, loan, or otherwise, and any payment by the legislative authority to the

school district pursuant to section 5709.82 of the Revised Code. 53510

The estimates of quantities used for purposes of division 53511  
(A)(2) of this section shall be estimated by the legislative 53512  
authority. The legislative authority shall certify to the board of 53513  
education that the estimates have been made in good faith. 53514  
Departures of the actual quantities from the estimates subsequent 53515  
to approval of the agreement by the board of education do not 53516  
invalidate the agreement. 53517

(3) If a board of education has adopted a resolution waiving 53518  
its right to approve agreements and the resolution remains in 53519  
effect, approval of an agreement by the board is not required 53520  
under this division. If a board of education has adopted a 53521  
resolution allowing a legislative authority to deliver the notice 53522  
required under this division fewer than forty-five business days 53523  
prior to the legislative authority's execution of the agreement, 53524  
the legislative authority shall deliver the notice to the board 53525  
not later than the number of days prior to such execution as 53526  
prescribed by the board in its resolution. If a board of education 53527  
adopts a resolution waiving its right to approve agreements or 53528  
shortening the notification period, the board shall certify a copy 53529  
of the resolution to the legislative authority. If the board of 53530  
education rescinds such a resolution, it shall certify notice of 53531  
the rescission to the legislative authority. 53532

(B) Each agreement shall include the following information: 53533

(1) The names of all parties to the agreement; 53534

(2) A description of the remodeling or construction, whether 53535  
or not to be exempted from taxation, including existing or new 53536  
structure size and cost thereof; the value of machinery, 53537  
equipment, furniture, and fixtures, including an itemization of 53538  
the value of machinery, equipment, furniture, and fixtures used at 53539  
another location in this state prior to the agreement and 53540

relocated or to be relocated from that location to the property, 53541  
and the value of machinery, equipment, furniture, and fixtures at 53542  
the facility prior to the execution of the agreement; the value of 53543  
inventory at the property, including an itemization of the value 53544  
of inventory held at another location in this state prior to the 53545  
agreement and relocated or to be relocated from that location to 53546  
the property, and the value of inventory held at the property 53547  
prior to the execution of the agreement; 53548

(3) The scheduled starting and completion dates of remodeling 53549  
or construction of real property or of investments made in 53550  
machinery, equipment, furniture, fixtures, and inventory; 53551

(4) Estimates of the number of employee positions to be 53552  
created each year of the agreement and of the number of employee 53553  
positions retained by the owner due to the remodeling or 53554  
construction, itemized as to the number of full-time, part-time, 53555  
permanent, and temporary positions; 53556

(5) Estimates of the dollar amount of payroll attributable to 53557  
the positions set forth in division (B)(4) of this section, 53558  
similarly itemized; 53559

(6) The number of employee positions, if any, at the property 53560  
and at any other location in this state at the time the agreement 53561  
is executed, itemized as to the number of full-time, part-time, 53562  
permanent, and temporary positions. 53563

(C) Each agreement shall set forth the following information 53564  
and incorporate the following statements: 53565

(1) A description of real property to be exempted from 53566  
taxation under the agreement, the percentage of the assessed 53567  
valuation of the real property exempted from taxation, and the 53568  
period for which the exemption is granted, accompanied by the 53569  
statement: "The exemption commences the first year for which the 53570  
real property would first be taxable were that property not 53571

exempted from taxation. No exemption shall commence after 53572  
..... (insert date) nor extend beyond ..... (insert 53573  
date)." 53574

(2) "..... (insert name of owner) shall pay such real 53575  
property taxes as are not exempted under this agreement and are 53576  
charged against such property and shall file all tax reports and 53577  
returns as required by law. If ..... (insert name of owner) 53578  
fails to pay such taxes or file such returns and reports, 53579  
exemptions from taxation granted under this agreement are 53580  
rescinded beginning with the year for which such taxes are charged 53581  
or such reports or returns are required to be filed and 53582  
thereafter." 53583

(3) "..... (insert name of owner) hereby certifies that 53584  
at the time this agreement is executed, ..... (insert name of 53585  
owner) does not owe any delinquent real or tangible personal 53586  
property taxes to any taxing authority of the State of Ohio, and 53587  
does not owe delinquent taxes for which ..... (insert name of 53588  
owner) is liable under Chapter 5733., 5735., 5739., 5741., 5743., 53589  
5747., or 5753. of the Ohio Revised Code, or, if such delinquent 53590  
taxes are owed, ..... (insert name of owner) currently is 53591  
paying the delinquent taxes pursuant to an undertaking enforceable 53592  
by the State of Ohio or an agent or instrumentality thereof, has 53593  
filed a petition in bankruptcy under 11 U.S.C.A. 101, et seq., or 53594  
such a petition has been filed against ..... (insert name of 53595  
owner). For the purposes of this certification, delinquent taxes 53596  
are taxes that remain unpaid on the latest day prescribed for 53597  
payment without penalty under the chapter of the Revised Code 53598  
governing payment of those taxes." 53599

(4) "..... (insert name of municipal corporation or 53600  
county) shall perform such acts as are reasonably necessary or 53601  
appropriate to effect, claim, reserve, and maintain exemptions 53602  
from taxation granted under this agreement including, without 53603

limitation, joining in the execution of all documentation and 53604  
providing any necessary certificates required in connection with 53605  
such exemptions." 53606

(5) "If for any reason ..... (insert name of municipal 53607  
corporation or county) revokes the designation of the area, 53608  
entitlements granted under this agreement shall continue for the 53609  
number of years specified under this agreement, unless ..... 53610  
(insert name of owner) materially fails to fulfill its obligations 53611  
under this agreement and ..... (insert name of 53612  
municipal corporation or county) terminates or modifies the 53613  
exemptions from taxation pursuant to this agreement." 53614

(6) "If ..... (insert name of owner) materially fails to 53615  
fulfill its obligations under this agreement, or if ..... 53616  
(insert name of municipal corporation or county) determines that 53617  
the certification as to delinquent taxes required by this 53618  
agreement is fraudulent, ..... (insert name of municipal 53619  
corporation or county) may terminate or modify the exemptions from 53620  
taxation granted under this agreement." 53621

(7) "..... (insert name of owner) shall provide to the 53622  
proper tax incentive review council any information reasonably 53623  
required by the council to evaluate the applicant's compliance 53624  
with the agreement, including returns filed pursuant to section 53625  
5711.02 of the Ohio Revised Code if requested by the council." 53626

(8) "This agreement is not transferable or assignable without 53627  
the express, written approval of ..... (insert name of 53628  
municipal corporation or county)." 53629

(9) "Exemptions from taxation granted under this agreement 53630  
shall be revoked if it is determined that ..... (insert name 53631  
of owner), any successor to that person, or any related member (as 53632  
those terms are defined in division (E) of section 3735.671 of the 53633  
Ohio Revised Code) has violated the prohibition against entering 53634

into this agreement under division (E) of section 3735.671 or 53635  
section 5709.62 or 5709.63 of the Ohio Revised Code prior to the 53636  
time prescribed by that division or either of those sections." 53637

(10) "..... (insert name of owner) and ..... 53638  
(insert name of municipal corporation or county) acknowledge that 53639  
this agreement must be approved by formal action of the 53640  
legislative authority of ..... (insert name of municipal 53641  
corporation or county) as a condition for the agreement to take 53642  
effect. This agreement takes effect upon such approval." 53643

(11) If the agreement relates to a commercial or industrial 53644  
structure subject to the extension for megaprojects or megaproject 53645  
suppliers described in division (D)(2) of section 3735.67 of the 53646  
Revised Code, both of the following: 53647

(a) A requirement that the owner of the structure annually 53648  
certify to the legislative authority whether the megaproject 53649  
operator of the megaproject upon which the structure is situated 53650  
or the megaproject supplier, as applicable, holds a certificate 53651  
issued under division (D)(7) of section 122.17 of the Revised Code 53652  
on the first day of the current tax year; 53653

(b) A provision authorizing the legislative authority to 53654  
terminate the exemption for current and subsequent tax years if 53655  
the megaproject operator or megaproject supplier does not hold a 53656  
certificate issued under division (D)(7) of section 122.17 of the 53657  
Revised Code on the first day of the current tax year. 53658

The statement described in division (C)(6) of this section 53659  
may include the following statement, appended at the end of the 53660  
statement: ", and may require the repayment of the amount of taxes 53661  
that would have been payable had the property not been exempted 53662  
from taxation under this agreement." If the agreement includes a 53663  
statement requiring repayment of exempted taxes, it also may 53664  
authorize the legislative authority to secure repayment of such 53665

taxes by a lien on the exempted property in the amount required to 53666  
be repaid. Such a lien shall attach, and may be perfected, 53667  
collected, and enforced, in the same manner as a mortgage lien on 53668  
real property, and shall otherwise have the same force and effect 53669  
as a mortgage lien on real property. 53670

(D) Except as otherwise provided in this division, an 53671  
agreement entered into under this section shall require that the 53672  
owner pay an annual fee equal to the greater of one per cent of 53673  
the amount of taxes exempted under the agreement or five hundred 53674  
dollars; provided, however, that if the value of the incentives 53675  
exceeds two hundred fifty thousand dollars, the fee shall not 53676  
exceed two thousand five hundred dollars. The fee shall be payable 53677  
to the legislative authority once per year for each year the 53678  
agreement is effective on the days and in the form specified in 53679  
the agreement. Fees paid shall be deposited in a special fund 53680  
created for such purpose by the legislative authority and shall be 53681  
used by the legislative authority exclusively for the purpose of 53682  
complying with section 3735.672 of the Revised Code and by the tax 53683  
incentive review council created under section 5709.85 of the 53684  
Revised Code exclusively for the purposes of performing the duties 53685  
prescribed under that section. The legislative authority may waive 53686  
or reduce the amount of the fee, but such waiver or reduction does 53687  
not affect the obligations of the legislative authority or the tax 53688  
incentive review council to comply with section 3735.672 or 53689  
5709.85 of the Revised Code. 53690

(E) If any person that is party to an agreement granting an 53691  
exemption from taxation discontinues operations at the structure 53692  
to which that exemption applies prior to the expiration of the 53693  
term of the agreement, that person, any successor to that person, 53694  
and any related member shall not enter into an agreement under 53695  
this section or section 5709.62, 5709.63, or 5709.632 of the 53696  
Revised Code, and no legislative authority shall enter into such 53697

an agreement with such a person, successor, or related member, 53698  
prior to the expiration of five years after the discontinuation of 53699  
operations. As used in this division, "successor" means a person 53700  
to which the assets or equity of another person has been 53701  
transferred, which transfer resulted in the full or partial 53702  
nonrecognition of gain or loss, or resulted in a carryover basis, 53703  
both as determined by rule adopted by the tax commissioner. 53704  
"Related member" has the same meaning as defined in section 53705  
5733.042 of the Revised Code without regard to division (B) of 53706  
that section. 53707

The director of development services shall review all 53708  
agreements submitted to the director under division (F) of this 53709  
section for the purpose of enforcing this division. If the 53710  
director determines there has been a violation of this division, 53711  
the director shall notify the legislative authority of such 53712  
violation, and the legislative authority immediately shall revoke 53713  
the exemption granted under the agreement. 53714

(F) When an agreement is entered into under this section, the 53715  
legislative authority authorizing the agreement shall forward a 53716  
copy of the agreement to the director of development services 53717  
within fifteen days after the agreement is entered into. 53718

**Sec. 3736.01.** As used in this chapter: 53719

(A) "Litter" means garbage, trash, waste, rubbish, ashes, 53720  
cans, bottles, wire, paper, cartons, boxes, automobile parts, 53721  
furniture, glass, or anything else of an unsightly or unsanitary 53722  
nature thrown, dropped, discarded, placed, or deposited by a 53723  
person on public property, on private property not owned by the 53724  
person, or in or on waters of the state unless one of the 53725  
following applies: 53726

(1) The person has been directed to do so by a public 53727  
official as part of a litter collection drive. 53728

(2) The person has thrown, dropped, discarded, placed, or deposited the material in a receptacle in a manner that prevented its being carried away by the elements.

(3) The person has been issued a permit or license covering the material pursuant to Chapter 3734. or 6111. of the Revised Code.

(B) "Recycling" means the process of collecting, sorting, cleansing, treating, and reconstituting waste or other discarded materials for the purpose of recovering and reusing the materials.

(C) "Agency of the state" includes, but is not limited to, an agency subject to Chapter 119. of the Revised Code and a state university or college as defined in section 3345.12 of the Revised Code.

(D) "Source reduction" means activities that decrease the initial production of waste materials at their point of origin.

(E) "Enterprise" means a business with its principal place of business in this state and that proposes to engage in research and development or recycling in this state.

(F) "Research and development" means inquiry, experimentation, or demonstration to advance basic scientific or technical knowledge or the application, adaptation, or use of existing or newly discovered scientific or technical knowledge regarding recycling, source reduction, or litter prevention.

(G) "Recyclables" means waste materials that are collected, separated, or processed and used as raw materials or products.

(H) "Recycling market development" means activities that stimulate the demand for recycled products, provide for a consistent supply of recyclables to meet the needs of recycling industries, or both.

(I) "Solid waste management districts" means solid waste

management districts established under Chapter 343. of the Revised Code. 53759  
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(J) "Synthetic rubber" means produced or extended rubber and products made from a synthetic rubber base material originating from petrochemical feedstocks, including scrap tires, tire molds, automobile engine belts, brake pads and hoses, weather stripping, fittings, electrical insulation, and other molded objects and parts. 53761  
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(K) "Auxiliary container" has the same meaning as in section 3767.32 of the Revised Code. 53767  
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Sec. 3736.021. A person may use an auxiliary container for purposes of commerce or otherwise. 53769  
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Nothing in this section shall be construed to prohibit or limit the authority of any county, municipal corporation, or solid waste management district to implement a voluntary recycling program. 53771  
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**Sec. 3737.17.** (A) As used in this section, a "qualifying small government" means any of the following: 53775  
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(1) A township that has a population of not more than five thousand or, regardless of its population, is located in a county that has a population of less than one hundred thousand; 53777  
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(2) A municipal corporation that has a population of not more than seven thousand five hundred; 53780  
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(3) A fire district, joint fire district, or fire and ambulance district that shares territory exclusively with townships or municipal corporations that meet the conditions of division (A)(1) or (2) of this section. 53782  
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(B) The state fire marshal shall administer a small government fire department services revolving loan program under 53786  
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which the state fire marshal makes loans to qualifying small governments for the following purposes: 53788  
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(1) To expedite purchases of major equipment for fire fighting, ambulance, emergency medical, or rescue services; 53790  
53791

(2) To expedite projects for the construction or renovation of fire department buildings. 53792  
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A loan for either purpose under the small government fire department services revolving loan program is not to carry interest, and is to be repaid within a term of not longer than twenty years. A qualifying small government is not eligible to receive a loan for a project or purchase under the program unless the qualifying small government contributes to the project or purchase an amount equal to at least five per cent of the loan amount. 53794  
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(C) A qualifying small government may apply to the state fire marshal for a loan under the small government fire department services revolving loan program. In its application, the qualifying small government shall explain how it qualifies for the loan, describe the project or purchase for which it is requesting a loan, state the amount of the loan it requests, and state the amount it is prepared to contribute to the project or purchase. The qualifying small government shall provide additional information to support its application for a loan under the program as requested by the state fire marshal. 53802  
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(D) The state fire marshal, in accordance with Chapter 119. of the Revised Code, shall adopt rules for the administration of the small government fire department services revolving loan program. 53812  
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(E) There is hereby created in the state treasury the small government fire department services revolving loan fund, into which shall be deposited repayments by qualifying small 53816  
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governments of loans authorized under this section. The fund also 53819  
shall consist of appropriated money. Investment earnings on money 53820  
in the fund shall be credited to the fund. The state fire marshal 53821  
shall use the money credited to the fund to make loans to 53822  
qualifying small governments as described in this section. The 53823  
state fire marshal may loan money from repaid loans credited to 53824  
the fund at any time to qualifying small governments in accordance 53825  
with this section. 53826

(F) If the director of commerce determines that the cash 53827  
balance in the small government fire department services revolving 53828  
loan fund is insufficient to implement the program established 53829  
under this section, the director may certify the amount needed, 53830  
which cannot exceed the amount appropriated to the program for the 53831  
biennium period for which the certification is made, to the 53832  
director of budget and management. Upon certification, the 53833  
director of budget and management may transfer from the state fire 53834  
marshal's fund established in section 3737.71 of the Revised Code 53835  
to the small government fire department services revolving loan 53836  
fund any amount up to, but not exceeding, the amount certified by 53837  
the director of commerce. 53838

**Sec. 3737.71.** Each insurance company doing business in this 53839  
state shall pay to the state in installments, at the time of 53840  
making the payments required by section 5729.05 of the Revised 53841  
Code, in addition to the taxes required to be paid by it, 53842  
three-fourths of one per cent on the gross premium receipts 53843  
derived from fire insurance and that portion of the premium 53844  
reasonably allocable to insurance against the hazard of fire 53845  
included in other coverages except life and sickness and accident 53846  
insurance, after deducting return premiums paid and considerations 53847  
received for reinsurances as shown by the annual statement of such 53848  
company made pursuant to sections 3929.30, 3931.06, and 5729.02 of 53849  
the Revised Code. The money received shall be paid into the state 53850

treasury to the credit of the state fire marshal's fund, which is 53851  
hereby created. The fund shall be used for the maintenance and 53852  
administration of the office of the fire marshal and the Ohio fire 53853  
academy established by section 3737.33 of the Revised Code. If the 53854  
director of commerce certifies to the director of budget and 53855  
management that the cash balance in the state fire marshal's fund 53856  
is in excess of the amount needed to pay ongoing operating 53857  
expenses, the director of commerce, with the approval of the 53858  
director of budget and management, may use the excess amount to 53859  
acquire by purchase, lease, or otherwise, real property or 53860  
interests in real property to be used for the benefit of the 53861  
office of the state fire marshal, or to construct, acquire, 53862  
enlarge, equip, furnish, or improve the fire marshal's office 53863  
facilities or the facilities of the Ohio fire academy. The state 53864  
fire marshal's fund shall be assessed a proportionate share of the 53865  
administrative costs of the department of commerce in accordance 53866  
with procedures prescribed by the director of commerce ~~and~~ 53867  
~~approved by the director of budget and management~~. Such assessment 53868  
shall be paid from the state fire marshal's fund to the division 53869  
of administration fund. 53870

Notwithstanding any other provision in this section, if the 53871  
director of budget and management determines at any time that the 53872  
money in the state fire marshal's fund exceeds the amount 53873  
necessary to defray ongoing operating expenses in a fiscal year, 53874  
the director may transfer the excess to the general revenue fund. 53875

Sec. 3740.01. As used in this chapter: 53876

(A) "Community-based long-term care provider" means a 53877  
provider, as defined in section 173.39 of the Revised Code. 53878

(B) "Community-based long-term care subcontractor" means a 53879  
subcontractor, as defined in section 173.38 of the Revised Code. 53880

(C) "Criminal records check" has the same meaning as in 53881

section 109.572 of the Revised Code. 53882

(D) "Direct care" means any of the following: 53883

(1) Any service identified in divisions (G)(1) to (6) of this 53884  
section that is provided in a patient's place of residence used as 53885  
the patient's home; 53886

(2) Any activity that requires the person performing the 53887  
activity to be routinely alone with a patient or to routinely have 53888  
access to a patient's personal property or financial documents 53889  
regarding a patient; 53890

(3) For each home health agency individually, any other 53891  
routine service or activity that the chief administrator of the 53892  
home health agency designates as direct care. 53893

(E) "Disqualifying offense" means any of the offenses listed 53894  
or described in divisions (A)(3)(a) to (e) of section 109.572 of 53895  
the Revised Code. 53896

(F) "Employee" means a person employed by a home health 53897  
agency in a full-time, part-time, or temporary position that 53898  
involves providing direct care to an individual and a person who 53899  
works in such a position due to being referred to a home health 53900  
agency by an employment service. 53901

(G) "Home health agency" means a person or government entity, 53902  
other than a nursing home, residential care facility, hospice care 53903  
program, pediatric respite care program, informal respite care 53904  
provider, provider certified by the department of developmental 53905  
disabilities under Chapter 5123. of the Revised Code, residential 53906  
facility, shared living provider, or immediate family member, that 53907  
has the primary function of providing any of the following 53908  
services to a patient at a place of residence used as the 53909  
patient's home: 53910

(1) Skilled nursing care; 53911

|                                                                        |       |
|------------------------------------------------------------------------|-------|
| <u>(2) Physical therapy;</u>                                           | 53912 |
| <u>(3) Occupational therapy;</u>                                       | 53913 |
| <u>(4) Speech-language pathology;</u>                                  | 53914 |
| <u>(5) Medical social services;</u>                                    | 53915 |
| <u>(6) Home health aide services.</u>                                  | 53916 |
| <u>(H) "Home health aide services" means any of the following</u>      | 53917 |
| <u>services provided by an employee of a home health agency:</u>       | 53918 |
| <u>(1) Hands-on bathing or assistance with a tub bath or shower;</u>   | 53919 |
| <u>(2) Assistance with dressing, ambulation, and toileting;</u>        | 53920 |
| <u>(3) Catheter care but not insertion;</u>                            | 53921 |
| <u>(4) Meal preparation and feeding.</u>                               | 53922 |
| <u>(I) "Hospice care program" and "pediatric respite care</u>          | 53923 |
| <u>program" have the same meanings as in section 3712.01 of the</u>    | 53924 |
| <u>Revised Code.</u>                                                   | 53925 |
| <u>(J) "Immediate family member" means a parent, stepparent,</u>       | 53926 |
| <u>grandparent, legal guardian, grandchild, brother, sister,</u>       | 53927 |
| <u>stepsibling, spouse, son, daughter, stepchild, aunt, uncle,</u>     | 53928 |
| <u>mother-in-law, father-in-law, brother-in-law, sister-in-law,</u>    | 53929 |
| <u>son-in-law, and daughter-in-law.</u>                                | 53930 |
| <u>(K) "Medical social services" means services provided by a</u>      | 53931 |
| <u>social worker under the direction of a patient's attending</u>      | 53932 |
| <u>physician.</u>                                                      | 53933 |
| <u>(L) "Minor drug possession offense" has the same meaning as</u>     | 53934 |
| <u>in section 2925.01 of the Revised Code.</u>                         | 53935 |
| <u>(M) "Nonagency provider" means a person who provides direct</u>     | 53936 |
| <u>care to an individual on a self-employed basis and does not</u>     | 53937 |
| <u>employ, directly or through contract, another person to provide</u> | 53938 |
| <u>the services. "Nonagency provider" does not include any of the</u>  | 53939 |
| <u>following:</u>                                                      | 53940 |

|                                                                                                                                                                |       |
|----------------------------------------------------------------------------------------------------------------------------------------------------------------|-------|
| <u>(1) A caregiver who is an immediate family member of the individual receiving direct care;</u>                                                              | 53941 |
|                                                                                                                                                                | 53942 |
| <u>(2) A person who provides direct care to not more than two individuals who are not immediate family members of the care provider;</u>                       | 53943 |
|                                                                                                                                                                | 53944 |
|                                                                                                                                                                | 53945 |
| <u>(3) A volunteer;</u>                                                                                                                                        | 53946 |
| <u>(4) A person who is certified under section 5104.12 of the Revised Code to provide publicly funded child care as an in-home aide;</u>                       | 53947 |
|                                                                                                                                                                | 53948 |
|                                                                                                                                                                | 53949 |
| <u>(5) A person who provides privately funded child care;</u>                                                                                                  | 53950 |
| <u>(6) A caregiver who is certified by the department of developmental disabilities under Chapter 5123. of the Revised Code.</u>                               | 53951 |
|                                                                                                                                                                | 53952 |
|                                                                                                                                                                | 53953 |
| <u>(N) "Nonmedical home health services" means any of the following:</u>                                                                                       | 53954 |
|                                                                                                                                                                | 53955 |
| <u>(1) Any service identified in divisions (H)(1) to (4) of this section;</u>                                                                                  | 53956 |
|                                                                                                                                                                | 53957 |
| <u>(2) Personal care services;</u>                                                                                                                             | 53958 |
| <u>(3) Any other service the director of health designates as a nonmedical home health service in rules adopted under section 3740.10 of the Revised Code.</u> | 53959 |
|                                                                                                                                                                | 53960 |
|                                                                                                                                                                | 53961 |
| <u>(O) "Nursing home," "residential care facility," and "skilled nursing care" have the same meanings as in section 3721.01 of the Revised Code.</u>           | 53962 |
|                                                                                                                                                                | 53963 |
|                                                                                                                                                                | 53964 |
| <u>(P) "Occupational therapy" has the same meaning as in section 4755.04 of the Revised Code.</u>                                                              | 53965 |
|                                                                                                                                                                | 53966 |
| <u>(Q) "Personal care services" means any of the following provided to an individual in the individual's home or community:</u>                                | 53967 |
|                                                                                                                                                                | 53968 |
| <u>(1) Hands-on assistance with activities of daily living and</u>                                                                                             | 53969 |

|                                                                           |       |
|---------------------------------------------------------------------------|-------|
| <u>instrumental activities of daily living, when incidental to</u>        | 53970 |
| <u>assistance with activities of daily living;</u>                        | 53971 |
| <u>(2) Assistance managing the individual's home and handling</u>         | 53972 |
| <u>personal affairs;</u>                                                  | 53973 |
| <u>(3) Assistance with self-administration of medications;</u>            | 53974 |
| <u>(4) Homemaker services when incidental to any of the services</u>      | 53975 |
| <u>identified in divisions (O)(1) to (3) of this section or when</u>      | 53976 |
| <u>essential to the health and welfare of the individual</u>              | 53977 |
| <u>specifically, not the individual's family;</u>                         | 53978 |
| <u>(5) Respite services for the individual's caregiver;</u>               | 53979 |
| <u>(6) Errands completed outside of the presence of the</u>               | 53980 |
| <u>individual if needed to maintain the individual's health and</u>       | 53981 |
| <u>safety, including picking up prescriptions and groceries.</u>          | 53982 |
| <u>(R) "Physical therapy" has the same meaning as in section</u>          | 53983 |
| <u>4755.40 of the Revised Code.</u>                                       | 53984 |
| <u>(S) "Residential facility" has the same meaning as in section</u>      | 53985 |
| <u>5123.19 of the Revised Code.</u>                                       | 53986 |
| <u>(T) "Skilled home health services" means any of the</u>                | 53987 |
| <u>following:</u>                                                         | 53988 |
| <u>(1) Any service identified in divisions (G)(1) to (5) of this</u>      | 53989 |
| <u>section;</u>                                                           | 53990 |
| <u>(2) Any other service the director of health designates as a</u>       | 53991 |
| <u>skilled home health service in rules adopted under section 3740.10</u> | 53992 |
| <u>of the Revised Code.</u>                                               | 53993 |
| <u>(U) "Social worker" means a person licensed under Chapter</u>          | 53994 |
| <u>4757. of the Revised Code to practice as a social worker or</u>        | 53995 |
| <u>independent social worker.</u>                                         | 53996 |
| <u>(V) "Speech-language pathology" has the same meaning as in</u>         | 53997 |
| <u>section 4753.01 of the Revised Code.</u>                               | 53998 |

|                                                                           |       |
|---------------------------------------------------------------------------|-------|
| <u>(W) "Waiver agency" has the same meaning as in section</u>             | 53999 |
| <u>5164.342 of the Revised Code.</u>                                      | 54000 |
| <br>                                                                      |       |
| <u>Sec. 3740.02. Beginning one year after the effective date of</u>       | 54001 |
| <u>this section:</u>                                                      | 54002 |
| <br>                                                                      |       |
| <u>(A)(1) No home health agency shall do either of the following</u>      | 54003 |
| <u>unless the agency holds a current, valid license to provide</u>        | 54004 |
| <u>skilled home health services issued under this chapter:</u>            | 54005 |
| <br>                                                                      |       |
| <u>(a) Provide skilled home health services through one or more</u>       | 54006 |
| <u>employees;</u>                                                         | 54007 |
| <br>                                                                      |       |
| <u>(b) Hold the agency, or any employee of the agency, out as a</u>       | 54008 |
| <u>provider of skilled home health services.</u>                          | 54009 |
| <br>                                                                      |       |
| <u>(2) No home health agency shall do either of the following</u>         | 54010 |
| <u>unless the agency holds either a current, valid license to provide</u> | 54011 |
| <u>nonmedical home health services, or a current, valid license to</u>    | 54012 |
| <u>provide skilled home health services, issued under this chapter:</u>   | 54013 |
| <br>                                                                      |       |
| <u>(a) Provide nonmedical home health services through one or</u>         | 54014 |
| <u>more employees;</u>                                                    | 54015 |
| <br>                                                                      |       |
| <u>(b) Hold the agency, or any employee of the agency, out as a</u>       | 54016 |
| <u>provider of nonmedical home health services.</u>                       | 54017 |
| <br>                                                                      |       |
| <u>(B)(1) No nonagency provider shall do either of the following</u>      | 54018 |
| <u>unless the provider holds a current, valid license to provide</u>      | 54019 |
| <u>skilled home health services issued under this chapter:</u>            | 54020 |
| <br>                                                                      |       |
| <u>(a) Provide skilled home health services;</u>                          | 54021 |
| <br>                                                                      |       |
| <u>(b) Hold oneself out as a provider of skilled home health</u>          | 54022 |
| <u>services.</u>                                                          | 54023 |
| <br>                                                                      |       |
| <u>(2) No nonagency provider shall do either of the following</u>         | 54024 |
| <u>unless the provider holds either a current, valid license to</u>       | 54025 |
| <u>provide nonmedical home health services, or a current, valid</u>       | 54026 |
| <u>license to provide skilled home health services, issued under this</u> | 54027 |

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|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|----------------------------------------------------|
| <u>chapter:</u>                                                                                                                                                                                                                                                                                                                                                            | 54028                                              |
| <u>(a) Provide nonmedical home health services;</u>                                                                                                                                                                                                                                                                                                                        | 54029                                              |
| <u>(b) Hold oneself out as a provider of nonmedical home health services.</u>                                                                                                                                                                                                                                                                                              | 54030<br>54031                                     |
| <u>Sec. 3740.03. (A)(1) A home health agency or nonagency provider seeking to provide skilled home health services shall apply to the department of health for a skilled home health services license. The application shall include all of the following:</u>                                                                                                             | 54032<br>54033<br>54034<br>54035<br>54036          |
| <u>(a) Evidence that the agency or provider meets one of the following:</u>                                                                                                                                                                                                                                                                                                | 54037<br>54038                                     |
| <u>(i) Is certified for participation in the medicare program;</u>                                                                                                                                                                                                                                                                                                         | 54039                                              |
| <u>(ii) Is accredited by the accreditation commission for health care, the community health accreditation partner, the joint commission, or another national accreditation organization approved by the United States centers for medicare and medicaid services and recognized by the department pursuant to rules adopted under section 3740.10 of the Revised Code;</u> | 54040<br>54041<br>54042<br>54043<br>54044<br>54045 |
| <u>(iii) Is certified by the department of aging under section 173.391 of the Revised Code to provide community-based long-term care services;</u>                                                                                                                                                                                                                         | 54046<br>54047<br>54048                            |
| <u>(iv) Otherwise meets medicare conditions of participation, even though not certified for participation in the medicare program.</u>                                                                                                                                                                                                                                     | 54049<br>54050<br>54051                            |
| <u>(b) Evidence that the applicant was providing direct care on or immediately prior to the effective date of this section, or if the applicant was not providing direct care immediately prior to the effective date of this section, a surety bond issued by a company licensed to do business in this state in the amount of fifty thousand dollars.</u>                | 54052<br>54053<br>54054<br>54055<br>54056<br>54057 |

|                                                                                                                                                                                                                                                                                                                                                                      |       |
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| <u>(c) An application fee in the amount of two hundred fifty dollars.</u>                                                                                                                                                                                                                                                                                            | 54058 |
|                                                                                                                                                                                                                                                                                                                                                                      | 54059 |
| <u>(2) An applicant applying on the basis of division (A)(1)(a)(iv) of this section shall provide documentation and comply with conditions as prescribed by rules adopted under section 3740.10 of the Revised Code.</u>                                                                                                                                             | 54060 |
|                                                                                                                                                                                                                                                                                                                                                                      | 54061 |
|                                                                                                                                                                                                                                                                                                                                                                      | 54062 |
|                                                                                                                                                                                                                                                                                                                                                                      | 54063 |
| <u>(B)(1) Except as provided in division (B)(2) of this section, a home health agency or nonagency provider seeking to provide nonmedical home health services shall apply to the department of health for a nonmedical home health services license. Except as provided in division (B)(3) of this section, the application shall include all of the following:</u> | 54064 |
|                                                                                                                                                                                                                                                                                                                                                                      | 54065 |
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|                                                                                                                                                                                                                                                                                                                                                                      | 54067 |
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|                                                                                                                                                                                                                                                                                                                                                                      | 54069 |
| <u>(a) Fingerprint impressions of the primary owner of the home health agency or of the nonagency provider;</u>                                                                                                                                                                                                                                                      | 54070 |
|                                                                                                                                                                                                                                                                                                                                                                      | 54071 |
| <u>(b) Copies of any documents filed and recorded with the secretary of state;</u>                                                                                                                                                                                                                                                                                   | 54072 |
|                                                                                                                                                                                                                                                                                                                                                                      | 54073 |
| <u>(c) A notarized affidavit verifying the identity of the applicant;</u>                                                                                                                                                                                                                                                                                            | 54074 |
|                                                                                                                                                                                                                                                                                                                                                                      | 54075 |
| <u>(d) If the applicant is a home health agency, a copy of the agency's criminal records check policy;</u>                                                                                                                                                                                                                                                           | 54076 |
|                                                                                                                                                                                                                                                                                                                                                                      | 54077 |
| <u>(e) A statement identifying the days and hours of operation for the applicant;</u>                                                                                                                                                                                                                                                                                | 54078 |
|                                                                                                                                                                                                                                                                                                                                                                      | 54079 |
| <u>(f) A description of the nonmedical home health services to be provided, and any policies and procedures related to those services, if applicable;</u>                                                                                                                                                                                                            | 54080 |
|                                                                                                                                                                                                                                                                                                                                                                      | 54081 |
|                                                                                                                                                                                                                                                                                                                                                                      | 54082 |
| <u>(g) Identification of the applicant's primary place of business and a description of the geographic area to be served;</u>                                                                                                                                                                                                                                        | 54083 |
|                                                                                                                                                                                                                                                                                                                                                                      | 54084 |
| <u>(h) Evidence that the applicant was providing direct care on or immediately prior to the effective date of this section, or if the applicant was not providing direct care immediately prior to</u>                                                                                                                                                               | 54085 |
|                                                                                                                                                                                                                                                                                                                                                                      | 54086 |
|                                                                                                                                                                                                                                                                                                                                                                      | 54087 |

the effective date of this section, a surety bond issued by a 54088  
company licensed to do business in this state in the amount of 54089  
twenty thousand dollars; 54090

(i) An application fee in the amount of two hundred fifty 54091  
dollars. 54092

(2) A home health agency or nonagency provider that holds a 54093  
skilled home health services license issued under division (A) of 54094  
this section may provide nonmedical home health services without 54095  
obtaining a nonmedical home health services license. 54096

(3) The director of health shall waive receipt of the items 54097  
identified in divisions (B)(1)(a) to (g) of this section if the 54098  
agency or provider submits evidence that the agency or provider is 54099  
certified by the department of aging under section 173.391 of the 54100  
Revised Code to provide community-based long-term care services. 54101

(C) An applicant under this section shall use the application 54102  
form prescribed by rules adopted under section 3740.10 of the 54103  
Revised Code and comply with license procedures established by 54104  
those rules. 54105

**Sec. 3740.04.** The department of health shall review each 54106  
license application received under section 3740.03 of the Revised 54107  
Code. The department's review of the application shall include a 54108  
site visit for each applicant seeking a license on the basis of 54109  
division (A)(1)(a)(i) of section 3740.03 of the Revised Code to 54110  
verify that medicare conditions of participation are met, unless 54111  
the applicant has already had such a site visit within the 54112  
five-year period immediately preceding the date of the 54113  
application. 54114

Except as provided in section 3740.07 of the Revised Code, 54115  
the department shall issue the appropriate license to an applicant 54116  
if the applicant has paid the application fee and demonstrated to 54117

the department's satisfaction that the requirements established 54118  
under section 3740.03 of the Revised Code are met. 54119

**Sec. 3740.05.** (A) Except as provided in section 3740.07 of 54120  
the Revised Code and in division (B) of this section, a license 54121  
issued under section 3740.04 of the Revised Code is valid for 54122  
three years. A person seeking to renew the license shall apply to 54123  
the department of health using a license renewal form prescribed 54124  
by rules adopted under section 3740.10 of the Revised Code and 54125  
comply with any renewal application procedures established by 54126  
those rules. The department shall review each application for 54127  
license renewal and shall renew the license for three years if the 54128  
applicant has paid the renewal fee of two hundred fifty dollars 54129  
and demonstrated to the department's satisfaction that the 54130  
applicant continues to meet the requirements established in 54131  
section 3740.03 of the Revised Code. 54132

(B) The department may adjust an initial license renewal date 54133  
to align renewal of a license issued under this chapter with the 54134  
renewal of a certification or accreditation identified in 54135  
divisions (A)(1)(a)(i) to (iii) of section 3740.03 of the Revised 54136  
Code. 54137

**Sec. 3740.07.** (A) For any of the reasons established in rules 54138  
adopted under section 3740.10 of the Revised Code, the department 54139  
of health may take one or more of the following actions, as 54140  
applicable, with respect to an applicant for or the holder of a 54141  
license under this chapter: 54142

(1) Refuse to issue a license; 54143

(2) Refuse to renew or reinstate the holder's license; 54144

(3) Impose limitations on the holder's license; 54145

(4) Revoke or suspend the holder's license; 54146

(5) Place the license holder on probation with regard to the holder's license or otherwise reprimand the license holder. 54147  
54148

(B) All actions taken under this section shall be taken in accordance with Chapter 119. of the Revised Code. 54149  
54150

**Sec. 3740.10.** (A) The director of health shall adopt rules as the director considers necessary to implement this chapter, including rules that do all of the following: 54151  
54152  
54153

(1) Prescribe license application forms and procedures; 54154

(2) Specify the documentation that must be provided and conditions that must be met by an applicant seeking a license on the basis of division (A)(1)(a)(iv) of section 3740.03 of the Revised Code; 54155  
54156  
54157  
54158

(3) Prescribe license renewal application forms and procedures; 54159  
54160

(4) Establish the reasons for which the department of health may take action under section 3740.07 of the Revised Code; 54161  
54162

(5) Processes for dispute resolution and appeals related to licensing disputes. 54163  
54164

(B) All rules adopted under this section shall be adopted in accordance with Chapter 119. of the Revised Code. In addition, the rules shall be adopted in consultation with the director of aging and medicaid director. 54165  
54166  
54167  
54168

**Sec. ~~3701.881~~ 3740.11.** (A) As used in this section+ 54169

~~(1) "Applicant",~~ "applicant" means a person who is under 54170  
final consideration for employment with a home health agency in a 54171  
full-time, part-time, or temporary position that involves 54172  
providing direct care to an individual or is referred to a home 54173  
health agency by an employment service for such a position. 54174

|                                                                                                                                                                                                                                                                                                                                   |       |
|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-------|
| <del>(2) "Community based long term care provider" means a provider as defined in section 173.39 of the Revised Code.</del>                                                                                                                                                                                                       | 54175 |
|                                                                                                                                                                                                                                                                                                                                   | 54176 |
| <del>(3) "Community based long term care subcontractor" means a subcontractor as defined in section 173.38 of the Revised Code.</del>                                                                                                                                                                                             | 54177 |
|                                                                                                                                                                                                                                                                                                                                   | 54178 |
| <del>(4) "Criminal records check" has the same meaning as in section 109.572 of the Revised Code.</del>                                                                                                                                                                                                                           | 54179 |
|                                                                                                                                                                                                                                                                                                                                   | 54180 |
| <del>(5) "Direct care" means any of the following:</del>                                                                                                                                                                                                                                                                          | 54181 |
| <del>(a) Any service identified in divisions (A)(8)(a) to (f) of this section that is provided in a patient's place of residence used as the patient's home;</del>                                                                                                                                                                | 54182 |
|                                                                                                                                                                                                                                                                                                                                   | 54183 |
|                                                                                                                                                                                                                                                                                                                                   | 54184 |
| <del>(b) Any activity that requires the person performing the activity to be routinely alone with a patient or to routinely have access to a patient's personal property or financial documents regarding a patient;</del>                                                                                                        | 54185 |
|                                                                                                                                                                                                                                                                                                                                   | 54186 |
|                                                                                                                                                                                                                                                                                                                                   | 54187 |
|                                                                                                                                                                                                                                                                                                                                   | 54188 |
| <del>(c) For each home health agency individually, any other routine service or activity that the chief administrator of the home health agency designates as direct care.</del>                                                                                                                                                  | 54189 |
|                                                                                                                                                                                                                                                                                                                                   | 54190 |
|                                                                                                                                                                                                                                                                                                                                   | 54191 |
| <del>(6) "Disqualifying offense" means any of the offenses listed or described in divisions (A)(3)(a) to (e) of section 109.572 of the Revised Code.</del>                                                                                                                                                                        | 54192 |
|                                                                                                                                                                                                                                                                                                                                   | 54193 |
|                                                                                                                                                                                                                                                                                                                                   | 54194 |
| <del>(7) "Employee" means a person employed by a home health agency in a full time, part time, or temporary position that involves providing direct care to an individual and a person who works in such a position due to being referred to a home health agency by an employment service.</del>                                 | 54195 |
|                                                                                                                                                                                                                                                                                                                                   | 54196 |
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| <del>(8) "Home health agency" means a person or government entity, other than a nursing home, residential care facility, hospice care program, or pediatric respite care program, that has the primary function of providing any of the following services to a patient at a place of residence used as the patient's home:</del> | 54200 |
|                                                                                                                                                                                                                                                                                                                                   | 54201 |
|                                                                                                                                                                                                                                                                                                                                   | 54202 |
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| <del>(a) Skilled nursing care;</del>                                                                                                                      | 54205 |
| <del>(b) Physical therapy;</del>                                                                                                                          | 54206 |
| <del>(c) Speech language pathology;</del>                                                                                                                 | 54207 |
| <del>(d) Occupational therapy;</del>                                                                                                                      | 54208 |
| <del>(e) Medical social services;</del>                                                                                                                   | 54209 |
| <del>(f) Home health aide services.</del>                                                                                                                 | 54210 |
| <del>(9) "Home health aide services" means any of the following services provided by an employee of a home health agency:</del>                           | 54211 |
| <del>(a) Hands on bathing or assistance with a tub bath or shower;</del>                                                                                  | 54212 |
| <del>(b) Assistance with dressing, ambulation, and toileting;</del>                                                                                       | 54213 |
| <del>(c) Catheter care but not insertion;</del>                                                                                                           | 54214 |
| <del>(d) Meal preparation and feeding.</del>                                                                                                              | 54215 |
| <del>(10) "Hospice care program" and "pediatric respite care program" have the same meanings as in section 3712.01 of the Revised Code.</del>             | 54216 |
| <del>(11) "Medical social services" means services provided by a social worker under the direction of a patient's attending physician.</del>              | 54217 |
| <del>(12) "Minor drug possession offense" has the same meaning as in section 2925.01 of the Revised Code.</del>                                           | 54218 |
| <del>(13) "Nursing home," "residential care facility," and "skilled nursing care" have the same meanings as in section 3721.01 of the Revised Code.</del> | 54219 |
| <del>(14) "Occupational therapy" has the same meaning as in section 4755.04 of the Revised Code.</del>                                                    | 54220 |
| <del>(15) "Physical therapy" has the same meaning as in section 4755.40 of the Revised Code.</del>                                                        | 54221 |
| <del>(16) "Social worker" means a person licensed under Chapter</del>                                                                                     | 54222 |
|                                                                                                                                                           | 54223 |
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|------------------------------------------------------------------------|-------|
| <del>4757. of the Revised Code to practice as a social worker or</del> | 54233 |
| <del>independent social worker.</del>                                  | 54234 |
| <del>(17) "Speech language pathology" has the same meaning as in</del> | 54235 |
| <del>section 4753.01 of the Revised Code.</del>                        | 54236 |
| <del>(18) "Waiver agency" has the same meaning as in section</del>     | 54237 |
| <del>5164.342 of the Revised Code.</del>                               | 54238 |
| (B) No home health agency shall employ an applicant or                 | 54239 |
| continue to employ an employee in a position that involves             | 54240 |
| providing direct care to an individual if any of the following         | 54241 |
| apply:                                                                 | 54242 |
| (1) A review of the databases listed in division (D) of this           | 54243 |
| section reveals any of the following:                                  | 54244 |
| (a) That the applicant or employee is included in one or more          | 54245 |
| of the databases listed in divisions (D)(1) to (5) of this             | 54246 |
| section;                                                               | 54247 |
| (b) That there is in the state nurse aide registry                     | 54248 |
| established under section 3721.32 of the Revised Code a statement      | 54249 |
| detailing findings by the director of health that the applicant or     | 54250 |
| employee abused, neglected, or exploited a long-term care facility     | 54251 |
| or residential care facility resident or misappropriated property      | 54252 |
| of such a resident;                                                    | 54253 |
| (c) That the applicant or employee is included in one or more          | 54254 |
| of the databases, if any, specified in rules adopted under this        | 54255 |
| section and the rules prohibit the home health agency from             | 54256 |
| employing an applicant or continuing to employ an employee             | 54257 |
| included in such a database in a position that involves providing      | 54258 |
| direct care to an individual.                                          | 54259 |
| (2) After the applicant or employee is provided, pursuant to           | 54260 |
| division (E)(2)(a) of this section, a copy of the form prescribed      | 54261 |
| pursuant to division (C)(1) of section 109.572 of the Revised Code     | 54262 |

and the standard impression sheet prescribed pursuant to division 54263  
(C)(2) of that section, the applicant or employee fails to 54264  
complete the form or provide the applicant's or employee's 54265  
fingerprint impressions on the standard impression sheet. 54266

(3) Except as provided in rules adopted under this section, 54267  
the applicant or employee is found by a criminal records check 54268  
required by this section to have been convicted of, pleaded guilty 54269  
to, or been found eligible for intervention in lieu of conviction 54270  
for a disqualifying offense. 54271

(C) Except as provided by division (F) of this section, the 54272  
chief administrator of a home health agency shall inform each 54273  
applicant of both of the following at the time of the applicant's 54274  
initial application for employment or referral to the home health 54275  
agency by an employment service for a position that involves 54276  
providing direct care to an individual: 54277

(1) That a review of the databases listed in division (D) of 54278  
this section will be conducted to determine whether the home 54279  
health agency is prohibited by division (B)(1) of this section 54280  
from employing the applicant in the position; 54281

(2) That, unless the database review reveals that the 54282  
applicant may not be employed in the position, a criminal records 54283  
check of the applicant will be conducted and the applicant is 54284  
required to provide a set of the applicant's fingerprint 54285  
impressions as part of the criminal records check. 54286

(D) As a condition of employing any applicant in a position 54287  
that involves providing direct care to an individual, the chief 54288  
administrator of a home health agency shall conduct a database 54289  
review of the applicant in accordance with rules adopted under 54290  
this section. If rules adopted under this section so require, the 54291  
chief administrator of a home health agency shall conduct a 54292  
database review of an employee in accordance with the rules as a 54293

condition of continuing to employ the employee in a position that 54294  
involves providing direct care to an individual. However, the 54295  
chief administrator is not required to conduct a database review 54296  
of an applicant or employee if division (F) of this section 54297  
applies. A database review shall determine whether the applicant 54298  
or employee is included in any of the following: 54299

(1) The excluded parties list system that is maintained by 54300  
the United States general services administration pursuant to 54301  
subpart 9.4 of the federal acquisition regulation and available at 54302  
the federal web site known as the system for award management; 54303

(2) The list of excluded individuals and entities maintained 54304  
by the office of inspector general in the United States department 54305  
of health and human services pursuant to the "Social Security 54306  
Act," sections 1128 and 1156, 42 U.S.C. 1320a-7 and 1320c-5; 54307

(3) The registry of developmental disabilities employees 54308  
established under section 5123.52 of the Revised Code; 54309

(4) The internet-based sex offender and child-victim offender 54310  
database established under division (A)(11) of section 2950.13 of 54311  
the Revised Code; 54312

(5) The internet-based database of inmates established under 54313  
section 5120.66 of the Revised Code; 54314

(6) The state nurse aide registry established under section 54315  
3721.32 of the Revised Code; 54316

(7) Any other database, if any, specified in rules adopted 54317  
under this section. 54318

(E)(1) As a condition of employing any applicant in a 54319  
position that involves providing direct care to an individual, the 54320  
chief administrator of a home health agency shall request the 54321  
superintendent of the bureau of criminal identification and 54322  
investigation to conduct a criminal records check of the 54323

applicant. If rules adopted under this section so require, the 54324  
chief administrator of a home health agency shall request the 54325  
superintendent to conduct a criminal records check of an employee 54326  
at times specified in the rules as a condition of continuing to 54327  
employ the employee in a position that involves providing direct 54328  
care to an individual. However, the chief administrator is not 54329  
required to request the criminal records check of the applicant or 54330  
the employee if division (F) of this section applies or the home 54331  
health agency is prohibited by division (B)(1) of this section 54332  
from employing the applicant or continuing to employ the employee 54333  
in a position that involves providing direct care to an 54334  
individual. If an applicant or employee for whom a criminal 54335  
records check request is required by this section does not present 54336  
proof of having been a resident of this state for the five-year 54337  
period immediately prior to the date upon which the criminal 54338  
records check is requested or does not provide evidence that 54339  
within that five-year period the superintendent has requested 54340  
information about the applicant from the federal bureau of 54341  
investigation in a criminal records check, the chief administrator 54342  
shall request that the superintendent obtain information from the 54343  
federal bureau of investigation as a part of the criminal records 54344  
check. Even if an applicant or employee for whom a criminal 54345  
records check request is required by this section presents proof 54346  
that the applicant or employee has been a resident of this state 54347  
for that five-year period, the chief administrator may request 54348  
that the superintendent include information from the federal 54349  
bureau of investigation in the criminal records check. 54350

(2) The chief administrator shall do all of the following: 54351

(a) Provide to each applicant and employee for whom a 54352  
criminal records check request is required by this section a copy 54353  
of the form prescribed pursuant to division (C)(1) of section 54354  
109.572 of the Revised Code and a standard impression sheet 54355

prescribed pursuant to division (C)(2) of that section; 54356

(b) Obtain the completed form and standard impression sheet 54357  
from each applicant and employee; 54358

(c) Forward the completed form and standard impression sheet 54359  
to the superintendent at the time the chief administrator requests 54360  
the criminal records check. 54361

(3) A home health agency shall pay to the bureau of criminal 54362  
identification and investigation the fee prescribed pursuant to 54363  
division (C)(3) of section 109.572 of the Revised Code for each 54364  
criminal records check the agency requests under this section. A 54365  
home health agency may charge an applicant a fee not exceeding the 54366  
amount the agency pays to the bureau under this section if both of 54367  
the following apply: 54368

(a) The home health agency notifies the applicant at the time 54369  
of initial application for employment of the amount of the fee and 54370  
that, unless the fee is paid, the applicant will not be considered 54371  
for employment. 54372

(b) The medicaid program does not reimburse the home health 54373  
agency for the fee it pays to the bureau under this section. 54374

(F) Divisions (C) to (E) of this section do not apply with 54375  
regard to an applicant or employee if the applicant or employee is 54376  
referred to a home health agency by an employment service that 54377  
supplies full-time, part-time, or temporary staff for positions 54378  
that involve providing direct care to an individual and both of 54379  
the following apply: 54380

(1) The chief administrator of the home health agency 54381  
receives from the employment service confirmation that a review of 54382  
the databases listed in division (D) of this section was conducted 54383  
with regard to the applicant or employee. 54384

(2) The chief administrator of the home health agency 54385

receives from the employment service, applicant, or employee a 54386  
report of the results of a criminal records check of the applicant 54387  
or employee that has been conducted by the superintendent within 54388  
the one-year period immediately preceding the following: 54389

(a) In the case of an applicant, the date of the applicant's 54390  
referral by the employment service to the home health agency; 54391

(b) In the case of an employee, the date by which the home 54392  
health agency would otherwise have to request a criminal records 54393  
check of the employee under division (E) of this section. 54394

(G)(1) A home health agency may employ conditionally an 54395  
applicant for whom a criminal records check request is required by 54396  
this section before obtaining the results of the criminal records 54397  
check if the agency is not prohibited by division (B) of this 54398  
section from employing the applicant in a position that involves 54399  
providing direct care to an individual and either of the following 54400  
applies: 54401

(a) The chief administrator of the home health agency 54402  
requests the criminal records check in accordance with division 54403  
(E) of this section not later than five business days after the 54404  
applicant begins conditional employment. 54405

(b) The applicant is referred to the home health agency by an 54406  
employment service, the employment service or the applicant 54407  
provides the chief administrator of the agency a letter that is on 54408  
the letterhead of the employment service, the letter is dated and 54409  
signed by a supervisor or another designated official of the 54410  
employment service, and the letter states all of the following: 54411

(i) That the employment service has requested the 54412  
superintendent to conduct a criminal records check regarding the 54413  
applicant; 54414

(ii) That the requested criminal records check is to include 54415  
a determination of whether the applicant has been convicted of, 54416

pleaded guilty to, or been found eligible for intervention in lieu of conviction for a disqualifying offense; 54417  
54418

(iii) That the employment service has not received the results of the criminal records check as of the date set forth on the letter; 54419  
54420  
54421

(iv) That the employment service promptly will send a copy of the results of the criminal records check to the chief administrator of the home health agency when the employment service receives the results. 54422  
54423  
54424  
54425

(2) If a home health agency employs an applicant conditionally pursuant to division (G)(1)(b) of this section, the employment service, on its receipt of the results of the criminal records check, promptly shall send a copy of the results to the chief administrator of the agency. 54426  
54427  
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(3) A home health agency that employs an applicant conditionally pursuant to division (G)(1)(a) or (b) of this section shall terminate the applicant's employment if the results of the criminal records check, other than the results of any request for information from the federal bureau of investigation, are not obtained within the period ending sixty days after the date the request for the criminal records check is made. 54431  
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Regardless of when the results of the criminal records check are obtained, if the results indicate that the applicant has been convicted of, pleaded guilty to, or been found eligible for intervention in lieu of conviction for a disqualifying offense, the home health agency shall terminate the applicant's employment unless circumstances specified in rules adopted under this section that permit the agency to employ the applicant exist and the agency chooses to employ the applicant. Termination of employment under this division shall be considered just cause for discharge for purposes of division (D)(2) of section 4141.29 of the Revised Code if the applicant makes any attempt to deceive the home health 54438  
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agency about the applicant's criminal record. 54449

(H) The report of any criminal records check conducted by the 54450  
bureau of criminal identification and investigation in accordance 54451  
with section 109.572 of the Revised Code and pursuant to a request 54452  
made under this section is not a public record for the purposes of 54453  
section 149.43 of the Revised Code and shall not be made available 54454  
to any person other than the following: 54455

(1) The applicant or employee who is the subject of the 54456  
criminal records check or the applicant's or employee's 54457  
representative; 54458

(2) The home health agency requesting the criminal records 54459  
check or its representative; 54460

(3) The administrator of any other facility, agency, or 54461  
program that provides direct care to individuals that is owned or 54462  
operated by the same entity that owns or operates the home health 54463  
agency that requested the criminal records check; 54464

(4) The employment service that requested the criminal 54465  
records check; 54466

(5) The director of health and the staff of the department of 54467  
health who monitor a home health agency's compliance with this 54468  
section; 54469

(6) The director of aging or the director's designee if 54470  
either of the following apply: 54471

(a) In the case of a criminal records check requested by a 54472  
home health agency, the home health agency also is a 54473  
community-based long-term care provider or community-based 54474  
long-term care subcontractor; 54475

(b) In the case of a criminal records check requested by an 54476  
employment service, the employment service makes the request for 54477  
an applicant or employee the employment service refers to a home 54478

health agency that also is a community-based long-term care 54479  
provider or community-based long-term care subcontractor. 54480

(7) The medicaid director and the staff of the department of 54481  
medicaid who are involved in the administration of the medicaid 54482  
program if either of the following apply: 54483

(a) In the case of a criminal records check requested by a 54484  
home health agency, the home health agency also is a waiver 54485  
agency; 54486

(b) In the case of a criminal records check requested by an 54487  
employment service, the employment service makes the request for 54488  
an applicant or employee the employment service refers to a home 54489  
health agency that also is a waiver agency. 54490

(8) Any court, hearing officer, or other necessary individual 54491  
involved in a case dealing with any of the following: 54492

(a) A denial of employment of the applicant or employee; 54493

(b) Employment or unemployment benefits of the applicant or 54494  
employee; 54495

(c) A civil or criminal action regarding the medicaid 54496  
program. 54497

(I) In a tort or other civil action for damages that is 54498  
brought as the result of an injury, death, or loss to person or 54499  
property caused by an applicant or employee who a home health 54500  
agency employs in a position that involves providing direct care 54501  
to an individual, all of the following shall apply: 54502

(1) If the home health agency employed the applicant or 54503  
employee in good faith and reasonable reliance on the report of a 54504  
criminal records check requested under this section, the agency 54505  
shall not be found negligent solely because of its reliance on the 54506  
report, even if the information in the report is determined later 54507  
to have been incomplete or inaccurate. 54508

(2) If the home health agency employed the applicant in good faith on a conditional basis pursuant to division (G) of this section, the agency shall not be found negligent solely because it employed the applicant prior to receiving the report of a criminal records check requested under this section.

(3) If the home health agency in good faith employed the applicant or employee according to the personal character standards established in rules adopted under this section, the agency shall not be found negligent solely because the applicant or employee had been convicted of, pleaded guilty to, or been found eligible for intervention in lieu of conviction for a disqualifying offense.

(J) The director of health shall adopt rules in accordance with Chapter 119. of the Revised Code to implement this section.

(1) The rules may do the following:

(a) Require employees to undergo database reviews and criminal records checks under this section;

(b) If the rules require employees to undergo database reviews and criminal records checks under this section, exempt one or more classes of employees from the requirements;

(c) For the purpose of division (D)(7) of this section, specify other databases that are to be checked as part of a database review conducted under this section.

(2) The rules shall specify all of the following:

(a) The procedures for conducting database reviews under this section;

(b) If the rules require employees to undergo database reviews and criminal records checks under this section, the times at which the database reviews and criminal records checks are to be conducted;

(c) If the rules specify other databases to be checked as 54539  
part of the database reviews, the circumstances under which a home 54540  
health agency is prohibited from employing an applicant or 54541  
continuing to employ an employee who is found by a database review 54542  
to be included in one or more of those databases; 54543

(d) Circumstances under which a home health agency may employ 54544  
an applicant or employee who is found by a criminal records check 54545  
required by this section to have been convicted of, pleaded guilty 54546  
to, or been found eligible for intervention in lieu of conviction 54547  
for a disqualifying offense but meets personal character 54548  
standards. 54549

Sec. 3740.99. Whoever violates section 3740.02 of the Revised 54550  
Code is guilty of a misdemeanor of the second degree on a first 54551  
offense; for each subsequent offense, the person is guilty of a 54552  
misdemeanor of the first degree. 54553

**Sec. 3741.14.** (A) Each filling station offering self-service 54554  
shall be operated in accordance with the most recent version of 54555  
the national fire protection association standard number ~~30A-1990~~ 54556  
30A, as that standard is incorporated into the fire code adopted 54557  
by the state fire marshal in accordance with section 3737.82 of 54558  
the Revised Code, and the provisions of the "Occupational Safety 54559  
and Health Act of 1970," 84 Stat. 1590, 5 U.S.C.A. 5108, and any 54560  
amendments thereto and standards adopted thereunder. 54561

(B) The fire marshal shall adopt, as part of the state fire 54562  
code, rules governing the equipment, operation, and maintenance of 54563  
filling stations. The rules shall be such as are necessary for the 54564  
protection of the persons and property of the public, but shall 54565  
require as a minimum that: 54566

(2) A sign, in block letters at least four inches in height, 54567  
be conspicuously displayed on each gasoline pump island where 54568

self-service is offered stating that it is a self-service island; 54569

(3) Signs giving instructions for the operation of gasoline 54570  
dispensing equipment, in block letters, be conspicuously posted at 54571  
each filling station offering self-service; 54572

(4) A sign bearing the following words in block letters be 54573  
conspicuously posted on each gasoline pump island where 54574  
self-service is offered: 54575

(a) "STOP ENGINE"; 54576

(b) "NO SMOKING"; 54577

(c) "WARNING--IT IS UNLAWFUL AND DANGEROUS TO DISPENSE 54578  
GASOLINE INTO UNAPPROVED CONTAINERS"; 54579

(d) "PERSONS USING DISPENSERS WITH HOLD-OPEN LATCHES MUST 54580  
REMAIN AT THE REFUELING POINT DURING REFUELING". 54581

(5) All signs required by this section be constructed of 54582  
rigid, weather-resistant material; 54583

(6) Gasoline dispensing nozzles used by any person other than 54584  
a supervisor, employee, or attendant be of an approved automatic 54585  
closing type. Any person other than a supervisor, employee, or 54586  
attendant using a dispenser with a hold-open latch shall remain at 54587  
the refueling point during refueling. 54588

(C) The fire marshal shall not prohibit the operation of a 54589  
filling station offering self-service solely because it is an 54590  
unattended filling station that utilizes key- or card-operated 54591  
self-service flammable or combustible liquid dispensing equipment. 54592

(D) Nothing in this section shall be interpreted to prohibit 54593  
the fire marshal from adopting reasonable rules governing the 54594  
safety of self-service flammable or combustible liquid dispensing 54595  
equipment. 54596

**Sec. 3745.014.** There is hereby created in the state treasury 54597

the central support indirect fund, which shall be administered by 54598  
the director of environmental protection. Money credited to the 54599  
fund shall be used for administrative costs of the environmental 54600  
protection agency. The director may assess any operating funds 54601  
from which the agency receives appropriations, except the central 54602  
support indirect fund, for a share of the administrative costs of 54603  
the agency. The amounts assessed shall be transferred to the 54604  
central support indirect fund by means of intrastate transfer 54605  
vouchers. The director, ~~with the approval of the director of~~ 54606  
~~budget and management,~~ shall determine the rate of assessments. 54607

**Sec. 3745.11.** (A) Applicants for and holders of permits, 54608  
licenses, variances, plan approvals, and certifications issued by 54609  
the director of environmental protection pursuant to Chapters 54610  
3704., 3734., 6109., and 6111. of the Revised Code shall pay a fee 54611  
to the environmental protection agency for each such issuance and 54612  
each application for an issuance as provided by this section. No 54613  
fee shall be charged for any issuance for which no application has 54614  
been submitted to the director. 54615

(B) Except as otherwise provided in division (C)(2) of this 54616  
section, beginning July 1, 1994, each person who owns or operates 54617  
an air contaminant source and who is required to apply for and 54618  
obtain a Title V permit under section 3704.036 of the Revised Code 54619  
shall pay the fees set forth in this division. For the purposes of 54620  
this division, total emissions of air contaminants may be 54621  
calculated using engineering calculations, emissions factors, 54622  
material balance calculations, or performance testing procedures, 54623  
as authorized by the director. 54624

The following fees shall be assessed on the total actual 54625  
emissions from a source in tons per year of the regulated 54626  
pollutants particulate matter, sulfur dioxide, nitrogen oxides, 54627  
organic compounds, and lead: 54628

(1) Fifteen dollars per ton on the total actual emissions of 54629  
each such regulated pollutant during the period July through 54630  
December 1993, to be collected no sooner than July 1, 1994; 54631

(2) Twenty dollars per ton on the total actual emissions of 54632  
each such regulated pollutant during calendar year 1994, to be 54633  
collected no sooner than April 15, 1995; 54634

(3) Twenty-five dollars per ton on the total actual emissions 54635  
of each such regulated pollutant in calendar year 1995, and each 54636  
subsequent calendar year, to be collected no sooner than the 54637  
fifteenth day of April of the year next succeeding the calendar 54638  
year in which the emissions occurred. 54639

The fees levied under this division do not apply to that 54640  
portion of the emissions of a regulated pollutant at a facility 54641  
that exceed four thousand tons during a calendar year. 54642

(C)(1) The fees assessed under division (B) of this section 54643  
are for the purpose of providing funding for the Title V permit 54644  
program. 54645

(2) The fees assessed under division (B) of this section do 54646  
not apply to emissions from any electric generating unit 54647  
designated as a Phase I unit under Title IV of the federal Clean 54648  
Air Act prior to calendar year 2000. Those fees shall be assessed 54649  
on the emissions from such a generating unit commencing in 54650  
calendar year 2001 based upon the total actual emissions from the 54651  
generating unit during calendar year 2000 and shall continue to be 54652  
assessed each subsequent calendar year based on the total actual 54653  
emissions from the generating unit during the preceding calendar 54654  
year. 54655

(3) The director shall issue invoices to owners or operators 54656  
of air contaminant sources who are required to pay a fee assessed 54657  
under division (B) or (D) of this section. Any such invoice shall 54658  
be issued no sooner than the applicable date when the fee first 54659

may be collected in a year under the applicable division, shall 54660  
identify the nature and amount of the fee assessed, and shall 54661  
indicate that the fee is required to be paid within thirty days 54662  
after the issuance of the invoice. 54663

~~(D)(1) Except as provided in division (D)(3) of this section, 54664  
from January 1, 1994, through December 31, 2003, each person who 54665  
owns or operates an air contaminant source; who is required to 54666  
apply for a permit to operate pursuant to rules adopted under 54667  
division (G), or a variance pursuant to division (H), of section 54668  
3704.03 of the Revised Code; and who is not required to apply for 54669  
and obtain a Title V permit under section 3704.036 of the Revised 54670  
Code shall pay a single fee based upon the sum of the actual 54671  
annual emissions from the facility of the regulated pollutants 54672  
particulate matter, sulfur dioxide, nitrogen oxides, organic 54673  
compounds, and lead in accordance with the following schedule:~~ 54674

| <del>Total tons per year</del> 54675           |                         |  |
|------------------------------------------------|-------------------------|--|
| <del>of regulated pollutants</del> 54676       | <del>Annual fee</del>   |  |
| <del>emitted</del> 54677                       | <del>per facility</del> |  |
| <del>More than 0, but less than 50</del> 54678 | <del>\$ 75</del>        |  |
| <del>50 or more, but less than 100</del> 54679 | <del>300</del>          |  |
| <del>100 or more</del> 54680                   | <del>700</del>          |  |

~~(2) Except as provided in division ~~(D)(3)~~(D)(2) of this 54681  
section, beginning January 1, 2004, each person who owns or 54682  
operates an air contaminant source; who is required to apply for a 54683  
permit to operate pursuant to rules adopted under division (G), or 54684  
a variance pursuant to division (H), of section 3704.03 of the 54685  
Revised Code; and who is not required to apply for and obtain a 54686  
Title V permit under section 3704.03 of the Revised Code shall pay 54687  
a single fee based upon the sum of the actual annual emissions 54688  
from the facility of the regulated pollutants particulate matter, 54689  
sulfur dioxide, nitrogen oxides, organic compounds, and lead in 54690  
accordance with the following schedule:~~ 54691

|                               |              |       |
|-------------------------------|--------------|-------|
| Total tons per year           |              | 54692 |
| of regulated pollutants       | Annual fee   | 54693 |
| emitted                       | per facility | 54694 |
| More than 0, but less than 10 | \$ 100       | 54695 |
| 10 or more, but less than 50  | 200          | 54696 |
| 50 or more, but less than 100 | 300          | 54697 |
| 100 or more                   | 700          | 54698 |

~~(3)(a)~~(2)(a) As used in division (D) of this section, 54699  
"synthetic minor facility" means a facility for which one or more 54700  
permits to install or permits to operate have been issued for the 54701  
air contaminant sources at the facility that include terms and 54702  
conditions that lower the facility's potential to emit air 54703  
contaminants below the major source thresholds established in 54704  
rules adopted under section 3704.036 of the Revised Code. 54705

(b) Beginning January 1, 2000, through June 30, ~~2022~~2024, 54706  
each person who owns or operates a synthetic minor facility shall 54707  
pay an annual fee based on the sum of the actual annual emissions 54708  
from the facility of particulate matter, sulfur dioxide, nitrogen 54709  
dioxide, organic compounds, and lead in accordance with the 54710  
following schedule: 54711

|                              |              |       |
|------------------------------|--------------|-------|
| Combined total tons          |              | 54712 |
| per year of all regulated    | Annual fee   | 54713 |
| pollutants emitted           | per facility | 54714 |
| Less than 10                 | \$ 170       | 54715 |
| 10 or more, but less than 20 | 340          | 54716 |
| 20 or more, but less than 30 | 670          | 54717 |
| 30 or more, but less than 40 | 1,010        | 54718 |
| 40 or more, but less than 50 | 1,340        | 54719 |
| 50 or more, but less than 60 | 1,680        | 54720 |
| 60 or more, but less than 70 | 2,010        | 54721 |
| 70 or more, but less than 80 | 2,350        | 54722 |
| 80 or more, but less than 90 | 2,680        | 54723 |

|                               |       |       |
|-------------------------------|-------|-------|
| 90 or more, but less than 100 | 3,020 | 54724 |
| 100 or more                   | 3,350 | 54725 |

~~(4) The fees assessed under division (D)(1) of this section shall be collected annually no sooner than the fifteenth day of April, commencing in 1995.~~ (3) The fees assessed under division ~~(D)(2)~~(D)(1) of this section shall be collected annually no sooner than the fifteenth day of April, commencing in 2005. The fees assessed under division ~~(D)(3)~~(D)(2) of this section shall be collected no sooner than the fifteenth day of April, commencing in 2000. The fees assessed under division (D) of this section in a calendar year shall be based upon the sum of the actual emissions of those regulated pollutants during the preceding calendar year. For the purpose of division (D) of this section, emissions of air contaminants may be calculated using engineering calculations, emission factors, material balance calculations, or performance testing procedures, as authorized by the director. The director, by rule, may require persons who are required to pay the fees assessed under division (D) of this section to pay those fees biennially rather than annually.

(E)(1) Consistent with the need to cover the reasonable costs of the Title V permit program, the director annually shall increase the fees prescribed in division (B) of this section by the percentage, if any, by which the consumer price index for the most recent calendar year ending before the beginning of a year exceeds the consumer price index for calendar year 1989. Upon calculating an increase in fees authorized by division (E)(1) of this section, the director shall compile revised fee schedules for the purposes of division (B) of this section and shall make the revised schedules available to persons required to pay the fees assessed under that division and to the public.

(2) For the purposes of division (E)(1) of this section: 54754

(a) The consumer price index for any year is the average of 54755

the consumer price index for all urban consumers published by the 54756  
United States department of labor as of the close of the 54757  
twelve-month period ending on the thirty-first day of August of 54758  
that year. 54759

(b) If the 1989 consumer price index is revised, the director 54760  
shall use the revision of the consumer price index that is most 54761  
consistent with that for calendar year 1989. 54762

(F) Each person who is issued a permit to install pursuant to 54763  
rules adopted under division (F) of section 3704.03 of the Revised 54764  
Code on or after July 1, 2003, shall pay the fees specified in the 54765  
following schedules: 54766

(1) Fuel-burning equipment (boilers, furnaces, or process 54767  
heaters used in the process of burning fuel for the primary 54768  
purpose of producing heat or power by indirect heat transfer) 54769  
Input capacity (maximum) 54770  
(million British thermal units per hour) Permit to install 54771

|                                  |        |       |
|----------------------------------|--------|-------|
| Greater than 0, but less than 10 | \$ 200 | 54772 |
| 10 or more, but less than 100    | 400    | 54773 |
| 100 or more, but less than 300   | 1000   | 54774 |
| 300 or more, but less than 500   | 2250   | 54775 |
| 500 or more, but less than 1000  | 3750   | 54776 |
| 1000 or more, but less than 5000 | 6000   | 54777 |
| 5000 or more                     | 9000   | 54778 |

Units burning exclusively natural gas, number two fuel oil, 54779  
or both shall be assessed a fee that is one-half the applicable 54780  
amount shown in division (F)(1) of this section. 54781

(2) Combustion turbines and stationary internal combustion 54782  
engines designed to generate electricity 54783  
Generating capacity (mega watts) Permit to install 54784

|                              |       |       |
|------------------------------|-------|-------|
| 0 or more, but less than 10  | \$ 25 | 54785 |
| 10 or more, but less than 25 | 150   | 54786 |

|                                |      |       |
|--------------------------------|------|-------|
| 25 or more, but less than 50   | 300  | 54787 |
| 50 or more, but less than 100  | 500  | 54788 |
| 100 or more, but less than 250 | 1000 | 54789 |
| 250 or more                    | 2000 | 54790 |

(3) Incinerators 54791

|                                  |                   |       |
|----------------------------------|-------------------|-------|
| Input capacity (pounds per hour) | Permit to install | 54792 |
| 0 to 100                         | \$ 100            | 54793 |
| 101 to 500                       | 500               | 54794 |
| 501 to 2000                      | 1000              | 54795 |
| 2001 to 20,000                   | 1500              | 54796 |
| more than 20,000                 | 3750              | 54797 |

(4)(a) Process 54798

|                                       |                   |       |
|---------------------------------------|-------------------|-------|
| Process weight rate (pounds per hour) | Permit to install | 54799 |
| 0 to 1000                             | \$ 200            | 54800 |
| 1001 to 5000                          | 500               | 54801 |
| 5001 to 10,000                        | 750               | 54802 |
| 10,001 to 50,000                      | 1000              | 54803 |
| more than 50,000                      | 1250              | 54804 |

In any process where process weight rate cannot be 54805  
ascertained, the minimum fee shall be assessed. A boiler, furnace, 54806  
combustion turbine, stationary internal combustion engine, or 54807  
process heater designed to provide direct heat or power to a 54808  
process not designed to generate electricity shall be assessed a 54809  
fee established in division (F)(4)(a) of this section. A 54810  
combustion turbine or stationary internal combustion engine 54811  
designed to generate electricity shall be assessed a fee 54812  
established in division (F)(2) of this section. 54813

(b) Notwithstanding division (F)(4)(a) of this section, any 54814  
person issued a permit to install pursuant to rules adopted under 54815  
division (F) of section 3704.03 of the Revised Code shall pay the 54816  
fees set forth in division (F)(4)(c) of this section for a process 54817  
used in any of the following industries, as identified by the 54818

|                                                                   |                   |       |
|-------------------------------------------------------------------|-------------------|-------|
| applicable two-digit, three-digit, or four-digit standard         | 54819             |       |
| industrial classification code according to the Standard          | 54820             |       |
| Industrial Classification Manual published by the United States   | 54821             |       |
| office of management and budget in the executive office of the    | 54822             |       |
| president, 1987, as revised:                                      | 54823             |       |
| Major group 10, metal mining;                                     | 54824             |       |
| Major group 12, coal mining;                                      | 54825             |       |
| Major group 14, mining and quarrying of nonmetallic minerals;     | 54826             |       |
| Industry group 204, grain mill products;                          | 54827             |       |
| 2873 Nitrogen fertilizers;                                        | 54828             |       |
| 2874 Phosphatic fertilizers;                                      | 54829             |       |
| 3281 Cut stone and stone products;                                | 54830             |       |
| 3295 Minerals and earth, ground or otherwise treated;             | 54831             |       |
| 4221 Grain elevators (storage only);                              | 54832             |       |
| 5159 Farm related raw materials;                                  | 54833             |       |
| 5261 Retail nurseries and lawn and garden supply stores.          | 54834             |       |
| (c) The fees set forth in the following schedule apply to the     | 54835             |       |
| issuance of a permit to install pursuant to rules adopted under   | 54836             |       |
| division (F) of section 3704.03 of the Revised Code for a process | 54837             |       |
| identified in division (F)(4)(b) of this section:                 | 54838             |       |
| Process weight rate (pounds per                                   | Permit to install | 54839 |
| hour)                                                             |                   |       |
| 0 to 10,000                                                       | \$ 200            | 54840 |
| 10,001 to 50,000                                                  | 400               | 54841 |
| 50,001 to 100,000                                                 | 500               | 54842 |
| 100,001 to 200,000                                                | 600               | 54843 |
| 200,001 to 400,000                                                | 750               | 54844 |
| 400,001 or more                                                   | 900               | 54845 |
| (5) Storage tanks                                                 |                   | 54846 |

|                                                                  |                   |       |
|------------------------------------------------------------------|-------------------|-------|
| Gallons (maximum useful capacity)                                | Permit to install | 54847 |
| 0 to 20,000                                                      | \$ 100            | 54848 |
| 20,001 to 40,000                                                 | 150               | 54849 |
| 40,001 to 100,000                                                | 250               | 54850 |
| 100,001 to 500,000                                               | 400               | 54851 |
| 500,001 or greater                                               | 750               | 54852 |
| (6) Gasoline/fuel dispensing facilities                          |                   | 54853 |
| For each gasoline/fuel                                           |                   | 54854 |
| dispensing facility (includes all                                | Permit to install | 54855 |
| units at the facility)                                           | \$ 100            | 54856 |
| (7) Dry cleaning facilities                                      |                   | 54857 |
| For each dry cleaning                                            |                   | 54858 |
| facility (includes all units                                     | Permit to install | 54859 |
| at the facility)                                                 | \$ 100            | 54860 |
| (8) Registration status                                          |                   | 54861 |
| For each source covered                                          | Permit to install | 54862 |
| by registration status                                           | \$ 75             | 54863 |
| (G) An owner or operator who is responsible for an asbestos      |                   | 54864 |
| demolition or renovation project pursuant to rules adopted under |                   | 54865 |
| section 3704.03 of the Revised Code shall pay, upon submitting a |                   | 54866 |
| notification pursuant to rules adopted under that section, the   |                   | 54867 |
| fees set forth in the following schedule:                        |                   | 54868 |
| Action                                                           | Fee               | 54869 |
| Each notification                                                | \$75              | 54870 |
| Asbestos removal                                                 | \$3/unit          | 54871 |
| Asbestos cleanup                                                 | \$4/cubic yard    | 54872 |
| For purposes of this division, "unit" means any combination of   |                   | 54873 |
| linear feet or square feet equal to fifty.                       |                   | 54874 |
| (H) A person who is issued an extension of time for a permit     |                   | 54875 |
| to install an air contaminant source pursuant to rules adopted   |                   | 54876 |
| under division (F) of section 3704.03 of the Revised Code shall  |                   | 54877 |

pay a fee equal to one-half the fee originally assessed for the 54878  
permit to install under this section, except that the fee for such 54879  
an extension shall not exceed two hundred dollars. 54880

(I) A person who is issued a modification to a permit to 54881  
install an air contaminant source pursuant to rules adopted under 54882  
section 3704.03 of the Revised Code shall pay a fee equal to 54883  
one-half of the fee that would be assessed under this section to 54884  
obtain a permit to install the source. The fee assessed by this 54885  
division only applies to modifications that are initiated by the 54886  
owner or operator of the source and shall not exceed two thousand 54887  
dollars. 54888

(J) Notwithstanding division (F) of this section, a person 54889  
who applies for or obtains a permit to install pursuant to rules 54890  
adopted under division (F) of section 3704.03 of the Revised Code 54891  
after the date actual construction of the source began shall pay a 54892  
fee for the permit to install that is equal to twice the fee that 54893  
otherwise would be assessed under the applicable division unless 54894  
the applicant received authorization to begin construction under 54895  
division (W) of section 3704.03 of the Revised Code. This division 54896  
only applies to sources for which actual construction of the 54897  
source begins on or after July 1, 1993. The imposition or payment 54898  
of the fee established in this division does not preclude the 54899  
director from taking any administrative or judicial enforcement 54900  
action under this chapter, Chapter 3704., 3714., 3734., or 6111. 54901  
of the Revised Code, or a rule adopted under any of them, in 54902  
connection with a violation of rules adopted under division (F) of 54903  
section 3704.03 of the Revised Code. 54904

As used in this division, "actual construction of the source" 54905  
means the initiation of physical on-site construction activities 54906  
in connection with improvements to the source that are permanent 54907  
in nature, including, without limitation, the installation of 54908  
building supports and foundations and the laying of underground 54909

pipework. 54910

(K)(1) Money received under division (B) of this section 54911  
shall be deposited in the state treasury to the credit of the 54912  
Title V clean air fund created in section 3704.035 of the Revised 54913  
Code. Annually, not more than fifty cents per ton of each fee 54914  
assessed under division (B) of this section on actual emissions 54915  
from a source and received by the environmental protection agency 54916  
pursuant to that division may be transferred by the director using 54917  
an interstate transfer voucher to the state treasury to the credit 54918  
of the small business assistance fund created in section 3706.19 54919  
of the Revised Code. In addition, annually, the amount of money 54920  
necessary for the operation of the office of ombudsperson as 54921  
determined under division (B) of that section shall be transferred 54922  
to the state treasury to the credit of the small business 54923  
ombudsperson fund created by that section. 54924

(2) Money received by the agency pursuant to divisions (D), 54925  
(F), (G), (H), (I), and (J) of this section shall be deposited in 54926  
the state treasury to the credit of the non-Title V clean air fund 54927  
created in section 3704.035 of the Revised Code. 54928

(L)(1) A person applying for a plan approval for a wastewater 54929  
treatment works pursuant to section 6111.44, 6111.45, or 6111.46 54930  
of the Revised Code shall pay a nonrefundable fee of one hundred 54931  
dollars plus sixty-five one-hundredths of one per cent of the 54932  
estimated project cost through June 30, ~~2022~~2024, and a 54933  
nonrefundable application fee of one hundred dollars plus 54934  
two-tenths of one per cent of the estimated project cost on and 54935  
after July 1, ~~2022~~2024, except that the total fee shall not exceed 54936  
fifteen thousand dollars through June 30, ~~2022~~2024, and five 54937  
thousand dollars on and after July 1, ~~2022~~2024. The fee shall be 54938  
paid at the time the application is submitted. 54939

(2) A person who has entered into an agreement with the 54940  
director under section 6111.14 of the Revised Code shall pay an 54941

administrative service fee for each plan submitted under that 54942  
section for approval that shall not exceed the minimum amount 54943  
necessary to pay administrative costs directly attributable to 54944  
processing plan approvals. The director annually shall calculate 54945  
the fee and shall notify all persons who have entered into 54946  
agreements under that section, or who have applied for agreements, 54947  
of the amount of the fee. 54948

(3)(a)(i) Not later than January 30, ~~2020~~2022, and January 54949  
30, ~~2021~~2023, a person holding an NPDES discharge permit issued 54950  
pursuant to Chapter 6111. of the Revised Code with an average 54951  
daily discharge flow of five thousand gallons or more shall pay a 54952  
nonrefundable annual discharge fee. Any person who fails to pay 54953  
the fee at that time shall pay an additional amount that equals 54954  
ten per cent of the required annual discharge fee. 54955

(ii) The billing year for the annual discharge fee 54956  
established in division (L)(3)(a)(i) of this section shall consist 54957  
of a twelve-month period beginning on the first day of January of 54958  
the year preceding the date when the annual discharge fee is due. 54959  
In the case of an existing source that permanently ceases to 54960  
discharge during a billing year, the director shall reduce the 54961  
annual discharge fee, including the surcharge applicable to 54962  
certain industrial facilities pursuant to division (L)(3)(c) of 54963  
this section, by one-twelfth for each full month during the 54964  
billing year that the source was not discharging, but only if the 54965  
person holding the NPDES discharge permit for the source notifies 54966  
the director in writing, not later than the first day of October 54967  
of the billing year, of the circumstances causing the cessation of 54968  
discharge. 54969

(iii) The annual discharge fee established in division 54970  
(L)(3)(a)(i) of this section, except for the surcharge applicable 54971  
to certain industrial facilities pursuant to division (L)(3)(c) of 54972  
this section, shall be based upon the average daily discharge flow 54973

in gallons per day calculated using first day of May through 54974  
thirty-first day of October flow data for the period two years 54975  
prior to the date on which the fee is due. In the case of NPDES 54976  
discharge permits for new sources, the fee shall be calculated 54977  
using the average daily design flow of the facility until actual 54978  
average daily discharge flow values are available for the time 54979  
period specified in division (L)(3)(a)(iii) of this section. The 54980  
annual discharge fee may be prorated for a new source as described 54981  
in division (L)(3)(a)(ii) of this section. 54982

(b)(i) An NPDES permit holder that is a public discharger 54983  
shall pay the fee specified in the following schedule: 54984

| Average daily             | Fee due by                        |       |
|---------------------------|-----------------------------------|-------|
| discharge flow            | January 30,                       |       |
|                           | <del>2020</del> <u>2022</u> , and |       |
|                           | January 30,                       |       |
|                           | <del>2021</del> <u>2023</u>       |       |
| 5,000 to 49,999           | \$ 200                            | 54989 |
| 50,000 to 100,000         | 500                               | 54990 |
| 100,001 to 250,000        | 1,050                             | 54991 |
| 250,001 to 1,000,000      | 2,600                             | 54992 |
| 1,000,001 to 5,000,000    | 5,200                             | 54993 |
| 5,000,001 to 10,000,000   | 10,350                            | 54994 |
| 10,000,001 to 20,000,000  | 15,550                            | 54995 |
| 20,000,001 to 50,000,000  | 25,900                            | 54996 |
| 50,000,001 to 100,000,000 | 41,400                            | 54997 |
| 100,000,001 or more       | 62,100                            | 54998 |

(ii) Public dischargers owning or operating two or more 54999  
publicly owned treatment works serving the same political 55000  
subdivision, as "treatment works" is defined in section 6111.01 of 55001  
the Revised Code, and that serve exclusively political 55002  
subdivisions having a population of fewer than one hundred 55003  
thousand persons shall pay an annual discharge fee under division 55004

(L)(3)(b)(i) of this section that is based on the combined average 55005  
daily discharge flow of the treatment works. 55006

(c)(i) An NPDES permit holder that is an industrial 55007  
discharger, other than a coal mining operator identified by P in 55008  
the third character of the permittee's NPDES permit number, shall 55009  
pay the fee specified in the following schedule: 55010

| Average daily              | Fee due by                |       |
|----------------------------|---------------------------|-------|
| discharge flow             | January 30,               |       |
|                            | <del>2020</del> 2022, and |       |
|                            | January 30,               |       |
|                            | <del>2021</del> 2023      |       |
| 5,000 to 49,999            | \$ 250                    | 55015 |
| 50,000 to 250,000          | 1,200                     | 55016 |
| 250,001 to 1,000,000       | 2,950                     | 55017 |
| 1,000,001 to 5,000,000     | 5,850                     | 55018 |
| 5,000,001 to 10,000,000    | 8,800                     | 55019 |
| 10,000,001 to 20,000,000   | 11,700                    | 55020 |
| 20,000,001 to 100,000,000  | 14,050                    | 55021 |
| 100,000,001 to 250,000,000 | 16,400                    | 55022 |
| 250,000,001 or more        | 18,700                    | 55023 |

(ii) In addition to the fee specified in the above schedule, 55024  
an NPDES permit holder that is an industrial discharger classified 55025  
as a major discharger during all or part of the annual discharge 55026  
fee billing year specified in division (L)(3)(a)(ii) of this 55027  
section shall pay a nonrefundable annual surcharge of seven 55028  
thousand five hundred dollars not later than January 30, ~~2020~~2022, 55029  
and not later than January 30, ~~2021~~2023. Any person who fails to 55030  
pay the surcharge at that time shall pay an additional amount that 55031  
equals ten per cent of the amount of the surcharge. 55032

(d) Notwithstanding divisions (L)(3)(b) and (c) of this 55033  
section, a public discharger, that is not a separate municipal 55034  
storm sewer system, identified by I in the third character of the 55035

permittee's NPDES permit number and an industrial discharger 55036  
identified by I, J, L, V, W, X, Y, or Z in the third character of 55037  
the permittee's NPDES permit number shall pay a nonrefundable 55038  
annual discharge fee of one hundred eighty dollars not later than 55039  
January 30, ~~2020~~2022, and not later than January 30, ~~2021~~2023. Any 55040  
person who fails to pay the fee at that time shall pay an 55041  
additional amount that equals ten per cent of the required fee. 55042

(4) Each person obtaining an NPDES permit for municipal storm 55043  
water discharge shall pay a nonrefundable storm water annual 55044  
discharge fee of ten dollars per one-tenth of a square mile of 55045  
area permitted. The fee shall not exceed ten thousand dollars and 55046  
shall be payable on or before January 30, 2004, and the thirtieth 55047  
day of January of each year thereafter. Any person who fails to 55048  
pay the fee on the date specified in division (L)(4) of this 55049  
section shall pay an additional amount per year equal to ten per 55050  
cent of the annual fee that is unpaid. 55051

(5) The director shall transmit all moneys collected under 55052  
division (L) of this section to the treasurer of state for deposit 55053  
into the state treasury to the credit of the surface water 55054  
protection fund created in section 6111.038 of the Revised Code. 55055

(6) As used in this section: 55056

(a) "NPDES" means the federally approved national pollutant 55057  
discharge elimination system individual and general program for 55058  
issuing, modifying, revoking, reissuing, terminating, monitoring, 55059  
and enforcing permits and imposing and enforcing pretreatment 55060  
requirements under Chapter 6111. of the Revised Code and rules 55061  
adopted under it. 55062

(b) "Public discharger" means any holder of an NPDES permit 55063  
identified by P in the second character of the NPDES permit number 55064  
assigned by the director. 55065

(c) "Industrial discharger" means any holder of an NPDES 55066

permit identified by I in the second character of the NPDES permit 55067  
number assigned by the director. 55068

(d) "Major discharger" means any holder of an NPDES permit 55069  
classified as major by the regional administrator of the United 55070  
States environmental protection agency in conjunction with the 55071  
director. 55072

(M) Through June 30, ~~2022~~2024, a person applying for a 55073  
license or license renewal to operate a public water system under 55074  
section 6109.21 of the Revised Code shall pay the appropriate fee 55075  
established under this division at the time of application to the 55076  
director. Any person who fails to pay the fee at that time shall 55077  
pay an additional amount that equals ten per cent of the required 55078  
fee. The director shall transmit all moneys collected under this 55079  
division to the treasurer of state for deposit into the drinking 55080  
water protection fund created in section 6109.30 of the Revised 55081  
Code. 55082

Except as provided in divisions (M)(4) and (5) of this 55083  
section, fees required under this division shall be calculated and 55084  
paid in accordance with the following schedule: 55085

(1) For the initial license required under section 6109.21 of 55086  
the Revised Code for any public water system that is a community 55087  
water system as defined in section 6109.01 of the Revised Code, 55088  
and for each license renewal required for such a system prior to 55089  
January 31, ~~2022~~2024, the fee is: 55090

| Number of service connections | Fee amount                  |       |
|-------------------------------|-----------------------------|-------|
| Not more than 49              | \$ 112                      | 55092 |
| 50 to 99                      | 176                         | 55093 |
| Number of service connections | Average cost per connection |       |
| 100 to 2,499                  | \$ 1.92                     | 55095 |
| 2,500 to 4,999                | 1.48                        | 55096 |
| 5,000 to 7,499                | 1.42                        | 55097 |

|                    |      |       |
|--------------------|------|-------|
| 7,500 to 9,999     | 1.34 | 55098 |
| 10,000 to 14,999   | 1.16 | 55099 |
| 15,000 to 24,999   | 1.10 | 55100 |
| 25,000 to 49,999   | 1.04 | 55101 |
| 50,000 to 99,999   | .92  | 55102 |
| 100,000 to 149,999 | .86  | 55103 |
| 150,000 to 199,999 | .80  | 55104 |
| 200,000 or more    | .76  | 55105 |

A public water system may determine how it will pay the total amount of the fee calculated under division (M)(1) of this section, including the assessment of additional user fees that may be assessed on a volumetric basis.

As used in division (M)(1) of this section, "service connection" means the number of active or inactive pipes, goosenecks, pigtails, and any other fittings connecting a water main to any building outlet.

(2) For the initial license required under section 6109.21 of the Revised Code for any public water system that is not a community water system and serves a nontransient population, and for each license renewal required for such a system prior to January 31, ~~2022~~2024, the fee is:

| Population served | Fee amount |       |
|-------------------|------------|-------|
| Fewer than 150    | \$ 112     | 55119 |
| 150 to 299        | 176        | 55120 |
| 300 to 749        | 384        | 55121 |
| 750 to 1,499      | 628        | 55122 |
| 1,500 to 2,999    | 1,268      | 55123 |
| 3,000 to 7,499    | 2,816      | 55124 |
| 7,500 to 14,999   | 5,510      | 55125 |
| 15,000 to 22,499  | 9,048      | 55126 |
| 22,500 to 29,999  | 12,430     | 55127 |
| 30,000 or more    | 16,820     | 55128 |

As used in division (M)(2) of this section, "population served" means the total number of individuals having access to the water supply during a twenty-four-hour period for at least sixty days during any calendar year. In the absence of a specific population count, that number shall be calculated at the rate of three individuals per service connection.

(3) For the initial license required under section 6109.21 of the Revised Code for any public water system that is not a community water system and serves a transient population, and for each license renewal required for such a system prior to January 31, ~~2022~~2024, the fee is:

| Number of wells or sources, other than surface water, supplying system | Fee amount |                |
|------------------------------------------------------------------------|------------|----------------|
| 1                                                                      | \$112      | 55142          |
| 2                                                                      | 112        | 55143          |
| 3                                                                      | 176        | 55144          |
| 4                                                                      | 278        | 55145          |
| 5                                                                      | 568        | 55146          |
| System designated as using a surface water source                      | 792        | 55147<br>55148 |

As used in division (M)(3) of this section, "number of wells or sources, other than surface water, supplying system" means those wells or sources that are physically connected to the plumbing system serving the public water system.

(4) A public water system designated as using a surface water source shall pay a fee of seven hundred ninety-two dollars or the amount calculated under division (M)(1) or (2) of this section, whichever is greater.

(5) An applicant for an initial license who is proposing to operate a new public water supply system shall submit a fee that equals a prorated amount of the appropriate fee for the remainder of the licensing year.

(N)(1) A person applying for a plan approval for a public water supply system under section 6109.07 of the Revised Code shall pay a fee of one hundred fifty dollars plus thirty-five hundredths of one per cent of the estimated project cost, except that the total fee shall not exceed twenty thousand dollars through June 30, ~~2022~~2024, and fifteen thousand dollars on and after July 1, ~~2022~~2024. The fee shall be paid at the time the application is submitted.

(2) A person who has entered into an agreement with the director under division (A)(2) of section 6109.07 of the Revised Code shall pay an administrative service fee for each plan submitted under that section for approval that shall not exceed the minimum amount necessary to pay administrative costs directly attributable to processing plan approvals. The director annually shall calculate the fee and shall notify all persons that have entered into agreements under that division, or who have applied for agreements, of the amount of the fee.

(3) Through June 30, ~~2022~~2024, the following fee, on a per survey basis, shall be charged any person for services rendered by the state in the evaluation of laboratories and laboratory personnel for compliance with accepted analytical techniques and procedures established pursuant to Chapter 6109. of the Revised Code for determining the qualitative characteristics of water:

|                    |         |       |
|--------------------|---------|-------|
| microbiological    |         | 55184 |
| MMO-MUG            | \$2,000 | 55185 |
| MF                 | 2,100   | 55186 |
| MMO-MUG and MF     | 2,550   | 55187 |
| organic chemical   | 5,400   | 55188 |
| trace metals       | 5,400   | 55189 |
| standard chemistry | 2,800   | 55190 |
| limited chemistry  | 1,550   | 55191 |

On and after July 1, ~~2022~~2024, the following fee, on a per

|                                                 |          |       |
|-------------------------------------------------|----------|-------|
| survey basis, shall be charged any such person: |          | 55193 |
| microbiological                                 | \$ 1,650 | 55194 |
| organic chemicals                               | 3,500    | 55195 |
| trace metals                                    | 3,500    | 55196 |
| standard chemistry                              | 1,800    | 55197 |
| limited chemistry                               | 1,000    | 55198 |

The fee for those services shall be paid at the time the request 55199  
for the survey is made. Through June 30, ~~2022~~2024, an individual 55200  
laboratory shall not be assessed a fee under this division more 55201  
than once in any three-year period unless the person requests the 55202  
addition of analytical methods or analysts, in which case the 55203  
person shall pay ~~eighteen~~ five hundred dollars for each additional 55204  
survey requested. 55205

As used in division (N)(3) of this section: 55206

(a) "MF" means ~~microfiltration~~ membrane filtration. 55207

(b) "MMO" means minimal medium ONPG. 55208

(c) "MUG" means 4-methylumbelliferyl-beta-D-glucuronide. 55209

(d) "ONPG" means o-nitrophenyl-beta-D-galactopyranoside. 55210

The director shall transmit all moneys collected under this 55211  
division to the treasurer of state for deposit into the drinking 55212  
water protection fund created in section 6109.30 of the Revised 55213  
Code. 55214

(O) Any person applying to the director to take an 55215  
examination for certification as an operator of a water supply 55216  
system or wastewater system under Chapter 6109. or 6111. of the 55217  
Revised Code that is administered by the director, at the time the 55218  
application is submitted, shall pay a fee in accordance with the 55219  
following schedule through November 30, ~~2022~~2024: 55220

|                  |       |       |
|------------------|-------|-------|
| Class A operator | \$ 80 | 55221 |
| Class I operator | 105   | 55222 |

|                    |     |       |
|--------------------|-----|-------|
| Class II operator  | 120 | 55223 |
| Class III operator | 130 | 55224 |
| Class IV operator  | 145 | 55225 |

On and after December 1, ~~2022~~2024, the applicant shall pay a fee in accordance with the following schedule:

|                    |       |       |
|--------------------|-------|-------|
| Class A operator   | \$ 50 | 55228 |
| Class I operator   | 70    | 55229 |
| Class II operator  | 80    | 55230 |
| Class III operator | 90    | 55231 |
| Class IV operator  | 100   | 55232 |

Any person applying to the director for certification as an operator of a water supply system or wastewater system who has passed an examination administered by an examination provider approved by the director shall pay a certification fee of forty-five dollars.

A person shall pay a biennial certification renewal fee for each applicable class of certification in accordance with the following schedule:

|                    |      |       |
|--------------------|------|-------|
| Class A operator   | \$25 | 55241 |
| Class I operator   | 35   | 55242 |
| Class II operator  | 45   | 55243 |
| Class III operator | 55   | 55244 |
| Class IV operator  | 65   | 55245 |

If a certification renewal fee is received by the director more than thirty days, but not more than one year, after the expiration date of the certification, the person shall pay a certification renewal fee in accordance with the following schedule:

|                    |      |       |
|--------------------|------|-------|
| Class A operator   | \$45 | 55251 |
| Class I operator   | 55   | 55252 |
| Class II operator  | 65   | 55253 |
| Class III operator | 75   | 55254 |

Class IV operator

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A person who requests a replacement certificate shall pay a fee of twenty-five dollars at the time the request is made.

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Any person applying to be a water supply system or wastewater treatment system examination provider shall pay an application fee of five hundred dollars. Any person approved by the director as a water supply system or wastewater treatment system examination provider shall pay an annual fee that is equal to ten per cent of the fees that the provider assesses and collects for administering water supply system or wastewater treatment system certification examinations in this state for the calendar year. The fee shall be paid not later than forty-five days after the end of a calendar year.

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The director shall transmit all moneys collected under this division to the treasurer of state for deposit into the drinking water protection fund created in section 6109.30 of the Revised Code.

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(P) Any person submitting an application for an industrial water pollution control certificate under section 6111.31 of the Revised Code, as that section existed before its repeal by H.B. 95 of the 125th general assembly, shall pay a nonrefundable fee of five hundred dollars at the time the application is submitted. The director shall transmit all moneys collected under this division to the treasurer of state for deposit into the surface water protection fund created in section 6111.038 of the Revised Code. A person paying a certificate fee under this division shall not pay an application fee under division (S)(1) of this section. On and after June 26, 2003, persons shall file such applications and pay the fee as required under sections 5709.20 to 5709.27 of the Revised Code, and proceeds from the fee shall be credited as provided in section 5709.212 of the Revised Code.

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(Q) Except as otherwise provided in division (R) of this

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section, a person issued a permit by the director for a new solid waste disposal facility other than an incineration or composting facility, a new infectious waste treatment facility other than an incineration facility, or a modification of such an existing facility that includes an increase in the total disposal or treatment capacity of the facility pursuant to Chapter 3734. of the Revised Code shall pay a fee of ten dollars per thousand cubic yards of disposal or treatment capacity, or one thousand dollars, whichever is greater, except that the total fee for any such permit shall not exceed eighty thousand dollars. A person issued a modification of a permit for a solid waste disposal facility or an infectious waste treatment facility that does not involve an increase in the total disposal or treatment capacity of the facility shall pay a fee of one thousand dollars. A person issued a permit to install a new, or modify an existing, solid waste transfer facility under that chapter shall pay a fee of two thousand five hundred dollars. A person issued a permit to install a new or to modify an existing solid waste incineration or composting facility, or an existing infectious waste treatment facility using incineration as its principal method of treatment, under that chapter shall pay a fee of one thousand dollars. The increases in the permit fees under this division resulting from the amendments made by Amended Substitute House Bill 592 of the 117th general assembly do not apply to any person who submitted an application for a permit to install a new, or modify an existing, solid waste disposal facility under that chapter prior to September 1, 1987; any such person shall pay the permit fee established in this division as it existed prior to June 24, 1988. In addition to the applicable permit fee under this division, a person issued a permit to install or modify a solid waste facility or an infectious waste treatment facility under that chapter who fails to pay the permit fee to the director in compliance with division (V) of this section shall pay an additional ten per cent

of the amount of the fee for each week that the permit fee is 55320  
late. 55321

Permit and late payment fees paid to the director under this 55322  
division shall be credited to the general revenue fund. 55323

(R)(1) A person issued a registration certificate for a scrap 55324  
tire collection facility under section 3734.75 of the Revised Code 55325  
shall pay a fee of two hundred dollars, except that if the 55326  
facility is owned or operated by a motor vehicle salvage dealer 55327  
licensed under Chapter 4738. of the Revised Code, the person shall 55328  
pay a fee of twenty-five dollars. 55329

(2) A person issued a registration certificate for a new 55330  
scrap tire storage facility under section 3734.76 of the Revised 55331  
Code shall pay a fee of three hundred dollars, except that if the 55332  
facility is owned or operated by a motor vehicle salvage dealer 55333  
licensed under Chapter 4738. of the Revised Code, the person shall 55334  
pay a fee of twenty-five dollars. 55335

(3) A person issued a permit for a scrap tire storage 55336  
facility under section 3734.76 of the Revised Code shall pay a fee 55337  
of one thousand dollars, except that if the facility is owned or 55338  
operated by a motor vehicle salvage dealer licensed under Chapter 55339  
4738. of the Revised Code, the person shall pay a fee of fifty 55340  
dollars. 55341

(4) A person issued a permit for a scrap tire monocell or 55342  
monofill facility under section 3734.77 of the Revised Code shall 55343  
pay a fee of ten dollars per thousand cubic yards of disposal 55344  
capacity or one thousand dollars, whichever is greater, except 55345  
that the total fee for any such permit shall not exceed eighty 55346  
thousand dollars. 55347

(5) A person issued a registration certificate for a scrap 55348  
tire recovery facility under section 3734.78 of the Revised Code 55349  
shall pay a fee of one hundred dollars. 55350

(6) A person issued a permit for a scrap tire recovery facility under section 3734.78 of the Revised Code shall pay a fee of one thousand dollars.

(7) In addition to the applicable registration certificate or permit fee under divisions (R)(1) to (6) of this section, a person issued a registration certificate or permit for any such scrap tire facility who fails to pay the registration certificate or permit fee to the director in compliance with division (V) of this section shall pay an additional ten per cent of the amount of the fee for each week that the fee is late.

(8) The registration certificate, permit, and late payment fees paid to the director under divisions (R)(1) to (7) of this section shall be credited to the scrap tire management fund created in section 3734.82 of the Revised Code.

~~(S)(1)(a) Except as provided by divisions (L), (M), (N), (O), (P), and (S)(2) of this section, division (A)(2) of section 3734.05 of the Revised Code, section 3734.79 of the Revised Code, and rules adopted under division (T)(1) of this section, any person applying for a registration certificate under section 3734.75, 3734.76, or 3734.78 of the Revised Code or a permit, variance, or plan approval under Chapter 3734. of the Revised Code shall pay a nonrefundable fee of fifteen dollars at the time the application is submitted.~~

~~(b)~~ Except as otherwise provided, any person applying for a permit, variance, or plan approval under Chapter 6109. or 6111. of the Revised Code shall pay a nonrefundable application fee of one hundred dollars at the time the application is submitted through June 30, ~~2022~~2024, and a nonrefundable application fee of fifteen dollars at the time the application is submitted on and after July 1, ~~2022~~2024.

~~(e)(i)(b)(i)~~ Except as otherwise provided in divisions

~~(S)(1)(e)(iii)~~(S)(1)(b)(iii) and (iv) of this section, through 55382  
June 30, ~~2022~~2024, any person applying for an NPDES permit under 55383  
Chapter 6111. of the Revised Code shall pay a nonrefundable 55384  
application fee of two hundred dollars at the time of application 55385  
for the permit. On and after July 1, ~~2022~~2024, such a person shall 55386  
pay a nonrefundable application fee of fifteen dollars at the time 55387  
of application. 55388

(ii) In addition to the nonrefundable application fee, any 55389  
person applying for an NPDES permit under Chapter 6111. of the 55390  
Revised Code shall pay a design flow discharge fee based on each 55391  
point source to which the issuance is applicable in accordance 55392  
with the following schedule: 55393

| Design flow discharge (gallons per day) | Fee  |       |
|-----------------------------------------|------|-------|
| 0 to 1,000                              | \$ 0 | 55394 |
| 1,001 to 5,000                          | 100  | 55395 |
| 5,001 to 50,000                         | 200  | 55396 |
| 50,001 to 100,000                       | 300  | 55397 |
| 100,001 to 300,000                      | 525  | 55398 |
| over 300,000                            | 750  | 55399 |

(iii) Notwithstanding divisions ~~(S)(1)(e)(i)~~ (S)(1)(b)(i) and 55401  
(ii) of this section, the application and design flow discharge 55402  
fee for an NPDES permit for a public discharger identified by the 55403  
letter I in the third character of the NPDES permit number shall 55404  
not exceed nine hundred fifty dollars. 55405

(iv) Notwithstanding divisions ~~(S)(1)(e)(i)~~(S)(1)(b)(i) and 55406  
(ii) of this section, the application and design flow discharge 55407  
fee for an NPDES permit for a coal mining operation regulated 55408  
under Chapter 1513. of the Revised Code shall not exceed four 55409  
hundred fifty dollars per mine. 55410

(v) A person issued a modification of an NPDES permit shall 55411  
pay a nonrefundable modification fee equal to the application fee 55412  
and one-half the design flow discharge fee based on each point 55413

source, if applicable, that would be charged for an NPDES permit, 55414  
except that the modification fee shall not exceed six hundred 55415  
dollars. 55416

~~(d)~~(c) In addition to the application fee established under 55417  
division ~~(S)(1)(e)(i)~~(S)(1)(b)(i) of this section, any person 55418  
applying for an NPDES general storm water construction permit 55419  
shall pay a nonrefundable fee of twenty dollars per acre for each 55420  
acre that is permitted above five acres at the time the 55421  
application is submitted. However, the per acreage fee shall not 55422  
exceed three hundred dollars. In addition to the application fee 55423  
established under division ~~(S)(1)(e)(i)~~(S)(1)(b)(i) of this 55424  
section, any person applying for an NPDES general storm water 55425  
industrial permit shall pay a nonrefundable fee of one hundred 55426  
fifty dollars at the time the application is submitted. 55427

~~(e)~~(d) The director shall transmit all moneys collected under 55428  
division (S)(1) of this section pursuant to Chapter 6109. of the 55429  
Revised Code to the treasurer of state for deposit into the 55430  
drinking water protection fund created in section 6109.30 of the 55431  
Revised Code. 55432

~~(f)~~(e) The director shall transmit all moneys collected under 55433  
division (S)(1) of this section pursuant to Chapter 6111. of the 55434  
Revised Code and under division ~~(S)(3)~~(S)(2) of this section to 55435  
the treasurer of state for deposit into the surface water 55436  
protection fund created in section 6111.038 of the Revised Code. 55437

~~(g) If a registration certificate is issued under section 55438  
3734.75, 3734.76, or 3734.78 of the Revised Code, the amount of 55439  
the application fee paid shall be deducted from the amount of the 55440  
registration certificate fee due under division (R)(1), (2), or 55441  
(5) of this section, as applicable. 55442~~

~~(h)~~(f) If a person submits an electronic application for a 55443  
registration certificate, permit, variance, or plan approval for 55444

which an application fee is established under division (S)(1) of 55445  
this section, the person shall pay all applicable fees as 55446  
expeditiously as possible after the submission of the electronic 55447  
application. An application for a registration certificate, 55448  
permit, variance, or plan approval for which an application fee is 55449  
established under division (S)(1) of this section shall not be 55450  
reviewed or processed until the applicable application fee, and 55451  
any other fees established under this division, are paid. 55452

~~(2) Division (S)(1) of this section does not apply to an 55453  
application for a registration certificate for a scrap tire 55454  
collection or storage facility submitted under section 3734.75 or 55455  
3734.76 of the Revised Code, as applicable, if the owner or 55456  
operator of the facility or proposed facility is a motor vehicle 55457  
salvage dealer licensed under Chapter 4738. of the Revised Code. 55458~~

~~(3) A person applying for coverage under an NPDES general 55459  
discharge permit for household sewage treatment systems shall pay 55460  
the following fees: 55461~~

~~(a) A a nonrefundable fee of two hundred dollars at the time 55462  
of application for initial permit coverage: 55463~~

~~(b) A nonrefundable fee of one hundred dollars at the time of 55464  
application for a renewal of permit coverage. No fee is required 55465  
for an application for permit coverage renewal. 55466~~

(T) The director may adopt, amend, and rescind rules in 55467  
accordance with Chapter 119. of the Revised Code that do all of 55468  
the following: 55469

(1) Prescribe fees to be paid by applicants for and holders 55470  
of any license, permit, variance, plan approval, or certification 55471  
required or authorized by Chapter 3704., 3734., 6109., or 6111. of 55472  
the Revised Code that are not specifically established in this 55473  
section. The fees shall be designed to defray the cost of 55474  
processing, issuing, revoking, modifying, denying, and enforcing 55475

the licenses, permits, variances, plan approvals, and 55476  
certifications. 55477

The director shall transmit all moneys collected under rules 55478  
adopted under division (T)(1) of this section pursuant to Chapter 55479  
6109. of the Revised Code to the treasurer of state for deposit 55480  
into the drinking water protection fund created in section 6109.30 55481  
of the Revised Code. 55482

The director shall transmit all moneys collected under rules 55483  
adopted under division (T)(1) of this section pursuant to Chapter 55484  
6111. of the Revised Code to the treasurer of state for deposit 55485  
into the surface water protection fund created in section 6111.038 55486  
of the Revised Code. 55487

(2) Exempt the state and political subdivisions thereof, 55488  
including education facilities or medical facilities owned by the 55489  
state or a political subdivision, or any person exempted from 55490  
taxation by section 5709.07 or 5709.12 of the Revised Code, from 55491  
any fee required by this section; 55492

(3) Provide for the waiver of any fee, or any part thereof, 55493  
otherwise required by this section whenever the director 55494  
determines that the imposition of the fee would constitute an 55495  
unreasonable cost of doing business for any applicant, class of 55496  
applicants, or other person subject to the fee; 55497

(4) Prescribe measures that the director considers necessary 55498  
to carry out this section. 55499

(U) When the director reasonably demonstrates that the direct 55500  
cost to the state associated with the issuance of a permit, 55501  
license, variance, plan approval, or certification exceeds the fee 55502  
for the issuance or review specified by this section, the director 55503  
may condition the issuance or review on the payment by the person 55504  
receiving the issuance or review of, in addition to the fee 55505  
specified by this section, the amount, or any portion thereof, in 55506

excess of the fee specified under this section. The director shall 55507  
not so condition issuances for which a fee is prescribed in 55508  
division ~~(S)(1)(e)(iii)~~(S)(1)(b)(iii) of this section. 55509

(V) Except as provided in divisions (L), (M), (P), and (S) of 55510  
this section or unless otherwise prescribed by a rule of the 55511  
director adopted pursuant to Chapter 119. of the Revised Code, all 55512  
fees required by this section are payable within thirty days after 55513  
the issuance of an invoice for the fee by the director or the 55514  
effective date of the issuance of the license, permit, variance, 55515  
plan approval, or certification. If payment is late, the person 55516  
responsible for payment of the fee shall pay an additional ten per 55517  
cent of the amount due for each month that it is late. 55518

(W) As used in this section, "fuel-burning equipment," 55519  
"fuel-burning equipment input capacity," "incinerator," 55520  
"incinerator input capacity," "process," "process weight rate," 55521  
"storage tank," "gasoline dispensing facility," "dry cleaning 55522  
facility," "design flow discharge," and "new source treatment 55523  
works" have the meanings ascribed to those terms by applicable 55524  
rules or standards adopted by the director under Chapter 3704. or 55525  
6111. of the Revised Code. 55526

(X) As used in divisions (B), (D), (E), (F), (H), (I), and 55527  
(J) of this section, and in any other provision of this section 55528  
pertaining to fees paid pursuant to Chapter 3704. of the Revised 55529  
Code: 55530

(1) "Facility," "federal Clean Air Act," "person," and "Title 55531  
V permit" have the same meanings as in section 3704.01 of the 55532  
Revised Code. 55533

(2) "Title V permit program" means the following activities 55534  
as necessary to meet the requirements of Title V of the federal 55535  
Clean Air Act and 40 C.F.R. part 70, including at least: 55536

(a) Preparing and adopting, if applicable, generally 55537

|                                                                                                                                                                                                                                                                                                                                                                                      |                                                             |
|--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-------------------------------------------------------------|
| applicable rules or guidance regarding the permit program or its implementation or enforcement;                                                                                                                                                                                                                                                                                      | 55538<br>55539                                              |
| (b) Reviewing and acting on any application for a Title V permit, permit revision, or permit renewal, including the development of an applicable requirement as part of the processing of a permit, permit revision, or permit renewal;                                                                                                                                              | 55540<br>55541<br>55542<br>55543                            |
| (c) Administering the permit program, including the supporting and tracking of permit applications, compliance certification, and related data entry;                                                                                                                                                                                                                                | 55544<br>55545<br>55546                                     |
| (d) Determining which sources are subject to the program and implementing and enforcing the terms of any Title V permit, not including any court actions or other formal enforcement actions;                                                                                                                                                                                        | 55547<br>55548<br>55549                                     |
| (e) Emission and ambient monitoring;                                                                                                                                                                                                                                                                                                                                                 | 55550                                                       |
| (f) Modeling, analyses, or demonstrations;                                                                                                                                                                                                                                                                                                                                           | 55551                                                       |
| (g) Preparing inventories and tracking emissions;                                                                                                                                                                                                                                                                                                                                    | 55552                                                       |
| (h) Providing direct and indirect support to small business stationary sources to determine and meet their obligations under the federal Clean Air Act pursuant to the small business stationary source technical and environmental compliance assistance program required by section 507 of that act and established in sections 3704.18, 3704.19, and 3706.19 of the Revised Code. | 55553<br>55554<br>55555<br>55556<br>55557<br>55558<br>55559 |
| (3) "Organic compound" means any chemical compound of carbon, excluding carbon monoxide, carbon dioxide, carbonic acid, metallic carbides or carbonates, and ammonium carbonate.                                                                                                                                                                                                     | 55560<br>55561<br>55562                                     |
| (Y)(1) Except as provided in divisions (Y)(2), (3), and (4) of this section, each sewage sludge facility shall pay a nonrefundable annual sludge fee equal to three dollars and fifty cents per dry ton of sewage sludge, including the dry tons of sewage sludge in materials derived from sewage sludge, that the                                                                  | 55563<br>55564<br>55565<br>55566<br>55567                   |

sewage sludge facility treats or disposes of in this state. The 55568  
annual volume of sewage sludge treated or disposed of by a sewage 55569  
sludge facility shall be calculated using the first day of January 55570  
through the thirty-first day of December of the calendar year 55571  
preceding the date on which payment of the fee is due. 55572

(2)(a) Except as provided in division (Y)(2)(d) of this 55573  
section, each sewage sludge facility shall pay a minimum annual 55574  
sewage sludge fee of one hundred dollars. 55575

(b) The annual sludge fee required to be paid by a sewage 55576  
sludge facility that treats or disposes of exceptional quality 55577  
sludge in this state shall be thirty-five per cent less per dry 55578  
ton of exceptional quality sludge than the fee assessed under 55579  
division (Y)(1) of this section, subject to the following 55580  
exceptions: 55581

(i) Except as provided in division (Y)(2)(d) of this section, 55582  
a sewage sludge facility that treats or disposes of exceptional 55583  
quality sludge shall pay a minimum annual sewage sludge fee of one 55584  
hundred dollars. 55585

(ii) A sewage sludge facility that treats or disposes of 55586  
exceptional quality sludge shall not be required to pay the annual 55587  
sludge fee for treatment or disposal in this state of exceptional 55588  
quality sludge generated outside of this state and contained in 55589  
bags or other containers not greater than one hundred pounds in 55590  
capacity. 55591

A thirty-five per cent reduction for exceptional quality 55592  
sludge applies to the maximum annual fees established under 55593  
division (Y)(3) of this section. 55594

(c) A sewage sludge facility that transfers sewage sludge to 55595  
another sewage sludge facility in this state for further treatment 55596  
prior to disposal in this state shall not be required to pay the 55597  
annual sludge fee for the tons of sewage sludge that have been 55598

transferred. In such a case, the sewage sludge facility that 55599  
disposes of the sewage sludge shall pay the annual sludge fee. 55600  
However, the facility transferring the sewage sludge shall pay the 55601  
one-hundred-dollar minimum fee required under division (Y)(2)(a) 55602  
of this section. 55603

In the case of a sewage sludge facility that treats sewage 55604  
sludge in this state and transfers it out of this state to another 55605  
entity for disposal, the sewage sludge facility in this state 55606  
shall be required to pay the annual sludge fee for the tons of 55607  
sewage sludge that have been transferred. 55608

(d) A sewage sludge facility that generates sewage sludge 55609  
resulting from an average daily discharge flow of less than five 55610  
thousand gallons per day is not subject to the fees assessed under 55611  
division (Y) of this section. 55612

(3) No sewage sludge facility required to pay the annual 55613  
sludge fee shall be required to pay more than the maximum annual 55614  
fee for each disposal method that the sewage sludge facility uses. 55615  
The maximum annual fee does not include the additional amount that 55616  
may be charged under division (Y)(5) of this section for late 55617  
payment of the annual sludge fee. The maximum annual fee for the 55618  
following methods of disposal of sewage sludge is as follows: 55619

(a) Incineration: five thousand dollars; 55620

(b) Preexisting land reclamation project or disposal in a 55621  
landfill: five thousand dollars; 55622

(c) Land application, land reclamation, surface disposal, or 55623  
any other disposal method not specified in division (Y)(3)(a) or 55624  
(b) of this section: twenty thousand dollars. 55625

(4)(a) In the case of an entity that generates sewage sludge 55626  
or a sewage sludge facility that treats sewage sludge and 55627  
transfers the sewage sludge to an incineration facility for 55628  
disposal, the incineration facility, and not the entity generating 55629

the sewage sludge or the sewage sludge facility treating the 55630  
sewage sludge, shall pay the annual sludge fee for the tons of 55631  
sewage sludge that are transferred. However, the entity or 55632  
facility generating or treating the sewage sludge shall pay the 55633  
one-hundred-dollar minimum fee required under division (Y)(2)(a) 55634  
of this section. 55635

(b) In the case of an entity that generates sewage sludge and 55636  
transfers the sewage sludge to a landfill for disposal or to a 55637  
sewage sludge facility for land reclamation or surface disposal, 55638  
the entity generating the sewage sludge, and not the landfill or 55639  
sewage sludge facility, shall pay the annual sludge fee for the 55640  
tons of sewage sludge that are transferred. 55641

(5) Not later than the first day of April of the calendar 55642  
year following March 17, 2000, and each first day of April 55643  
thereafter, the director shall issue invoices to persons who are 55644  
required to pay the annual sludge fee. The invoice shall identify 55645  
the nature and amount of the annual sludge fee assessed and state 55646  
the first day of May as the deadline for receipt by the director 55647  
of objections regarding the amount of the fee and the first day of 55648  
July as the deadline for payment of the fee. 55649

Not later than the first day of May following receipt of an 55650  
invoice, a person required to pay the annual sludge fee may submit 55651  
objections to the director concerning the accuracy of information 55652  
regarding the number of dry tons of sewage sludge used to 55653  
calculate the amount of the annual sludge fee or regarding whether 55654  
the sewage sludge qualifies for the exceptional quality sludge 55655  
discount established in division (Y)(2)(b) of this section. The 55656  
director may consider the objections and adjust the amount of the 55657  
fee to ensure that it is accurate. 55658

If the director does not adjust the amount of the annual 55659  
sludge fee in response to a person's objections, the person may 55660  
appeal the director's determination in accordance with Chapter 55661

119. of the Revised Code. 55662

Not later than the first day of June, the director shall 55663  
notify the objecting person regarding whether the director has 55664  
found the objections to be valid and the reasons for the finding. 55665  
If the director finds the objections to be valid and adjusts the 55666  
amount of the annual sludge fee accordingly, the director shall 55667  
issue with the notification a new invoice to the person 55668  
identifying the amount of the annual sludge fee assessed and 55669  
stating the first day of July as the deadline for payment. 55670

Not later than the first day of July, any person who is 55671  
required to do so shall pay the annual sludge fee. Any person who 55672  
is required to pay the fee, but who fails to do so on or before 55673  
that date shall pay an additional amount that equals ten per cent 55674  
of the required annual sludge fee. 55675

(6) The director shall transmit all moneys collected under 55676  
division (Y) of this section to the treasurer of state for deposit 55677  
into the surface water protection fund created in section 6111.038 55678  
of the Revised Code. The moneys shall be used to defray the costs 55679  
of administering and enforcing provisions in Chapter 6111. of the 55680  
Revised Code and rules adopted under it that govern the use, 55681  
storage, treatment, or disposal of sewage sludge. 55682

(7) Beginning in fiscal year 2001, and every two years 55683  
thereafter, the director shall review the total amount of moneys 55684  
generated by the annual sludge fees to determine if that amount 55685  
exceeded six hundred thousand dollars in either of the two 55686  
preceding fiscal years. If the total amount of moneys in the fund 55687  
exceeded six hundred thousand dollars in either fiscal year, the 55688  
director, after review of the fee structure and consultation with 55689  
affected persons, shall issue an order reducing the amount of the 55690  
fees levied under division (Y) of this section so that the 55691  
estimated amount of moneys resulting from the fees will not exceed 55692  
six hundred thousand dollars in any fiscal year. 55693

If, upon review of the fees under division (Y)(7) of this section and after the fees have been reduced, the director determines that the total amount of moneys collected and accumulated is less than six hundred thousand dollars, the director, after review of the fee structure and consultation with affected persons, may issue an order increasing the amount of the fees levied under division (Y) of this section so that the estimated amount of moneys resulting from the fees will be approximately six hundred thousand dollars. Fees shall never be increased to an amount exceeding the amount specified in division (Y)(7) of this section.

Notwithstanding section 119.06 of the Revised Code, the director may issue an order under division (Y)(7) of this section without the necessity to hold an adjudicatory hearing in connection with the order. The issuance of an order under this division is not an act or action for purposes of section 3745.04 of the Revised Code.

(8) As used in division (Y) of this section:

(a) "Sewage sludge facility" means an entity that performs treatment on or is responsible for the disposal of sewage sludge.

(b) "Sewage sludge" means a solid, semi-solid, or liquid residue generated during the treatment of domestic sewage in a treatment works as defined in section 6111.01 of the Revised Code. "Sewage sludge" includes, but is not limited to, scum or solids removed in primary, secondary, or advanced wastewater treatment processes. "Sewage sludge" does not include ash generated during the firing of sewage sludge in a sewage sludge incinerator, grit and screenings generated during preliminary treatment of domestic sewage in a treatment works, animal manure, residue generated during treatment of animal manure, or domestic septage.

(c) "Exceptional quality sludge" means sewage sludge that

|                                                                                                                                                                                                                                                                                                           |                                           |
|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-------------------------------------------|
| meets all of the following qualifications:                                                                                                                                                                                                                                                                | 55725                                     |
| (i) Satisfies the class A pathogen standards in 40 C.F.R. 503.32(a);                                                                                                                                                                                                                                      | 55726<br>55727                            |
| (ii) Satisfies one of the vector attraction reduction requirements in 40 C.F.R. 503.33(b)(1) to (b)(8);                                                                                                                                                                                                   | 55728<br>55729                            |
| (iii) Does not exceed the ceiling concentration limitations for metals listed in table one of 40 C.F.R. 503.13;                                                                                                                                                                                           | 55730<br>55731                            |
| (iv) Does not exceed the concentration limitations for metals listed in table three of 40 C.F.R. 503.13.                                                                                                                                                                                                  | 55732<br>55733                            |
| (d) "Treatment" means the preparation of sewage sludge for final use or disposal and includes, but is not limited to, thickening, stabilization, and dewatering of sewage sludge.                                                                                                                         | 55734<br>55735<br>55736                   |
| (e) "Disposal" means the final use of sewage sludge, including, but not limited to, land application, land reclamation, surface disposal, or disposal in a landfill or an incinerator.                                                                                                                    | 55737<br>55738<br>55739                   |
| (f) "Land application" means the spraying or spreading of sewage sludge onto the land surface, the injection of sewage sludge below the land surface, or the incorporation of sewage sludge into the soil for the purposes of conditioning the soil or fertilizing crops or vegetation grown in the soil. | 55740<br>55741<br>55742<br>55743<br>55744 |
| (g) "Land reclamation" means the returning of disturbed land to productive use.                                                                                                                                                                                                                           | 55745<br>55746                            |
| (h) "Surface disposal" means the placement of sludge on an area of land for disposal, including, but not limited to, monofills, surface impoundments, lagoons, waste piles, or dedicated disposal sites.                                                                                                  | 55747<br>55748<br>55749<br>55750          |
| (i) "Incinerator" means an entity that disposes of sewage sludge through the combustion of organic matter and inorganic matter in sewage sludge by high temperatures in an enclosed device.                                                                                                               | 55751<br>55752<br>55753<br>55754          |

(j) "Incineration facility" includes all incinerators owned 55755  
or operated by the same entity and located on a contiguous tract 55756  
of land. Areas of land are considered to be contiguous even if 55757  
they are separated by a public road or highway. 55758

(k) "Annual sludge fee" means the fee assessed under division 55759  
(Y)(1) of this section. 55760

(l) "Landfill" means a sanitary landfill facility, as defined 55761  
in rules adopted under section 3734.02 of the Revised Code, that 55762  
is licensed under section 3734.05 of the Revised Code. 55763

(m) "Preexisting land reclamation project" means a 55764  
property-specific land reclamation project that has been in 55765  
continuous operation for not less than five years pursuant to 55766  
approval of the activity by the director and includes the 55767  
implementation of a community outreach program concerning the 55768  
activity. 55769

**Sec. 3746.01.** As used in this chapter: 55770

(A) "Accredited laboratory" means a laboratory that is 55771  
accredited as follows: 55772

(1) For analysis of asbestos, valid accreditation by one of 55773  
the following: 55774

(a) The American industrial hygiene association, asbestos 55775  
analysts registry; 55776

(b) The national institute of standards technology, national 55777  
voluntary laboratory accreditation program for asbestos fiber 55778  
analysis; 55779

(c) An accreditation body recognized by the national 55780  
environmental laboratory accreditation conference. 55781

(2) For analysis of any constituent other than asbestos, 55782  
valid accreditation by one of the following: 55783

|                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                            |                                                                                        |
|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|----------------------------------------------------------------------------------------|
| <u>(a) The national environmental laboratory accreditation program;</u>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                    | 55784<br>55785                                                                         |
| <u>(b) A national environmental laboratory accreditation program accreditation from an accreditation body recognized by the national environmental laboratory accreditation conference.</u>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                | 55786<br>55787<br>55788                                                                |
| <u>(B)</u> "Activity and use limitations" has the same meaning as in section 5301.80 of the Revised Code.                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                  | 55789<br>55790                                                                         |
| <del>(B)</del> <u>(C)</u> "Affiliated" means under common ownership or control.                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                            | 55791                                                                                  |
| <del>(C)</del> <u>(D)</u> "Applicable standards," unless the context indicates otherwise, means standards <u>that applied before the effective date of this amendment, standards</u> established in or pursuant to sections 3746.05, <u>and</u> 3746.06, <del>and 3746.07</del> of the Revised Code, in or pursuant to rules adopted under division (B)(1) or (2) of section 3746.04 of the Revised Code, pursuant to rules adopted under division <del>(B)(12)</del> <u>(B)(11)(b)</u> of section 3746.04 of the Revised Code, or alternative standards and terms and conditions set forth in a variance issued under section 3746.09 of the Revised Code, as applicable. | 55792<br>55793<br>55794<br>55795<br>55796<br>55797<br>55798<br>55799<br>55800<br>55801 |
| <del>(D)</del> <u>(E)</u> "Background level" means the conditions at a property and areas surrounding a property that are unaffected by any current or past activities involving treatment, storage, or disposal of hazardous substances or petroleum. "Background level" includes naturally occurring substances.                                                                                                                                                                                                                                                                                                                                                         | 55802<br>55803<br>55804<br>55805<br>55806                                              |
| <del>(E)</del> <u>(F)</u> "Certified laboratory" means a laboratory <u>that was</u> certified <del>by the director of environmental protection pursuant to rules adopted under division (B)(6) of section 3746.04 of the Revised Code, or deemed to be certified under division (E) of section 3746.07 of the Revised Code,</del> to perform analyses in connection with voluntary actions <u>before the effective date of this amendment.</u>                                                                                                                                                                                                                             | 55807<br>55808<br>55809<br>55810<br>55811<br>55812<br>55813                            |
| <del>(F)</del> <u>(G)</u> "Certified professional" means a person certified by                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                             | 55814                                                                                  |

the director pursuant to rules adopted under division (B)(5) of 55815  
section 3746.04 of the Revised Code, or deemed to be certified 55816  
~~under division (D) of section 3746.07 of the Revised Code~~ before 55817  
the effective date of this amendment, to issue no further action 55818  
letters under section 3746.11 of the Revised Code. 55819

~~(G)~~(H) "Covenant not to sue" means a release from liability 55820  
that is issued by the director under section 3746.12 of the 55821  
Revised Code. 55822

~~(H)~~(I) "Environmental covenant" has the same meaning as in 55823  
section 5301.80 of the Revised Code. 55824

~~(I)~~(J) "Hazardous substance" includes all of the following: 55825

(1) Any substance identified or listed in rules adopted under 55826  
division (B)(1)(c) of section 3750.02 of the Revised Code; 55827

(2) Any product registered as a pesticide under section 55828  
921.02 of the Revised Code when the product is used in a manner 55829  
inconsistent with its required labeling; 55830

(3) Any product formerly registered as a pesticide under that 55831  
section for which the registration was suspended or canceled under 55832  
section 921.05 of the Revised Code; 55833

(4) Any mixture of a substance described in divisions 55834  
~~(I)~~~~(1)~~(J)(1) to (3) of this section with a radioactive material. 55835

~~(J)~~(K) "Owner or operator" includes both of the following: 55836

(1) Any person owning or holding a legal, equitable, or 55837  
possessory interest in or having responsibility for the daily 55838  
activities on a property; 55839

(2) In the case of property title or control of which was 55840  
conveyed due to bankruptcy, foreclosure, tax delinquency, 55841  
abandonment, or similar means to this state or a political 55842  
subdivision of this state, any person who owned, operated, or 55843  
otherwise controlled activities occurring on the property before 55844

the conveyance. 55845

~~(K)~~(L) "Person" means any person as defined in section 1.59 55846  
of the Revised Code and also includes this state, any political 55847  
subdivision of this state, any other body of this state or of a 55848  
political subdivision of this state, the board of directors of a 55849  
nonprofit corporation governing a special improvement district 55850  
created under Chapter 1710. of the Revised Code, and the United 55851  
States and any agency or instrumentality thereof. 55852

~~(L)~~(M) "Petroleum" means oil or petroleum of any kind and in 55853  
any form, including, without limitation, crude oil or any fraction 55854  
thereof, petroleum, gasoline, kerosene, fuel oil, oil sludge, oil 55855  
refuse, used oil, substances or additives utilized in the refining 55856  
or blending of crude petroleum or petroleum stock, natural gas, 55857  
natural gas liquids, liquefied natural gas, synthetic gas usable 55858  
for fuel, and mixtures of natural gas and synthetic gas. 55859

~~(M)~~(N) "Property," except for the purposes of sections 55860  
3746.02, 3746.26, and 3746.27 of the Revised Code, means any 55861  
parcel of real property, or portion thereof, and any improvements 55862  
thereto, the limits of which have been described in writing by the 55863  
owner of record or a legally appointed representative of the owner 55864  
and that is or has been the subject of a voluntary action under 55865  
this chapter and rules adopted under it. 55866

~~(N)~~(O) "Radioactive material" means a substance that 55867  
spontaneously emits ionizing radiation. 55868

~~(O)~~(P) "Related" means the persons are related by 55869  
consanguinity or marriage. 55870

~~(P)~~(Q) "Release" means any spilling, leaking, pumping, 55871  
pouring, emitting, emptying, discharging, injecting, escaping, 55872  
leaching, migrating, dumping, or disposing of any hazardous 55873  
substance or petroleum into the environment, including, without 55874  
limitation, the abandonment or discarding of barrels, containers, 55875

or any other closed receptacle containing any hazardous substance, 55876  
petroleum, or pollutant or contaminant. "Release" does not include 55877  
any of the following: 55878

(1) Any release that results solely in the exposure of 55879  
individuals to hazardous substances or petroleum in the workplace 55880  
with respect to which those individuals may assert a claim against 55881  
their employer and that is regulated under the "Occupational 55882  
Health and Safety Act of 1970," 84 Stat. 1590, 29 U.S.C.A. 651, as 55883  
amended, and regulations adopted under that act, or under Chapter 55884  
4167. of the Revised Code and rules adopted under it; 55885

(2) Emissions from the engine exhaust of a motor vehicle, 55886  
rolling stock, aircraft, vessel, or pipeline pumping station 55887  
engine; 55888

(3) Any release of a source, byproduct, or special nuclear 55889  
material from a nuclear incident, as "source material," "byproduct 55890  
material," "special nuclear material," and "nuclear incident" are 55891  
defined in the "Atomic Energy Act of 1954," 68 Stat. 919, 42 55892  
U.S.C.A. 2011, as amended, if the release is subject to financial 55893  
protection requirements under section 170 of that act unless any 55894  
such material is mixed with a hazardous substance or petroleum; 55895

(4) Any federally permitted release as defined in section 55896  
101(10) of the "Comprehensive Environmental Response, 55897  
Compensation, and Liability Act of 1980," 94 Stat. 3300, 42 55898  
U.S.C.A. 9601, as amended; 55899

(5) The normal application of a fertilizer material that is 55900  
intended to improve the quality or quantity of plant growth. 55901

~~(Q)~~(R) "Remedy" or "remedial activities" means actions that 55902  
are taken at a property to treat, remove, transport for treatment 55903  
or disposal, dispose of, contain, or control hazardous substances 55904  
or petroleum, are protective of public health and safety and the 55905  
environment, and are consistent with a permanent remedy, 55906

including, without limitation, excavation, treatment, off-site disposal, the use of engineering or institutional controls or activity and use limitations, the issuance and implementation of a consolidated standards permit under section 3746.15 of the Revised Code, and the entering into and implementation of an operation and maintenance agreement pursuant to section 3746.12 of the Revised Code.

~~(R)~~(S) "Voluntary action" means a series of measures that may be undertaken to identify and address potential sources of contamination of property by hazardous substances or petroleum and to establish that the property complies with applicable standards. "Voluntary action" may include, without limitation, a phase I property assessment conducted in accordance with rules adopted under division (B)(3) of section 3746.04 of the Revised Code or ~~division (B) of section 3746.07 of the Revised Code~~ as it existed before the effective date of this amendment, as appropriate, a phase II property assessment conducted in accordance with rules adopted under division (B)(4) of section 3746.04 of the Revised Code or ~~division (C) of section 3746.07 of the Revised Code~~ as it existed before the effective date of this amendment, as appropriate, and a sampling plan, a remedial plan, or remedial activities followed by the issuance of a no further action letter under section 3746.11 of the Revised Code indicating that the property meets applicable standards upon demonstration by the person undertaking the measures either that there is no information indicating that there has been a release of hazardous substances or petroleum at or upon the property or that there has been a release of hazardous substances or petroleum at or upon the property and that applicable standards were not exceeded or have been or will be achieved in accordance with this chapter and rules adopted under it.

**Sec. 3746.04.** ~~Within one year after September 28, 1994, the~~

The director of environmental protection, in accordance with 55939  
Chapter 119. of the Revised Code, shall adopt, and subsequently 55940  
may amend, suspend, or rescind, rules that do both of the 55941  
following: 55942

(A) Revise the rules adopted under Chapters 3704., 3714., 55943  
3734., 6109., and 6111. of the Revised Code to incorporate the 55944  
provisions necessary to conform those rules to the requirements of 55945  
this chapter. The amended rules adopted under this division also 55946  
shall establish response times for all submittals to the 55947  
environmental protection agency required under this chapter or 55948  
rules adopted under it. 55949

(B) Establish requirements and procedures that are reasonably 55950  
necessary for the implementation and administration of this 55951  
chapter, including, without limitation, all of the following: 55952

(1) Appropriate generic numerical clean-up standards for the 55953  
treatment or removal of soils, sediments, and water media for 55954  
hazardous substances and petroleum. The rules shall establish 55955  
separate generic numerical clean-up standards based upon the 55956  
intended use of properties after the completion of voluntary 55957  
actions, including industrial, commercial, and residential uses 55958  
and such other categories of land use as the director considers to 55959  
be appropriate. The generic numerical clean-up standards 55960  
established for each category of land use shall be the 55961  
concentration of each contaminant that may be present on a 55962  
property that shall ensure protection of public health and safety 55963  
and the environment for the reasonable exposure for that category 55964  
of land use. When developing the standards, the director shall 55965  
consider such factors as all of the following: 55966

(a) Scientific information, including, without limitation, 55967  
toxicological information and realistic assumptions regarding 55968  
human and environmental exposure to hazardous substances or 55969  
petroleum; 55970

|                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                               |                                                                                                                            |
|---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|----------------------------------------------------------------------------------------------------------------------------|
| (b) Climatic factors;                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                         | 55971                                                                                                                      |
| (c) Human activity patterns;                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                  | 55972                                                                                                                      |
| (d) Current statistical techniques;                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                           | 55973                                                                                                                      |
| (e) For petroleum at industrial property, alternatives to the use of total petroleum hydrocarbons.                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                            | 55974<br>55975                                                                                                             |
| The generic numerical clean-up standards established in the rules adopted under division (B)(1) of this section shall be consistent with and equivalent in scope, content, and coverage to any applicable standard established by federal environmental laws and regulations adopted under them, including, without limitation, the "Federal Water Pollution Control Act Amendments of 1972," 86 Stat. 886, 33 U.S.C.A. 1251, as amended; the "Resource Conservation and Recovery Act of 1976," 90 Stat. 2806, 42 U.S.C.A. 6921, as amended; the "Toxic Substances Control Act," 90 Stat. 2003 (1976), 15 U.S.C.A. 2601, as amended; the "Comprehensive Environmental Response, Compensation, and Liability Act of 1980," 94 Stat. 2779, 42 U.S.C.A. 9601, as amended; and the "Safe Drinking Water Act," 88 Stat. 1660 (1974), 42 U.S.C.A. 300f, as amended. | 55976<br>55977<br>55978<br>55979<br>55980<br>55981<br>55982<br>55983<br>55984<br>55985<br>55986<br>55987<br>55988<br>55989 |
| In order for the rules adopted under division (B)(1) of this section to require that any such federal environmental standard apply to a property, the property shall meet the requirements of the particular federal statute or regulation involved in the manner specified by the statute or regulation.                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                     | 55990<br>55991<br>55992<br>55993<br>55994                                                                                  |
| The generic numerical clean-up standards for petroleum at commercial or residential property shall be the standards established in rules adopted under division (B) of section 3737.882 of the Revised Code.                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                  | 55995<br>55996<br>55997<br>55998                                                                                           |
| (2)(a) Procedures for performing property-specific risk assessments that would be performed at a property to demonstrate that the remedy evaluated in a risk assessment results in                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                            | 55999<br>56000<br>56001                                                                                                    |

protection of public health and safety and the environment instead 56002  
of complying with the generic numerical clean-up standards 56003  
established in the rules adopted under division (B)(1) of this 56004  
section. The risk assessment procedures shall describe a 56005  
methodology to establish, on a property-specific basis, allowable 56006  
levels of contamination to remain at a property to ensure 56007  
protection of public health and safety and the environment on the 56008  
property and off the property when the contamination is emanating 56009  
off the property, taking into account all of the following: 56010

(i) The implementation of treatment, storage, or disposal, or 56011  
a combination thereof, of hazardous substances or petroleum; 56012

(ii) The existence of institutional controls or activity and 56013  
use limitations that eliminate or mitigate exposure to hazardous 56014  
substances or petroleum through the restriction of access to 56015  
hazardous substances or petroleum; 56016

(iii) The existence of engineering controls that eliminate or 56017  
mitigate exposure to hazardous substances or petroleum through 56018  
containment of, control of, or restrictions of access to hazardous 56019  
substances or petroleum, including, without limitation, fences, 56020  
cap systems, cover systems, and landscaping. 56021

(b) The risk assessment procedures and levels of acceptable 56022  
risk set forth in the rules adopted under division (B)(2) of this 56023  
section shall be based upon all of the following: 56024

(i) Scientific information, including, without limitation, 56025  
toxicological information and actual or proposed human and 56026  
environmental exposure; 56027

(ii) Locational and climatic factors; 56028

(iii) Surrounding land use and human activities; 56029

(iv) Differing levels of remediation that may be required 56030  
when an existing land use is continued compared to when a 56031

different land use follows the remediation. 56032

(c) Any standards established pursuant to rules adopted under 56033  
division (B)(2) of this section shall be no more stringent than 56034  
standards established under the environmental statutes of this 56035  
state and rules adopted under them for the same contaminant in the 56036  
same environmental medium that are in effect at the time the risk 56037  
assessment is conducted. 56038

(3) Minimum standards for phase I property assessments. The 56039  
standards shall specify the information needed to demonstrate that 56040  
there is no reason to believe that contamination exists on a 56041  
property. The rules adopted under division (B)(3) of this section, 56042  
at a minimum, shall require that a phase I property assessment 56043  
include all of the following: 56044

(a) A review and analysis of deeds, mortgages, easements of 56045  
record, and similar documents relating to the chain of title to 56046  
the property that are publicly available or that are known to and 56047  
reasonably available to the owner or operator; 56048

(b) A review and analysis of any previous environmental 56049  
assessments, property assessments, environmental studies, or 56050  
geologic studies of the property and any land within two thousand 56051  
feet of the boundaries of the property that are publicly available 56052  
or that are known to and reasonably available to the owner or 56053  
operator; 56054

(c) A review of current and past environmental compliance 56055  
histories of persons who owned or operated the property; 56056

(d) A review of aerial photographs of the property that 56057  
indicate prior uses of the property; 56058

(e) Interviews with managers of activities conducted at the 56059  
property who have knowledge of environmental conditions at the 56060  
property; 56061

(f) Conducting an inspection of the property consisting of a walkover;

(g) Identifying the current and past uses of the property, adjoining tracts of land, and the area surrounding the property, including, without limitation, interviews with persons who reside or have resided, or who are or were employed, within the area surrounding the property regarding the current and past uses of the property and adjacent tracts of land.

The rules adopted under division (B)(3) of this section shall establish criteria to determine when a phase II property assessment shall be conducted when a phase I property assessment reveals facts that establish a reason to believe that hazardous substances or petroleum have been treated, stored, managed, or disposed of on the property if the person undertaking the phase I property assessment wishes to obtain a covenant not to sue under section 3746.12 of the Revised Code.

(4) Minimum standards for phase II property assessments. The standards shall specify the information needed to demonstrate that any contamination present at the property does not exceed applicable standards or that the remedial activities conducted at the property have achieved compliance with applicable standards. The rules adopted under division (B)(4) of this section, at a minimum, shall require that a phase II property assessment include all of the following:

(a) A review and analysis of all documentation prepared in connection with a phase I property assessment conducted within the one hundred eighty days before the phase II property assessment begins. The rules adopted under division (B)(4)(a) of this section shall require that if a period of more than one hundred eighty days has passed between the time that the phase I assessment of the property was completed and the phase II assessment begins, the phase II assessment shall include a reasonable inquiry into the

change in the environmental condition of the property during the 56094  
intervening period. 56095

(b) Quality assurance objectives for measurements taken in 56096  
connection with a phase II assessment; 56097

(c) Sampling procedures to ensure the representative sampling 56098  
of potentially contaminated environmental media; 56099

(d) Quality assurance and quality control requirements for 56100  
samples collected in connection with phase II assessments; 56101

(e) Analytical and data assessment procedures; 56102

(f) Data objectives to ensure that samples collected in 56103  
connection with phase II assessments are biased toward areas where 56104  
information indicates that contamination by hazardous substances 56105  
or petroleum is likely to exist. 56106

(5) Standards governing the conduct of certified 56107  
professionals, criteria and procedures for the certification of 56108  
professionals to issue no further action letters under section 56109  
3746.11 of the Revised Code, and criteria for the suspension and 56110  
revocation of those certifications. The director shall take an 56111  
action regarding a certification as a final action. The issuance, 56112  
denial, renewal, suspension, and revocation of those 56113  
certifications are subject to Chapter 3745. of the Revised Code, 56114  
except that, in lieu of publishing an action regarding a 56115  
certification in a newspaper of general circulation as required in 56116  
section 3745.07 of the Revised Code, such an action shall be 56117  
published on the environmental protection agency's web site and in 56118  
the agency's weekly review not later than fifteen days after the 56119  
date of the issuance, denial, renewal, suspension, or revocation 56120  
of the certification and not later than thirty days before a 56121  
hearing or public meeting concerning the action. 56122

The rules adopted under division (B)(5) of this section shall 56123  
do all of the following: 56124

(a) Provide for the certification of environmental professionals to issue no further action letters pertaining to investigations and remedies in accordance with the criteria and procedures set forth in the rules. The rules adopted under division (B)(5)(a) of this section shall do at least all of the following:

(i) Authorize the director to consider such factors as an environmental professional's previous performance record regarding such investigations and remedies and the environmental professional's environmental compliance history when determining whether to certify the environmental professional;

(ii) Ensure that an application for certification is reviewed in a timely manner;

(iii) Require the director to certify any environmental professional who the director determines complies with those criteria;

(iv) Require the director to deny certification for any environmental professional who does not comply with those criteria.

(b) Establish an annual fee to be paid by environmental professionals certified pursuant to the rules adopted under division (B)(5)(a) of this section. The fee shall be established at an amount calculated to defray the costs to the agency for the required reviews of the qualifications of environmental professionals for certification and for the issuance of the certifications.

(c) Develop a schedule for and establish requirements governing the review by the director of the credentials of environmental professionals who were deemed to be certified professionals ~~under division (D) of section 3746.07 of the Revised Code~~ before the effective date of this amendment in order to

determine if they comply with the criteria established in rules 56156  
adopted under division (B)(5) of this section. The rules adopted 56157  
under division (B)(5)(c) of this section shall do at least all of 56158  
the following: 56159

(i) Ensure that the review is conducted in a timely fashion; 56160

(ii) Require the director to certify any such environmental 56161  
professional who the director determines complies with those 56162  
criteria; 56163

(iii) Require any such environmental professional initially 56164  
to pay the fee established in the rules adopted under division 56165  
(B)(5)(b) of this section at the time that the environmental 56166  
professional is so certified by the director; 56167

(iv) Establish a time period within which any such 56168  
environmental professional who does not comply with those criteria 56169  
may obtain the credentials that are necessary for certification; 56170

(v) Require the director to deny certification for any such 56171  
environmental professional who does not comply with those criteria 56172  
and who fails to obtain the necessary credentials within the 56173  
established time period. 56174

(d) Require that any information submitted to the director 56175  
for the purposes of the rules adopted under division (B)(5)(a) or 56176  
(c) of this section comply with division (A) of section 3746.20 of 56177  
the Revised Code; 56178

(e) Authorize the director to suspend or revoke the 56179  
certification of an environmental professional if the director 56180  
finds that the environmental professional's performance has 56181  
resulted in the issuance of no further action letters under 56182  
section 3746.11 of the Revised Code that are not consistent with 56183  
applicable standards or finds that the certified environmental 56184  
professional has not substantially complied with section 3746.31 56185  
of the Revised Code; 56186

(f) Authorize the director to suspend for a period of not more than five years or to permanently revoke a certified environmental professional's certification for any violation of or failure to comply with an ethical standard established in rules adopted under division (B)(5) of this section;

(g) Require the director to revoke the certification of an environmental professional if the director finds that the environmental professional falsified any information on the environmental professional's application for certification regarding the environmental professional's credentials or qualifications or any other information generated for the purposes of or use under this chapter or rules adopted under it;

(h) Require the director permanently to revoke the certification of an environmental professional who has violated or is violating division (A) of section 3746.18 of the Revised Code;

(i) Preclude the director from revoking the certification of an environmental professional who only conducts investigations and remedies at property contaminated solely with petroleum unless the director first consults with the director of commerce.

~~(6) Criteria and procedures for the certification of laboratories to perform analyses under this chapter and rules adopted under it. The issuance, denial, suspension, and revocation of those certifications are subject to Chapter 3745. of the Revised Code, and the director of environmental protection shall take any such action regarding a certification as a final action.~~

~~The rules adopted under division (B)(6) of this section shall do all of the following:~~

~~(a) Provide for the certification to perform analyses of laboratories in accordance with the criteria and procedures established in the rules adopted under division (B)(6)(a) of this section and establish an annual fee to be paid by those~~

~~laboratories. The fee shall be established at an amount calculated 56218  
to defray the costs to the agency for the review of the 56219  
qualifications of those laboratories for certification and for the 56220  
issuance of the certifications. The rules adopted under division 56221  
(B)(6)(a) of this section may provide for the certification of 56222  
those laboratories to perform only particular types or categories 56223  
of analyses, specific test parameters or group of test parameters, 56224  
or a specific matrix or matrices under this chapter. 56225~~

~~(b) Develop a schedule for and establish requirements 56226  
governing the review by the director of the operations of 56227  
laboratories that were deemed to be certified laboratories under 56228  
division (E) of section 3746.07 of the Revised Code in order to 56229  
determine if they comply with the criteria established in rules 56230  
adopted under division (B)(6) of this section. The rules adopted 56231  
under division (B)(6)(b) of this section shall do at least all of 56232  
the following: 56233~~

~~(i) Ensure that the review is conducted in a timely fashion; 56234~~

~~(ii) Require the director to certify any such laboratory that 56235  
the director determines complies with those criteria; 56236~~

~~(iii) Require any such laboratory initially to pay the fee 56237  
established in the rules adopted under division (B)(6)(a) of this 56238  
section at the time that the laboratory is so certified by the 56239  
director; 56240~~

~~(iv) Establish a time period within which any such laboratory 56241  
that does not comply with those criteria may make changes in its 56242  
operations necessary for the performance of analyses under this 56243  
chapter and rules adopted under it in order to be certified by the 56244  
director; 56245~~

~~(v) Require the director to deny certification for any such 56246  
laboratory that does not comply with those criteria and that fails 56247  
to make the necessary changes in its operations within the 56248~~

~~established time period.~~ 56249

~~(c) Require that any information submitted to the director for the purposes of the rules adopted under division (B)(6)(a) or (b) of this section comply with division (A) of section 3746.20 of the Revised Code;~~ 56250  
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~~(d) Authorize the director to suspend or revoke the certification of a laboratory if the director finds that the laboratory's performance has resulted in the issuance of no further action letters under section 3746.11 of the Revised Code that are not consistent with applicable standards;~~ 56254  
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~~(e) Authorize the director to suspend or revoke the certification of a laboratory if the director finds that the laboratory falsified any information on its application for certification regarding its credentials or qualifications;~~ 56259  
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~~(f) Require the director permanently to revoke the certification of a laboratory that has violated or is violating division (A) of section 3746.18 of the Revised Code.~~ 56263  
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~~(7) Information to be included in a no further action letter prepared under section 3746.11 of the Revised Code, including, without limitation, all of the following:~~ 56266  
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~~(a) A summary of the information required to be submitted to the certified environmental professional preparing the no further action letter under division (C) of section 3746.10 of the Revised Code;~~ 56269  
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~~(b) Notification that a risk assessment was performed in accordance with rules adopted under division (B)(2) of this section if such an assessment was used in lieu of generic numerical clean-up standards established in rules adopted under division (B)(1) of this section;~~ 56273  
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~~(c) The contaminants addressed at the property, if any, their~~ 56278

|                                                                                                                                                                                                                                                                                                                                                                                                             |                                                             |
|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-------------------------------------------------------------|
| source, if known, and their levels prior to remediation;                                                                                                                                                                                                                                                                                                                                                    | 56279                                                       |
| (d) The identity of any other person who performed work to support the request for the no further action letter as provided in division (B)(2) of section 3746.10 of the Revised Code and the nature and scope of the work performed by that person;                                                                                                                                                        | 56280<br>56281<br>56282<br>56283                            |
| (e) A list of the data, information, records, and documents relied upon by the certified environmental professional in preparing the no further action letter.                                                                                                                                                                                                                                              | 56284<br>56285<br>56286                                     |
| <del>(8)</del> <u>(7)</u> Methods for determining fees to be paid for the following services provided by the agency under this chapter and rules adopted under it:                                                                                                                                                                                                                                          | 56287<br>56288<br>56289                                     |
| (a) Site- or property-specific technical assistance in developing or implementing plans in connection with a voluntary action;                                                                                                                                                                                                                                                                              | 56290<br>56291<br>56292                                     |
| (b) Reviewing applications for and issuing consolidated standards permits under section 3746.15 of the Revised Code and monitoring compliance with those permits;                                                                                                                                                                                                                                           | 56293<br>56294<br>56295                                     |
| (c) Negotiating, preparing, and entering into agreements necessary for the implementation and administration of this chapter and rules adopted under it;                                                                                                                                                                                                                                                    | 56296<br>56297<br>56298                                     |
| (d) Reviewing no further action letters, issuing covenants not to sue, and monitoring compliance with any terms and conditions of those covenants and with operation and maintenance agreements entered into pursuant to those covenants, including, without limitation, conducting audits of properties where voluntary actions are being or were conducted under this chapter and rules adopted under it. | 56299<br>56300<br>56301<br>56302<br>56303<br>56304<br>56305 |
| The fees established pursuant to the rules adopted under division <del>(B)(8)</del> <u>(B)(7)</u> of this section shall be at a level sufficient to defray the direct and indirect costs incurred by the                                                                                                                                                                                                    | 56306<br>56307<br>56308                                     |

agency for the administration and enforcement of this chapter and 56309  
rules adopted under it other than the provisions regarding the 56310  
certification of professionals and laboratories. 56311

~~(9)~~(8) Criteria for selecting the no further action letters 56312  
issued under section 3746.11 of the Revised Code that will be 56313  
audited under section 3746.17 of the Revised Code, and the scope 56314  
and procedures for conducting those audits. The rules adopted 56315  
under division ~~(B)(9)~~(B)(8) of this section, at a minimum, shall 56316  
require the director to establish priorities for auditing no 56317  
further action letters to which any of the following applies: 56318

(a) The letter was prepared by an environmental professional 56319  
who was deemed to be a certified professional ~~under division (D)~~ 56320  
~~of section 3746.07 of the Revised Code before the effective date~~ 56321  
of this amendment, but who does not comply with the criteria 56322  
established in rules adopted under division (B)(5) of this section 56323  
as determined pursuant to rules adopted under division (B)(5)(d) 56324  
of this section; 56325

(b) The letter was submitted fraudulently; 56326

(c) The letter was prepared by a certified environmental 56327  
professional whose certification subsequently was revoked in 56328  
accordance with rules adopted under division (B)(5) of this 56329  
section, or analyses were performed for the purposes of the no 56330  
further action letter by a certified laboratory whose 56331  
certification ~~subsequently was revoked in accordance with rules~~ 56332  
~~adopted under division (B)(6) of this section before the effective~~ 56333  
date of this amendment or a laboratory that is not an accredited 56334  
laboratory; 56335

(d) A covenant not to sue that was issued pursuant to the 56336  
letter was revoked under this chapter; 56337

(e) The letter was for a voluntary action that was conducted 56338  
pursuant to a risk assessment in accordance with rules adopted 56339

under division (B)(2) of this section; 56340

(f) The letter was for a voluntary action that included as 56341  
remedial activities engineering controls or institutional controls 56342  
or activity and use limitations authorized under section 3746.05 56343  
of the Revised Code. 56344

The rules adopted under division ~~(B)(9)~~(B)(8) of this section 56345  
shall provide for random audits of no further action letters to 56346  
which the rules adopted under divisions ~~(B)(9)(a)~~(B)(8)(a) to (f) 56347  
of this section do not apply. 56348

~~(10)(9)~~ A classification system to characterize ground water 56349  
according to its capability to be used for human use and its 56350  
impact on the environment and a methodology that shall be used to 56351  
determine when ground water that has become contaminated from 56352  
sources on a property for which a covenant not to sue is requested 56353  
under section 3746.11 of the Revised Code shall be remediated to 56354  
the standards established in the rules adopted under division 56355  
(B)(1) or (2) of this section. 56356

(a) In adopting rules under division ~~(B)(10)~~(B)(9) of this 56357  
section to characterize ground water according to its capability 56358  
for human use, the director shall consider all of the following: 56359

(i) The presence of legally enforceable, reliable 56360  
restrictions on the use of ground water, including, without 56361  
limitation, local rules or ordinances; 56362

(ii) The presence of regional commingled contamination from 56363  
multiple sources that diminishes the quality of ground water; 56364

(iii) The natural quality of ground water; 56365

(iv) Regional availability of ground water and reasonable 56366  
alternative sources of drinking water; 56367

(v) The productivity of the aquifer; 56368

(vi) The presence of restrictions on the use of ground water 56369

implemented under this chapter and rules adopted under it; 56370

(vii) The existing use of ground water. 56371

(b) In adopting rules under division ~~(B)(10)~~(B)(9) of this 56372  
section to characterize ground water according to its impacts on 56373  
the environment, the director shall consider both of the 56374  
following: 56375

(i) The risks posed to humans, fauna, surface water, 56376  
sediments, soil, air, and other resources by the continuing 56377  
presence of contaminated ground water; 56378

(ii) The availability and feasibility of technology to remedy 56379  
ground water contamination. 56380

~~(11)~~(10) Governing the application for and issuance of 56381  
variances under section 3746.09 of the Revised Code; 56382

~~(12)(a)~~(11)(a) In the case of voluntary actions involving 56383  
contaminated ground water, specifying the circumstances under 56384  
which the generic numerical clean-up standards established in 56385  
rules adopted under division (B)(1) of this section and standards 56386  
established through a risk assessment conducted pursuant to rules 56387  
adopted under division (B)(2) of this section shall be 56388  
inapplicable to the remediation of contaminated ground water and 56389  
under which the standards for remediating contaminated ground 56390  
water shall be established on a case-by-case basis prior to the 56391  
commencement of the voluntary action pursuant to rules adopted 56392  
under division ~~(B)(12)(b)~~(B)(11)(b) of this section; 56393

(b) Criteria and procedures for the case-by-case 56394  
establishment of standards for the remediation of contaminated 56395  
ground water under circumstances in which the use of the generic 56396  
numerical clean-up standards and standards established through a 56397  
risk assessment are precluded by the rules adopted under division 56398  
~~(B)(12)(a)~~(B)(11)(a) of this section. The rules governing the 56399  
procedures for the case-by-case development of standards for the 56400

remediation of contaminated ground water shall establish 56401  
application, public participation, adjudication, and appeals 56402  
requirements and procedures that are equivalent to the 56403  
requirements and procedures established in section 3746.09 of the 56404  
Revised Code and rules adopted under division ~~(B)(11)~~(B)(10) of 56405  
this section, except that the procedural rules shall not require 56406  
an applicant to make the demonstrations set forth in divisions 56407  
(A)(1) to (3) of section 3746.09 of the Revised Code. 56408

~~(13)~~(12) A definition of the evidence that constitutes 56409  
sufficient evidence for the purpose of division (A)(5) of section 56410  
3746.02 of the Revised Code. 56411

At least thirty days before filing the proposed rules 56412  
required to be adopted under this section with the secretary of 56413  
state, director of the legislative service commission, and joint 56414  
committee on agency rule review in accordance with divisions (B) 56415  
and (C) of section 119.03 of the Revised Code, the director of 56416  
environmental protection shall hold at least one public meeting on 56417  
the proposed rules in each of the five districts into which the 56418  
agency has divided the state for administrative purposes. 56419

**Sec. ~~3746.071~~ 3746.07.** (A) ~~As used in this section,~~ 56420  
~~"certified professional" means a certified professional deemed to~~ 56421  
~~be certified under division (D) of section 3746.07 of the Revised~~ 56422  
~~Code.~~ 56423

~~(B)~~ A certified professional shall do all of the following: 56424

(1) Protect the safety, health, and welfare of the public in 56425  
the performance of professional duties. If a circumstance arises 56426  
where the certified professional faces a situation where the 56427  
safety, health, or welfare of the public would not be protected, 56428  
the certified professional shall do all of the following: 56429

(a) Sever the relationship with the certified professional's 56430

employer or client; 56431

(b) Refuse to accept responsibility for the design, report, 56432  
or statement involved; 56433

(c) Notify the director of environmental protection if, in 56434  
the opinion of the certified professional, the situation is 56435  
sufficiently important. 56436

(2) Undertake to perform assignments only when the certified 56437  
professional or the certified professional's consulting support is 56438  
qualified by training and experience in the specific technical 56439  
fields involved; 56440

(3) Be completely objective in any professional report, 56441  
statement, or testimony. The certified professional shall include 56442  
all relevant and pertinent information in the report, statement, 56443  
or testimony when the result of an omission would or reasonably 56444  
could lead to a fallacious conclusion. 56445

(4) Express an opinion as a technical or expert witness 56446  
before any court, commission, or other tribunal only when it is 56447  
founded upon adequate knowledge of the facts in issue, upon a 56448  
background of technical competence in the subject matter, and upon 56449  
honest conviction of the accuracy and propriety of the testimony. 56450

~~(C)~~(B) A certified professional shall not issue statements, 56451  
criticisms, or arguments on matters connected with public policy 56452  
that are inspired or paid for by an interested party, unless the 56453  
certified professional has prefaced the remarks by explicitly 56454  
identifying the certified professional, by disclosing the identity 56455  
of the parties on whose behalf the certified professional is 56456  
speaking, and by revealing the existence of any pecuniary interest 56457  
the certified professional may have in the instant matters. 56458

~~(D)~~(1)~~(C)~~(1) A certified professional shall conscientiously 56459  
avoid any conflict of interest with the certified professional's 56460  
employer or client. 56461

(2) A certified professional promptly shall inform the 56462  
certified professional's employer or client of any business 56463  
association, interests, or circumstances that could influence the 56464  
certified professional's judgment or the quality of the certified 56465  
professional's service to the employer or client. 56466

(3) A certified professional shall not accept compensation, 56467  
financial or otherwise, from more than one party for services on 56468  
or pertaining to the same project, unless the circumstances are 56469  
fully disclosed to, and agreed to, by all interested parties or 56470  
their duly authorized agents. 56471

(4) A certified professional shall not solicit or accept 56472  
financial or other valuable considerations from material or 56473  
equipment suppliers for specifying their products. 56474

(5) A certified professional shall not solicit or accept 56475  
gratuities, directly or indirectly, from contractors, their 56476  
agents, or other parties dealing directly with the certified 56477  
professional's employer or client in connection with the work for 56478  
which the certified professional is responsible. 56479

~~(E)(1)(D)(1)~~ A certified professional shall not pay, solicit, 56480  
or offer, directly or indirectly, any bribe or commission for 56481  
professional employment with the exception of payment of the usual 56482  
commission for securing salaried positions through licensed 56483  
employment agencies. 56484

(2) A certified professional shall seek professional 56485  
employment on the basis of qualification and competence for proper 56486  
accomplishment of the work. A certified professional may submit 56487  
proposed fee information prior to selection to serve as a 56488  
certified professional under this chapter and rules adopted under 56489  
it. 56490

(3) A certified professional shall not falsify or permit 56491  
misrepresentation of the certified professional's or the certified 56492

professional's associates' academic or professional 56493  
qualifications. The certified professional shall not misrepresent 56494  
or exaggerate the certified professional's degree of 56495  
responsibility in or for the subject matter of prior assignments. 56496

(4) Brochures or other presentations incident to the 56497  
solicitation of employment by a certified professional shall not 56498  
misrepresent pertinent facts concerning the certified 56499  
professional's employers, employees, associates, or joint 56500  
ventures, or the past accomplishments of any of them, with the 56501  
intent and purpose of enhancing the certified professional's 56502  
qualifications for the certified professional's work. 56503

~~(F)(1)~~(E)(1) A certified professional shall not sign or seal 56504  
professional work for which the certified professional does not 56505  
have personal professional knowledge and direct supervisory 56506  
control and responsibility. 56507

(2) A certified professional shall not knowingly associate 56508  
with, or permit the use of the certified professional's own name 56509  
or the name of the certified professional's firm in, a business 56510  
venture by any person or firm that the certified professional 56511  
knows, or has reason to believe, is engaging in business or 56512  
professional practices of a fraudulent or dishonest nature. 56513

(3) If a certified professional has knowledge or reason to 56514  
believe that another person or firm has violated any of the 56515  
provisions of this chapter or any requirement of this section, the 56516  
certified professional shall present the information to the 56517  
director in writing. 56518

~~(G)~~(F) The director, in accordance with rules adopted under 56519  
section 3746.04 of the Revised Code, may suspend for a period of 56520  
not more than five years or permanently revoke a certified 56521  
professional's certification for a violation of or failure to 56522  
comply with any requirement or obligation set forth in this 56523

section. 56524

(G) Notwithstanding any other provision of this chapter to 56525  
the contrary, a certified professional may use data analyzed by a 56526  
certified laboratory prior to the effective date of this amendment 56527  
in completion of a no further action letter. 56528

**Sec. 3746.09.** (A) A person who proposes to enter into or who 56529  
is participating in the voluntary action program under this 56530  
chapter and rules adopted under it, in accordance with this 56531  
section and rules adopted under division ~~(B)(11)~~(B)(10) of section 56532  
3746.04 of the Revised Code, may apply to the director of 56533  
environmental protection for a variance from applicable standards 56534  
otherwise established in this chapter and rules adopted under it. 56535  
The application for a variance shall be prepared by a certified 56536  
professional. The director shall issue a variance from those 56537  
applicable standards only if the application makes all of the 56538  
following demonstrations to the director's satisfaction: 56539

(1) Either or both of the following: 56540

(a) It is technically infeasible to comply with the 56541  
applicable standards otherwise established at the property named 56542  
in the application; 56543

(b) The costs of complying with the applicable standards 56544  
otherwise established at the property substantially exceed the 56545  
economic benefits. 56546

(2) The proposed alternative standard or set of standards and 56547  
terms and conditions set forth in the application will result in 56548  
an improvement of environmental conditions at the property and 56549  
ensure that public health and safety will be protected. 56550

(3) The establishment of and compliance with the alternative 56551  
standard or set of standards and terms and conditions are 56552  
necessary to promote, protect, preserve, or enhance employment 56553

opportunities or the reuse of the property named in the 56554  
application. 56555

A variance issued under this section shall state the specific 56556  
standard or standards whose terms are being varied and shall set 56557  
forth the specific alternative standard or set of standards and 56558  
the terms and conditions imposed on the applicant in their place. 56559  
A variance issued under this section shall include only standards 56560  
and terms and conditions proposed by the applicant in the 56561  
application, except that the director may impose any additional or 56562  
alternative terms and conditions that the director determines to 56563  
be necessary to ensure that public health and safety will be 56564  
protected. If the director finds that compliance with any standard 56565  
or term or condition proposed by the applicant will not protect 56566  
public health and safety and that the imposition of additional or 56567  
alternative terms and conditions will not ensure that public 56568  
health or safety will be protected, the director shall disapprove 56569  
the application and shall include in the order of denial the 56570  
specific findings on which the denial was based. 56571

(B) Variances shall be issued or denied in accordance with 56572  
this section, rules adopted under division ~~(B)(11)~~(B)(10) of 56573  
section 3746.04 of the Revised Code, and Chapter 3745. of the 56574  
Revised Code. Upon determining that an application for a variance 56575  
is complete, the director shall schedule a public meeting on the 56576  
application to be held within ninety days after the director 56577  
determines that the application is complete in the county in which 56578  
is located the property to which the application pertains. 56579

(C) Not less than thirty days before the date scheduled for 56580  
the public meeting on an application for a variance, the director 56581  
shall publish notice of the public meeting and that the director 56582  
will receive written comments on the application for a period of 56583  
forty-five days commencing on the date of the publication of the 56584  
notice. The notice shall contain all of the following information, 56585

at a minimum: 56586

(1) The address of the property to which the application 56587  
pertains; 56588

(2) A brief summary of the alternative standards and terms 56589  
and conditions proposed by the applicant; 56590

(3) The date, time, and location of the public meeting. 56591

The notice shall be published in a newspaper of general 56592  
circulation in the county in which the property is located and, if 56593  
the property is located in close proximity to the boundary of the 56594  
county with an adjacent county, as determined by the director, 56595  
shall be published in a newspaper of general circulation in the 56596  
adjacent county. Concurrently with the publication of the notice 56597  
of the public meeting, the director shall mail notice of the 56598  
application, comment period, and public meeting to the owner of 56599  
each parcel of land that is adjacent to the affected property and 56600  
to the legislative authority of the municipal corporation or 56601  
township, and county, in which the affected property is located. 56602  
The notices mailed to the adjacent land owners and legislative 56603  
authorities shall contain the same information as the published 56604  
notice. 56605

(D) At the public meeting on an application for a variance, 56606  
the applicant, or a representative of the applicant who is 56607  
knowledgeable about the affected property and the application, 56608  
shall present information regarding the application and the basis 56609  
of the request for the variance and shall respond to questions 56610  
from the public regarding the affected property and the 56611  
application. A representative of the environmental protection 56612  
agency who is familiar with the affected property and the 56613  
application shall attend the public meeting to hear the public's 56614  
comments and to respond to questions from the public regarding the 56615  
affected property and the application. A stenographic record of 56616

the proceedings at the public meeting shall be kept and shall be 56617  
made a part of the administrative record regarding the 56618  
application. 56619

(E) Within ninety days after conducting the public meeting on 56620  
an application for a variance under division (D) of this section, 56621  
the director shall issue a proposed action to the applicant in 56622  
accordance with section 3745.07 of the Revised Code that indicates 56623  
the director's intent with regard to the issuance or denial of the 56624  
application. When considering whether to issue or deny the 56625  
application or whether to impose terms and conditions of the 56626  
variance that are in addition or alternative to those proposed by 56627  
the applicant, the director shall consider comments on the 56628  
application made by the public at the public meeting and written 56629  
comments on the application received from the public. 56630

**Sec. 3746.10.** (A) Except as otherwise provided in section 56631  
3746.02 of the Revised Code, any person may undertake a voluntary 56632  
action under this chapter and rules adopted under it to identify 56633  
and address potential sources of contamination by hazardous 56634  
substances or petroleum of soil, sediments, surface water, or 56635  
ground water on or underlying property and to establish that the 56636  
property meets applicable standards. The voluntary action may 56637  
include any one or more of the following elements: 56638

(1) A phase I property assessment conducted in accordance 56639  
with rules adopted under division (B)(3) of section 3746.04 of the 56640  
Revised Code ~~or division (B) of section 3746.07 of the Revised~~ 56641  
~~Code, as appropriate;~~ 56642

(2) A phase II property assessment conducted in accordance 56643  
with rules adopted under division (B)(4) of section 3746.04 of the 56644  
Revised Code ~~or division (C) of section 3746.07 of the Revised~~ 56645  
~~Code, as appropriate;~~ 56646

(3) A sampling plan; 56647

|                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                      |                                                                                                                                                                |
|------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|----------------------------------------------------------------------------------------------------------------------------------------------------------------|
| (4) A remediation plan;                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                              | 56648                                                                                                                                                          |
| (5) Remedial activities;                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                             | 56649                                                                                                                                                          |
| (6) Such other activities as the person undertaking the voluntary action considers to be necessary or appropriate to address the contamination.                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                      | 56650<br>56651<br>56652                                                                                                                                        |
| When the person undertaking a voluntary action determines that the property meets applicable standards, the person may seek a no further action letter from a certified professional. A no further action letter may be issued for the property at any stage of the identification of potential hazardous substance or petroleum contamination or remedial activities after a phase I or II property assessment has demonstrated that there is no reason to believe that there has been a release of hazardous substances or petroleum at or upon the property, that information indicates that there has been a release of hazardous substances or petroleum at or upon the property, but that the release is not in excess of applicable standards, or that if there has been such a release in excess of applicable standards, those standards have been achieved through remedial activities or will be achieved in accordance with the timeframes established in an operation and maintenance agreement entered into under division (A)(3) of section 3746.12 of the Revised Code or in such an agreement and a consolidated standards permit issued under section 3746.15 of the Revised Code. | 56653<br>56654<br>56655<br>56656<br>56657<br>56658<br>56659<br>56660<br>56661<br>56662<br>56663<br>56664<br>56665<br>56666<br>56667<br>56668<br>56669<br>56670 |
| (B)(1) A person who is participating in the voluntary action program under this chapter and rules adopted under it shall do both of the following:                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                   | 56671<br>56672<br>56673                                                                                                                                        |
| (a) Utilize the services of <del>a certified</del> <u>an accredited</u> laboratory to perform any analyses that form the basis for the issuance of a no further action letter for a property and ensure that a laboratory performs in connection with a voluntary action only those analyses for which it is <del>certified under rules adopted</del>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                | 56674<br>56675<br>56676<br>56677<br>56678                                                                                                                      |

~~under division (B)(6) of section 3746.04 of the Revised Code or~~ 56679  
~~for which it is qualified prior to the adoption of those rules~~ 56680  
~~accredited;~~ 56681

(b) Utilize the services of a certified professional to 56682  
verify that the property and any remedial activities undertaken at 56683  
the property in connection with a voluntary action comply with 56684  
applicable standards and, if those standards are met, to issue to 56685  
the person a no further action letter for the property. For the 56686  
purposes of such a verification, the certified professional shall 56687  
perform and review all work that was conducted to support the 56688  
request for the no further action letter or shall ensure that the 56689  
work has been performed and reviewed by other persons with 56690  
expertise and competence in areas other than those of the 56691  
certified professional's expertise and competence as necessary for 56692  
the issuance of the no further action letter. 56693

(2) No person who is participating in the voluntary action 56694  
program shall do any of the following: 56695

(a) If the person also is a certified professional, prepare a 56696  
no further action letter in connection with a voluntary action 56697  
conducted at a property that the certified professional owns or 56698  
operates; 56699

(b) Utilize the services of a certified professional who is 56700  
employed by, affiliated with, or related to the participant or who 56701  
was employed by or affiliated with the participant during the year 56702  
preceding the date that the participant entered into the contract 56703  
to utilize the services of the certified professional in 56704  
connection with the voluntary action; 56705

(c) Utilize the services of ~~a certified~~ an accredited 56706  
laboratory that is owned by or affiliated with the participant, 56707  
that is owned by a person related to the participant, or that was 56708  
owned by or affiliated with the participant during the year 56709

preceding the date that the participant entered into the contract 56710  
to utilize the services of the ~~certified~~ accredited laboratory in 56711  
connection with the voluntary action, to perform any analyses that 56712  
form the basis for the issuance of a no further action letter in 56713  
connection with a voluntary action. 56714

A covenant not to sue issued under section 3746.12 of the 56715  
Revised Code to a person who violated division (B)(2)(a), (b), or 56716  
(c) of this section with respect to the no further action letter 56717  
upon which issuance of the covenant was based is void. 56718

Except as otherwise provided in division (B)(2) of this 56719  
section, a person who is participating in the voluntary action 56720  
program may utilize an independent contractor to serve as a 56721  
certified professional or ~~certified~~ accredited laboratory. 56722

(C) In order to obtain a no further action letter, a person 56723  
undertaking a voluntary action shall submit to a certified 56724  
professional all of the following, as applicable: 56725

(1) Information demonstrating that there is no contamination 56726  
by hazardous substances or petroleum of soil, sediments, surface 56727  
water, or ground water on or underlying the property in 56728  
concentrations exceeding applicable standards. The demonstrations 56729  
shall be based upon the findings of a phase I or phase II property 56730  
assessment. 56731

(2) If remedial activities were conducted in connection with 56732  
the voluntary action, data demonstrating that the remedy meets 56733  
applicable standards or will achieve applicable standards in 56734  
accordance with the timeframes established in an operation and 56735  
maintenance agreement entered into under division (A)(3) of 56736  
section 3746.12 of the Revised Code or in such an agreement and a 56737  
consolidated standards permit issued under section 3746.15 of the 56738  
Revised Code; 56739

(3)(a) If the remedy relies on institutional controls or 56740

restrictions on the use of the property to achieve applicable 56741  
standards, a demonstration that the institutional controls or the 56742  
use restrictions have been recorded in the office of the county 56743  
recorder of the county in which the property is located, or have 56744  
been entered in the appropriate register for registered land as 56745  
defined in section 5309.01 of the Revised Code, in compliance with 56746  
section 3746.14 of the Revised Code; 56747

(b) If the person undertaking a voluntary action seeks to 56748  
obtain a covenant not to sue and if the remedy relies on activity 56749  
and use limitations to achieve applicable standards, a 56750  
demonstration that the activity and use limitations have been 56751  
developed in accordance with this chapter and rules adopted under 56752  
it and are contained in a proposed environmental covenant that 56753  
meets the requirements established in section 5301.82 of the 56754  
Revised Code. 56755

(4) If the remedy relies on engineering controls that contain 56756  
or control the release of hazardous substances or petroleum at or 56757  
from the property, a plan for the proper operation and maintenance 56758  
of the engineering controls. 56759

(D) Except as otherwise specifically provided in this chapter 56760  
and rules adopted under it, voluntary actions under this chapter 56761  
and rules adopted under it shall be undertaken in compliance with 56762  
all applicable laws of this state and rules adopted under them and 56763  
with applicable ordinances, resolutions, and rules of political 56764  
subdivisions of this state. 56765

**Sec. 3746.11.** (A) After receiving the demonstrations and 56766  
operation and maintenance plan, if any, required to be submitted 56767  
to a certified professional under division (C) of section 3746.10 56768  
of the Revised Code, the certified professional shall review them 56769  
to verify whether the property where the voluntary action was 56770  
undertaken complies with applicable standards or shall ensure that 56771

they have been reviewed by another person or persons who performed 56772  
work to support the request for the no further action letter as 56773  
provided in division (B)(2) of section 3746.10 of the Revised 56774  
Code. If, on the basis of the best knowledge, information, and 56775  
belief of the certified professional, the certified professional 56776  
concludes that the property meets applicable standards, the 56777  
certified professional shall prepare a no further action letter 56778  
for the property. The no further action letter shall contain all 56779  
the information specified in rules adopted under division 56780  
~~(B)(7)(B)(6)~~ of section 3746.04 of the Revised Code ~~or in division~~ 56781  
~~(E) of section 3746.07 of the Revised Code, as applicable.~~ 56782

Upon completion of a no further action letter, the certified 56783  
professional shall send a copy of the letter to the person who 56784  
undertook the voluntary action. The letter shall be accompanied by 56785  
a written request that the person notify the certified 56786  
professional as to whether the person wishes to submit the no 56787  
further action letter to the director of environmental protection 56788  
and by a written notice informing the person that the original 56789  
letter may be submitted to the director only by a certified 56790  
professional and that the person may receive a covenant not to sue 56791  
from the director in connection with the voluntary action only if 56792  
the no further action letter for the voluntary action is submitted 56793  
to the director on the person's behalf by the certified 56794  
professional. 56795

Promptly after receipt of the letter and request, the person 56796  
who undertook the voluntary action shall send written notice to 56797  
the certified professional informing the certified professional as 56798  
to whether the person wishes to submit the letter to the director 56799  
and shall send a copy of the notice to the director. If the 56800  
person's notice indicates that the person wishes to have the no 56801  
further action letter submitted to the director, promptly after 56802  
receipt of the notice, the certified professional shall submit the 56803

original no further action letter, together with a proposed 56804  
environmental covenant, if applicable, and a proposed operation 56805  
and maintenance agreement, if applicable, to the director by 56806  
certified mail on behalf of the person who undertook the voluntary 56807  
action. If the person who undertook the voluntary action notifies 56808  
the certified professional that the person does not wish to submit 56809  
the no further action letter to the director, the certified 56810  
professional shall send the original letter to the person promptly 56811  
after receiving the notice. 56812

(B) If after reviewing the demonstrations required to be 56813  
submitted to the certified professional under division (C) of 56814  
section 3746.10 of the Revised Code, the certified professional 56815  
finds that the property where the voluntary action was undertaken 56816  
does not comply with applicable standards, the certified 56817  
professional shall send to the person who undertook the voluntary 56818  
action written notice of that fact and of the certified 56819  
professional's inability to issue a no further action letter for 56820  
the property. 56821

(C) A certified professional shall prepare a summary report 56822  
detailing the certified professional's findings and conclusions 56823  
about the environmental conditions at the property concerning 56824  
which the professional was requested to prepare a no further 56825  
action letter and the remedial activities undertaken to mitigate 56826  
or abate any threat to public health and safety and the 56827  
environment, including, without limitation, all of the following: 56828

(1) A description of the nature and extent of contamination 56829  
emanating from sources on the property; 56830

(2) A risk assessment performed in accordance with rules 56831  
adopted under division (B)(2) of section 3746.04 of the Revised 56832  
Code if such an assessment was used in lieu of generic numerical 56833  
clean-up standards established in rules adopted under division 56834  
(B)(1) of that section; 56835

(3) A description of any remedy conducted at the property and 56836  
how the remedy complies with applicable standards; 56837

(4) A description of any plan for the proper operation and 56838  
maintenance of engineering controls identified under division 56839  
(C)(4) of section 3746.10 of the Revised Code; 56840

(5) Any documents prepared by any other person who performed 56841  
work to support the request for the no further action letter as 56842  
provided in division (B)(2) of section 3746.10 of the Revised 56843  
Code. 56844

(D) A certified professional shall maintain all documents and 56845  
data prepared or acquired by the certified professional in 56846  
connection with a no further action letter for not less than ten 56847  
years after the date of issuance of the letter or after the notice 56848  
required under division (B) of this section has been sent, as 56849  
applicable, or for a longer period as determined in rules adopted 56850  
under section 3746.04 of the Revised Code. The director shall have 56851  
access to those documents and data in accordance with section 56852  
3746.18 or 3746.31 of the Revised Code. 56853

**Sec. 3746.12.** (A) Except as provided in division (C) of this 56854  
section, the director of environmental protection shall issue to a 56855  
person on behalf of whom a certified professional has submitted to 56856  
the director an original no further action letter and accompanying 56857  
verification under division (A) of section 3746.11 of the Revised 56858  
Code a covenant not to sue for the property that is named in the 56859  
letter. The director shall not issue a covenant not to sue if an 56860  
original no further action letter is submitted to ~~him~~ the director 56861  
by any person other than the certified professional who prepared 56862  
the letter or if a copy of the letter is submitted to ~~him~~ the 56863  
director. 56864

A covenant not to sue shall contain both of the following, as 56865  
applicable: 56866

(1) A provision releasing the person who undertook the 56867  
voluntary action from all civil liability to this state to perform 56868  
additional investigational and remedial activities to address a 56869  
release of hazardous substances or petroleum when the property has 56870  
undergone a phase I or a phase II property assessment in 56871  
compliance with this chapter and rules adopted under it or has 56872  
been the subject of remedial activities conducted under this 56873  
chapter and rules adopted under it to address a release of 56874  
hazardous substances or petroleum and such an assessment or those 56875  
activities demonstrate or result in compliance with applicable 56876  
standards, except: 56877

(a) As otherwise specifically provided in this chapter or as 56878  
may be conditioned by the director under this chapter; 56879

(b) For claims for natural resource damages the state may 56880  
have pursuant to section 107 or 113 of the "Comprehensive 56881  
Environmental Response, Compensation, and Liability Act of 1980," 56882  
94 Stat. 2781 and 2792, 42 U.S.C.A. 9607 and 9613, as amended; 56883

(c) For claims the state may have pursuant to section 107 of 56884  
the "Comprehensive Environmental Response, Compensation, and 56885  
Liability Act of 1980," 94 Stat. 2781, 42 U.S.C.A. 9607, as 56886  
amended, for costs other than those for damages to natural 56887  
resources, provided that the state incurs those other costs as a 56888  
result of an action by the president of the United States under 56889  
section 104, 106, 107, or 122 of that act or pursuant to section 56890  
3746.29 of the Revised Code. 56891

(2) If the voluntary action involves the use of engineering 56892  
controls that contain and control the release of hazardous 56893  
substances or petroleum at or from the property in order to comply 56894  
with applicable standards, all of the following: 56895

(a) A provision requiring that the person enter into an 56896  
operation and maintenance agreement with the director that ensures 56897

that all engineering controls are maintained so that the remedy is protective of public health and safety and the environment; that includes provisions requiring the person to conduct monitoring for compliance with the engineering controls and the applicable standards upon which issuance of the covenant was based, and periodically to report the findings of the monitoring to the director, as specified in the agreement; and that includes financial assurances that the remedy will remain operational and functional;

(b) A provision requiring the transferor of a covenant that contains an operation and maintenance agreement for engineering controls to notify the director whenever a transfer or assignment of the covenant or property to which it applies occurs;

(c) A provision revoking the covenant if the engineering controls are violated or are no longer in place and the person has not reinstated the controls within a reasonable period of time as determined in accordance with the covenant.

(B)(1) The release provided under division (A)(1) of this section remains effective only for as long as the property or portion thereof to which the covenant pertains continues to comply with the applicable standards upon which the issuance of the covenant was based.

(2) Upon finding that a property or portion thereof to which a covenant not to sue pertains no longer complies with the applicable standards upon which issuance of the covenant was based, the director, by certified mail, receipt requested, shall mail notice of that fact and the requirements of division (B)(3) of this section to the person responsible for maintaining compliance with those standards.

(3) Unless the recipient of a notice provided under division (B)(2) of this section, within thirty days after the mailing of

the notice, notifies the director of ~~his~~ the recipient's intention 56929  
to return the property or portion thereof to compliance with the 56930  
applicable standards upon which issuance of the covenant was based 56931  
and enters into a compliance schedule agreement with the director, 56932  
the director, by issuance of an order as a final action under 56933  
Chapter 3745. of the Revised Code, shall revoke the covenant. The 56934  
compliance schedule agreement shall establish a reasonable period 56935  
of time for returning to compliance with those applicable 56936  
standards. 56937

(4) Upon finding that a person with whom ~~he~~ the director has 56938  
entered into a compliance schedule agreement under division (B)(3) 56939  
of this section has failed to return the property or portion 56940  
thereof to which the agreement pertains to compliance with the 56941  
applicable standards within the time established in the agreement, 56942  
the director, by issuance of an order as a final action under 56943  
Chapter 3745. of the Revised Code, shall revoke the covenant 56944  
applicable to the property or portion thereof. 56945

(C) The director shall deny a covenant not to sue as a final 56946  
action for any of the following reasons: 56947

(1) The no further action letter submitted on behalf of the 56948  
person seeking the covenant not to sue does not comply with 56949  
section 3746.11 of the Revised Code and any rules adopted under 56950  
this chapter regarding no further action letters; 56951

(2) The director determines from information available to ~~him~~ 56952  
to the director that a remedy identified in the no further action 56953  
letter does not protect public health and safety and the 56954  
environment; 56955

(3) The no further action letter was submitted fraudulently. 56956

(D) The director shall not revoke a covenant not to sue 56957  
issued for property for which a voluntary action was conducted in 56958  
accordance with standards and procedures ~~established in section~~ 56959

~~3746.07~~ that applied prior to the adoption of rules under section 56960  
~~3746.04~~ of the Revised Code solely on the basis that the voluntary 56961  
action was conducted in accordance with those standards and 56962  
procedures. 56963

(E) Unless a covenant not to sue issued under this section is 56964  
revoked through the operation of a provision of the covenant 56965  
described in division (A)(2)(c) of this section, or under division 56966  
(B) of this section, division (B)(2) of section 3746.18 of the 56967  
Revised Code, or division (B) of section 3746.19 of the Revised 56968  
Code, the covenant shall remain effective as long as the property 56969  
complies with the applicable standards that were in effect when 56970  
the person who undertook the voluntary action submitted the 56971  
information and demonstrations required under division (C) of 56972  
section 3746.10 of the Revised Code to the certified professional 56973  
who prepared the no further action letter regardless of whether 56974  
amendments to the rules adopted under division (B)(1) or (2) of 56975  
section 3746.04 of the Revised Code that became effective after 56976  
that time altered the generic numerical clean-up standards for a 56977  
contaminant addressed by the voluntary action or the procedures or 56978  
levels of acceptable risk that govern the property-specific risk 56979  
assessments conducted in lieu of compliance with generic numerical 56980  
standards. 56981

**Sec. 3746.13.** (A) For property that does not involve the 56982  
issuance of a consolidated standards permit under section 3746.15 56983  
of the Revised Code and where no remedial activities for which 56984  
there is a required operation and maintenance agreement or an 56985  
environmental covenant under this chapter or sections 5301.80 to 56986  
5301.92 of the Revised Code, as applicable, are used to comply 56987  
with applicable standards, the director of environmental 56988  
protection shall issue a covenant not to sue pursuant to section 56989  
3746.12 of the Revised Code by issuance of an order and as a final 56990  
action under Chapter 3745. of the Revised Code within thirty days 56991

after the director receives the no further action letter for the 56992  
property from the certified professional who prepared the letter 56993  
under section 3746.11 of the Revised Code. 56994

(B) For property that involves the issuance of a consolidated 56995  
standards permit under section 3746.15 of the Revised Code or 56996  
where remedial activities for which there is a required operation 56997  
and maintenance agreement or an environmental covenant under this 56998  
chapter or sections 5301.80 to 5301.92 of the Revised Code, as 56999  
applicable, are used to comply with applicable standards, the 57000  
director shall issue a covenant not to sue pursuant to section 57001  
3746.12 of the Revised Code by issuance of an order and as a final 57002  
action under Chapter 3745. of the Revised Code within ninety days 57003  
after the director receives the no further action letter for the 57004  
property from the certified professional who prepared the letter 57005  
and enters into an environmental covenant regarding the property, 57006  
if applicable. 57007

(C) Except as provided in division (D) of this section, each 57008  
person who is issued a covenant not to sue under this section 57009  
shall pay the fee established pursuant to rules adopted under 57010  
division ~~(B)(8)~~(B)(7) of section 3746.04 of the Revised Code. 57011  
Until those rules become effective, each person who is issued a 57012  
covenant not to sue shall pay a fee of two thousand dollars. The 57013  
fee shall be paid to the director at the time that the no further 57014  
action letter and accompanying verification are submitted to the 57015  
director. 57016

(D) An applicant, as defined in section 122.65 of the Revised 57017  
Code, who has entered into an agreement under section 122.653 of 57018  
the Revised Code and who is issued a covenant not to sue under 57019  
this section shall not be required to pay the fee for the issuance 57020  
of a covenant not to sue established in rules adopted under 57021  
division ~~(B)(8)~~(B)(7) of section 3746.04 of the Revised Code. 57022

**Sec. 3746.17.** (A) The director of environmental protection 57023  
shall conduct audits in connection with no further action letters 57024  
issued under section 3746.11 of the Revised Code for all of the 57025  
following purposes: 57026

(1) Determining whether after completion of the voluntary 57027  
actions under this chapter and rules adopted under it, the 57028  
properties where the voluntary actions were conducted meet 57029  
applicable standards; 57030

(2) Reviewing the qualifications of and work performed by 57031  
certified professionals under the voluntary action program to 57032  
ascertain whether they possess the qualifications for 57033  
certification pursuant to rules adopted under division (B)(5) of 57034  
section 3746.04 of the Revised Code and whether their performance 57035  
under the program has resulted in the issuance of no further 57036  
action letters that are not consistent with applicable standards; 57037

(3) Reviewing ~~the qualifications of and~~ work performed by 57038  
certified laboratories or accredited laboratories in connection 57039  
with the voluntary action program, and inspecting the facilities 57040  
of ~~certified~~ those laboratories to ascertain whether ~~they possess~~ 57041  
~~the qualifications for certification pursuant to rules adopted~~ 57042  
~~under division (B)(6) of section 3746.04 of the Revised Code and~~ 57043  
~~whether~~ their performance in connection with the program has 57044  
resulted in the issuance of no further action letters that are not 57045  
consistent with applicable standards. 57046

An audit may be conducted for any of the purposes identified 57047  
in divisions (A)(1) to (3) of this section or for any combination 57048  
of those purposes. 57049

(B) ~~Commencing one year after the effective date of this~~ 57050  
~~section, the~~ The director annually shall conduct in connection 57051  
with the no further action letters submitted to ~~him~~ the director 57052  
during the preceding calendar year under section 3746.11 of the 57053

Revised Code audits of not less than twenty-five per cent of the 57054  
letters pertaining ~~the~~ to voluntary actions that involved remedial 57055  
activities and not less than twenty-five per cent of the letters 57056  
pertaining to voluntary actions that did not involve remedial 57057  
activities. Audits conducted pursuant to contracts entered into 57058  
under division ~~(E)~~(D) of this section or division (B) of section 57059  
3745.01 of the Revised Code shall be included in determining the 57060  
number of audits conducted by the director during the year in 57061  
which the audits were conducted. 57062

~~(C) Except as provided in division (D) of this section, the~~ 57063  
The director shall select the no further action letters to be 57064  
audited under this section in accordance with the selection 57065  
criteria established in rules adopted under division ~~(B)(9)~~(B)(8) 57066  
of section 3746.04 of the Revised Code. Any such audit shall be 57067  
conducted in accordance with the rules adopted under that 57068  
division. 57069

~~(D) Prior to the adoption of rules under section 3746.04 of~~ 57070  
~~the Revised Code, the director may conduct audits in connection~~ 57071  
~~with no further action letters issued under section 3746.11 of the~~ 57072  
~~Revised Code in order to determine if the relevant properties,~~ 57073  
~~certified professionals, certified laboratories, or any~~ 57074  
~~combination of them comply with the standards established in~~ 57075  
~~section 3746.07 of the Revised Code.~~ 57076

~~(E)~~ The director may enter into contracts to have audits 57077  
conducted under this section in accordance with rules adopted 57078  
under division ~~(B)(9)~~(B)(8) of section 3746.04 of the Revised 57079  
Code. The director shall not select as a contractor to conduct 57080  
audits under this section a person who meets any of the following: 57081

~~(a)~~(1) Undertook the voluntary action in connection with 57082  
which the audit is to be performed; 57083

~~(b)~~(2) Is employed by, affiliated with, or related to the 57084

person who undertook the voluntary action in connection with which 57085  
the audit is to be performed or was employed by or affiliated with 57086  
that person during the year preceding the date that the audit is 57087  
to be conducted; 57088

~~(e)~~(3) Served as the certified professional who issued the no 57089  
further action letter for the voluntary action in connection with 57090  
which the audit is to be performed or is employed by, affiliated 57091  
with, or related to the person who served as the certified 57092  
professional or was employed by or affiliated with that person 57093  
during the year preceding the date that the audit is to be 57094  
conducted; 57095

~~(d)~~(4) Performed or reviewed, or ~~his~~ the person's employer 57096  
performed or reviewed, any work that was conducted to support the 57097  
request for the no further action letter in connection with which 57098  
the audit is to be performed; 57099

~~(e)~~(5) Served as a certified laboratory or accredited 57100  
laboratory that performed any analyses that formed the basis for 57101  
the issuance of the no further action letter in connection with 57102  
which the audit is to be performed, is employed by, affiliated 57103  
with, or related to the person who served as such a certified 57104  
laboratory or accredited laboratory, or was employed by or 57105  
affiliated with that person during the year preceding the date 57106  
that the audit is to be conducted. 57107

**Sec. 3746.18.** (A) The director of environmental protection 57108  
may request a certified professional or certified laboratory or 57109  
accredited laboratory to provide ~~to him~~ the director documents and 57110  
data for the purposes of verifying the qualifications of the 57111  
professional or laboratory or auditing the performance of the 57112  
professional or laboratory in connection with voluntary actions 57113  
conducted under this chapter and rules adopted under it or may 57114  
request any other person who performed work that was conducted to 57115

support a request for a no further action letter as provided in 57116  
division (B)(2) of section 3746.10 of the Revised Code to submit 57117  
documents and data relating to the no further action letter. 57118

No person shall fail to comply with a request made under this 57119  
division. 57120

(B) In addition to any other remedy provided by law, the 57121  
director may do either or both of the following in connection with 57122  
a violation of division (A) of this section: 57123

(1) Permanently revoke the certification of the certified 57124  
professional ~~or certified laboratory~~ in accordance with rules 57125  
adopted under division (B)(5)(g) ~~or (B)(6)(f)~~ of section 3746.04 57126  
of the Revised Code, as applicable; 57127

(2) Revoke any covenant not to sue issued under section 57128  
3746.12 of the Revised Code pertaining to the director's request 57129  
for information under division (A) of this section. 57130

Nothing in division (B)(2) of this section precludes a person 57131  
whose covenant not to sue was revoked under that division from 57132  
having a new no further action letter prepared regarding the 57133  
relevant property and issued under section 3746.11 of the Revised 57134  
Code by another certified professional, or using another ~~certified~~ 57135  
accredited laboratory, for the purpose of obtaining a new covenant 57136  
not to sue for the property. 57137

**Sec. 3746.19.** (A) If the director of environmental protection 57138  
finds that the performance of a certified professional or 57139  
certified laboratory has resulted in the issuance of no further 57140  
action letters under section 3746.11 of the Revised Code that are 57141  
not consistent with applicable standards, ~~he~~ the director shall 57142  
notify persons for whom the certified professional or certified 57143  
laboratory has performed work in connection with a voluntary 57144  
action of ~~his~~ those findings. 57145

(B) The director, in accordance with the criteria and 57146  
procedures established in rules adopted under division 57147  
~~(B)(9)~~(B)(8) of section 3746.04 of the Revised Code, may conduct 57148  
an audit of any property for which a covenant not to sue was 57149  
issued under section 3746.12 of the Revised Code based upon a no 57150  
further action letter issued under section 3746.11 of the Revised 57151  
Code that was prepared by a certified professional whose 57152  
certification was subsequently suspended or revoked under this 57153  
chapter and rules adopted under it or based upon a no further 57154  
action letter for a voluntary action for which analyses were 57155  
performed by a certified laboratory for which the certification 57156  
was ~~subsequently~~ suspended or revoked ~~under this chapter and rules~~ 57157  
~~adopted under it~~ before the effective date of this amendment. 57158

If, after such an audit, the director finds that the property 57159  
does not comply with applicable standards, ~~he~~ the director shall 57160  
proceed in accordance with divisions (B)(2) through (4) of section 57161  
3746.12 of the Revised Code. 57162

**Sec. 3746.20.** (A) All of the following shall be submitted by 57163  
affidavit: 57164

(1) Any information, data, documents, or reports submitted by 57165  
any of the following to another person for the purposes of a 57166  
voluntary action conducted under this chapter and rules adopted 57167  
under it: 57168

(a) The person undertaking the voluntary action; 57169

(b) A certified professional; 57170

(c) Any other person who performed work that was conducted to 57171  
support a request for a no further action letter as provided in 57172  
division (B)(2) of section 3746.10 of the Revised Code; 57173

(d) A certified laboratory; 57174

(e) An accredited laboratory. 57175

(2) Any information submitted by an environmental professional to the director of environmental protection for the purposes of complying with rules adopted under division (B)(5)(a) or (c) of section 3746.04 of the Revised Code ~~or with division (D) of section 3746.07 of the Revised Code;~~

~~(3) Any information submitted by a laboratory for the purposes of complying with rules adopted under division (B)(6)(a) or (b) of section 3746.04 of the Revised Code;~~

~~(4) The verification of eligible costs associated with a voluntary action submitted by a certified professional to the director of development pursuant to section 3746.121 of the Revised Code.~~

(B) No person shall materially falsify, tamper with, or render inaccurate any information, data, documents, or reports generated for the purposes of or used in documenting or preparing a no further action letter under this chapter or rules adopted under it or verification of eligible costs under section 3746.121 of the Revised Code.

Violation of this division is not falsification under section 2921.13 of the Revised Code.

(C) In accordance with rules adopted under division (B)(5)(f) of section 3746.04 of the Revised Code, the director permanently shall revoke the certification of a certified professional who violates division (B) of this section.

(D) No person, with purpose to deceive a certified professional, ~~certified~~ accredited laboratory, or a contractor thereof, or the environmental protection agency or a contractor thereof, shall withhold, conceal, or destroy any data, information, records, or documents relating to a voluntary action.

**Sec. 3746.21. (A)** In addition to the authority established in

sections 3746.18, 3746.19, and 3746.20 of the Revised Code, the 57206  
director of environmental protection or ~~his~~ the director's 57207  
authorized representative, upon proper identification and upon 57208  
stating the necessity and purpose of an inspection, may enter at 57209  
reasonable times upon any of the following: 57210

(1) Any public or private property at which a voluntary 57211  
action has been or is being conducted under this chapter and rules 57212  
adopted under it; ~~upon any~~ 57213

(2) Any public or private property, real or personal, that is 57214  
owned or operated by a person who is participating or has 57215  
participated in the voluntary action program under this chapter 57216  
and rules adopted under it where data, information, records, or 57217  
documents relating to the person's participation in the voluntary 57218  
action program are kept; ~~or upon any~~ 57219

(3) Any public or private property, real or personal, upon 57220  
which is located a certified laboratory, accredited laboratory, or 57221  
the offices of a certified professional, ~~to inspect.~~ 57222

(B) The director or the director's authorized representative 57223  
may enter upon any property described in division (A) of this 57224  
section to do any of the following: 57225

(1) Inspect the credentials of the certified professional or 57226  
the credentials and facilities of the certified laboratory or 57227  
accredited laboratory; ~~to examine~~ 57228

To examine or copy data, information, records, or documents 57229  
relating to the evaluation, investigation, or remediation of 57230  
properties under this chapter and rules adopted under it or to 57231  
compliance with a consolidated standards permit issued under 57232  
section 3746.15 of the Revised Code; ~~or to obtain~~ 57233

(3) Obtain samples of soil, water, or other environmental 57234  
media at properties where voluntary actions have been or are being 57235  
conducted under this chapter and rules adopted under it. 57236

(C) The director or ~~his~~ the director's authorized representative may apply for and any judge of a court of record may issue an administrative inspection warrant under division (F) of section 2933.21 of the Revised Code, or other appropriate search warrant, necessary to achieve the purposes of this chapter within the court's territorial jurisdiction.

**Sec. 3746.31.** Upon the written request of any person for information, documents, reports, or data described on a list submitted to the director of environmental protection pursuant to ~~division (F) of section 3746.07 of the Revised Code or rules~~ adopted under division ~~(B)(7)(e)~~ (B)(6)(e) of section 3746.04 of the Revised Code, as applicable, the director, within a reasonable period of time after receipt of the request, shall provide copies of the requested materials to the person. If the requested materials are not on file in the offices of the environmental protection agency, the director, promptly after receipt of the request, shall send a written request to the certified professional who submitted the list pursuant to that division or those rules to submit the requested materials to the director within a specified reasonable period of time. The certified professional shall submit the requested materials to the director within the time specified in the director's request. Within a reasonable period of time after the director receives the requested materials from the certified professional, the director shall provide copies of them, at cost, to the person who requested them and shall retain the originals in the agency's files.

**Sec. 3746.35.** (A) Not later than ~~September 1, 1996, and not later than~~ the first day of September of each ~~subsequent~~ year, the director of environmental protection shall prepare and submit to the chairpersons of the respective standing committees of the senate and house of representatives primarily responsible for

considering environmental and taxation matters a report regarding 57268  
the voluntary action program established under this chapter and 57269  
rules adopted under it and the tax abatements granted pursuant to 57270  
sections 5709.87 and 5709.88 of the Revised Code for properties 57271  
where voluntary actions were conducted. Each annual report shall 57272  
include, without limitation, all of the following: 57273

(1) Both of the following for each property for which a 57274  
covenant not to sue was issued under section 3746.12 of the 57275  
Revised Code during the preceding calendar year: 57276

(a) The address of the property and name of the person who 57277  
undertook the voluntary action at the property; 57278

(b) Whether the applicable standards governing the voluntary 57279  
action were the ~~interim standards established in section 3746.07~~ 57280  
~~of the Revised Code or the~~ generic numerical clean-up standards 57281  
established in rules adopted under division (B)(1) of section 57282  
3746.04 of the Revised Code or the interim standards that applied 57283  
prior to the adoption of rules under that section, were 57284  
established through the performance of a risk assessment pursuant 57285  
to rules adopted under division (B)(2) of section 3746.04 of the 57286  
Revised Code, or were set forth in a variance issued under section 57287  
3746.09 of the Revised Code. 57288

(2) All of the following for each property for which a 57289  
variance was issued under section 3746.09 of the Revised Code 57290  
during the preceding calendar year: 57291

(a) The address of the property and the name of the person to 57292  
whom the variance was issued; 57293

(b) A summary of the alternative standards and terms and 57294  
conditions of the variance and brief description of the 57295  
improvement in environmental conditions at the property that is 57296  
anticipated to result from compliance with the alternative 57297  
standards and terms and conditions set forth in the variance; 57298

(c) A brief description of the economic benefits to the person to whom the variance was issued and the community in which the property is located that are anticipated to result from the undertaking of the voluntary action in compliance with the alternative standards and terms and conditions set forth in the variance.

(3) The number of audits performed under section 3746.17 of the Revised Code during the preceding calendar year and, in connection with each of them, at least the following information:

(a) The address of the property in connection with which the audit was performed and the name of the person who undertook the voluntary action at the property;

(b) An indication as to whether the audit was a random audit or was conducted in accordance with the priorities established in rules adopted under divisions (A)(9)(a) to (f) of section 3746.04 of the Revised Code and, if the audit was conducted in accordance with those priorities, an indication as to which of them resulted in the selection of the voluntary action for an audit;

(c) A brief summary of the findings of the audit and any action taken by the environmental protection agency as a result of those findings.

(4) The number of covenants not to sue revoked during the preceding calendar year through the operation of divisions (A)(2)(c) and (B) of section 3746.12, division (B)(2) of section 3746.18, and division (B) of section 3746.19 of the Revised Code and for each property for which a covenant was revoked, at least both of the following:

(a) The address of the property affected by the revocation and name of the person who undertook the voluntary action at the property;

(b) The reason for the revocation.

(5) The amount of money credited to the voluntary action administration fund created in section 3746.16 of the Revised Code during the preceding fiscal year from the fees established in ~~divisions (D) and (H) of section 3746.07~~ and division (C) of section 3746.13 of the Revised Code and from civil penalties imposed under section 3746.22 of the Revised Code. The report shall indicate the amount of money that arose from each of the fees and from the civil penalties. The report also shall include the amount of money expended from the fund during the preceding fiscal year by program category, including, without limitation, the amount expended for conducting audits under section 3746.17 of the Revised Code during the preceding fiscal year.

(6) For each property that is receiving a tax abatement under section 5709.87 of the Revised Code for the preceding tax year, the amount of the valuation exempted from real property taxation for that tax year under that section. In order to comply with division (A)(6) of this section, the director shall include in the annual report the report required under division (B)(2) of this section.

(7) For each property that is receiving a tax abatement pursuant to an agreement with a municipal corporation or county entered into under section 5709.88 of the Revised Code, the amount of the valuation exempted from real or personal property taxation. In order to comply with division (A)(7) of this section, the director shall include in the annual report the report required under division (C) of this section.

(B)(1) Not later than the thirty-first day of March 31, 1996 ~~of each year~~, the county auditor of each county in which is located any property that ~~is receiving~~ received a tax abatement under section 5709.87 of the Revised Code for the preceding tax year shall report to the director of environmental protection for each such property both of the following as applicable ~~to tax year~~

|                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                 |                                                                               |
|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-------------------------------------------------------------------------------|
| 1995:                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                           | 57362                                                                         |
| (a) The address of the property and the name of the owner as stated in the records of the county auditor of the county in which the property is located;                                                                                                                                                                                                                                                                                                                                                                                                                                                        | 57363<br>57364<br>57365                                                       |
| (b) The amount of the valuation of the property that was exempted from real property taxation under that section.                                                                                                                                                                                                                                                                                                                                                                                                                                                                                               | 57366<br>57367                                                                |
| <del>Not later than the thirty first day of March of each subsequent year, each such county auditor shall report the information described in those divisions to the director of environmental protection for each property within the county that is receiving a tax abatement under that section for the preceding tax year.</del>                                                                                                                                                                                                                                                                            | 57368<br>57369<br>57370<br>57371<br>57372<br>57373                            |
| (2) Not later than <del>July 1, 1996, and not later than</del> the first day of July of each <del>subsequent</del> year, the director of environmental protection shall compile the information provided to the director under division (B)(1) of this section applicable to the preceding tax year into a report covering all of the counties in the state in which are located properties receiving a tax abatement under section 5709.87 of the Revised Code for the preceding tax year.                                                                                                                     | 57374<br>57375<br>57376<br>57377<br>57378<br>57379<br>57380                   |
| (C) Not later than <del>July 1, 1996, and not later than</del> the first day of July of each <del>subsequent</del> year, the director of environmental protection shall compile the information provided to the director by municipal corporations and counties under division (A) of section 5709.882 of the Revised Code applicable to the preceding calendar year into a report covering, by county, all of the municipal corporations and counties in this state in which are located properties receiving a tax abatement pursuant to an agreement entered into under section 5709.88 of the Revised Code. | 57381<br>57382<br>57383<br>57384<br>57385<br>57386<br>57387<br>57388<br>57389 |
| <b>Sec. 3770.06.</b> (A) There is hereby created the state lottery gross revenue fund, which shall be in the custody of the treasurer                                                                                                                                                                                                                                                                                                                                                                                                                                                                           | 57390<br>57391                                                                |

of state but shall not be part of the state treasury. All gross 57392  
revenues received from sales of lottery tickets, fines, fees, and 57393  
related proceeds in connection with the statewide lottery and all 57394  
gross proceeds from statewide joint lottery games shall be 57395  
deposited into the fund. The treasurer of state shall invest any 57396  
portion of the fund not needed for immediate use in the same 57397  
manner as, and subject to all provisions of law with respect to 57398  
the investment of, state funds. The treasurer of state shall 57399  
disburse money from the fund on order of the director of the state 57400  
lottery commission or the director's designee. 57401

Except for gross proceeds from statewide joint lottery games, 57402  
all revenues of the state lottery gross revenue fund that are not 57403  
paid to holders of winning lottery tickets, that are not required 57404  
to meet short-term prize liabilities, that are not credited to 57405  
lottery sales agents in the form of bonuses, commissions, or 57406  
reimbursements, that are not paid to financial institutions to 57407  
reimburse those institutions for sales agent nonsufficient funds, 57408  
and that are collected from sales agents for remittance to 57409  
insurers under contract to provide sales agent bonding services 57410  
shall be transferred to the state lottery fund, which is hereby 57411  
created in the state treasury. In addition, all revenues of the 57412  
state lottery gross revenue fund that represent the gross proceeds 57413  
from the statewide joint lottery games and that are not paid to 57414  
holders of winning lottery tickets, that are not required to meet 57415  
short-term prize liabilities, that are not credited to lottery 57416  
sales agents in the form of bonuses, commissions, or 57417  
reimbursements, and that are not necessary to cover operating 57418  
expenses associated with those games or to otherwise comply with 57419  
the agreements signed by the governor that the director enters 57420  
into under division (J) of section 3770.02 of the Revised Code or 57421  
the rules the commission adopts under division (B)(5) of section 57422  
3770.03 of the Revised Code shall be transferred to the state 57423  
lottery fund. All investment earnings of the fund shall be 57424

credited to the fund. Moneys shall be disbursed from the fund 57425  
pursuant to vouchers approved by the director. Total disbursements 57426  
for monetary prize awards to holders of winning lottery tickets in 57427  
connection with the statewide lottery and purchases of goods and 57428  
services awarded as prizes to holders of winning lottery tickets 57429  
shall be of an amount equal to at least fifty per cent of the 57430  
total revenue accruing from the sale of lottery tickets. 57431

(B) Pursuant to Section 6 of Article XV, Ohio Constitution, 57432  
there is hereby established in the state treasury the lottery 57433  
profits education fund. Whenever, in the judgment of the director 57434  
of the state lottery commission, the amount to the credit of the 57435  
state lottery fund that does not represent proceeds from statewide 57436  
joint lottery games is in excess of that needed to meet the 57437  
maturing obligations of the commission and as working capital for 57438  
its further operations, the director of the state lottery 57439  
commission shall recommend the amount of the excess to be 57440  
transferred to the lottery profits education fund, and the 57441  
director of budget and management may transfer the excess to the 57442  
lottery profits education fund in connection with the statewide 57443  
lottery. In addition, whenever, in the judgment of the director of 57444  
the state lottery commission, the amount to the credit of the 57445  
state lottery fund that represents proceeds from statewide joint 57446  
lottery games equals the entire net proceeds of those games as 57447  
described in division (B)(5) of section 3770.03 of the Revised 57448  
Code and the rules adopted under that division, the director of 57449  
the state lottery commission shall recommend the amount of the 57450  
proceeds to be transferred to the lottery profits education fund, 57451  
and the director of budget and management may transfer those 57452  
proceeds to the lottery profits education fund. Investment 57453  
earnings of the lottery profits education fund shall be credited 57454  
to the fund. 57455

The lottery profits education fund shall be used solely for 57456

the support of elementary, secondary, vocational, and special 57457  
education programs as determined in appropriations made by the 57458  
general assembly, or as provided in applicable bond proceedings 57459  
for the payment of debt service on obligations issued to pay costs 57460  
of capital facilities, including those for a system of common 57461  
schools throughout the state pursuant to section 2n of Article 57462  
VIII, Ohio Constitution. When determining the availability of 57463  
money in the lottery profits education fund, the director of 57464  
budget and management may consider all balances and estimated 57465  
revenues of the fund. 57466

(C) There is hereby established in the state treasury the 57467  
deferred prizes trust fund. With the approval of the director of 57468  
budget and management, an amount sufficient to fund annuity prizes 57469  
shall be transferred from the state lottery fund and credited to 57470  
the trust fund. The treasurer of state shall credit all earnings 57471  
arising from investments purchased under this division to the 57472  
trust fund. Within sixty days after the end of each fiscal year, 57473  
the treasurer of state shall certify to the director of budget and 57474  
management whether the actuarial amount of the trust fund is 57475  
sufficient over the fund's life for continued funding of all 57476  
remaining deferred prize liabilities as of the last day of the 57477  
fiscal year just ended. Also, within that sixty days, the director 57478  
of budget and management shall certify the amount of investment 57479  
earnings necessary to have been credited to the trust fund during 57480  
the fiscal year just ending to provide for such continued funding 57481  
of deferred prizes. Any earnings credited in excess of the latter 57482  
certified amount shall be transferred to the lottery profits 57483  
education fund. 57484

To provide all or a part of the amounts necessary to fund 57485  
deferred prizes awarded by the commission in connection with the 57486  
statewide lottery, the treasurer of state, in consultation with 57487  
the commission, may invest moneys contained in the deferred prizes 57488

trust fund which represents proceeds from the statewide lottery in 57489  
obligations of the type permitted for the investment of state 57490  
funds but whose maturities are thirty years or less. 57491  
Notwithstanding the requirements of any other section of the 57492  
Revised Code, to provide all or part of the amounts necessary to 57493  
fund deferred prizes awarded by the commission in connection with 57494  
statewide joint lottery games, the treasurer of state, in 57495  
consultation with the commission, may invest moneys in the trust 57496  
fund which represent proceeds derived from the statewide joint 57497  
lottery games in accordance with the rules the commission adopts 57498  
under division (B)(5) of section 3770.03 of the Revised Code. 57499  
Investments of the trust fund are not subject to the provisions of 57500  
division (A)~~(10)~~(11) of section 135.143 of the Revised Code 57501  
limiting to twenty-five per cent the amount of the state's total 57502  
average portfolio that may be invested in debt interests other 57503  
than commercial paper and limiting to five per cent the amount 57504  
that may be invested in debt interests, including commercial 57505  
paper, of a single issuer. 57506

All purchases made under this division shall be effected on a 57507  
delivery versus payment method and shall be in the custody of the 57508  
treasurer of state. 57509

The treasurer of state may retain an investment advisor, if 57510  
necessary. The commission shall pay any costs incurred by the 57511  
treasurer of state in retaining an investment advisor. 57512

(D) The auditor of state shall conduct annual audits of all 57513  
funds and any other audits as the auditor of state or the general 57514  
assembly considers necessary. The auditor of state may examine all 57515  
records, files, and other documents of the commission, and records 57516  
of lottery sales agents that pertain to their activities as 57517  
agents, for purposes of conducting authorized audits. 57518

(E) The state lottery commission shall establish an internal 57519  
audit plan before the beginning of each fiscal year, subject to 57520

the approval of the office of internal audit in the office of 57521  
budget and management. At the end of each fiscal year, the 57522  
commission shall prepare and submit an annual report to the office 57523  
of internal audit for the office's review and approval, specifying 57524  
the internal audit work completed by the end of that fiscal year 57525  
and reporting on compliance with the annual internal audit plan. 57526

(F) Whenever, in the judgment of the director of budget and 57527  
management, an amount of net state lottery proceeds is necessary 57528  
to be applied to the payment of debt service on obligations, all 57529  
as defined in sections 151.01 and 151.03 of the Revised Code, the 57530  
director shall transfer that amount directly from the state 57531  
lottery fund or from the lottery profits education fund to the 57532  
bond service fund defined in those sections. The provisions of 57533  
this division are subject to any prior pledges or obligation of 57534  
those amounts to the payment of bond service charges as defined in 57535  
division (C) of section 3318.21 of the Revised Code, as referred 57536  
to in division (B) of this section. 57537

**Sec. 3770.073.** (A) If a person is entitled to a lottery prize 57538  
award and is indebted to the state for the payment of any tax, 57539  
workers' compensation premium, unemployment contribution, payment 57540  
in lieu of unemployment contribution, certified claim under 57541  
section 131.02 or 131.021 of the Revised Code, or is indebted to a 57542  
political subdivision that has a certified claim under section 57543  
131.02 of the Revised Code, lottery sales receipts held in trust 57544  
on behalf of the state lottery commission as described in division 57545  
(H)(4) of section 3770.05 of the Revised Code, or charge, penalty, 57546  
or interest arising from these debts and if the amount of the 57547  
prize money or the cost of goods or services awarded as a lottery 57548  
prize award ~~is five thousand dollars or more~~ meets or exceeds the 57549  
reportable winnings amount set by 26 U.S.C. 6041, the director of 57550  
the state lottery commission, or the director's designee, shall do 57551  
either of the following: 57552

(1) If the prize award will be paid in a lump sum, deduct 57553  
from the prize award and pay to the attorney general an amount in 57554  
satisfaction of the debt and pay any remainder to that person. If 57555  
the amount of the prize award is less than the amount of the debt, 57556  
the entire amount of the prize award shall be deducted and paid in 57557  
partial satisfaction of the debt. 57558

(2) If the prize award will be paid in annual installments, 57559  
on the date the initial installment payment is due, deduct from 57560  
that installment and pay to the attorney general an amount in 57561  
satisfaction of the debt and, if necessary to collect the full 57562  
amount of the debt, do the same for any subsequent annual 57563  
installments, at the time the installments become due and owing to 57564  
the person, until the debt is fully satisfied. 57565

(B) If a person entitled to a lottery prize award owes more 57566  
than one debt, any debt owed to the state shall be satisfied 57567  
first, subject to both section 5739.33 and division (G) of section 57568  
5747.07 of the Revised Code having first priority, and subject to 57569  
division (C) of this section. 57570

(C) Any debt owed under section 3770.071 of the Revised Code 57571  
shall be satisfied with first priority over debts owed under this 57572  
section. 57573

(D) Except as provided in section 131.021 of the Revised 57574  
Code, this section applies only to debts that have become final. 57575

**Sec. 3772.01.** As used in this chapter: 57576

(A) "Applicant" means any person who applies to the 57577  
commission for a license under this chapter. 57578

(B) "Casino control commission fund" means the casino control 57579  
commission fund described in Section 6(C)(3)(d) of Article XV, 57580  
Ohio Constitution, the money in which shall be used to fund the 57581  
commission and its related affairs. 57582

(C) "Casino facility" means a casino facility as defined in 57583  
Section 6(C)(9) of Article XV, Ohio Constitution. 57584

(D) "Casino game" means any slot machine or table game as 57585  
defined in this chapter. 57586

(E) "Casino gaming" means any type of slot machine or table 57587  
game wagering, using money, casino credit, or any representative 57588  
of value, authorized in any of the states of Indiana, Michigan, 57589  
Pennsylvania, and West Virginia as of January 1, 2009, and 57590  
includes slot machine and table game wagering subsequently 57591  
authorized by, but shall not be limited by, subsequent 57592  
restrictions placed on such wagering in such states. "Casino 57593  
gaming" does not include bingo, as authorized in Section 6 of 57594  
Article XV, Ohio Constitution and conducted as of January 1, 2009, 57595  
or horse racing where the pari-mutuel system of wagering is 57596  
conducted, as authorized under the laws of this state as of 57597  
January 1, 2009. 57598

(F) "Casino gaming employee" means any employee of a casino 57599  
operator or management company, but not a key employee, and as 57600  
further defined in section 3772.131 of the Revised Code. 57601

(G) "Casino operator" means any person, trust, corporation, 57602  
partnership, limited partnership, association, limited liability 57603  
company, or other business enterprise that directly or indirectly 57604  
holds an ownership or leasehold interest in a casino facility. 57605  
"Casino operator" does not include an agency of the state, any 57606  
political subdivision of the state, any person, trust, 57607  
corporation, partnership, limited partnership, association, 57608  
limited liability company, or other business enterprise that may 57609  
have an interest in a casino facility, but who is legally or 57610  
contractually restricted from conducting casino gaming. 57611

(H) "Central system" means a computer system that provides 57612  
the following functions related to casino gaming equipment used in 57613

connection with casino gaming authorized under this chapter: 57614  
security, auditing, data and information retrieval, and other 57615  
purposes deemed necessary and authorized by the commission. 57616

(I) "Cheat" means to alter the result of a casino game, the 57617  
element of chance, the operation of a machine used in a casino 57618  
game, or the method of selection of criteria that determines (a) 57619  
the result of the casino game, (b) the amount or frequency of 57620  
payment in a casino game, (c) the value of a wagering instrument, 57621  
or (d) the value of a wagering credit. "Cheat" does not include an 57622  
individual who, without the assistance of another individual or 57623  
without the use of a physical aid or device of any kind, uses the 57624  
individual's own ability to keep track of the value of cards 57625  
played and uses predictions formed as a result of the tracking 57626  
information in the individual's playing and betting strategy. 57627

(J) "Commission" means the Ohio casino control commission. 57628

(K) "Gaming agent" means a peace officer employed by the 57629  
commission that is vested with duties to enforce this chapter and 57630  
conduct other investigations into the conduct of the casino gaming 57631  
and the maintenance of the equipment that the commission considers 57632  
necessary and proper and is in compliance with section 109.77 of 57633  
the Revised Code. 57634

(L) "Gaming-related vendor" means any individual, 57635  
partnership, corporation, association, trust, or any other group 57636  
of individuals, however organized, who supplies gaming-related 57637  
equipment, goods, or services to a casino operator or management 57638  
company, that are directly related to or affect casino gaming 57639  
authorized under this chapter, including, but not limited to, the 57640  
manufacture, sale, distribution, or repair of slot machines and 57641  
table game equipment. 57642

(M) "Holding company" means any corporation, firm, 57643  
partnership, limited partnership, limited liability company, 57644

trust, or other form of business organization not a natural person 57645  
which directly or indirectly does any of the following: 57646

(1) Has the power or right to control a casino operator, 57647  
management company, or gaming-related vendor license applicant or 57648  
licensee; 57649

(2) Holds an ownership interest of five per cent or more, as 57650  
determined by the commission, in a casino operator, management 57651  
company, or gaming-related vendor license applicant or licensee; 57652

(3) Holds voting rights with the power to vote five per cent 57653  
or more of the outstanding voting rights of a casino operator, 57654  
management company, or gaming-related vendor applicant or 57655  
licensee. 57656

(N) "Initial investment" includes costs related to 57657  
demolition, engineering, architecture, design, site preparation, 57658  
construction, infrastructure improvements, land acquisition, 57659  
fixtures and equipment, insurance related to construction, and 57660  
leasehold improvements. 57661

(O) "Institutional investor" means any of the following 57662  
entities owning five per cent or more, but less than fifteen per 57663  
cent, of an ownership interest in a casino facility, casino 57664  
operator, management company, or holding company: a corporation, 57665  
bank, insurance company, pension fund or pension fund trust, 57666  
retirement fund, including funds administered by a public agency, 57667  
employees' profit-sharing fund or employees' profit-sharing trust, 57668  
any association engaged, as a substantial part of its business or 57669  
operations, in purchasing or holding securities, including a hedge 57670  
fund, mutual fund, or private equity fund, or any trust in respect 57671  
of which a bank is trustee or cotrustee, investment company 57672  
registered under the "Investment Company Act of 1940," 15 U.S.C. 57673  
80a-1 et seq., collective investment trust organized by banks 57674  
under Part Nine of the Rules of the Comptroller of the Currency, 57675

closed-end investment trust, chartered or licensed life insurance 57676  
company or property and casualty insurance company, investment 57677  
advisor registered under the "Investment Advisors Act of 1940," 15 57678  
U.S.C. 80 b-1 et seq., and such other persons as the commission 57679  
may reasonably determine to qualify as an institutional investor 57680  
for reasons consistent with this chapter, and that does not 57681  
exercise control over the affairs of a licensee and its ownership 57682  
interest in a licensee is for investment purposes only, as set 57683  
forth in division (F) of section 3772.10 of the Revised Code. 57684

(P) "Key employee" means any executive, employee, agent, or 57685  
other individual who has the power to exercise significant 57686  
influence over decisions concerning any part of the operation of a 57687  
person that has applied for or holds a casino operator, management 57688  
company, or gaming-related vendor license or the operation of a 57689  
holding company of a person that has applied for or holds a casino 57690  
operator, management company, or gaming-related vendor license, 57691  
including: 57692

(1) An officer, director, trustee, partner, or an equivalent 57693  
fiduciary; 57694

(2) An individual who holds a direct or indirect ownership 57695  
interest of five per cent or more; 57696

(3) An individual who performs the function of a principal 57697  
executive officer, principal operating officer, principal 57698  
accounting officer, or an equivalent officer; 57699

(4) Any other individual the commission determines to have 57700  
the power to exercise significant influence over decisions 57701  
concerning any part of the operation. 57702

(Q) "Licensed casino operator" means a casino operator that 57703  
has been issued a license by the commission and that has been 57704  
certified annually by the commission to have paid all applicable 57705  
fees, taxes, and debts to the state. 57706

(R) "Majority ownership interest" in a license or in a casino facility, as the case may be, means ownership of more than fifty per cent of such license or casino facility, as the case may be. For purposes of the foregoing, whether a majority ownership interest is held in a license or in a casino facility, as the case may be, shall be determined under the rules for constructive ownership of stock provided in Treas. Reg. 1.409A-3(i)(5)(iii) as in effect on January 1, 2009.

(S) "Management company" means an organization retained by a casino operator to manage a casino facility and provide services such as accounting, general administration, maintenance, recruitment, and other operational services.

(T) "Ohio law enforcement training fund" means the state law enforcement training fund described in Section 6(C)(3)(f) of Article XV, Ohio Constitution, the money in which shall be used to enhance public safety by providing ~~additional~~ training opportunities to the law enforcement community.

(U) "Person" includes, but is not limited to, an individual or a combination of individuals; a sole proprietorship, a firm, a company, a joint venture, a partnership of any type, a joint-stock company, a corporation of any type, a corporate subsidiary of any type, a limited liability company, a business trust, or any other business entity or organization; an assignee; a receiver; a trustee in bankruptcy; an unincorporated association, club, society, or other unincorporated entity or organization; entities that are disregarded for federal income tax purposes; and any other nongovernmental, artificial, legal entity that is capable of engaging in business.

(V) "Problem casino gambling and addictions fund" means the state problem gambling and addictions fund described in Section 6(C)(3)(g) of Article XV, Ohio Constitution, the money in which shall be used for treatment of problem gambling and substance

abuse, and for related research. 57739

(W) "Promotional gaming credit" means a slot machine or table 57740  
game credit, discount, or other similar item issued to a patron to 57741  
enable the placement of, or increase in, a wager at a slot machine 57742  
or table game. 57743

(X) "Slot machine" means any mechanical, electrical, or other 57744  
device or machine which, upon insertion of a coin, token, ticket, 57745  
or similar object, or upon payment of any consideration, is 57746  
available to play or operate, the play or operation of which, 57747  
whether by reason of the skill of the operator or application of 57748  
the element of chance, or both, makes individual prize 57749  
determinations for individual participants in cash, premiums, 57750  
merchandise, tokens, or any thing of value, whether the payoff is 57751  
made automatically from the machine or in any other manner, but 57752  
does not include any device that is a skill-based amusement 57753  
machine, or an electronic instant bingo system, as defined in 57754  
section 2915.01 of the Revised Code. 57755

(Y) "Table game" means any game played with cards, dice, or 57756  
any mechanical, electromechanical, or electronic device or machine 57757  
for money, casino credit, or any representative of value. "Table 57758  
game" does not include slot machines. 57759

(Z) "Upfront license" means the first plenary license issued 57760  
to a casino operator. 57761

(AA) "Voluntary exclusion program" means a program provided 57762  
by the commission that allows persons to voluntarily exclude 57763  
themselves from the gaming areas of facilities under the 57764  
jurisdiction of the commission by placing their name on a 57765  
voluntary exclusion list and following the procedures set forth by 57766  
the commission. 57767

**Sec. 3772.37.** (A) Pursuant to section 131.02 of the Revised 57768

Code, the attorney general shall develop and implement a real time 57769  
data match program and make it available to each casino operator 57770  
and management company to identify patrons who owe amounts to the 57771  
state or a political subdivision. 57772

(B)(1) Before disbursing any casino winnings to a patron that 57773  
meet or exceed the reportable winnings amount set by 26 U.S.C. 57774  
6041, a casino operator or management company shall consult the 57775  
data match program to determine whether the patron owes any 57776  
amounts to the state or a political subdivision. If the data match 57777  
program indicates that the patron owes any amounts to the state or 57778  
a political subdivision, the casino operator or management company 57779  
shall withhold from the patron's winnings an amount sufficient to 57780  
satisfy those amounts, up to the amount of the winnings. 57781

(2) If the data match program described in section 3123.90 of 57782  
the Revised Code indicates that the patron also is in default 57783  
under a support order, the casino operator or management company 57784  
shall transmit to the department of job and family services an 57785  
amount sufficient to satisfy any past due support owed by the 57786  
patron, up to the amount of the winnings, before transmitting any 57787  
remaining amount to the attorney general under division (C) of 57788  
this section. 57789

(C)(1) Not later than seven days after withholding an amount 57790  
under division (B) of this section, the casino operator or 57791  
management company shall transmit to the attorney general any 57792  
amount withheld and not already disbursed to the department of job 57793  
and family services under section 3123.90 of the Revised Code as 57794  
payment on the amount owed. 57795

(2) If the patron owes more than one amount to the state or a 57796  
political subdivision as identified by the data match program 57797  
described in this section, the amount owed to the state shall be 57798  
satisfied first, except that any amounts owed under section 57799

5739.33 and division (G) of section 5747.07 of the Revised Code shall have first priority. 57800  
57801

(D) Except as otherwise provided in section 131.021 of the Revised Code, this section applies only to amounts owed that have become final. 57802  
57803  
57804

(E) The attorney general, in consultation with the commission, may adopt rules under Chapter 119. of the Revised Code as necessary to implement this section. 57805  
57806  
57807

**Sec. 3791.07.** (A) ~~The board of building standards may~~ 57808  
superintendent of industrial compliance shall establish such 57809  
reasonable inspection fee schedules as ~~it~~ the superintendent 57810  
determines necessary or desirable relating to the inspection of 57811  
all plans and specifications submitted for approval to the 57812  
division of industrial compliance, and all industrialized units 57813  
inspected at the point of origin and at the construction site of 57814  
the building. The inspection fee schedule ~~established shall be~~ 57815  
adopted by rule, in accordance with Chapter 119. of the Revised 57816  
Code, and shall bear some reasonable relationship to the cost of 57817  
administering and enforcing the provisions of Chapters 3781. and 57818  
3791. of the Revised Code. 57819

(B) In addition to the fee assessed in division (A) of this 57820  
section, the board of building standards shall assess a fee of not 57821  
more than five dollars for each application for acceptance and 57822  
approval of plans and specifications and for making inspections 57823  
pursuant to section 3791.04 of the Revised Code. The board shall 57824  
adopt rules, in accordance with Chapter 119. of the Revised Code, 57825  
specifying the manner by which the superintendent of industrial 57826  
compliance shall collect and remit to the board the fees assessed 57827  
under this division and requiring that remittance of the fees be 57828  
made at least quarterly. 57829

(C) Any person who fails to pay an inspection fee required 57830

for any inspection conducted by the department of commerce 57831  
pursuant to Chapters 3781. and 3791. of the Revised Code, except 57832  
for fees charged for the inspection of plans and specifications, 57833  
within forty-five days after the inspection is conducted, shall 57834  
pay a late payment fee equal to twenty-five per cent of the 57835  
inspection fee. 57836

(D) The board of building standards shall pay the fees 57837  
assessed under this section into the state treasury to the credit 57838  
of the industrial compliance operating fund created in section 57839  
121.084 of the Revised Code. 57840

Sec. 3794.01. Definitions. 57841

As used in this chapter: 57842

(A) "Smoking" means inhaling, exhaling, burning, or carrying 57843  
any lighted ~~cigar, cigarette, pipe, or other lighted smoking~~ 57844  
~~device for burning tobacco or any other plant~~ or heated tobacco 57845  
product or plant product intended for inhalation in any manner or 57846  
in any form. "Smoking" includes the use of an electronic smoking 57847  
device and a vapor product. "Smoking" does not include the burning 57848  
of incense in a religious ceremony. 57849

(B) "Public place" means an enclosed area to which the public 57850  
is invited or in which the public is permitted and that is not a 57851  
private residence. 57852

(C) "Place of employment" means an enclosed area under the 57853  
direct or indirect control of an employer that the employer's 57854  
employees use for work or any other purpose, including but not 57855  
limited to, offices, meeting rooms, sales, production and storage 57856  
areas, restrooms, stairways, hallways, warehouses, garages, and 57857  
vehicles. An enclosed area as described herein is a place of 57858  
employment without regard to the time of day or the presence of 57859  
employees. 57860

(D) "Employee" means a person who is employed by an employer, 57861  
or who contracts with an employer or third person to perform 57862  
services for an employer, or who otherwise performs services for 57863  
an employer for compensation or for no compensation. 57864

(E) "Employer" means the state or any individual, business, 57865  
association, political subdivision, or other public or private 57866  
entity, including a nonprofit entity, that employs or contracts 57867  
for or accepts the provision of services from one or more 57868  
employees. 57869

(F) "Enclosed Area" means an area with a roof or other 57870  
overhead covering of any kind and walls or side coverings of any 57871  
kind, regardless of the presence of openings for ingress and 57872  
egress, on all sides or on all sides but one. 57873

(G) "Proprietor" means an employer, owner, manager, operator, 57874  
liquor permit holder, or person in charge or control of a public 57875  
place or place of employment. 57876

(H) "Retail tobacco store" means a retail establishment that 57877  
derives more than eighty ~~percent~~ per cent of its gross revenue 57878  
from the sale of ~~cigars, cigarettes, pipes, or other smoking~~ 57879  
~~devices for burning tobacco~~ lighted or heated tobacco products and 57880  
related smoking accessories and in which the sale of other 57881  
products is merely incidental. "Retail tobacco store" does not 57882  
include a tobacco department or section of a larger commercial 57883  
establishment or of any establishment with a liquor permit or of 57884  
any restaurant. 57885

(I) "Retail vapor store" means a retail establishment that 57886  
derives more than eighty per cent of its gross revenue from the 57887  
sale of vapor products, electronic smoking devices, or other 57888  
electronic smoking product accessories and for which the sale of 57889  
other products is merely incidental. "Retail vapor store" does not 57890  
include a section of a larger commercial establishment or of an 57891

establishment with a liquor license or that is a restaurant. 57892

(J) "Outdoor patio" means an area that is either: enclosed by 57893  
a roof or other overhead covering and walls or side coverings on 57894  
not more than two sides; or has no roof or other overhead covering 57895  
regardless of the number of walls or other side coverings. 57896

(K) "Vapor product" and "electronic smoking device" have the 57897  
same meanings as in section 2927.02 of the Revised Code. 57898

**Sec. 3794.03.** Areas where smoking is not regulated by this 57899  
chapter. 57900

The following shall be exempt from the provisions of this 57901  
chapter: 57902

(A) Private residences, except during the hours of operation 57903  
as a child care or adult care facility for compensation, during 57904  
the hours of operation as a business by a person other than a 57905  
person residing in the private residence, or during the hours of 57906  
operation as a business, when employees of the business, who are 57907  
not residents of the private residence or are not related to the 57908  
owner, are present. 57909

(B) Rooms for sleeping in hotels, motels and other lodging 57910  
facilities designated as smoking rooms; provided, however, that 57911  
not more than twenty per cent of sleeping rooms may be so 57912  
designated. 57913

(C) Family-owned and operated places of employment in which 57914  
all employees are related to the owner, but only if the enclosed 57915  
areas of the place of employment are not open to the public, are 57916  
in a freestanding structure occupied solely by the place of 57917  
employment, and smoke from the place of employment does not 57918  
migrate into an enclosed area where smoking is prohibited under 57919  
the provisions of this chapter. 57920

(D) Any nursing home, as defined in division (A) of section 57921

3721.10 of the Revised Code, but only to the extent necessary to 57922  
comply with division (A)(18) of section 3721.13 of the Revised 57923  
Code. If indoor smoking area is provided by a nursing home for 57924  
residents of the nursing home, the designated indoor smoking area 57925  
shall be separately enclosed and separately ventilated so that 57926  
tobacco smoke does not enter, through entrances, windows, 57927  
ventilation systems, or other means, any areas where smoking is 57928  
otherwise prohibited under this chapter. Only residents of the 57929  
nursing home may utilize the designated indoor smoking area for 57930  
smoking. A nursing home may designate specific times when the 57931  
indoor smoking area may be used for such purpose. No employee of a 57932  
nursing home shall be required to accompany a resident into a 57933  
designated indoor smoking area or perform services in such area 57934  
when being used for smoking. 57935

(E) Retail tobacco stores in operation prior to December 7, 57936  
2006. The retail tobacco store shall annually file with the 57937  
department of health by the thirty-first day of January an 57938  
affidavit stating the percentage of its gross income during the 57939  
prior calendar year that was derived from the sale of cigars, 57940  
cigarettes, pipes, or other smoking devices for smoking tobacco 57941  
and related smoking accessories. Any retail tobacco store that 57942  
begins operation after December 7, 2006, or any existing retail 57943  
tobacco store that relocates to another location after December 7, 57944  
2006, may only qualify for this exemption if located in a 57945  
freestanding structure occupied solely by the business and smoke 57946  
from the business does not migrate into an enclosed area where 57947  
smoking is prohibited under the provisions of this chapter. 57948

(F) Outdoor patios. All outdoor patios shall be physically 57949  
separated from an enclosed area. If windows or doors form any part 57950  
of the partition between an enclosed area and the outdoor patio, 57951  
the openings shall be closed to prevent the migration of smoke 57952  
into the enclosed area. If windows or doors do not prevent the 57953

migration of smoke into the enclosed area, the outdoor patio shall 57954  
be considered an extension of the enclosed area and subject to the 57955  
prohibitions of this chapter. 57956

(G) Private clubs as defined in division (B)(13) of section 57957  
4301.01 of the Revised Code, provided all of the following apply: 57958  
the club has no employees; the club is organized as a 57959  
not-for-profit entity; only members of the club are present in the 57960  
club's building; no persons under the age of eighteen are present 57961  
in the club's building; the club is located in a freestanding 57962  
structure occupied solely by the club; smoke from the club does 57963  
not migrate into an enclosed area where smoking is prohibited 57964  
under the provisions of this chapter; and, if the club serves 57965  
alcohol, it holds a valid D4 liquor permit. 57966

(H) An enclosed space in a laboratory facility at an 57967  
accredited college or university, when used solely and exclusively 57968  
for clinical research activities by a person, organization, or 57969  
other entity conducting institutional review board-approved 57970  
scientific or medical research related to the health effects of 57971  
smoking or the use of tobacco products. The enclosed space shall 57972  
not be open to the public and shall be designed to minimize 57973  
exposure of nonsmokers to smoke. The program administrator shall 57974  
annually file a notice of new research with the department of 57975  
health on a form prescribed by the department. 57976

(I) A retail vapor store, insofar as the provisions of this 57977  
chapter apply to smoking via vapor products and electronic smoking 57978  
devices. The provisions of this chapter apply to retail vapor 57979  
stores with regard to all other forms of smoking. The retail vapor 57980  
store shall annually file with the department of health by the 57981  
thirty-first day of January an affidavit stating the percentage of 57982  
its gross income during the prior calendar year that was derived 57983  
from the sale of vapor products, electronic smoking devices, or 57984  
other electronic smoking product accessories. 57985

|                                                                    |       |
|--------------------------------------------------------------------|-------|
| Sec. 3796.28. (A) Nothing in this chapter does any of the          | 57986 |
| following:                                                         | 57987 |
| (1) Requires an employer to permit or accommodate an               | 57988 |
| employee's use, possession, or distribution of medical marijuana;  | 57989 |
| (2) Prohibits an employer from refusing to hire, discharging,      | 57990 |
| disciplining, or otherwise taking an adverse employment action     | 57991 |
| against a person with respect to hire, tenure, terms, conditions,  | 57992 |
| or privileges of employment because of that person's use,          | 57993 |
| possession, or distribution of medical marijuana;                  | 57994 |
| (3) Prohibits an employer from establishing and enforcing a        | 57995 |
| drug testing policy, drug-free workplace policy, or zero-tolerance | 57996 |
| drug policy;                                                       | 57997 |
| (4) Interferes with any federal restrictions on employment,        | 57998 |
| including the regulations adopted by the United States department  | 57999 |
| of transportation in Title 49 of the Code of Federal Regulations,  | 58000 |
| as amended;                                                        | 58001 |
| (5) Permits a person to commence a cause of action against an      | 58002 |
| employer for refusing to hire, discharging, disciplining,          | 58003 |
| discriminating, retaliating, or otherwise taking an adverse        | 58004 |
| employment action against a person with respect to hire, tenure,   | 58005 |
| terms, conditions, or privileges of employment related to medical  | 58006 |
| marijuana;                                                         | 58007 |
| (6) Affects the authority of the administrator of workers'         | 58008 |
| compensation to grant rebates or discounts on premium rates to     | 58009 |
| employers that participate in a drug-free workplace program        | 58010 |
| established in accordance with rules adopted by the administrator  | 58011 |
| under Chapter 4123. of the Revised Code.                           | 58012 |
| (B) A person who is discharged from employment because of          | 58013 |
| that person's use of medical marijuana shall be considered to have | 58014 |
| been discharged for just cause for purposes of division (D) of     | 58015 |

section 4141.29 of the Revised Code if the person's use of medical marijuana was in violation of an employer's drug-free workplace policy, zero-tolerance policy, or other formal program or policy regulating the use of medical marijuana.

(C) It is not a violation of division (A), (D), or (E) of section 4112.02 of the Revised Code if an employer discharges, refuses to hire, or otherwise discriminates against a person because of that person's use of medical marijuana if the person's use of medical marijuana is in violation of the employer's drug-free workplace policy, zero-tolerance policy, or other formal program or policy regulating the use of medical marijuana.

Sec. 3796.31. Except as otherwise authorized in the Revised Code, no political subdivision shall levy any tax or fee on cultivators, processors, or dispensaries that is based on those businesses' gross receipts or that is the same as or similar to any tax or fee imposed by the state.

Sec. 3902.50. As used in sections 3902.50 to ~~3902.54~~ 3902.72 of the Revised Code:

(A) "Ambulance" has the same meaning as in section 4765.01 of the Revised Code.

(B) "Clinical laboratory services" has the same meaning as in section 4731.65 of the Revised Code.

(C) "Cost sharing" means the cost to a covered person under a health benefit plan according to any copayment, coinsurance, deductible, or other out-of-pocket expense requirement.

(D) "Covered" or "coverage" means the provision of benefits related to health care services to a covered person in accordance with a health benefit plan.

(E) "Covered person," "health benefit plan," "health care

services," and "health plan issuer" have the same meanings as in 58045  
section 3922.01 of the Revised Code. 58046

~~(E)~~(F) "Drug" has the same meaning as in section 4729.01 of 58047  
the Revised Code. 58048

(G) "Emergency facility" has the same meaning as in section 58049  
3701.74 of the Revised Code. 58050

~~(F)~~(H) "Emergency services" means all of the following as 58051  
described in 42 U.S.C. 1395dd: 58052

(1) Medical screening examinations undertaken to determine 58053  
whether an emergency medical condition exists; 58054

(2) Treatment necessary to stabilize an emergency medical 58055  
condition; 58056

(3) Appropriate transfers undertaken prior to an emergency 58057  
medical condition being stabilized. 58058

~~(G)~~(I) "Health care practitioner" has the same meaning as in 58059  
section 3701.74 of the Revised Code. 58060

(J) "Pharmacy benefit manager" has the same meaning as in 58061  
section 3959.01 of the Revised Code. 58062

(K) "Prior authorization requirement" means any practice 58063  
implemented by a health plan issuer in which coverage of a health 58064  
care service, device, or drug is dependent upon a covered person 58065  
or a provider obtaining approval from the health plan issuer prior 58066  
to the service, device, or drug being performed, received, or 58067  
prescribed, as applicable. "Prior authorization requirement" 58068  
includes prospective or utilization review procedures conducted 58069  
prior to providing a health care service, device, or drug. 58070

(L) "Unanticipated out-of-network care" means health care 58071  
services, including clinical laboratory services, that are covered 58072  
under a health benefit plan and that are provided by an 58073  
out-of-network provider when either of the following conditions 58074

|                                                                                                                                                                                                                                                                               |                                           |
|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-------------------------------------------|
| applies:                                                                                                                                                                                                                                                                      | 58075                                     |
| (1) The covered person did not have the ability to request such services from an in-network provider.                                                                                                                                                                         | 58076<br>58077                            |
| (2) The services provided were emergency services.                                                                                                                                                                                                                            | 58078                                     |
| <b>Sec. 3902.60.</b> As used in sections 3902.60 and 3902.61 of the Revised Code:                                                                                                                                                                                             | 58079<br>58080                            |
| (A) "Associated conditions" means the symptoms or side effects of stage four advanced metastatic cancer, or the treatment thereof, which would, in the judgment of the health care practitioner in question, jeopardize the health of a covered individual if left untreated. | 58081<br>58082<br>58083<br>58084<br>58085 |
| (B) <del>"Covered person," "health benefit plan," and "health plan issuer" have the same meanings as in section 3922.01 of the Revised Code.</del>                                                                                                                            | 58086<br>58087<br>58088                   |
| <del>(C) "Stage four advanced metastatic cancer" means a cancer that has spread from the primary or original site of the cancer to nearby tissues, lymph nodes, or other areas or parts of the body.</del>                                                                    | 58089<br>58090<br>58091                   |
| <b>Sec. 3902.70.</b> As used in this section and section 3902.71 of the Revised Code:                                                                                                                                                                                         | 58092<br>58093                            |
| (A) "340B covered entity" and "third-party administrator" have the same meanings as in section 5167.01 of the Revised Code.                                                                                                                                                   | 58094<br>58095                            |
| (B) <del>"Health plan issuer" has the same meaning as in section 3922.01 of the Revised Code.</del>                                                                                                                                                                           | 58096<br>58097                            |
| <del>(C) "Terminal distributor of dangerous drugs" has the same meaning as in section 4729.01 of the Revised Code.</del>                                                                                                                                                      | 58098<br>58099                            |
| <b>Sec. 3902.72.</b> (A) <u>As used in this section, "health care provider" has the same meaning as in section 3701.74 of the Revised Code.</u>                                                                                                                               | 58100<br>58101<br>58102                   |

(B) A health plan issuer, including a pharmacy benefit manager, shall, upon request of a covered person, the covered person's health care provider, or the third-party representative, furnish the following data for any and all drugs covered under a related health benefit plan: 58103  
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58105  
58106  
58107

(1) The covered person's eligibility information for any and all covered drugs; 58108  
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(2) Cost-sharing information for any and all covered drugs, including a description of any variance in cost-sharing based on pharmacy, whether retail or mail order, or health care provider dispensing or administering the drugs; 58110  
58111  
58112  
58113

(3) Any applicable utilization management requirements for any and all covered drugs, including prior authorization requirements, step therapy, quantity limits, and site-of-service restrictions. 58114  
58115  
58116  
58117

(C) A health plan issuer, including a pharmacy benefit manager, providing the data required under division (B) of this section shall ensure that the data meets all of the following: 58118  
58119  
58120

(1) It is current not later than one business day after any change is made. 58121  
58122

(2) It is provided in real time. 58123

(3) It is provided in the same format that the request is made by the covered person, the covered person's health care provider, or the third-party representative. 58124  
58125  
58126

(D) The format in which a health plan issuer, including a pharmacy benefit manager, replies to a request made under division (B) of this section shall use established industry content and transport standards published by either of the following: 58127  
58128  
58129  
58130

(1) A standards developing organization accredited by the American national standards institute, including the national 58131  
58132

council for prescription drug programs, ASC X12, health level 7; 58133

(2) A relevant federal or state governing body, including the 58134  
centers for medicare and medicaid services or the office of the 58135  
national coordinator for health information technology. 58136

(E) A health plan issuer, including a pharmacy benefit 58137  
manager, shall furnish the data required under division (B) of 58138  
this section regardless of whether the request is made using the 58139  
drug's unique billing code, such as a national drug code or health 58140  
care common procedure coding system code, or a descriptive term, 58141  
such as the brand or generic name of the drug. 58142

(F) A health plan issuer, including a pharmacy benefit 58143  
manager, shall not deny or delay a request as a method of blocking 58144  
the data required under division (B) of this section from being 58145  
shared based on how the drug was requested. 58146

(G) A health plan issuer, including a pharmacy benefit 58147  
manager, furnishing the data required under division (B) of this 58148  
section shall not do any of the following: 58149

(1) Restrict, prohibit, or otherwise hinder, in any way, a 58150  
health care provider from communicating or sharing any of the 58151  
following: 58152

(a) Any of the data required under division (B) of this 58153  
section; 58154

(b) Additional information on any lower-cost or clinically 58155  
appropriate alternatives, whether or not they are covered under 58156  
the covered person's health benefit plan; 58157

(c) Additional payment or cost-sharing information that may 58158  
reduce the covered person's out-of-pocket costs, such as cash 58159  
price or patient assistance and support programs whether sponsored 58160  
by a manufacturer, foundation, or other entity. 58161

(2) Except as may be required by law, interfere with, 58162

prevent, or materially discourage access, exchange, or use of the 58163  
data required under division (B) of this section, including any of 58164  
the following: 58165

(a) Charging fees; 58166

(b) Not responding to a request at the time the request is 58167  
made, if such a response is reasonably possible; 58168

(c) Implementing technology in nonstandard ways; 58169

(d) Instituting covered person consent requirements, 58170  
processes, policies, procedures, or renewals that are likely to 58171  
substantially increase the complexity or burden of accessing, 58172  
exchanging, or using such data. 58173

(3) Penalize a health care provider for disclosing such data 58174  
to a covered person or for prescribing, administering, or ordering 58175  
a clinically appropriate or lower-cost alternative. 58176

(H)(1) A health plan issuer, including a pharmacy benefit 58177  
manager, shall treat a personal representative of a covered person 58178  
as the covered person for purposes of this section. 58179

(2) If under applicable law a person has authority to act on 58180  
behalf of a covered person in making decisions related to health 58181  
care, a health plan issuer, including a pharmacy benefit manager, 58182  
or its affiliates or entities acting on its behalf, shall treat 58183  
such person as a personal representative under this section. 58184

(I) Divisions (A) to (H) of this section take effect January 58185  
1, 2022. 58186

**Sec. 3905.04.** (A) Except as otherwise provided in this 58187  
section or in section 3905.041 of the Revised Code, a resident 58188  
individual applying for an insurance agent license for any of the 58189  
lines of authority described in division (B) of this section shall 58190  
take and pass a written examination prior to application for 58191  
licensure. The examination shall test the knowledge of the 58192

individual with respect to the lines of authority for which 58193  
application will be made, the duties and responsibilities of an 58194  
insurance agent, and the insurance laws of this state. Before 58195  
admission to the examination, each individual shall pay the 58196  
nonrefundable examination fee. 58197

(B) The examination described in division (A) of this section 58198  
shall be required for the following lines of authority: 58199

(1) Any of the lines of authority set forth in divisions 58200  
(B)(1) to (5) of section 3905.06 of the Revised Code; 58201

(2) Title insurance; 58202

(3) Surety bail bonds as provided in sections 3905.83 to 58203  
3905.95 of the Revised Code; 58204

(4) Any other line of authority designated by the 58205  
superintendent of insurance. 58206

(C)(1) An individual shall not be permitted to take the 58207  
examination described in division (A) of this section unless one 58208  
of the following applies: 58209

~~(1)~~(a) The individual has earned a bachelor's or associate's 58210  
degree in insurance from an accredited institution. 58211

~~(2)~~(b) The individual has earned a professional designation 58212  
approved by the superintendent. 58213

~~(3)~~(c) The individual has completed, for each line of 58214  
authority for which the individual has applied, twenty hours of 58215  
study in a program of insurance education approved by the 58216  
superintendent, under criteria established by the superintendent, 58217  
which may include the option for all of the following types of 58218  
courses and programs or combination thereof: 58219

(i) Classroom; 58220

(ii) Online; 58221

|                                                                                                                                                                                                                                                                                                                                                                                                                                                                              |                                                             |
|------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-------------------------------------------------------------|
| <u>(iii) Self-study.</u>                                                                                                                                                                                                                                                                                                                                                                                                                                                     | 58222                                                       |
| <u>(2) Division (C) of this section does not apply with respect to title insurance or any other line of authority designated by the superintendent.</u>                                                                                                                                                                                                                                                                                                                      | 58223<br>58224<br>58225                                     |
| (D) An individual who fails to appear for an examination as scheduled, or fails to pass an examination, may reapply for the examination if the individual pays the required fee and submits any necessary forms prior to being rescheduled for the examination.                                                                                                                                                                                                              | 58226<br>58227<br>58228<br>58229<br>58230                   |
| (E)(1) The superintendent may, in accordance with Chapter 119. of the Revised Code, adopt any rule necessary for the implementation of this section.                                                                                                                                                                                                                                                                                                                         | 58231<br>58232<br>58233                                     |
| (2) The superintendent may make any necessary arrangements, including contracting with an outside testing service, for the administration of the examinations and the collection of the fees required by this section.                                                                                                                                                                                                                                                       | 58234<br>58235<br>58236<br>58237                            |
| <b>Sec. 3929.87.</b> Within ninety days of the occurrence of a fire loss in excess of five thousand dollars to real or personal property, the <u>state</u> fire marshal or any other person authorized to make an investigation pursuant to section 3737.24 of the Revised Code shall determine, <u>to the extent practicable and in a manner consistent with accepted standards of investigation,</u> whether such loss was caused by arson.                                | 58238<br>58239<br>58240<br>58241<br>58242<br>58243<br>58244 |
| <b>Sec. 3953.331.</b> (A) <u>For a title insurance company that is a joint venture, the annual review required under section 3953.33 of the Revised Code shall assess whether or not all members of the joint venture received revenue during the year in question from the title company commensurate to their ownership interest in the title company. The superintendent of insurance shall promulgate rules under Chapter 119. of the Revised Code setting forth the</u> | 58245<br>58246<br>58247<br>58248<br>58249<br>58250<br>58251 |

standards of the review required under this section and the form 58252  
in which this information is to be provided. 58253

(B) Title insurance companies that are joint ventures shall 58254  
maintain sufficient records of their affairs, including their 58255  
escrow operations, escrow trust accounts, and operating accounts 58256  
so that the superintendent may adequately ensure that the title 58257  
insurance company that is a joint venture and all members of the 58258  
joint venture are in compliance with the requirements of this 58259  
section. Records kept pursuant to this section shall be kept for a 58260  
period of not less than ten years following the transactions to 58261  
which the records relate. The superintendent may prescribe the 58262  
specific records and documents to be kept. 58263

Sec. 3953.36. For a title company that is a joint venture 58264  
that is set to dissolve or terminate on a specified date, all 58265  
members of that joint venture shall be allowed or invited to join 58266  
any successor joint ventures formed upon dissolution or 58267  
termination of the original joint venture. 58268

Sec. 4104.32. Except as provided pursuant to section 4104.37 58269  
of the Revised Code, no person shall operate a historical boiler 58270  
in this state in a place that is open to the public unless the 58271  
both of the following requirements are satisfied: 58272

(A) The person operating the boiler is licensed under section 58273  
4104.35 of the Revised Code. 58274

(B) The owner of the boiler holds a current valid certificate 58275  
of operation for the historical boiler pursuant to section 4104.36 58276  
of the Revised Code. 58277

Sec. 4104.33. There is hereby created the historical boilers 58278  
licensing board consisting of seven members, three of whom shall 58279  
be appointed by the governor with the advice and consent of the 58280

senate. The governor shall make initial appointments to the board 58281  
within ninety days after the effective date of this section. Of 58282  
the initial members appointed by the governor, one shall be for a 58283  
term ending three years after the effective date of this section, 58284  
one shall be for a term ending four years after the effective date 58285  
of this section, and one shall be for a term ending five years 58286  
after the effective date of this section. Thereafter, terms of 58287  
office shall be for five years, each term ending on the same day 58288  
of the same month of the year as did the term that it succeeds. Of 58289  
the three members the governor appoints, one member shall be an 58290  
employee of the division of boiler inspection in the department of 58291  
commerce; one member shall be an independent mechanical engineer 58292  
who is not involved in selling or inspecting historical boilers; 58293  
and one shall be an active member of an association that 58294  
represents managers of fairs or festivals. 58295

Two members of the board shall be appointed by the president 58296  
of the senate and two members of the board shall be appointed by 58297  
the speaker of the house of representatives. The president and 58298  
speaker shall make initial appointments to the board within ninety 58299  
days after the effective date of this section. Of the initial 58300  
members appointed by the president, one shall be for a term ending 58301  
four years after the effective date of this section and one shall 58302  
be for a term ending five years after the effective date of this 58303  
section. Of the initial members appointed by the speaker, one 58304  
shall be for a term ending three years after the effective date of 58305  
this section and one shall be for a term ending five years after 58306  
the effective date of this section. Thereafter, terms of office 58307  
shall be for five years, each term ending on the same day of the 58308  
same month of the year as did the term that it succeeds. Of the 58309  
four members appointed by the president and speaker, each shall 58310  
own a historical boiler and also have at least ten years of 58311  
experience in the operation of historical boilers, and each of 58312  
these four members shall reside in a different region of the 58313

state. 58314

Each member shall hold office from the date of the member's 58315  
appointment until the end of the term for which the member was 58316  
appointed. Members may be reappointed. Vacancies shall be filled 58317  
by the director of commerce, and shall not require the advice and 58318  
consent of the senate. Any member appointed to fill a vacancy 58319  
occurring prior to the expiration date of the term for which the 58320  
member's predecessor was appointed shall hold office as a member 58321  
for the remainder of that term. A member shall continue in office 58322  
subsequent to the expiration date of the member's term until the 58323  
successor takes office or until a period of sixty days has 58324  
elapsed, whichever occurs first. 58325

The members of the board, annually, shall elect, by majority 58326  
vote, a chairperson from among their members. The board shall meet 58327  
at least once annually and at other times at the call of the 58328  
chairperson. Board members shall receive their actual and 58329  
necessary expenses incurred in the discharge of their duties as 58330  
board members. The superintendent of industrial compliance shall 58331  
call the first meeting of the board, and the superintendent, or 58332  
the superintendent's designee, shall act as an ex officio 58333  
chairperson at the first meeting for the sole purpose of electing 58334  
a chairperson. 58335

The superintendent of industrial compliance shall furnish 58336  
office space, staff, and supplies to the board as the 58337  
superintendent determines are necessary for the board to carry out 58338  
its official duties under sections 4104.33 to 4104.37 of the 58339  
Revised Code. 58340

**Sec. 4104.34.** ~~The division of industrial compliance in the~~ 58341  
~~department of commerce~~ historical boilers licensing board shall do 58342  
all of the following: 58343

(A) Adopt rules concerning all of the following: 58344

|                                                                                                                                                                                                                                                      |                                  |
|------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|----------------------------------|
| (1) Criteria that inspectors of historical boilers shall utilize in determining the safe operation of historical boilers;                                                                                                                            | 58345<br>58346                   |
| (2) Procedures for the inspection of historical boilers;                                                                                                                                                                                             | 58347                            |
| (3) The standards for riveted or welded repairs or alterations made to historical boilers;                                                                                                                                                           | 58348<br>58349                   |
| (4) <u>Standards and procedures for the revocation of a historical boiler operator's license, which shall include an opportunity for appeal and hearing in accordance with Chapter 119. of the Revised Code;</u>                                     | 58350<br>58351<br>58352<br>58353 |
| (5) <u>Standards for regualifying for a license after revocation of a license;</u>                                                                                                                                                                   | 58354<br>58355                   |
| (6) Standards and procedures for conducting hydrostatic tests, and requirements for reporting the results of those tests to the <del>division</del> <u>board</u> , as required under division (F) of section 4104.36 of the Revised Code;            | 58356<br>58357<br>58358<br>58359 |
| <del>(5)</del> (7) Standards for the public display and operation of historical boilers in this state by historical boiler operators who reside outside of this state.                                                                               | 58360<br>58361<br>58362          |
| (B) Issue triennial certificates of operation for historical boilers that pass the inspection required under section 4104.36 of the Revised Code;                                                                                                    | 58363<br>58364<br>58365          |
| (C) Conduct hearings in accordance with Chapter 119. of the Revised Code for any person who appeals a decision made by an inspector regarding whether the person should be denied a certificate of operation for the person's historical boiler;     | 58366<br>58367<br>58368<br>58369 |
| (D) Establish a fee for the inspection of historical boilers conducted pursuant to division (B) of section 4104.36 of the Revised Code in an amount sufficient to reimburse the department of commerce for the cost of conducting those inspections; | 58370<br>58371<br>58372<br>58373 |
| (E) <u>Reimburse the department of commerce for the cost of</u>                                                                                                                                                                                      | 58374                            |

|                                                                                |       |
|--------------------------------------------------------------------------------|-------|
| <u>inspections performed by the division of boiler inspection</u>              | 58375 |
| <u>pursuant to section 4104.36 of the Revised Code;</u>                        | 58376 |
| <u>(F) Issue licenses to operate historical boilers in public to</u>           | 58377 |
| <u>persons who meet the requirements of section 4104.35 of the</u>             | 58378 |
| <u>Revised Code;</u>                                                           | 58379 |
| <u>(G) Grant approval of historical boiler operator's courses as</u>           | 58380 |
| <u>the board determines appropriate;</u>                                       | 58381 |
| <u>(H) Grant approval of written or verbal examinations that are</u>           | 58382 |
| <u>developed to test competence in operating historical boilers;</u>           | 58383 |
| <u>(I) For purposes of section 4104.37 of the Revised Code,</u>                | 58384 |
| determine the smallest size of historical boilers that are subject             | 58385 |
| to sections 4104.32 to 4104.36 of the Revised Code;                            | 58386 |
| <del>(F)</del> <u>(J) For purposes of inspection criteria adopted by the</u>   | 58387 |
| <del>division board</del> pursuant to division (A)(1) of this section,         | 58388 |
| establish the criteria based upon the manufacturing standards for              | 58389 |
| safe operation that are established by the various manufacturers               | 58390 |
| of historical boilers;                                                         | 58391 |
| <del>(G)</del> <u>(K) Appoint safety committees to conduct the hydrostatic</u> | 58392 |
| tests required under division (F) of section 4104.36 of the                    | 58393 |
| Revised Code;                                                                  | 58394 |
| <del>(H)</del> <u>(L) Establish requirements for the minimum amount of</u>     | 58395 |
| liability insurance that an owner of historical boilers shall                  | 58396 |
| carry on each historical boiler operated in public that the owner              | 58397 |
| owns, if the <del>division board</del> determines that a minimum amount        | 58398 |
| should be established.                                                         | 58399 |
| <b><u>Sec. 4104.35. (A) Any person may apply to the historical</u></b>         | 58400 |
| <b><u>boiler licensing board to become licensed to operate historical</u></b>  | 58401 |
| <b><u>boilers in public. The board shall issue a license to any person</u></b> | 58402 |
| <b><u>who satisfies the following criteria:</u></b>                            | 58403 |
| <u>(1) Is sixteen years of age or older;</u>                                   | 58404 |

|                                                                           |       |
|---------------------------------------------------------------------------|-------|
| <u>(2) Has completed a historical boiler operator's course that</u>       | 58405 |
| <u>is approved by the board;</u>                                          | 58406 |
| <u>(3) Passes a written or verbal examination that is approved</u>        | 58407 |
| <u>by the board and that tests for competence in operating historical</u> | 58408 |
| <u>boilers;</u>                                                           | 58409 |
| <u>(4) Has at least one hundred hours of actual operating</u>             | 58410 |
| <u>experience or training in the operation of historical boilers.</u>     | 58411 |
| <u>(B) A person who satisfies the criteria described in division</u>      | 58412 |
| <u>(A) of this section shall pay a one-time fee of fifty dollars for</u>  | 58413 |
| <u>the issuance of a license under this section.</u>                      | 58414 |
| <u>(C) A license issued under this section is valid for the</u>           | 58415 |
| <u>lifetime of the operator unless the license is revoked by the</u>      | 58416 |
| <u>board pursuant to division (E) of this section.</u>                    | 58417 |
| <u>(D) Persons who are under the age of sixteen may be trained</u>        | 58418 |
| <u>in the operation of historical boilers by serving as apprentices</u>   | 58419 |
| <u>to operators who are licensed under this section, in order to</u>      | 58420 |
| <u>obtain the training required under division (A)(4) of this section</u> | 58421 |
| <u>for licensure.</u>                                                     | 58422 |
| <u>(E) The board shall revoke a license issued under this</u>             | 58423 |
| <u>section in accordance with rules the board adopts under division</u>   | 58424 |
| <u>(A)(4) of section 4104.34 of the Revised Code. A person whose</u>      | 58425 |
| <u>license is revoked may requalify for licensure if the person</u>       | 58426 |
| <u>satisfies the criteria the board establishes in rules it adopts</u>    | 58427 |
| <u>pursuant to division (A)(5) of section 4104.34 of the Revised</u>      | 58428 |
| <u>Code.</u>                                                              | 58429 |
| <b>Sec. 4104.36.</b> (A) The owner of a historical boiler that is         | 58430 |
| operated in public shall maintain a current valid certificate of          | 58431 |
| operation for the historical boiler in accordance with the                | 58432 |
| requirements of this section.                                             | 58433 |
| (B) At least once every three years, inspectors designated by             | 58434 |

the ~~superintendent of industrial compliance~~ chief of the division 58435  
of boiler inspection in the department of commerce shall inspect 58436  
thoroughly, internally and externally, and under operating 58437  
conditions, all historical boilers that are operated in public and 58438  
their appurtenances. Inspectors shall examine the smoke box, 58439  
barrel, wrapped sheet, dome, water column and water glass, 58440  
firebox, external plumbing, fusible plug, pressure relief valve, 58441  
and pressure gauge. 58442

(C) After conducting the inspection required under division 58443  
(B) of this section, the inspector shall evaluate whether the 58444  
historical boiler is in safe operating condition according to 58445  
rules adopted by the ~~division of industrial compliance~~ historical 58446  
boiler licensing board pursuant to division (A)(1) of section 58447  
4104.34 of the Revised Code. If the inspector finds that the 58448  
historical boiler is in safe operating condition, the inspector 58449  
shall recommend that the ~~division~~ board issue a certificate of 58450  
operation for the historical boiler. If the ~~division~~ board concurs 58451  
with the recommendation of the inspector, the ~~division~~ board shall 58452  
issue a certificate of operation for the historical boiler 58453  
inspected by that inspector. A certificate of operation is valid 58454  
for a period of three years after the date of issuance. 58455

(D) If an inspector does not recommend the issuance of a 58456  
certificate of operation for the historical boiler or if the 58457  
~~division~~ board decides not to issue a certificate of operation, 58458  
the owner of the historical boiler may file an appeal with the 58459  
~~division~~ board, and the ~~division~~ board shall conduct a hearing in 58460  
accordance with Chapter 119. of the Revised Code. 58461

(E) The owner of a historical boiler that is operated in 58462  
public shall display the certificate of operation in a prominent 58463  
place on the historical boiler during its operation. 58464

(F) At least once every three years, a safety committee 58465  
appointed by the ~~division~~ board pursuant to division ~~(G)~~ (K) of 58466

section 4104.34 of the Revised Code shall conduct a hydrostatic 58467  
test at one and one-quarter of the maximum allowable working 58468  
pressure on all publicly operated historical boilers that are 58469  
assigned by the ~~division~~ board for testing by that safety 58470  
committee. The safety committee shall submit the results of each 58471  
hydrostatic test to the ~~division~~ board in accordance with rules 58472  
adopted by the ~~division~~ board pursuant to division ~~(A)(4)~~ (A)(6) 58473  
of section 4104.34 of the Revised Code. 58474

**Sec. 4104.37.** Sections 4104.32 to 4104.36 of the Revised Code 58475  
do not apply to historical boilers that are smaller than the size 58476  
determined by the ~~division of industrial compliance~~ historical 58477  
boilers licensing board pursuant to division ~~(E)~~ (I) of section 58478  
4104.34 of the Revised Code. 58479

**Sec. 4117.103.** Notwithstanding any provision of section 58480  
4117.08 or 4117.10 of the Revised Code to the contrary, no 58481  
agreement entered into under this chapter on or after September 58482  
29, 2005, shall prohibit a school district board of education from 58483  
utilizing volunteers to assist the district and its schools in 58484  
performing any of their functions, other than functions for which 58485  
a license, permit, ~~or~~ certificate, or registration issued by the 58486  
state board of education under section 3301.074 or Chapter 3319. 58487  
of the Revised Code or a certificate issued under division (A) or 58488  
(B) of section 3327.10 of the Revised Code is required. 58489

**Sec. 4141.01.** As used in this chapter, unless the context 58490  
otherwise requires: 58491

(A)(1) "Employer" means the state, its instrumentalities, its 58492  
political subdivisions and their instrumentalities, Indian tribes, 58493  
and any individual or type of organization including any 58494  
partnership, limited liability company, association, trust, 58495  
estate, joint-stock company, insurance company, or corporation, 58496

whether domestic or foreign, or the receiver, trustee in 58497  
bankruptcy, trustee, or the successor thereof, or the legal 58498  
representative of a deceased person who subsequent to December 31, 58499  
1971, or in the case of political subdivisions or their 58500  
instrumentalities, subsequent to December 31, 1973: 58501

(a) Had in employment at least one individual, or in the case 58502  
of a nonprofit organization, subsequent to December 31, 1973, had 58503  
not less than four individuals in employment for some portion of a 58504  
day in each of twenty different calendar weeks, in either the 58505  
current or the preceding calendar year whether or not the same 58506  
individual was in employment in each such day; or 58507

(b) Except for a nonprofit organization, had paid for service 58508  
in employment wages of fifteen hundred dollars or more in any 58509  
calendar quarter in either the current or preceding calendar year; 58510  
or 58511

(c) Had paid, subsequent to December 31, 1977, for employment 58512  
in domestic service in a local college club, or local chapter of a 58513  
college fraternity or sorority, cash remuneration of one thousand 58514  
dollars or more in any calendar quarter in the current calendar 58515  
year or the preceding calendar year, or had paid subsequent to 58516  
December 31, 1977, for employment in domestic service in a private 58517  
home cash remuneration of one thousand dollars in any calendar 58518  
quarter in the current calendar year or the preceding calendar 58519  
year: 58520

(i) For the purposes of divisions (A)(1)(a) and (b) of this 58521  
section, there shall not be taken into account any wages paid to, 58522  
or employment of, an individual performing domestic service as 58523  
described in this division. 58524

(ii) An employer under this division shall not be an employer 58525  
with respect to wages paid for any services other than domestic 58526  
service unless the employer is also found to be an employer under 58527

division (A)(1)(a), (b), or (d) of this section. 58528

(d) As a farm operator or a crew leader subsequent to 58529  
December 31, 1977, had in employment individuals in agricultural 58530  
labor; and 58531

(i) During any calendar quarter in the current calendar year 58532  
or the preceding calendar year, paid cash remuneration of twenty 58533  
thousand dollars or more for the agricultural labor; or 58534

(ii) Had at least ten individuals in employment in 58535  
agricultural labor, not including agricultural workers who are 58536  
aliens admitted to the United States to perform agricultural labor 58537  
pursuant to sections 1184(c) and 1101(a)(15)(H) of the 58538  
"Immigration and Nationality Act," 66 Stat. 163, 189, 8 U.S.C.A. 58539  
1101(a)(15)(H)(ii)(a), 1184(c), for some portion of a day in each 58540  
of the twenty different calendar weeks, in either the current or 58541  
preceding calendar year whether or not the same individual was in 58542  
employment in each day; or 58543

(e) Is not otherwise an employer as defined under division 58544  
(A)(1)(a) or (b) of this section; and 58545

(i) For which, within either the current or preceding 58546  
calendar year, service, except for domestic service in a private 58547  
home not covered under division (A)(1)(c) of this section, is or 58548  
was performed with respect to which such employer is liable for 58549  
any federal tax against which credit may be taken for 58550  
contributions required to be paid into a state unemployment fund; 58551

(ii) Which, as a condition for approval of this chapter for 58552  
full tax credit against the tax imposed by the "Federal 58553  
Unemployment Tax Act," 84 Stat. 713, 26 U.S.C.A. 3301 to 3311, is 58554  
required, pursuant to such act to be an employer under this 58555  
chapter; or 58556

(iii) Who became an employer by election under division 58557  
(A)(4) or (5) of this section and for the duration of such 58558

election; or 58559

(f) In the case of the state, its instrumentalities, its 58560  
political subdivisions, and their instrumentalities, and Indian 58561  
tribes, had in employment, as defined in divisions (B)(2)(a) and 58562  
(B)(2)(1) of this section, at least one individual; 58563

(g) For the purposes of division (A)(1)(a) of this section, 58564  
if any week includes both the thirty-first day of December and the 58565  
first day of January, the days of that week before the first day 58566  
of January shall be considered one calendar week and the days 58567  
beginning the first day of January another week. 58568

(2) Each individual employed to perform or to assist in 58569  
performing the work of any agent or employee of an employer is 58570  
employed by such employer for all the purposes of this chapter, 58571  
whether such individual was hired or paid directly by such 58572  
employer or by such agent or employee, provided the employer had 58573  
actual or constructive knowledge of the work. All individuals 58574  
performing services for an employer of any person in this state 58575  
who maintains two or more establishments within this state are 58576  
employed by a single employer for the purposes of this chapter. 58577

(3) An employer subject to this chapter within any calendar 58578  
year is subject to this chapter during the whole of such year and 58579  
during the next succeeding calendar year. 58580

(4) An employer not otherwise subject to this chapter who 58581  
files with the director of job and family services a written 58582  
election to become an employer subject to this chapter for not 58583  
less than two calendar years shall, with the written approval of 58584  
such election by the director, become an employer subject to this 58585  
chapter to the same extent as all other employers as of the date 58586  
stated in such approval, and shall cease to be subject to this 58587  
chapter as of the first day of January of any calendar year 58588  
subsequent to such two calendar years only if at least thirty days 58589

prior to such first day of January the employer has filed with the 58590  
director a written notice to that effect. 58591

(5) Any employer for whom services that do not constitute 58592  
employment are performed may file with the director a written 58593  
election that all such services performed by individuals in the 58594  
employer's employ in one or more distinct establishments or places 58595  
of business shall be deemed to constitute employment for all the 58596  
purposes of this chapter, for not less than two calendar years. 58597  
Upon written approval of the election by the director, such 58598  
services shall be deemed to constitute employment subject to this 58599  
chapter from and after the date stated in such approval. Such 58600  
services shall cease to be employment subject to this chapter as 58601  
of the first day of January of any calendar year subsequent to 58602  
such two calendar years only if at least thirty days prior to such 58603  
first day of January such employer has filed with the director a 58604  
written notice to that effect. 58605

(6) "Employer" does not include a franchisor with respect to 58606  
the franchisor's relationship with a franchisee or an employee of 58607  
a franchisee, unless the franchisor agrees to assume that role in 58608  
writing or a court of competent jurisdiction determines that the 58609  
franchisor exercises a type or degree of control over the 58610  
franchisee or the franchisee's employees that is not customarily 58611  
exercised by a franchisor for the purpose of protecting the 58612  
franchisor's trademark, brand, or both. For purposes of this 58613  
division, "franchisor" and "franchisee" have the same meanings as 58614  
in 16 C.F.R. 436.1. 58615

(B)(1) "Employment" means service performed by an individual 58616  
for remuneration under any contract of hire, written or oral, 58617  
express or implied, including service performed in interstate 58618  
commerce and service performed by an officer of a corporation, 58619  
without regard to whether such service is executive, managerial, 58620  
or manual in nature, and without regard to whether such officer is 58621

a stockholder or a member of the board of directors of the 58622  
corporation, unless it is shown to the satisfaction of the 58623  
director that such individual has been and will continue to be 58624  
free from direction or control over the performance of such 58625  
service, both under a contract of service and in fact. The 58626  
director shall adopt rules to define "direction or control." 58627

(2) "Employment" includes: 58628

(a) Service performed after December 31, 1977, by an 58629  
individual in the employ of the state or any of its 58630  
instrumentalities, or any political subdivision thereof or any of 58631  
its instrumentalities or any instrumentality of more than one of 58632  
the foregoing or any instrumentality of any of the foregoing and 58633  
one or more other states or political subdivisions and without 58634  
regard to divisions (A)(1)(a) and (b) of this section, provided 58635  
that such service is excluded from employment as defined in the 58636  
"Federal Unemployment Tax Act," 53 Stat. 183, 26 U.S.C.A. 3301, 58637  
3306(c)(7) and is not excluded under division (B)(3) of this 58638  
section; or the services of employees covered by voluntary 58639  
election, as provided under divisions (A)(4) and (5) of this 58640  
section; 58641

(b) Service performed after December 31, 1971, by an 58642  
individual in the employ of a religious, charitable, educational, 58643  
or other organization which is excluded from the term "employment" 58644  
as defined in the "Federal Unemployment Tax Act," 84 Stat. 713, 26 58645  
U.S.C.A. 3301 to 3311, solely by reason of section 26 U.S.C.A. 58646  
3306(c)(8) of that act and is not excluded under division (B)(3) 58647  
of this section; 58648

(c) Domestic service performed after December 31, 1977, for 58649  
an employer, as provided in division (A)(1)(c) of this section; 58650

(d) Agricultural labor performed after December 31, 1977, for 58651  
a farm operator or a crew leader, as provided in division 58652

(A)(1)(d) of this section; 58653

(e) Subject to division (B)(2)(m) of this section, service 58654  
not covered under division (B)(1) of this section which is 58655  
performed after December 31, 1971: 58656

(i) As an agent-driver or commission-driver engaged in 58657  
distributing meat products, vegetable products, fruit products, 58658  
bakery products, beverages other than milk, laundry, or 58659  
dry-cleaning services, for the individual's employer or principal; 58660

(ii) As a traveling or city salesperson, other than as an 58661  
agent-driver or commission-driver, engaged on a full-time basis in 58662  
the solicitation on behalf of and in the transmission to the 58663  
salesperson's employer or principal except for sideline sales 58664  
activities on behalf of some other person of orders from 58665  
wholesalers, retailers, contractors, or operators of hotels, 58666  
restaurants, or other similar establishments for merchandise for 58667  
resale, or supplies for use in their business operations, provided 58668  
that for the purposes of division (B)(2)(e)(ii) of this section, 58669  
the services shall be deemed employment if the contract of service 58670  
contemplates that substantially all of the services are to be 58671  
performed personally by the individual and that the individual 58672  
does not have a substantial investment in facilities used in 58673  
connection with the performance of the services other than in 58674  
facilities for transportation, and the services are not in the 58675  
nature of a single transaction that is not a part of a continuing 58676  
relationship with the person for whom the services are performed. 58677

(f) An individual's entire service performed within or both 58678  
within and without the state if: 58679

(i) The service is localized in this state. 58680

(ii) The service is not localized in any state, but some of 58681  
the service is performed in this state and either the base of 58682  
operations, or if there is no base of operations then the place 58683

from which such service is directed or controlled, is in this 58684  
state or the base of operations or place from which such service 58685  
is directed or controlled is not in any state in which some part 58686  
of the service is performed but the individual's residence is in 58687  
this state. 58688

(g) Service not covered under division (B)(2)(f)(ii) of this 58689  
section and performed entirely without this state, with respect to 58690  
no part of which contributions are required and paid under an 58691  
unemployment compensation law of any other state, the Virgin 58692  
Islands, Canada, or of the United States, if the individual 58693  
performing such service is a resident of this state and the 58694  
director approves the election of the employer for whom such 58695  
services are performed; or, if the individual is not a resident of 58696  
this state but the place from which the service is directed or 58697  
controlled is in this state, the entire services of such 58698  
individual shall be deemed to be employment subject to this 58699  
chapter, provided service is deemed to be localized within this 58700  
state if the service is performed entirely within this state or if 58701  
the service is performed both within and without this state but 58702  
the service performed without this state is incidental to the 58703  
individual's service within the state, for example, is temporary 58704  
or transitory in nature or consists of isolated transactions; 58705

(h) Service of an individual who is a citizen of the United 58706  
States, performed outside the United States except in Canada after 58707  
December 31, 1971, or the Virgin Islands, after December 31, 1971, 58708  
and before the first day of January of the year following that in 58709  
which the United States secretary of labor approves the Virgin 58710  
Islands law for the first time, in the employ of an American 58711  
employer, other than service which is "employment" under divisions 58712  
(B)(2)(f) and (g) of this section or similar provisions of another 58713  
state's law, if: 58714

(i) The employer's principal place of business in the United 58715

States is located in this state; 58716

(ii) The employer has no place of business in the United 58717  
States, but the employer is an individual who is a resident of 58718  
this state; or the employer is a corporation which is organized 58719  
under the laws of this state, or the employer is a partnership or 58720  
a trust and the number of partners or trustees who are residents 58721  
of this state is greater than the number who are residents of any 58722  
other state; or 58723

(iii) None of the criteria of divisions (B)(2)(f)(i) and (ii) 58724  
of this section is met but the employer has elected coverage in 58725  
this state or the employer having failed to elect coverage in any 58726  
state, the individual has filed a claim for benefits, based on 58727  
such service, under this chapter. 58728

(i) For the purposes of division (B)(2)(h) of this section, 58729  
the term "American employer" means an employer who is an 58730  
individual who is a resident of the United States; or a 58731  
partnership, if two-thirds or more of the partners are residents 58732  
of the United States; or a trust, if all of the trustees are 58733  
residents of the United States; or a corporation organized under 58734  
the laws of the United States or of any state, provided the term 58735  
"United States" includes the states, the District of Columbia, the 58736  
Commonwealth of Puerto Rico, and the Virgin Islands. 58737

(j) Notwithstanding any other provisions of divisions (B)(1) 58738  
and (2) of this section, service, except for domestic service in a 58739  
private home not covered under division (A)(1)(c) of this section, 58740  
with respect to which a tax is required to be paid under any 58741  
federal law imposing a tax against which credit may be taken for 58742  
contributions required to be paid into a state unemployment fund, 58743  
or service, except for domestic service in a private home not 58744  
covered under division (A)(1)(c) of this section, which, as a 58745  
condition for full tax credit against the tax imposed by the 58746  
"Federal Unemployment Tax Act," 84 Stat. 713, 26 U.S.C.A. 3301 to 58747

3311, is required to be covered under this chapter. 58748

(k) Construction services performed by any individual under a 58749  
construction contract, as defined in section 4141.39 of the 58750  
Revised Code, if the director determines that the employer for 58751  
whom services are performed has the right to direct or control the 58752  
performance of the services and that the individuals who perform 58753  
the services receive remuneration for the services performed. The 58754  
director shall presume that the employer for whom services are 58755  
performed has the right to direct or control the performance of 58756  
the services if ten or more of the following criteria apply: 58757

(i) The employer directs or controls the manner or method by 58758  
which instructions are given to the individual performing 58759  
services; 58760

(ii) The employer requires particular training for the 58761  
individual performing services; 58762

(iii) Services performed by the individual are integrated 58763  
into the regular functioning of the employer; 58764

(iv) The employer requires that services be provided by a 58765  
particular individual; 58766

(v) The employer hires, supervises, or pays the wages of the 58767  
individual performing services; 58768

(vi) A continuing relationship between the employer and the 58769  
individual performing services exists which contemplates 58770  
continuing or recurring work, even if not full-time work; 58771

(vii) The employer requires the individual to perform 58772  
services during established hours; 58773

(viii) The employer requires that the individual performing 58774  
services be devoted on a full-time basis to the business of the 58775  
employer; 58776

(ix) The employer requires the individual to perform services 58777

|                                                                                                                                                                                                                                           |                                  |
|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|----------------------------------|
| on the employer's premises;                                                                                                                                                                                                               | 58778                            |
| (x) The employer requires the individual performing services to follow the order of work established by the employer;                                                                                                                     | 58779<br>58780                   |
| (xi) The employer requires the individual performing services to make oral or written reports of progress;                                                                                                                                | 58781<br>58782                   |
| (xii) The employer makes payment to the individual for services on a regular basis, such as hourly, weekly, or monthly;                                                                                                                   | 58783<br>58784                   |
| (xiii) The employer pays expenses for the individual performing services;                                                                                                                                                                 | 58785<br>58786                   |
| (xiv) The employer furnishes the tools and materials for use by the individual to perform services;                                                                                                                                       | 58787<br>58788                   |
| (xv) The individual performing services has not invested in the facilities used to perform services;                                                                                                                                      | 58789<br>58790                   |
| (xvi) The individual performing services does not realize a profit or suffer a loss as a result of the performance of the services;                                                                                                       | 58791<br>58792<br>58793          |
| (xvii) The individual performing services is not performing services for more than two employers simultaneously;                                                                                                                          | 58794<br>58795                   |
| (xviii) The individual performing services does not make the services available to the general public;                                                                                                                                    | 58796<br>58797                   |
| (xix) The employer has a right to discharge the individual performing services;                                                                                                                                                           | 58798<br>58799                   |
| (xx) The individual performing services has the right to end the individual's relationship with the employer without incurring liability pursuant to an employment contract or agreement.                                                 | 58800<br>58801<br>58802          |
| (1) Service performed by an individual in the employ of an Indian tribe as defined by section 4(e) of the "Indian Self-Determination and Education Assistance Act," 88 Stat. 2204 (1975), 25 U.S.C.A. 450b(e), including any subdivision, | 58803<br>58804<br>58805<br>58806 |

subsidiary, or business enterprise wholly owned by an Indian tribe 58807  
provided that the service is excluded from employment as defined 58808  
in the "Federal Unemployment Tax Act," 53 Stat. 183 (1939), 26 58809  
U.S.C.A. 3301 and 3306(c)(7) and is not excluded under division 58810  
(B)(3) of this section. 58811

(m) Service performed by an individual for or on behalf of a 58812  
motor carrier transporting property as an operator of a vehicle or 58813  
vessel, unless all of the following factors apply to the 58814  
individual and the motor carrier has not elected to consider the 58815  
individual's service as employment: 58816

(i) The individual owns the vehicle or vessel that is used in 58817  
performing the services for or on behalf of the carrier, or the 58818  
individual leases the vehicle or vessel under a bona fide lease 58819  
agreement that is not a temporary replacement lease agreement. For 58820  
purposes of this division, a bona fide lease agreement does not 58821  
include an agreement between the individual and the motor carrier 58822  
transporting property for which, or on whose behalf, the 58823  
individual provides services. 58824

(ii) The individual is responsible for supplying the 58825  
necessary personal services to operate the vehicle or vessel used 58826  
to provide the service. 58827

(iii) The compensation paid to the individual is based on 58828  
factors related to work performed, including on a mileage-based 58829  
rate or a percentage of any schedule of rates, and not solely on 58830  
the basis of the hours or time expended. 58831

(iv) The individual substantially controls the means and 58832  
manner of performing the services, in conformance with regulatory 58833  
requirements and specifications of the shipper. 58834

(v) The individual enters into a written contract with the 58835  
carrier for whom the individual is performing the services that 58836  
describes the relationship between the individual and the carrier 58837

to be that of an independent contractor and not that of an 58838  
employee. 58839

(vi) The individual is responsible for substantially all of 58840  
the principal operating costs of the vehicle or vessel and 58841  
equipment used to provide the services, including maintenance, 58842  
fuel, repairs, supplies, vehicle or vessel insurance, and personal 58843  
expenses, except that the individual may be paid by the carrier 58844  
the carrier's fuel surcharge and incidental costs, including 58845  
tolls, permits, and lump sum fees. 58846

(vii) The individual is responsible for any economic loss or 58847  
economic gain from the arrangement with the carrier. 58848

(viii) The individual is not performing services described in 58849  
26 U.S.C. 3306(c)(7) or (8). 58850

(3) "Employment" does not include the following services if 58851  
they are found not subject to the "Federal Unemployment Tax Act," 58852  
84 Stat. 713 (1970), 26 U.S.C.A. 3301 to 3311, and if the services 58853  
are not required to be included under division (B)(2)(j) of this 58854  
section: 58855

(a) Service performed after December 31, 1977, in 58856  
agricultural labor, except as provided in division (A)(1)(d) of 58857  
this section; 58858

(b) Domestic service performed after December 31, 1977, in a 58859  
private home, local college club, or local chapter of a college 58860  
fraternity or sorority except as provided in division (A)(1)(c) of 58861  
this section; 58862

(c) Service performed after December 31, 1977, for this state 58863  
or a political subdivision as described in division (B)(2)(a) of 58864  
this section when performed: 58865

(i) As a publicly elected official; 58866

(ii) As a member of a legislative body, or a member of the 58867

|                                                                    |       |
|--------------------------------------------------------------------|-------|
| judiciary;                                                         | 58868 |
| (iii) As a military member of the Ohio national guard;             | 58869 |
| (iv) As an employee, not in the classified service as defined      | 58870 |
| in section 124.11 of the Revised Code, serving on a temporary      | 58871 |
| basis in case of fire, storm, snow, earthquake, flood, or similar  | 58872 |
| emergency;                                                         | 58873 |
| (v) In a position which, under or pursuant to law, is              | 58874 |
| designated as a major nontenured policymaking or advisory          | 58875 |
| position, not in the classified service of the state, or a         | 58876 |
| policymaking or advisory position the performance of the duties of | 58877 |
| which ordinarily does not require more than eight hours per week.  | 58878 |
| (d) In the employ of any governmental unit or instrumentality      | 58879 |
| of the United States;                                              | 58880 |
| (e) Service performed after December 31, 1971:                     | 58881 |
| (i) Service in the employ of an educational institution or         | 58882 |
| institution of higher education, including those operated by the   | 58883 |
| state or a political subdivision, if such service is performed by  | 58884 |
| a student who is enrolled and is regularly attending classes at    | 58885 |
| the educational institution or institution of higher education; or | 58886 |
| (ii) By an individual who is enrolled at a nonprofit or            | 58887 |
| public educational institution which normally maintains a regular  | 58888 |
| faculty and curriculum and normally has a regularly organized body | 58889 |
| of students in attendance at the place where its educational       | 58890 |
| activities are carried on as a student in a full-time program,     | 58891 |
| taken for credit at the institution, which combines academic       | 58892 |
| instruction with work experience, if the service is an integral    | 58893 |
| part of the program, and the institution has so certified to the   | 58894 |
| employer, provided that this subdivision shall not apply to        | 58895 |
| service performed in a program established for or on behalf of an  | 58896 |
| employer or group of employers.                                    | 58897 |

|                                                                                                                                                                                                                                                                                                                                                                                                                                                                           |                                                                      |
|---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|----------------------------------------------------------------------|
| (f) Service performed by an individual in the employ of the individual's son, daughter, or spouse and service performed by a child under the age of eighteen in the employ of the child's father or mother;                                                                                                                                                                                                                                                               | 58898<br>58899<br>58900<br>58901                                     |
| (g) Service performed for one or more principals by an individual who is compensated on a commission basis, who in the performance of the work is master of the individual's own time and efforts, and whose remuneration is wholly dependent on the amount of effort the individual chooses to expend, and which service is not subject to the "Federal Unemployment Tax Act," 53 Stat. 183 (1939), 26 U.S.C.A. 3301 to 3311. Service performed after December 31, 1971: | 58902<br>58903<br>58904<br>58905<br>58906<br>58907<br>58908<br>58909 |
| (i) By an individual for an employer as an insurance agent or as an insurance solicitor, if all this service is performed for remuneration solely by way of commission;                                                                                                                                                                                                                                                                                                   | 58910<br>58911<br>58912                                              |
| (ii) As a home worker performing work, according to specifications furnished by the employer for whom the services are performed, on materials or goods furnished by such employer which are required to be returned to the employer or to a person designated for that purpose.                                                                                                                                                                                          | 58913<br>58914<br>58915<br>58916<br>58917                            |
| (h) Service performed after December 31, 1971:                                                                                                                                                                                                                                                                                                                                                                                                                            | 58918                                                                |
| (i) In the employ of a church or convention or association of churches, or in an organization which is operated primarily for religious purposes and which is operated, supervised, controlled, or principally supported by a church or convention or association of churches;                                                                                                                                                                                            | 58919<br>58920<br>58921<br>58922<br>58923                            |
| (ii) By a duly ordained, commissioned, or licensed minister of a church in the exercise of the individual's ministry or by a member of a religious order in the exercise of duties required by such order; or                                                                                                                                                                                                                                                             | 58924<br>58925<br>58926<br>58927                                     |
| (iii) In a facility conducted for the purpose of carrying out                                                                                                                                                                                                                                                                                                                                                                                                             | 58928                                                                |

a program of rehabilitation for individuals whose earning capacity 58929  
is impaired by age or physical or mental deficiency or injury, or 58930  
providing remunerative work for individuals who because of their 58931  
impaired physical or mental capacity cannot be readily absorbed in 58932  
the competitive labor market, by an individual receiving such 58933  
rehabilitation or remunerative work. 58934

(i) Service performed after June 30, 1939, with respect to 58935  
which unemployment compensation is payable under the "Railroad 58936  
Unemployment Insurance Act," 52 Stat. 1094 (1938), 45 U.S.C. 351; 58937

(j) Service performed by an individual in the employ of any 58938  
organization exempt from income tax under section 501 of the 58939  
"Internal Revenue Code of 1954," if the remuneration for such 58940  
service does not exceed fifty dollars in any calendar quarter, or 58941  
if such service is in connection with the collection of dues or 58942  
premiums for a fraternal beneficial society, order, or association 58943  
and is performed away from the home office or is ritualistic 58944  
service in connection with any such society, order, or 58945  
association; 58946

(k) Casual labor not in the course of an employer's trade or 58947  
business; incidental service performed by an officer, appraiser, 58948  
or member of a finance committee of a bank, building and loan 58949  
association, savings and loan association, or savings association 58950  
when the remuneration for such incidental service exclusive of the 58951  
amount paid or allotted for directors' fees does not exceed sixty 58952  
dollars per calendar quarter is casual labor; 58953

(l) Service performed in the employ of a voluntary employees' 58954  
beneficial association providing for the payment of life, 58955  
sickness, accident, or other benefits to the members of such 58956  
association or their dependents or their designated beneficiaries, 58957  
if admission to a membership in such association is limited to 58958  
individuals who are officers or employees of a municipal or public 58959  
corporation, of a political subdivision of the state, or of the 58960

United States and no part of the net earnings of such association 58961  
inures, other than through such payments, to the benefit of any 58962  
private shareholder or individual; 58963

(m) Service performed by an individual in the employ of a 58964  
foreign government, including service as a consular or other 58965  
officer or employee or of a nondiplomatic representative; 58966

(n) Service performed in the employ of an instrumentality 58967  
wholly owned by a foreign government if the service is of a 58968  
character similar to that performed in foreign countries by 58969  
employees of the United States or of an instrumentality thereof 58970  
and if the director finds that the secretary of state of the 58971  
United States has certified to the secretary of the treasury of 58972  
the United States that the foreign government, with respect to 58973  
whose instrumentality exemption is claimed, grants an equivalent 58974  
exemption with respect to similar service performed in the foreign 58975  
country by employees of the United States and of instrumentalities 58976  
thereof; 58977

(o) Service with respect to which unemployment compensation 58978  
is payable under an unemployment compensation system established 58979  
by an act of congress; 58980

(p) Service performed as a student nurse in the employ of a 58981  
hospital or a nurses' training school by an individual who is 58982  
enrolled and is regularly attending classes in a nurses' training 58983  
school chartered or approved pursuant to state law, and service 58984  
performed as an intern in the employ of a hospital by an 58985  
individual who has completed a four years' course in a medical 58986  
school chartered or approved pursuant to state law; 58987

(q) Service performed by an individual under the age of 58988  
eighteen in the delivery or distribution of newspapers or shopping 58989  
news, not including delivery or distribution to any point for 58990  
subsequent delivery or distribution; 58991

(r) Service performed in the employ of the United States or an instrumentality of the United States immune under the Constitution of the United States from the contributions imposed by this chapter, except that to the extent that congress permits states to require any instrumentalities of the United States to make payments into an unemployment fund under a state unemployment compensation act, this chapter shall be applicable to such instrumentalities and to services performed for such instrumentalities in the same manner, to the same extent, and on the same terms as to all other employers, individuals, and services, provided that if this state is not certified for any year by the proper agency of the United States under section 3304 of the "Internal Revenue Code of 1954," the payments required of such instrumentalities with respect to such year shall be refunded by the director from the fund in the same manner and within the same period as is provided in division (E) of section 4141.09 of the Revised Code with respect to contributions erroneously collected;

(s) Service performed by an individual as a member of a band or orchestra, provided such service does not represent the principal occupation of such individual, and which service is not subject to or required to be covered for full tax credit against the tax imposed by the "Federal Unemployment Tax Act," 53 Stat. 183 (1939), 26 U.S.C.A. 3301 to 3311.

(t) Service performed in the employ of a day camp whose camping season does not exceed twelve weeks in any calendar year, and which service is not subject to the "Federal Unemployment Tax Act," 53 Stat. 183 (1939), 26 U.S.C.A. 3301 to 3311. Service performed after December 31, 1971:

(i) In the employ of a hospital, if the service is performed by a patient of the hospital, as defined in division (W) of this section;

|                                                                                                                                                                                                                                                                                                                                                                                                                                              |                                                             |
|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-------------------------------------------------------------|
| (ii) For a prison or other correctional institution by an inmate of the prison or correctional institution;                                                                                                                                                                                                                                                                                                                                  | 59024<br>59025                                              |
| (iii) Service performed after December 31, 1977, by an inmate of a custodial institution operated by the state, a political subdivision, or a nonprofit organization.                                                                                                                                                                                                                                                                        | 59026<br>59027<br>59028                                     |
| (u) Service that is performed by a nonresident alien individual for the period the individual temporarily is present in the United States as a nonimmigrant under division (F), (J), (M), or (Q) of section 101(a)(15) of the "Immigration and Nationality Act," 66 Stat. 163, 8 U.S.C.A. 1101, as amended, that is excluded under section 3306(c)(19) of the "Federal Unemployment Tax Act," 53 Stat. 183 (1939), 26 U.S.C.A. 3301 to 3311. | 59029<br>59030<br>59031<br>59032<br>59033<br>59034<br>59035 |
| (v) Notwithstanding any other provisions of division (B)(3) of this section, services that are excluded under divisions (B)(3)(g), (j), (k), and (l) of this section shall not be excluded from employment when performed for a nonprofit organization, as defined in division (X) of this section, or for this state or its instrumentalities, or for a political subdivision or its instrumentalities or for Indian tribes;                | 59036<br>59037<br>59038<br>59039<br>59040<br>59041<br>59042 |
| (w) Service that is performed by an individual working as an election official or election worker if the amount of remuneration received by the individual during the calendar year for services as an election official or election worker is less than one thousand dollars;                                                                                                                                                               | 59043<br>59044<br>59045<br>59046<br>59047                   |
| (x) Service performed for an elementary or secondary school that is operated primarily for religious purposes, that is described in subsection 501(c)(3) and exempt from federal income taxation under subsection 501(a) of the Internal Revenue Code, 26 U.S.C.A. 501;                                                                                                                                                                      | 59048<br>59049<br>59050<br>59051<br>59052                   |
| (y) Service performed by a person committed to a penal institution.                                                                                                                                                                                                                                                                                                                                                                          | 59053<br>59054                                              |

(z) Service performed for an Indian tribe as described in 59055  
division (B)(2)(1) of this section when performed in any of the 59056  
following manners: 59057

(i) As a publicly elected official; 59058

(ii) As a member of an Indian tribal council; 59059

(iii) As a member of a legislative or judiciary body; 59060

(iv) In a position which, pursuant to Indian tribal law, is 59061  
designated as a major nontenured policymaking or advisory 59062  
position, or a policymaking or advisory position where the 59063  
performance of the duties ordinarily does not require more than 59064  
eight hours of time per week; 59065

(v) As an employee serving on a temporary basis in the case 59066  
of a fire, storm, snow, earthquake, flood, or similar emergency. 59067

(aa) Service performed after December 31, 1971, for a 59068  
nonprofit organization, this state or its instrumentalities, a 59069  
political subdivision or its instrumentalities, or an Indian tribe 59070  
as part of an unemployment work-relief or work-training program 59071  
assisted or financed in whole or in part by any federal agency or 59072  
an agency of a state or political subdivision, thereof, by an 59073  
individual receiving the work-relief or work-training. 59074

(bb) Participation in a learn to earn program as defined in 59075  
section 4141.293 of the Revised Code. 59076

(4) If the services performed during one half or more of any 59077  
pay period by an employee for the person employing that employee 59078  
constitute employment, all the services of such employee for such 59079  
period shall be deemed to be employment; but if the services 59080  
performed during more than one half of any such pay period by an 59081  
employee for the person employing that employee do not constitute 59082  
employment, then none of the services of such employee for such 59083  
period shall be deemed to be employment. As used in division 59084

(B)(4) of this section, "pay period" means a period, of not more than thirty-one consecutive days, for which payment of remuneration is ordinarily made to the employee by the person employing that employee. Division (B)(4) of this section does not apply to services performed in a pay period by an employee for the person employing that employee, if any of such service is excepted by division (B)(3)(o) of this section.

(C) "Benefits" means money payments payable to an individual who has established benefit rights, as provided in this chapter, for loss of remuneration due to the individual's unemployment.

(D) "Benefit rights" means the weekly benefit amount and the maximum benefit amount that may become payable to an individual within the individual's benefit year as determined by the director.

(E) "Claim for benefits" means a claim for waiting period or benefits for a designated week.

(F) "Additional claim" means the first claim for benefits filed following any separation from employment during a benefit year; "continued claim" means any claim other than the first claim for benefits and other than an additional claim.

(G) "Wages" means remuneration paid to an employee by each of the employee's employers with respect to employment; except that wages shall not include that part of remuneration paid during any calendar year to an individual by an employer or such employer's predecessor in interest in the same business or enterprise, which in any calendar year is in excess of nine thousand dollars on and after January 1, 1995; nine thousand five hundred dollars on and after January 1, 2018; and nine thousand dollars on and after January 1, 2020. Remuneration in excess of such amounts shall be deemed wages subject to contribution to the same extent that such remuneration is defined as wages under the "Federal Unemployment

Tax Act," 84 Stat. 714 (1970), 26 U.S.C.A. 3301 to 3311, as 59116  
amended. The remuneration paid an employee by an employer with 59117  
respect to employment in another state, upon which contributions 59118  
were required and paid by such employer under the unemployment 59119  
compensation act of such other state, shall be included as a part 59120  
of remuneration in computing the amount specified in this 59121  
division. 59122

(H)(1) "Remuneration" means all compensation for personal 59123  
services, including commissions and bonuses and the cash value of 59124  
all compensation in any medium other than cash, except that in the 59125  
case of agricultural or domestic service, "remuneration" includes 59126  
only cash remuneration. Gratuities customarily received by an 59127  
individual in the course of the individual's employment from 59128  
persons other than the individual's employer and which are 59129  
accounted for by such individual to the individual's employer are 59130  
taxable wages. 59131

The reasonable cash value of compensation paid in any medium 59132  
other than cash shall be estimated and determined in accordance 59133  
with rules prescribed by the director, provided that 59134  
"remuneration" does not include: 59135

(a) Payments as provided in divisions (b)(2) to (b)(20) of 59136  
section 3306 of the "Federal Unemployment Tax Act," 84 Stat. 713, 59137  
26 U.S.C.A. 3301 to 3311, as amended; 59138

(b) The payment by an employer, without deduction from the 59139  
remuneration of the individual in the employer's employ, of the 59140  
tax imposed upon an individual in the employer's employ under 59141  
section 3101 of the "Internal Revenue Code of 1954," with respect 59142  
to services performed after October 1, 1941. 59143

(2) "Cash remuneration" means all remuneration paid in cash, 59144  
including commissions and bonuses, but not including the cash 59145  
value of all compensation in any medium other than cash. 59146

(I) "Interested party" means the director and any party to whom notice of a determination of an application for benefit rights or a claim for benefits is required to be given under section 4141.28 of the Revised Code.

(J) "Annual payroll" means the total amount of wages subject to contributions during a twelve-month period ending with the last day of the second calendar quarter of any calendar year.

(K) "Average annual payroll" means the average of the last three annual payrolls of an employer, provided that if, as of any computation date, the employer has had less than three annual payrolls in such three-year period, such average shall be based on the annual payrolls which the employer has had as of such date.

(L)(1) "Contributions" means the money payments to the state unemployment compensation fund required of employers by section 4141.25 of the Revised Code and of the state and any of its political subdivisions electing to pay contributions under section 4141.242 of the Revised Code. Employers paying contributions shall be described as "contributory employers."

(2) "Payments in lieu of contributions" means the money payments to the state unemployment compensation fund required of reimbursing employers under sections 4141.241 and 4141.242 of the Revised Code.

(M) An individual is "totally unemployed" in any week during which the individual performs no services and with respect to such week no remuneration is payable to the individual.

(N) An individual is "partially unemployed" in any week if, due to involuntary loss of work, the total remuneration payable to the individual for such week is less than the individual's weekly benefit amount.

(O) "Week" means the calendar week ending at midnight Saturday unless an equivalent week of seven consecutive calendar

days is prescribed by the director. 59178

(1) "Qualifying week" means any calendar week in an 59179  
individual's base period with respect to which the individual 59180  
earns or is paid remuneration in employment subject to this 59181  
chapter. A calendar week with respect to which an individual earns 59182  
remuneration but for which payment was not made within the base 59183  
period, when necessary to qualify for benefit rights, may be 59184  
considered to be a qualifying week. The number of qualifying weeks 59185  
which may be established in a calendar quarter shall not exceed 59186  
the number of calendar weeks in the quarter. 59187

(2) "Average weekly wage" means the amount obtained by 59188  
dividing an individual's total remuneration for all qualifying 59189  
weeks during the base period by the number of such qualifying 59190  
weeks, provided that if the computation results in an amount that 59191  
is not a multiple of one dollar, such amount shall be rounded to 59192  
the next lower multiple of one dollar. 59193

(P) "Weekly benefit amount" means the amount of benefits an 59194  
individual would be entitled to receive for one week of total 59195  
unemployment. 59196

(Q)(1) "Base period" means the first four of the last five 59197  
completed calendar quarters immediately preceding the first day of 59198  
an individual's benefit year, except as provided in division 59199  
(Q)(2) of this section. 59200

(2) If an individual does not have sufficient qualifying 59201  
weeks and wages in the base period to qualify for benefit rights, 59202  
the individual's base period shall be the four most recently 59203  
completed calendar quarters preceding the first day of the 59204  
individual's benefit year. Such base period shall be known as the 59205  
"alternate base period." If information as to weeks and wages for 59206  
the most recent quarter of the alternate base period is not 59207  
available to the director from the regular quarterly reports of 59208

wage information, which are systematically accessible, the 59209  
director may, consistent with the provisions of section 4141.28 of 59210  
the Revised Code, base the determination of eligibility for 59211  
benefits on the affidavit of the claimant with respect to weeks 59212  
and wages for that calendar quarter. The claimant shall furnish 59213  
payroll documentation, where available, in support of the 59214  
affidavit. The determination based upon the alternate base period 59215  
as it relates to the claimant's benefit rights, shall be amended 59216  
when the quarterly report of wage information from the employer is 59217  
timely received and that information causes a change in the 59218  
determination. As provided in division (B) of section 4141.28 of 59219  
the Revised Code, any benefits paid and charged to an employer's 59220  
account, based upon a claimant's affidavit, shall be adjusted 59221  
effective as of the beginning of the claimant's benefit year. No 59222  
calendar quarter in a base period or alternate base period shall 59223  
be used to establish a subsequent benefit year. 59224

(3) The "base period" of a combined wage claim, as described 59225  
in division (H) of section 4141.43 of the Revised Code, shall be 59226  
the base period prescribed by the law of the state in which the 59227  
claim is allowed. 59228

(4) For purposes of determining the weeks that comprise a 59229  
completed calendar quarter under this division, only those weeks 59230  
ending at midnight Saturday within the calendar quarter shall be 59231  
utilized. 59232

(R)(1) "Benefit year" with respect to an individual means the 59233  
fifty-two week period beginning with the first day of that week 59234  
with respect to which the individual first files a valid 59235  
application for determination of benefit rights, and thereafter 59236  
the fifty-two week period beginning with the first day of that 59237  
week with respect to which the individual next files a valid 59238  
application for determination of benefit rights after the 59239  
termination of the individual's last preceding benefit year, 59240

except that the application shall not be considered valid unless 59241  
the individual has had employment in six weeks that is subject to 59242  
this chapter or the unemployment compensation act of another 59243  
state, or the United States, and has, since the beginning of the 59244  
individual's previous benefit year, in the employment earned three 59245  
times the average weekly wage determined for the previous benefit 59246  
year. The "benefit year" of a combined wage claim, as described in 59247  
division (H) of section 4141.43 of the Revised Code, shall be the 59248  
benefit year prescribed by the law of the state in which the claim 59249  
is allowed. Any application for determination of benefit rights 59250  
made in accordance with section 4141.28 of the Revised Code is 59251  
valid if the individual filing such application is unemployed, has 59252  
been employed by an employer or employers subject to this chapter 59253  
in at least twenty qualifying weeks within the individual's base 59254  
period, and has earned or been paid remuneration at an average 59255  
weekly wage of not less than twenty-seven and one-half per cent of 59256  
the statewide average weekly wage for such weeks. For purposes of 59257  
determining whether an individual has had sufficient employment 59258  
since the beginning of the individual's previous benefit year to 59259  
file a valid application, "employment" means the performance of 59260  
services for which remuneration is payable. 59261

(2) Effective for benefit years beginning on and after 59262  
December 26, 2004, but before July 1, 2022, any application for 59263  
determination of benefit rights made in accordance with section 59264  
4141.28 of the Revised Code is valid if the individual satisfies 59265  
the criteria described in division (R)(1) of this section, and if 59266  
the reason for the individual's separation from employment is not 59267  
disqualifying pursuant to division (D)(2) of section 4141.29 or 59268  
section 4141.291 of the Revised Code. A disqualification imposed 59269  
pursuant to division (D)(2) of section 4141.29 or section 4141.291 59270  
of the Revised Code must be removed as provided in those sections 59271  
as a requirement of establishing a valid application for benefit 59272  
years beginning on and after December 26, 2004, but before July 1, 59273

2022. Effective for benefit years beginning on and after July 1, 59274  
2022, any application for determination of benefit rights made in 59275  
accordance with section 4141.28 of the Revised Code is valid if 59276  
the individual satisfies the criteria described in division (R)(1) 59277  
of this section. A disqualification imposed pursuant to division 59278  
(D)(2) of section 4141.29 or section 4141.291 of the Revised Code 59279  
does not affect the validity of an application. 59280

(3) The statewide average weekly wage shall be calculated by 59281  
the director once a year based on the twelve-month period ending 59282  
the thirtieth day of June, as set forth in division (B)(3) of 59283  
section 4141.30 of the Revised Code, rounded down to the nearest 59284  
dollar. Increases or decreases in the amount of remuneration 59285  
required to have been earned or paid in order for individuals to 59286  
have filed valid applications shall become effective on Sunday of 59287  
the calendar week in which the first day of January occurs that 59288  
follows the twelve-month period ending the thirtieth day of June 59289  
upon which the calculation of the statewide average weekly wage 59290  
was based. 59291

(4) As used in this division, an individual is "unemployed" 59292  
if, with respect to the calendar week in which such application is 59293  
filed, the individual is "partially unemployed" or "totally 59294  
unemployed" as defined in this section or if, prior to filing the 59295  
application, the individual was separated from the individual's 59296  
most recent work for any reason which terminated the individual's 59297  
employee-employer relationship, or was laid off indefinitely or 59298  
for a definite period of seven or more days. 59299

(S) "Calendar quarter" means the period of three consecutive 59300  
calendar months ending on the thirty-first day of March, the 59301  
thirtieth day of June, the thirtieth day of September, and the 59302  
thirty-first day of December, or the equivalent thereof as the 59303  
director prescribes by rule. 59304

(T) "Computation date" means the first day of the third 59305

calendar quarter of any calendar year. 59306

(U) "Contribution period" means the calendar year beginning 59307  
on the first day of January of any year. 59308

(V) "Agricultural labor," for the purpose of this division, 59309  
means any service performed prior to January 1, 1972, which was 59310  
agricultural labor as defined in this division prior to that date, 59311  
and service performed after December 31, 1971: 59312

(1) On a farm, in the employ of any person, in connection 59313  
with cultivating the soil, or in connection with raising or 59314  
harvesting any agricultural or horticultural commodity, including 59315  
the raising, shearing, feeding, caring for, training, and 59316  
management of livestock, bees, poultry, and fur-bearing animals 59317  
and wildlife; 59318

(2) In the employ of the owner or tenant or other operator of 59319  
a farm in connection with the operation, management, conservation, 59320  
improvement, or maintenance of such farm and its tools and 59321  
equipment, or in salvaging timber or clearing land of brush and 59322  
other debris left by hurricane, if the major part of such service 59323  
is performed on a farm; 59324

(3) In connection with the production or harvesting of any 59325  
commodity defined as an agricultural commodity in section 15 (g) 59326  
of the "Agricultural Marketing Act," 46 Stat. 1550 (1931), 12 59327  
U.S.C. 1141j, as amended, or in connection with the ginning of 59328  
cotton, or in connection with the operation or maintenance of 59329  
ditches, canals, reservoirs, or waterways, not owned or operated 59330  
for profit, used exclusively for supplying and storing water for 59331  
farming purposes; 59332

(4) In the employ of the operator of a farm in handling, 59333  
planting, drying, packing, packaging, processing, freezing, 59334  
grading, storing, or delivering to storage or to market or to a 59335  
carrier for transportation to market, in its unmanufactured state, 59336

any agricultural or horticultural commodity, but only if the 59337  
operator produced more than one half of the commodity with respect 59338  
to which such service is performed; 59339

(5) In the employ of a group of operators of farms, or a 59340  
cooperative organization of which the operators are members, in 59341  
the performance of service described in division (V)(4) of this 59342  
section, but only if the operators produced more than one-half of 59343  
the commodity with respect to which the service is performed; 59344

(6) Divisions (V)(4) and (5) of this section shall not be 59345  
deemed to be applicable with respect to service performed: 59346

(a) In connection with commercial canning or commercial 59347  
freezing or in connection with any agricultural or horticultural 59348  
commodity after its delivery to a terminal market for distribution 59349  
for consumption; or 59350

(b) On a farm operated for profit if the service is not in 59351  
the course of the employer's trade or business. 59352

As used in division (V) of this section, "farm" includes 59353  
stock, dairy, poultry, fruit, fur-bearing animal, and truck farms, 59354  
plantations, ranches, nurseries, ranges, greenhouses, or other 59355  
similar structures used primarily for the raising of agricultural 59356  
or horticultural commodities and orchards. 59357

(W) "Hospital" means an institution which has been registered 59358  
or licensed by the Ohio department of health as a hospital. 59359

(X) "Nonprofit organization" means an organization, or group 59360  
of organizations, described in section 501(c)(3) of the "Internal 59361  
Revenue Code of 1954," and exempt from income tax under section 59362  
501(a) of that code. 59363

(Y) "Institution of higher education" means a public or 59364  
nonprofit educational institution, including an educational 59365  
institution operated by an Indian tribe, which: 59366

|                                                                                                                                                                                                                                                                                                                             |                                                    |
|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|----------------------------------------------------|
| (1) Admits as regular students only individuals having a certificate of graduation from a high school, or the recognized equivalent;                                                                                                                                                                                        | 59367<br>59368<br>59369                            |
| (2) Is legally authorized in this state or by the Indian tribe to provide a program of education beyond high school; and                                                                                                                                                                                                    | 59370<br>59371                                     |
| (3) Provides an educational program for which it awards a bachelor's or higher degree, or provides a program which is acceptable for full credit toward such a degree, a program of post-graduate or post-doctoral studies, or a program of training to prepare students for gainful employment in a recognized occupation. | 59372<br>59373<br>59374<br>59375<br>59376<br>59377 |
| For the purposes of this division, all colleges and universities in this state are institutions of higher education.                                                                                                                                                                                                        | 59378<br>59379                                     |
| (Z) For the purposes of this chapter, "states" includes the District of Columbia, the Commonwealth of Puerto Rico, and the Virgin Islands.                                                                                                                                                                                  | 59380<br>59381<br>59382                            |
| (AA) "Alien" means, for the purposes of division (A)(1)(d) of this section, an individual who is an alien admitted to the United States to perform service in agricultural labor pursuant to sections 214 (c) and 101 (a)(15)(H) of the "Immigration and Nationality Act," 66 Stat. 163, 8 U.S.C.A. 1101.                   | 59383<br>59384<br>59385<br>59386<br>59387          |
| (BB)(1) "Crew leader" means an individual who furnishes individuals to perform agricultural labor for any other employer or farm operator, and:                                                                                                                                                                             | 59388<br>59389<br>59390                            |
| (a) Pays, either on the individual's own behalf or on behalf of the other employer or farm operator, the individuals so furnished by the individual for the service in agricultural labor performed by them;                                                                                                                | 59391<br>59392<br>59393<br>59394                   |
| (b) Has not entered into a written agreement with the other employer or farm operator under which the agricultural worker is                                                                                                                                                                                                | 59395<br>59396                                     |

designated as in the employ of the other employer or farm operator. 59397  
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(2) For the purposes of this chapter, any individual who is a member of a crew furnished by a crew leader to perform service in agricultural labor for any other employer or farm operator shall be treated as an employee of the crew leader if: 59399  
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(a) The crew leader holds a valid certificate of registration under the "Farm Labor Contractor Registration Act of 1963," 90 Stat. 2668, 7 U.S.C. 2041; or 59403  
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(b) Substantially all the members of the crew operate or maintain tractors, mechanized harvesting or crop-dusting equipment, or any other mechanized equipment, which is provided by the crew leader; and 59406  
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(c) If the individual is not in the employment of the other employer or farm operator within the meaning of division (B)(1) of this section. 59410  
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(3) For the purposes of this division, any individual who is furnished by a crew leader to perform service in agricultural labor for any other employer or farm operator and who is not treated as in the employment of the crew leader under division (BB)(2) of this section shall be treated as the employee of the other employer or farm operator and not of the crew leader. The other employer or farm operator shall be treated as having paid cash remuneration to the individual in an amount equal to the amount of cash remuneration paid to the individual by the crew leader, either on the crew leader's own behalf or on behalf of the other employer or farm operator, for the service in agricultural labor performed for the other employer or farm operator. 59413  
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(CC) "Educational institution" means an institution other than an institution of higher education as defined in division (Y) of this section, including an educational institution operated by 59425  
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an Indian tribe, which: 59428

(1) Offers participants, trainees, or students an organized 59429  
course of study or training designed to transfer to them 59430  
knowledge, skills, information, doctrines, attitudes, or abilities 59431  
from, by, or under the guidance of an instructor or teacher; and 59432

(2) Is approved, chartered, or issued a permit to operate as 59433  
a school by the state board of education, other government agency, 59434  
or Indian tribe that is authorized within the state to approve, 59435  
charter, or issue a permit for the operation of a school. 59436

For the purposes of this division, the courses of study or 59437  
training which the institution offers may be academic, technical, 59438  
trade, or preparation for gainful employment in a recognized 59439  
occupation. 59440

(DD) "Cost savings day" means any unpaid day off from work in 59441  
which employees continue to accrue employee benefits which have a 59442  
determinable value including, but not limited to, vacation, 59443  
pension contribution, sick time, and life and health insurance. 59444

(EE) "Motor carrier" has the same meaning as in section 59445  
4923.01 of the Revised Code. 59446

**Sec. 4141.131.** The director of job and family services may 59447  
enter into contracts for the sale of real property no longer 59448  
needed by the director of job and family services for the 59449  
operations of the director of job and family services under this 59450  
title. Any costs attributable to the director of job and family 59451  
services that are associated with the sale of real property under 59452  
this section shall be paid out of the unemployment compensation 59453  
special administrative fund established pursuant to section 59454  
4141.11 of the Revised Code. The director of job and family 59455  
services shall submit a report summarizing the use of that fund 59456  
for the purpose of this section at least annually to the 59457

unemployment compensation advisory council as prescribed by the 59458  
council. 59459

The ~~auditor of state~~ director of administrative services, 59460  
with the assistance of the attorney general, shall prepare a deed 59461  
to the real property being sold upon notice from the director of 59462  
job and family services that a contract for the sale of that 59463  
property has been executed in accordance with this section. The 59464  
deed shall state the consideration and any conditions placed upon 59465  
the sale. The deed shall be executed by the governor in the name 59466  
of the state, countersigned by the secretary of state, sealed with 59467  
the great seal of the state, presented in the office of the 59468  
~~auditor of state~~ director of administrative services for 59469  
recording, and delivered to the buyer upon payment of the balance 59470  
of the purchase price. 59471

The buyer shall present the deed for recording in the county 59472  
recorder's office of the county in which the real property is 59473  
located. 59474

**Sec. 4141.21.** Except as provided in section 4141.162 of the 59475  
Revised Code, and subject to section 4141.43 of the Revised Code, 59476  
the information maintained by the director of job and family 59477  
services or the unemployment compensation review commission or 59478  
furnished to the director or commission by employers or employees 59479  
pursuant to this chapter is for the exclusive use and information 59480  
of the department of job and family services and the commission in 59481  
the discharge of ~~its~~ their duties and shall not be open to the 59482  
public or be used in any court in any action or proceeding pending 59483  
therein, or be admissible in evidence in any action, other than 59484  
one arising under this chapter or section 5733.42 of the Revised 59485  
Code. All of the information and records necessary or useful in 59486  
the determination of any particular claim for benefits or 59487  
necessary in verifying any charge to an employer's account under 59488

sections 4141.23 to 4141.26 of the Revised Code shall be available 59489  
for examination and use by the employer and the employee involved 59490  
or their authorized representatives in the hearing of such cases, 59491  
and that information may be tabulated and published in statistical 59492  
form for the use and information of the state departments and the 59493  
public. 59494

**Sec. 4141.22.** (A) No person shall disclose any information 59495  
that was maintained by the director of job and family services or 59496  
the unemployment compensation review commission or that was 59497  
furnished to the director or the commission by employers or 59498  
employees pursuant to this chapter, unless such disclosure is 59499  
permitted under section 4141.21 of the Revised Code. 59500

(B) No person in the employ of the director ~~of job and family~~ 59501  
~~services or~~, a county family services agency ~~or~~, a workforce 59502  
development agency, or the commission, or who has been in the 59503  
employ of the director ~~or~~, those agencies, or the commission, at 59504  
any time, shall divulge any information maintained by or furnished 59505  
to the director or the commission under this chapter and secured 59506  
by the person while so employed, in respect to the transactions, 59507  
property, business, or mechanical, chemical, or other industrial 59508  
process of any person, firm, corporation, association, or 59509  
partnership to any person other than the director or other 59510  
employees of the department of job and family services or, a 59511  
county family services agency ~~or~~, workforce development agency, or 59512  
the commission, as required by the person's duties, or to other 59513  
persons as authorized by the director under section 4141.43 of the 59514  
Revised Code. 59515

Whoever violates this section shall be disqualified from 59516  
holding any appointment or employment by the director ~~or~~, a county 59517  
family services agency ~~or~~, a workforce development agency, or the 59518  
commission. 59519

Sec. 4141.286. When determining whether an application for 59520  
determination of benefit rights is valid or determining whether a 59521  
first claim or additional claim for benefits allows a claimant to 59522  
qualify for benefits, in addition to other information available, 59523  
the director of job and family services shall do all of the 59524  
following: 59525

(A) Check the new hires directory maintained by the 59526  
department of job and family services under section 3121.894 of 59527  
the Revised Code for a new hire report applicable to the claimant; 59528

(B) Check the information in the national directory of new 59529  
hires that is made available to the director under section 453 of 59530  
the "Social Security Act," 42 U.S.C. 653, for the purpose of 59531  
administering this chapter; 59532

(C) Check the integrity data hub maintained by the national 59533  
association of state workforce agencies or a similar database 59534  
maintained by a successor organization. 59535

**Sec. 4141.51.** (A) An employer who wishes to participate in 59536  
the SharedWork Ohio program shall submit a plan to the director of 59537  
job and family services in which the employer does all of the 59538  
following: 59539

(1) Identifies the participating employees by name, social 59540  
security number, affected unit, and normal weekly hours of work; 59541

(2) Describes the manner in which the employer will implement 59542  
the requirements of the SharedWork Ohio program, including the 59543  
proposed reduction percentage, which shall be between ten per cent 59544  
and ~~fifty~~ sixty per cent, and any temporary closure of the 59545  
participating employer's business for equipment maintenance or 59546  
other similar circumstances that the employer knows may occur 59547  
during the effective period of an approved plan; 59548

(3) Includes a plan for giving advance notice, if feasible, 59549

to an employee whose normal weekly hours of work are to be reduced 59550  
and, if advance notice is not feasible, an explanation of why that 59551  
notice is not feasible; 59552

(4) Includes a certification by the employer that the 59553  
aggregate reduction in the number of hours worked by the employees 59554  
of the employer is in lieu of layoffs and includes an estimate of 59555  
the number of layoffs that would have occurred absent the ability 59556  
to participate in the SharedWork Ohio program; 59557

(5) Includes a certification by the employer that if the 59558  
employer provides health benefits and retirement benefits under a 59559  
defined benefit plan, as defined in 26 U.S.C. 414(j), as amended, 59560  
or contributions under a defined contribution plan as defined in 59561  
26 U.S.C. 414(i), as amended, to any employee whose normal weekly 59562  
hours of work are reduced under the program that such benefits 59563  
will continue to be provided to an employee participating in the 59564  
SharedWork Ohio program under the same terms and conditions as 59565  
though the normal weekly hours of work of the employee had not 59566  
been reduced or to the same extent as other employees not 59567  
participating in the program; 59568

(6) Permits eligible employees to participate, as 59569  
appropriate, in training to enhance job skills approved by the 59570  
director, including employer-sponsored training or worker training 59571  
funded under the federal "Workforce Innovation and Opportunity 59572  
Act," 29 U.S.C. 3101 et seq.; 59573

(7) Includes any other information as required by the United 59574  
States secretary of labor or the director under the rules the 59575  
director adopts under section 4141.50 of the Revised Code; 59576

(8) Includes an attestation by the employer that the terms of 59577  
the written plan submitted by the employer and implementation of 59578  
that plan are consistent with obligations of the employer under 59579  
the applicable federal and state laws; 59580

(9) Includes a certification by the employer that the employer will promptly notify the director of any change in the business that includes the sale or transfer of all or part of the business, and that the employer will notify any successor in interest to the employer's business prior to the transfer of all or part of the business, of the existence of any approved shared work plan;

(10) Includes a certification by the employer that, as of the date the employer submits the plan, the employer is current on all reports and has paid all contributions, reimbursements, interest, and penalties due under this chapter;

(11) Includes an assurance from the employer that the employer will remain current on all employer reporting and payments of contributions, reimbursements, interest, and penalties as required by this chapter;

(12) Includes a certification by the employer that none of the participating employees are employed on a seasonal, temporary, or intermittent basis;

(13) Includes an assurance from the employer that the employer will not reduce a participating employee's normal weekly hours of work by more than the reduction percentage, except in the event of a temporary closure of the employer's business for equipment maintenance, or when the employee takes approved time off during the week with pay, and the combined work hours and paid leave hours equal the number of hours the employee would have worked under the plan.

(B) The director shall approve a shared work plan if an employer includes in the plan all of the information, certifications, and assurances required under division (A) of this section.

(C) The director shall approve or deny a shared work plan and

shall send a written notice to the employer stating whether the 59612  
director approved or denied the plan not later than ~~thirty~~ ten 59613  
days after the director receives the plan. If the director denies 59614  
approval of a shared work plan, the director shall state the 59615  
reasons for denying approval in the written notice sent to the 59616  
employer. 59617

(D) The director shall enforce the requirements of the 59618  
SharedWork Ohio program in the same manner as the director 59619  
enforces the requirements of this chapter, including under section 59620  
4141.40 of the Revised Code. 59621

**Sec. 4141.53.** (A) An individual is eligible to receive shared 59622  
work compensation for a week in which the individual satisfies all 59623  
of the following: 59624

(1) The individual is employed by a participating employer 59625  
and is subject to a shared work plan that was approved before that 59626  
week and is in effect for that week. 59627

(2) The individual is available for work and is actively 59628  
seeking work by being available for the individual's normal weekly 59629  
hours of work. 59630

(3) The individual's normal weekly hours of work with the 59631  
participating employer have been reduced by at least ten per cent 59632  
but not more than ~~fifty~~ sixty per cent. 59633

(4) The individual has been employed by an employer or 59634  
employers subject to this chapter in at least twenty qualifying 59635  
weeks within the individual's base period and has earned or been 59636  
paid remuneration at an average weekly wage of not less than 59637  
twenty-seven and one-half per cent of the statewide average weekly 59638  
wage for those weeks. 59639

(5) The individual has been subject to a shared work plan for 59640  
at least one week prior to the week for which the compensation is 59641

to be paid, or otherwise satisfies the waiting period requirement 59642  
of division (B) of section 4141.29 of the Revised Code for the 59643  
individual's benefit year. 59644

(6) The individual otherwise satisfies the requirements of 59645  
this chapter and is not otherwise disqualified from receiving 59646  
unemployment compensation benefits. 59647

(B) For purposes of division (A)(2) of this section, an 59648  
individual is available for the individual's normal weekly hours 59649  
of work with the participating employer if the individual does any 59650  
of the following: 59651

(1) Works the number of weekly hours assigned to the 59652  
individual under an approved shared work plan; 59653

(2) Works fewer hours than the number of weekly hours 59654  
assigned to the individual under an approved shared work plan and 59655  
either of the following apply: 59656

(a) The individual takes approved time off during the week 59657  
with pay, and the combined work hours and paid leave hours equal 59658  
the number of hours the employee would have worked under the plan; 59659

(b) The individual does not take approved time off with pay 59660  
during that week and the reduction in hours was not the fault of 59661  
the individual and was not more than ~~fifty~~ sixty per cent of the 59662  
individual's normal weekly hours of work. 59663

(C)(1) Except as provided in division (C)(2) or (D) of this 59664  
section, the director of job and family services shall pay a 59665  
participating employee who is eligible for weekly shared work 59666  
compensation in an amount equal to the participating employee's 59667  
weekly benefit amount as described in division (B) of section 59668  
4141.30 of the Revised Code for a period of total unemployment, 59669  
multiplied by the reduction percentage specified in the approved 59670  
shared work plan applicable to the participating employee. 59671

(2) The director shall pay a participating employee who is 59672  
eligible for weekly shared work compensation in an amount equal to 59673  
the participating employee's weekly benefit amount as described in 59674  
division (B) of section 4141.30 of the Revised Code for a period 59675  
of total unemployment, multiplied by the percentage by which the 59676  
participating employee's normal weekly hours of work were actually 59677  
reduced during the workweek, if all of the following apply: 59678

(a) The participating employee did not take approved paid 59679  
leave during the week. 59680

(b) The participating employee's normal weekly hours of work 59681  
were actually reduced by not less than ten per cent and not 59682  
greater than ~~fifty~~ sixty per cent. 59683

(c) The increase or decrease in the participating employee's 59684  
hours above or below the number of hours assigned to the employee 59685  
in the approved shared work plan was not the fault of the 59686  
employee. 59687

(3) The director shall determine fault for purposes of 59688  
divisions (B)(2)(b) and (C)(2)(c) of this section in the same 59689  
manner that the director makes determinations for benefit rights 59690  
and determines claims for unemployment compensation benefits under 59691  
sections 4141.28 and 4141.281 of the Revised Code. 59692

(4) The director shall round the amount of a shared work 59693  
compensation payment that is not a multiple of one dollar to the 59694  
next lower multiple of one dollar. 59695

(5) No shared work compensation shall be payable during the 59696  
one-week period described in division (A)(5) of this section. 59697

(D) If an individual works for a participating employer and 59698  
another employer during the weeks the individual is covered by an 59699  
approved shared work plan, eligibility for shared work 59700  
compensation is determined as follows: 59701

(1) If the combined number of hours the individual works for both the participating employer and the other employer in a week exceeds the amount of the individual's normal weekly hours of work reduced by ten per cent, the individual is not eligible for shared work compensation.

(2) If the combined number of hours the individual works in a week for both employers equals the amount of the individual's normal weekly hours of work reduced between ten and ~~fifty~~ sixty per cent, the director shall pay the individual, if the individual is otherwise eligible, shared work compensation in an amount equal to the individual's weekly benefit amount as described in division (B) of section 4141.30 of the Revised Code for a period of total unemployment, multiplied by the percentage by which the individual's normal weekly hours of work were reduced during the week when factoring in both the amount of hours worked for the other employer and the amount of hours worked for the participating employer.

(E) A participating employee is not entitled to receive shared work compensation and unemployment compensation benefits that, when combined, exceed the maximum total benefits payable to the participating employee in a benefit year under section 4141.30 of the Revised Code. No participating employee shall be paid shared work compensation during the employee's benefit year in an amount that exceeds twenty-six times the amount of the employee's weekly benefit amount for a period of total unemployment under section 4141.30 of the Revised Code.

(F) An individual who has received all of the shared work compensation and unemployment compensation benefits available in a benefit year is an individual who has exhausted regular benefits under section 4141.30 of the Revised Code and is entitled to receive extended benefits under section 4141.301 of the Revised Code if the individual is otherwise eligible to receive benefits

under that section. 59734

(G) Except as provided in division (C)(2) of this section, 59735  
the director shall not pay shared work compensation to an 59736  
individual for a week during which the individual performs paid 59737  
work for the individual's participating employer that exceeds or 59738  
falls below the reduced hours established under an approved shared 59739  
work plan that covers the individual. 59740

(H)(1) Except as provided in divisions (H)(2) and (3) of this 59741  
section, a participating employee is not eligible to receive 59742  
benefits for being partially unemployed for any week during which 59743  
the individual works as a participating employee. 59744

(2) A participating employee who performs no services during 59745  
a week for the participating employer and who is otherwise 59746  
eligible may be paid benefits for being totally or partially 59747  
unemployed for that week. 59748

(3) A participating employee whose normal weekly hours of 59749  
work are reduced by more than ~~fifty~~ sixty per cent and who is 59750  
otherwise eligible may be paid benefits for partial unemployment 59751  
for that week. 59752

(I) Any payment of total or partial unemployment compensation 59753  
benefits under this section is not a payment of shared work 59754  
compensation under an approved plan but shall be calculated 59755  
against the maximum total benefits payable to the participating 59756  
employee in a benefit year under section 4141.30 of the Revised 59757  
Code. 59758

(J) For purposes of this section and unless another benefit 59759  
year applies to the individual, notwithstanding division (R)(1) of 59760  
section 4141.01 of the Revised Code, a participating employee's 59761  
"benefit year" is the fifty-two week period beginning with the 59762  
first day of that week with respect to which the employee's 59763  
participating employer first files a claim on behalf of the 59764

participating employee pursuant to division (B) of section 4141.54 59765  
of the Revised Code. 59766

**Sec. 4141.55.** (A) If the state is eligible for and receives 59767  
reimbursement for shared work compensation paid under the 59768  
SharedWork Ohio program from the federal government pursuant to 59769  
the federal "Layoff Prevention Act of 2012," Pub. L. No. 112-96, 59770  
126 Stat. 156, or any other federal law, notwithstanding section 59771  
4141.24 of the Revised Code and if permitted under that act or 59772  
other federal law, during the time period in which the state is 59773  
fully or partially reimbursed the account of an employer shall not 59774  
be charged for the portion of any shared work compensation paid to 59775  
a participating employer's participating employees for which the 59776  
state receives reimbursement. If the federal government does not 59777  
provide full reimbursement for shared work compensation paid to an 59778  
individual under section 4141.53 of the Revised Code, the portion 59779  
of shared work compensation paid to that individual that is not 59780  
reimbursed shall be charged in accordance with division (C) of 59781  
this section. 59782

(B) Beginning with the week for which the federal government 59783  
no longer provides reimbursement, or if the state does not receive 59784  
reimbursement or the federal government requires an employer's 59785  
account to be charged, any shared work compensation paid to an 59786  
individual shall be charged in accordance with division (C) of 59787  
this section. 59788

(C) Except as provided in divisions (A) and (B) of this 59789  
section, any shared work compensation paid to an individual under 59790  
section 4141.53 of the Revised Code shall be charged in accordance 59791  
with division (D) of section 4141.24 of the Revised Code. 59792

**Sec. 4301.03.** The liquor control commission may adopt and 59793  
promulgate, repeal, rescind, and amend, in the manner required by 59794

this section, rules, standards, requirements, and orders necessary 59795  
to carry out this chapter and Chapter 4303. of the Revised Code, 59796  
but all rules of the board of liquor control that were in effect 59797  
immediately prior to April 17, 1963, shall remain in full force 59798  
and effect as rules of the liquor control commission until and 59799  
unless amended or repealed by the liquor control commission. The 59800  
rules of the commission may include the following: 59801

(A) Rules with reference to applications for and the issuance 59802  
of permits for the manufacture, distribution, transportation, and 59803  
sale of beer and intoxicating liquor, and the sale of alcohol; and 59804  
rules governing the procedure of the division of liquor control in 59805  
the suspension, revocation, and cancellation of those permits; 59806

(B) Rules and orders providing in detail for the conduct of 59807  
any retail business authorized under permits issued pursuant to 59808  
this chapter and Chapter 4303. of the Revised Code, with a view to 59809  
ensuring compliance with those chapters and laws relative to them, 59810  
and the maintenance of public decency, sobriety, and good order in 59811  
any place licensed under the permits. No rule or order shall 59812  
prohibit the operation of video lottery terminal games at a 59813  
commercial race track where live horse racing and simulcasting are 59814  
conducted in accordance with Chapter 3769. of the Revised Code or 59815  
the sale of lottery tickets issued pursuant to Chapter 3770. of 59816  
the Revised Code by any retail business authorized under permits 59817  
issued pursuant to that chapter. 59818

No rule or order shall prohibit pari-mutuel wagering on 59819  
simulcast horse races at a satellite facility that has been issued 59820  
a D liquor permit under Chapter 4303. of the Revised Code. No rule 59821  
or order shall prohibit a charitable organization that holds a D-4 59822  
permit from selling or serving beer or intoxicating liquor under 59823  
its permit in a portion of its premises merely because that 59824  
portion of its premises is used ~~at other times~~ for the conduct of 59825

a bingo game, as described in division (O) of section 2915.01 of 59826  
the Revised Code. ~~However, such an organization shall not sell or~~ 59827  
~~serve beer or intoxicating liquor or permit beer or intoxicating~~ 59828  
~~liquor to be consumed or seen in the same location in its premises~~ 59829  
~~where a bingo game, as described in division (O)(1) of section~~ 59830  
~~2915.01 of the Revised Code, is being conducted while the game is~~ 59831  
~~being conducted.~~ As used in this division, "charitable 59832  
organization" has the same meaning as in division (H) of section 59833  
2915.01 of the Revised Code. No rule or order pertaining to 59834  
visibility into the premises of a permit holder after the legal 59835  
hours of sale shall be adopted or maintained by the commission. 59836

(C) Standards, not in conflict with those prescribed by any 59837  
law of this state or the United States, to secure the use of 59838  
proper ingredients and methods in the manufacture of beer, mixed 59839  
beverages, and wine to be sold within this state; 59840

(D) Rules determining the nature, form, and capacity of all 59841  
packages and bottles to be used for containing beer or 59842  
intoxicating liquor, except for spirituous liquor to be kept or 59843  
sold, governing the form of all seals and labels to be used on 59844  
those packages and bottles; 59845

(E) Rules requiring the label on every package, bottle, and 59846  
container to state all of the following, as applicable: 59847

(1) The ingredients in the contents; 59848

(2) Except for beer, the terms of weight, volume, or proof 59849  
spirits; 59850

(3) Except for spirituous liquor, whether the product is 59851  
beer, wine, alcohol, or any intoxicating liquor; 59852

(4) Regarding beer that contains more than twelve per cent of 59853  
alcohol by volume, the percentage of alcohol by volume and that 59854  
the beer is a "high alcohol beer." 59855

(F) Uniform rules governing all advertising with reference to 59856  
the sale of beer and intoxicating liquor throughout the state and 59857  
advertising upon and in the premises licensed for the sale of beer 59858  
or intoxicating liquor; 59859

(G) Rules restricting and placing conditions upon the 59860  
transfer of permits; 59861

(H) Rules and orders limiting the number of permits of any 59862  
class within the state or within any political subdivision of the 59863  
state; and, for that purpose, adopting reasonable classifications 59864  
of persons or establishments to which any authorized class of 59865  
permits may be issued within any political subdivision; 59866

(I) Rules and orders with reference to sales of beer and 59867  
intoxicating liquor on Sundays and holidays and with reference to 59868  
the hours of the day during which and the persons to whom 59869  
intoxicating liquor of any class may be sold, and rules with 59870  
reference to the manner of sale; 59871

(J) Rules requiring permit holders buying beer to pay and 59872  
permit holders selling beer to collect minimum cash deposits for 59873  
kegs, cases, bottles, or other returnable containers of the beer; 59874  
requiring the repayment, or credit, of the minimum cash deposit 59875  
charges upon the return of the empty containers; and requiring the 59876  
posting of such form of indemnity or such other conditions with 59877  
respect to the charging, collection, and repayment of minimum cash 59878  
deposit charges for returnable containers of beer as are necessary 59879  
to ensure the return of the empty containers or the repayment upon 59880  
that return of the minimum cash deposits paid; 59881

(K) Rules establishing the method by which alcohol products 59882  
may be imported for sale by wholesale distributors and the method 59883  
by which manufacturers and suppliers may sell alcohol products to 59884  
wholesale distributors. 59885

Every rule, standard, requirement, or order of the commission 59886

and every repeal, amendment, or rescission of them shall be posted 59887  
for public inspection in the principal office of the commission 59888  
and the principal office of the division of liquor control, and a 59889  
certified copy of them shall be filed in the office of the 59890  
secretary of state. An order applying only to persons named in it 59891  
shall be served on the persons affected by personal delivery of a 59892  
certified copy, or by mailing a certified copy to each person 59893  
affected by it or, in the case of a corporation, to any officer or 59894  
agent of the corporation upon whom a service of summons may be 59895  
served in a civil action. The posting and filing required by this 59896  
section constitutes sufficient notice to all persons affected by 59897  
such rule or order which is not required to be served. General 59898  
rules of the commission promulgated pursuant to this section shall 59899  
be published in the manner the commission determines. 59900

**Sec. 4301.10.** (A) The division of liquor control shall do all 59901  
of the following: 59902

(1) Control the traffic in beer and intoxicating liquor in 59903  
this state, including the manufacture, importation, and sale of 59904  
beer and intoxicating liquor; 59905

(2) Grant or refuse permits for the manufacture, 59906  
distribution, transportation, and sale of beer and intoxicating 59907  
liquor and the sale of alcohol, as authorized or required by this 59908  
chapter and Chapter 4303. of the Revised Code. A certificate, 59909  
signed by the superintendent of liquor control and to which is 59910  
affixed the official seal of the division, stating that it appears 59911  
from the records of the division that no permit has been issued to 59912  
the person specified in the certificate, or that a permit, if 59913  
issued, has been revoked, canceled, or suspended, shall be 59914  
received as prima-facie evidence of the facts recited in the 59915  
certificate in any court or before any officer of this state. 59916

(3) Put into operation, manage, and control a system of state 59917

liquor stores for the sale of spirituous liquor at retail and to holders of permits authorizing the sale of spirituous liquor; however, the division shall not establish any drive-in state liquor stores; and by means of those types of stores, and any manufacturing plants, distributing and bottling plants, warehouses, and other facilities that it considers expedient, establish and maintain a state monopoly of the distribution of spirituous liquor and its sale in packages or containers; and for that purpose, manufacture, buy, import, possess, and sell spirituous liquors as provided in this chapter and Chapter 4303. of the Revised Code, and in the rules promulgated by the superintendent of liquor control pursuant to those chapters; lease or in any manner acquire the use of any land or building required for any of those purposes; purchase any equipment that is required; and borrow money to carry on its business, and issue, sign, endorse, and accept notes, checks, and bills of exchange; but all obligations of the division created under authority of this division shall be a charge only upon the moneys received by the division from the sale of spirituous liquor and its other business transactions in connection with the sale of spirituous liquor, and shall not be general obligations of the state;

(4) Enforce the administrative provisions of this chapter and Chapter 4303. of the Revised Code, and the rules and orders of the liquor control commission and the superintendent relating to the manufacture, importation, transportation, distribution, and sale of beer or intoxicating liquor. The attorney general, any prosecuting attorney, and any prosecuting officer of a municipal corporation or a municipal court shall, at the request of the division of liquor control or the department of public safety, prosecute any person charged with the violation of any provision in those chapters or of any section of the Revised Code relating to the manufacture, importation, transportation, distribution, and sale of beer or intoxicating liquor.

(5) Determine the locations of all state liquor stores and manufacturing, distributing, and bottling plants required in connection with those stores, subject to this chapter and Chapter 4303. of the Revised Code;

(6) Conduct inspections of liquor permit premises to determine compliance with the administrative provisions of this chapter and Chapter 4303. of the Revised Code and the rules adopted under those provisions by the liquor control commission.

Except as otherwise provided in division (A)(6) of this section, those inspections may be conducted only during those hours in which the permit holder is open for business and only by authorized agents or employees of the division or by any peace officer, as defined in section 2935.01 of the Revised Code. Inspections may be conducted at other hours only to determine compliance with laws or commission rules that regulate the hours of sale of beer or intoxicating liquor and only if the investigator has reasonable cause to believe that those laws or rules are being violated. Any inspection conducted pursuant to division (A)(6) of this section is subject to all of the following requirements:

(a) The only property that may be confiscated is contraband, as defined in section 2901.01 of the Revised Code, or property that is otherwise necessary for evidentiary purposes.

(b) A complete inventory of all property confiscated from the premises shall be given to the permit holder or the permit holder's agent or employee by the confiscating agent or officer at the conclusion of the inspection. At that time, the inventory shall be signed by the confiscating agent or officer, and the agent or officer shall give the permit holder or the permit holder's agent or employee the opportunity to sign the inventory.

(c) Inspections conducted pursuant to division (A)(6) of this

section shall be conducted in a reasonable manner. A finding by 59982  
any court of competent jurisdiction that an inspection was not 59983  
conducted in a reasonable manner in accordance with this section 59984  
or any rules adopted by the commission may be considered grounds 59985  
for suppression of evidence. A finding by the commission that an 59986  
inspection was not conducted in a reasonable manner in accordance 59987  
with this section or any rules adopted by it may be considered 59988  
grounds for dismissal of the commission case. 59989

If any court of competent jurisdiction finds that property 59990  
confiscated as the result of an administrative inspection is not 59991  
necessary for evidentiary purposes and is not contraband, as 59992  
defined in section 2901.01 of the Revised Code, the court shall 59993  
order the immediate return of the confiscated property, provided 59994  
that property is not otherwise subject to forfeiture, to the 59995  
permit holder. However, the return of this property is not grounds 59996  
for dismissal of the case. The commission likewise may order the 59997  
return of confiscated property if no criminal prosecution is 59998  
pending or anticipated. 59999

(7) Delegate to any of its agents or employees any power of 60000  
investigation that the division possesses with respect to the 60001  
enforcement of any of the administrative laws relating to beer or 60002  
intoxicating liquor, provided that this division does not 60003  
authorize the division to designate any agent or employee to serve 60004  
as an enforcement agent. The employment and designation of 60005  
enforcement agents shall be within the exclusive authority of the 60006  
director of public safety pursuant to sections 5502.13 to 5502.19 60007  
of the Revised Code. 60008

(8) Collect the following fees: 60009

(a) A biennial fifty-dollar registration fee for each agent, 60010  
solicitor, trade marketing professional, or salesperson, 60011  
registered pursuant to section 4303.25 of the Revised Code, of a 60012  
beer or intoxicating liquor manufacturer, supplier, broker, trade 60013

marketing company, or wholesale distributor doing business in this 60014  
state; 60015

(b) A fifty-dollar product registration fee for each new beer 60016  
or intoxicating liquor product sold in this state. The product 60017  
registration fee also applies to products sold in this state by 60018  
B-2a, S-1, and S-2 permit holders. The product registration fee 60019  
shall be accompanied by a copy of the federal label and product 60020  
approval for the new product. 60021

(c) An annual three-hundred-dollar supplier registration fee 60022  
from each manufacturer or supplier that produces and ships into 60023  
this state, or ships into this state, intoxicating liquor or beer, 60024  
in addition to an initial application fee of one hundred dollars. 60025  
A manufacturer that produces and ships beer or wine into this 60026  
state and that holds only an S-1 or S-2 permit, as applicable, 60027  
is exempt from the supplier registration fee. A manufacturer that 60028  
produces and ships beer or wine into this state and that holds a 60029  
B-2a permit shall pay an annual seventy-six-dollar supplier 60030  
registration fee. A manufacturer that produces and ships wine into 60031  
this state and that does not hold either an S-1 or a B-2a 60032  
permit, but that produces less than two hundred fifty thousand 60033  
gallons of wine per year ~~and that is entitled to a tax credit~~ 60034  
~~under 27 C.F.R. 24.278~~ shall pay an annual seventy-six-dollar 60035  
supplier registration fee. A B-2a, S-1, or S-2 permit holder 60036  
that does not sell its wine to wholesale distributors of wine in 60037  
this state and an S-1 permit holder that does not sell its beer 60038  
to wholesale distributors of beer in this state shall not be 60039  
required to submit to the division territory designation forms. 60040

Each supplier, agent, solicitor, trade marketing 60041  
professional, or salesperson registration issued under this 60042  
division shall authorize the person named to carry on the activity 60043  
specified in the registration. Each agent, solicitor, trade 60044  
marketing professional, or salesperson registration is valid for 60045

two years or for the unexpired portion of a two-year registration 60046  
period. Each supplier registration is valid for one year or for 60047  
the unexpired portion of a one-year registration period. 60048  
Registrations shall end on their respective uniform expiration 60049  
date, which shall be designated by the division, and are subject 60050  
to suspension, revocation, cancellation, or fine as authorized by 60051  
this chapter and Chapter 4303. of the Revised Code. 60052

As used in this division, "trade marketing company" and 60053  
"trade marketing professional" have the same meanings as in 60054  
section 4301.171 of the Revised Code. 60055

(9) Establish a system of electronic data interchange within 60056  
the division and regulate the electronic transfer of information 60057  
and funds among persons and governmental entities engaged in the 60058  
manufacture, distribution, and retail sale of alcoholic beverages; 60059

(10) Notify all holders of retail permits of the forms of 60060  
permissible identification for purposes of division (A) of section 60061  
4301.639 of the Revised Code; 60062

(11) Exercise all other powers expressly or by necessary 60063  
implication conferred upon the division by this chapter and 60064  
Chapter 4303. of the Revised Code, and all powers necessary for 60065  
the exercise or discharge of any power, duty, or function 60066  
expressly conferred or imposed upon the division by those 60067  
chapters. 60068

(B) The division may do all of the following: 60069

(1) Sue, but may be sued only in connection with the 60070  
execution of leases of real estate and the purchases and contracts 60071  
necessary for the operation of the state liquor stores that are 60072  
made under this chapter and Chapter 4303. of the Revised Code; 60073

(2) Enter into leases and contracts of all descriptions and 60074  
acquire and transfer title to personal property with regard to the 60075  
sale, distribution, and storage of spirituous liquor within the 60076

state; 60077

(3) Terminate at will any lease entered into pursuant to 60078  
division (B)(2) of this section upon first giving ninety days' 60079  
notice in writing to the lessor of its intention to do so; 60080

(4) Fix the wholesale and retail prices at which the various 60081  
classes, varieties, and brands of spirituous liquor shall be sold 60082  
by the division. Those retail prices shall be the same at all 60083  
state liquor stores, except to the extent that a price 60084  
differential is required to collect a county sales tax levied 60085  
pursuant to section 5739.021 of the Revised Code and for which tax 60086  
the tax commissioner has authorized prepayment pursuant to section 60087  
5739.05 of the Revised Code. In fixing selling prices, the 60088  
division shall compute an anticipated gross profit at least 60089  
sufficient to provide in each calendar year all costs and expenses 60090  
of the division and also an adequate working capital reserve for 60091  
the division. The gross profit shall not exceed forty per cent of 60092  
the retail selling price based on costs of the division, and in 60093  
addition the sum required by section 4301.12 of the Revised Code 60094  
to be paid into the state treasury. An amount equal to one and 60095  
one-half per cent of that gross profit shall be paid into the 60096  
statewide treatment and prevention fund created by section 4301.30 60097  
of the Revised Code and be appropriated by the general assembly 60098  
from the fund to the department of mental health and addiction 60099  
services as provided in section 4301.30 of the Revised Code. 60100

On spirituous liquor manufactured in this state from the 60101  
juice of grapes or fruits grown in this state, the division shall 60102  
compute an anticipated gross profit of not to exceed ten per cent. 60103

The wholesale prices fixed under this division shall be at a 60104  
discount of not less than six per cent of the retail selling 60105  
prices as determined by the division in accordance with this 60106  
section. 60107

(C) The division may approve the expansion or diminution of a premises to which a liquor permit has been issued and may adopt standards governing such an expansion or diminution.

**Sec. 4301.12.** The division of liquor control shall provide for the custody, safekeeping, and deposit of all moneys, checks, and drafts received by it or any of its employees or agents prior to paying them to the treasurer of state as provided by section 113.08 of the Revised Code.

A sum equal to three dollars and thirty-eight cents for each gallon of spirituous liquor sold by the division, JobsOhio, or a designee of JobsOhio during the period covered by the payment shall be paid into the state treasury to the credit of the general revenue fund. All moneys received from permit fees, except B-2a, S-1, and S-2 permit fees from B-2a, S-1, and S-2 permit holders who do not also hold A-2 or A-2f permits, shall be paid to the credit of the undivided liquor permit fund established by section 4301.30 of the Revised Code.

Except as otherwise provided by law, the division shall deposit all moneys collected under Chapters 4301. and 4303. of the Revised Code into the state treasury to the credit of the state liquor regulatory fund created in section 4301.30 of the Revised Code. In addition, revenue resulting from any contracts with the department of commerce pertaining to the responsibilities and operations described in this chapter may be credited to the fund.

Whenever, in the judgment of the director of budget and management, the amount in the liquor control fund is in excess of that needed to meet the maturing obligations of the division, as working capital for its further operations, to pay the operating expenses of the commission, and for the alcohol testing program under section 3701.143 of the Revised Code, the director shall transfer the excess to the credit of the general revenue fund. If

the director determines that the amount in the liquor control fund 60139  
is insufficient, the director may transfer money from the general 60140  
revenue fund to the liquor control fund. 60141

**Sec. 4301.30.** (A) All fees collected by the division of 60142  
liquor control shall be deposited in the state treasury to the 60143  
credit of the undivided liquor permit fund, which is hereby 60144  
created, at the time prescribed under section 4301.12 of the 60145  
Revised Code. Each payment shall be accompanied by a statement 60146  
showing separately the amount collected for each class of permits 60147  
in each municipal corporation and in each township outside the 60148  
limits of any municipal corporation in such township. 60149

(B)(1) An amount equal to forty-five per cent of the fund 60150  
shall be paid from the fund into the state liquor regulatory fund, 60151  
which is hereby created in the state treasury. The state liquor 60152  
regulatory fund shall be used to pay the operating expenses of the 60153  
division of liquor control in administering and enforcing Title 60154  
XLIII of the Revised Code and the operating expenses of the liquor 60155  
control commission. Investment earnings of the fund shall be 60156  
credited to the fund. 60157

(2) Whenever, in the judgment of the director of budget and 60158  
management, the amount of money that is in the state liquor 60159  
regulatory fund is in excess of the amount that is needed to pay 60160  
the operating expenses of the division in administering and 60161  
enforcing Title XLIII of the Revised Code and the operating 60162  
expenses of the commission, the director shall credit the excess 60163  
amount to the general revenue fund. 60164

(C) Twenty per cent of the undivided liquor permit fund shall 60165  
be paid into the statewide treatment and prevention fund, which is 60166  
hereby created in the state treasury. This amount shall be 60167  
appropriated by the general assembly, together with an amount 60168  
equal to one and one-half per cent of the gross profit of the 60169

division of liquor control derived under division (B)(4) of 60170  
section 4301.10 of the Revised Code, to the department of mental 60171  
health and addiction services. In planning for the allocation of 60172  
and in allocating these amounts for the purposes of Chapter 5119. 60173  
of the Revised Code, the department shall comply with the 60174  
nondiscrimination provisions of Title VI of the Civil Rights Act 60175  
of 1964, and any rules adopted under that act. 60176

(D) Thirty-five per cent of the undivided liquor permit fund 60177  
shall be distributed by the superintendent of liquor control at 60178  
quarterly calendar periods as follows: 60179

(1) To each municipal corporation, the aggregate amount shown 60180  
by the statements to have been collected from permits in the 60181  
municipal corporation, for the use of the general fund of the 60182  
municipal corporation; 60183

(2) To each township, the aggregate amount shown by the 60184  
statements to have been collected from permits in its territory, 60185  
outside the limits of any municipal corporation located in the 60186  
township, for the use of the general fund of the township, or for 60187  
fire protection purposes, including buildings and equipment in the 60188  
township or in an established fire district within the township, 60189  
to the extent that the funds are derived from liquor permits 60190  
within the territory comprising such fire district. 60191

(E) For the purpose of the distribution required by this 60192  
section, E, H, and D permits covering boats or vessels are deemed 60193  
to have been issued in the municipal corporation or township 60194  
wherein the owner or operator of the vehicle, boat, vessel, or 60195  
dining car equipment to which the permit relates has the owner's 60196  
or operator's principal office or place of business within the 60197  
state. 60198

(F) If the liquor control commission determines that the 60199  
police or other officers of any municipal corporation or township 60200

entitled to share in distributions under this section are refusing 60201  
or culpably neglecting to enforce this chapter and Chapter 4303. 60202  
of the Revised Code, or the penal laws of this state relating to 60203  
the manufacture, importation, transportation, distribution, and 60204  
sale of beer and intoxicating liquors, or if the prosecuting 60205  
officer of a municipal corporation or a municipal court fails to 60206  
comply with the request of the commission authorized by division 60207  
(A)(4) of section 4301.10 of the Revised Code, the commission, by 60208  
certified mail, may notify the chief executive officer of the 60209  
municipal corporation or the board of township trustees of the 60210  
township of the failure and require the immediate cooperation of 60211  
the responsible officers of the municipal corporation or township 60212  
with the division of liquor control in the enforcement of those 60213  
chapters and penal laws. Within thirty days after the notice is 60214  
served, the commission shall determine whether the requirement has 60215  
been complied with. If the commission determines that the 60216  
requirement has not been complied with, it may issue an order to 60217  
the superintendent to withhold the distributive share of the 60218  
municipal corporation or township until further order of the 60219  
commission. This action of the commission is reviewable within 60220  
thirty days thereafter in the court of common pleas of Franklin 60221  
county. 60222

(G) All fees collected by the division of liquor control from 60223  
the issuance or renewal of B-2a, S-1, and § S-2 permits, and paid 60224  
by B-2a, S-1, and § S-2 permit holders who do not also hold A-1 or 60225  
A-1c permits or A-2 or A-2f permits, shall be deposited in the 60226  
state treasury to the credit of the state liquor regulatory fund. 60227  
Once during each fiscal year, an amount equal to fifty per cent of 60228  
the fees collected shall be paid from the state liquor regulatory 60229  
fund into the general revenue fund. 60230

**Sec. 4301.42.** For the purpose of providing revenue for the 60231  
support of the state, a tax is hereby levied on the sale of beer 60232

in sealed bottles and cans having twelve ounces or less of liquid 60233  
content, at the rate of fourteen one-hundredths of one cent on 60234  
each ounce of liquid content or fractional part of each ounce of 60235  
liquid content, and on such containers in excess of twelve ounces, 60236  
at the rate of eighty-four one-hundredths of one cent on each six 60237  
ounces of liquid content or fractional part of each six ounces of 60238  
liquid content. Sections 4307.01 to 4307.12 of the Revised Code 60239  
apply in the administration of that tax. Manufacturers, bottlers, 60240  
and canners of beer, wholesale dealers in beer, and § S-1 permit 60241  
holders have the duty to pay the tax imposed by this section and 60242  
are entitled to the privileges in the manner provided in section 60243  
4303.33 of the Revised Code. 60244

**Sec. 4301.43.** (A) As used in sections 4301.43 to 4301.50 of 60245  
the Revised Code: 60246

(1) "Gallon" or "wine gallon" means one hundred twenty-eight 60247  
fluid ounces. 60248

(2) "Sale" or "sell" includes exchange, barter, gift, 60249  
distribution, and, except with respect to A-4 permit holders, 60250  
offer for sale. 60251

(B) For the purposes of providing revenues for the support of 60252  
the state and encouraging the grape industries in the state, a tax 60253  
is hereby levied on the sale or distribution of wine in Ohio, 60254  
except for known sacramental purposes, at the rate of thirty cents 60255  
per wine gallon for wine containing not less than four per cent of 60256  
alcohol by volume and not more than fourteen per cent of alcohol 60257  
by volume, ninety-eight cents per wine gallon for wine containing 60258  
more than fourteen per cent but not more than twenty-one per cent 60259  
of alcohol by volume, one dollar and eight cents per wine gallon 60260  
for vermouth, and one dollar and forty-eight cents per wine gallon 60261  
for sparkling and carbonated wine and champagne, the tax to be 60262

paid by the holders of A-2, A-2f, ~~and B-5, S-1, and S-2~~ permits or 60263  
by any other person selling or distributing wine upon which no tax 60264  
has been paid. From the tax paid under this section on wine, 60265  
vermouth, and sparkling and carbonated wine and champagne, the 60266  
treasurer of state shall credit to the Ohio grape industries fund 60267  
created under section 924.54 of the Revised Code a sum equal to 60268  
one cent per gallon for each gallon upon which the tax is paid. 60269

(C) For the purpose of providing revenues for the support of 60270  
the state, there is hereby levied a tax on prepared and bottled 60271  
highballs, cocktails, cordials, and other mixed beverages at the 60272  
rate of one dollar and twenty cents per wine gallon to be paid by 60273  
holders of A-4 permits or by any other person selling or 60274  
distributing those products upon which no tax has been paid. Only 60275  
one sale of the same article shall be used in computing the amount 60276  
of tax due. The tax on mixed beverages to be paid by holders of 60277  
A-4 permits under this section shall not attach until the 60278  
ownership of the mixed beverage is transferred for valuable 60279  
consideration to a wholesaler or retailer, and no payment of the 60280  
tax shall be required prior to that time. 60281

(D) ~~During the period of July 1, 2019, through June 30, 2021,~~ 60282  
~~from~~ From the tax paid under this section on wine, vermouth, and 60283  
sparkling and carbonated wine and champagne, the treasurer of 60284  
state shall credit to the Ohio grape industries fund created under 60285  
section 924.54 of the Revised Code a sum equal to two cents per 60286  
gallon upon which the tax is paid. The amount credited under this 60287  
division is in addition to the amount credited to the Ohio grape 60288  
industries fund under division (B) of this section. 60289

(E) For the purpose of providing revenues for the support of 60290  
the state, there is hereby levied a tax on cider at the rate of 60291  
twenty-four cents per wine gallon to be paid by the holders of 60292  
A-2, A-2f, and B-5 permits or by any other person selling or 60293  
distributing cider upon which no tax has been paid. Only one sale 60294

of the same article shall be used in computing the amount of the 60295  
tax due. 60296

**Sec. 4301.432.** For the purpose of encouraging the grape 60297  
industries of the state, a tax is hereby levied on the sale or 60298  
distribution of vermouth, sparkling and carbonated wine and 60299  
champagne, and other wine, except for known sacramental purposes, 60300  
at the rate of two cents per wine gallon, the tax to be paid by 60301  
the holders of A-2, A-2f, B-2a, B-5, S-1 and S-2 permits or by 60302  
any other person selling or distributing wine upon which no such 60303  
tax has been paid. The treasurer of state shall credit to the Ohio 60304  
grape industries fund created under section 924.54 of the Revised 60305  
Code the moneys the treasurer of state receives from this tax. 60306

**Sec. 4301.62.** (A) As used in this section: 60307

(1) "Chauffeured limousine" means a vehicle registered under 60308  
section 4503.24 of the Revised Code. 60309

(2) "Street," "highway," and "motor vehicle" have the same 60310  
meanings as in section 4511.01 of the Revised Code. 60311

(B) No person shall have in the person's possession an opened 60312  
container of beer or intoxicating liquor in any of the following 60313  
circumstances: 60314

(1) Except as provided in division (C)(1)(e) of this section, 60315  
in an agency store; 60316

(2) Except as provided in division (C) of this section, on 60317  
the premises of the holder of any permit issued by the division of 60318  
liquor control; 60319

(3) In any other public place; 60320

(4) Except as provided in division (D) or (E) of this 60321  
section, while operating or being a passenger in or on a motor 60322  
vehicle on any street, highway, or other public or private 60323

property open to the public for purposes of vehicular travel or 60324  
parking; 60325

(5) Except as provided in division (D) or (E) of this 60326  
section, while being in or on a stationary motor vehicle on any 60327  
street, highway, or other public or private property open to the 60328  
public for purposes of vehicular travel or parking. 60329

(C)(1) A person may have in the person's possession an opened 60330  
container of any of the following: 60331

(a) Beer or intoxicating liquor that has been lawfully 60332  
purchased for consumption on the premises where bought from the 60333  
holder of an A-1-A, A-2, A-2f, A-3a, D-1, D-2, D-3, D-3a, D-4, 60334  
D-4a, D-5, D-5a, D-5b, D-5c, D-5d, D-5e, D-5f, D-5g, D-5h, D-5i, 60335  
D-5j, D-5k, D-5l, D-5m, D-5n, D-5o, D-7, D-8, E, F, F-2, F-5, F-7, 60336  
or F-8 permit; 60337

(b) Beer, wine, or mixed beverages served for consumption on 60338  
the premises by the holder of an F-3 permit, wine served as a 60339  
tasting sample by an A-2, S-1, or S-2 permit holder ~~or S permit~~ 60340  
~~holder~~ for consumption on the premises of a farmers market for 60341  
which an F-10 permit has been issued, or wine served for 60342  
consumption on the premises by the holder of an F-4 or F-6 permit; 60343

(c) Beer or intoxicating liquor consumed on the premises of a 60344  
convention facility as provided in section 4303.201 of the Revised 60345  
Code; 60346

(d) Beer or intoxicating liquor to be consumed during 60347  
tastings and samplings approved by rule of the liquor control 60348  
commission; 60349

(e) Spirituous liquor to be consumed for purposes of a 60350  
tasting sample, as defined in section 4301.171 of the Revised 60351  
Code. 60352

(2) A person may have in the person's possession on an F 60353

liquor permit premises an opened container of beer or intoxicating 60354  
liquor that was not purchased from the holder of the F permit if 60355  
the premises for which the F permit is issued is a music festival 60356  
and the holder of the F permit grants permission for that 60357  
possession on the premises during the period for which the F 60358  
permit is issued. As used in this division, "music festival" means 60359  
a series of outdoor live musical performances, extending for a 60360  
period of at least three consecutive days and located on an area 60361  
of land of at least forty acres. 60362

(3)(a) A person may have in the person's possession on a D-2 60363  
liquor permit premises an opened or unopened container of wine 60364  
that was not purchased from the holder of the D-2 permit if the 60365  
premises for which the D-2 permit is issued is an outdoor 60366  
performing arts center, the person is attending an orchestral 60367  
performance, and the holder of the D-2 permit grants permission 60368  
for the possession and consumption of wine in certain 60369  
predesignated areas of the premises during the period for which 60370  
the D-2 permit is issued. 60371

(b) As used in division (C)(3)(a) of this section: 60372

(i) "Orchestral performance" means a concert comprised of a 60373  
group of not fewer than forty musicians playing various musical 60374  
instruments. 60375

(ii) "Outdoor performing arts center" means an outdoor 60376  
performing arts center that is located on not less than one 60377  
hundred fifty acres of land and that is open for performances from 60378  
the first day of April to the last day of October of each year. 60379

(4) A person may have in the person's possession an opened or 60380  
unopened container of beer or intoxicating liquor at an outdoor 60381  
location at which the person is attending an orchestral 60382  
performance as defined in division (C)(3)(b)(i) of this section if 60383  
the person with supervision and control over the performance 60384

grants permission for the possession and consumption of beer or 60385  
intoxicating liquor in certain predesignated areas of that outdoor 60386  
location. 60387

(5) A person may have in the person's possession on an F-9 60388  
liquor permit premises an opened or unopened container of beer or 60389  
intoxicating liquor that was not purchased from the holder of the 60390  
F-9 permit if the person is attending either of the following: 60391

(a) An orchestral performance and the F-9 permit holder 60392  
grants permission for the possession and consumption of beer or 60393  
intoxicating liquor in certain predesignated areas of the premises 60394  
during the period for which the F-9 permit is issued; 60395

(b) An outdoor performing arts event or orchestral 60396  
performance that is free of charge and the F-9 permit holder 60397  
annually hosts not less than twenty-five other events or 60398  
performances that are free of charge on the permit premises. 60399

As used in division (C)(5) of this section, "orchestral 60400  
performance" has the same meaning as in division (C)(3)(b) of this 60401  
section. 60402

(6)(a) A person may have in the person's possession on the 60403  
property of an outdoor motorsports facility an opened or unopened 60404  
container of beer or intoxicating liquor that was not purchased 60405  
from the owner of the facility if both of the following apply: 60406

(i) The person is attending a racing event at the facility; 60407  
and 60408

(ii) The owner of the facility grants permission for the 60409  
possession and consumption of beer or intoxicating liquor on the 60410  
property of the facility. 60411

(b) As used in division (C)(6)(a) of this section: 60412

(i) "Racing event" means a motor vehicle racing event 60413  
sanctioned by one or more motor racing sanctioning organizations. 60414

(ii) "Outdoor motorsports facility" means an outdoor racetrack to which all of the following apply: 60415  
60416

(I) It is two and four-tenths miles or more in length. 60417

(II) It is located on two hundred acres or more of land. 60418

(III) The primary business of the owner of the facility is the hosting and promoting of racing events. 60419  
60420

(IV) The holder of a D-1, D-2, or D-3 permit is located on the property of the facility. 60421  
60422

(7)(a) A person may have in the person's possession an opened container of beer or intoxicating liquor at an outdoor location within an outdoor refreshment area created under section 4301.82 of the Revised Code if the opened container of beer or intoxicating liquor was purchased from an A-1, A-1-A, A-1c, A-2, A-2f, D class, or F class permit holder to which both of the following apply: 60423  
60424  
60425  
60426  
60427  
60428  
60429

(i) The permit holder's premises is located within the outdoor refreshment area. 60430  
60431

(ii) The permit held by the permit holder has an outdoor refreshment area designation. 60432  
60433

(b) Division (C)(7) of this section does not authorize a person to do either of the following: 60434  
60435

(i) Enter the premises of an establishment within an outdoor refreshment area while possessing an opened container of beer or intoxicating liquor acquired elsewhere; 60436  
60437  
60438

(ii) Possess an opened container of beer or intoxicating liquor while being in or on a motor vehicle within an outdoor refreshment area, unless the possession is otherwise authorized under division (D) or (E) of this section. 60439  
60440  
60441  
60442

(c) As used in division (C)(7) of this section, "D class permit holder" does not include a D-6 or D-8 permit holder. 60443  
60444

(8)(a) A person may have in the person's possession on the property of a market, within a defined F-8 permit premises, an opened container of beer or intoxicating liquor that was purchased from a D permit premises that is located immediately adjacent to the market if both of the following apply:

(i) The market grants permission for the possession and consumption of beer and intoxicating liquor within the defined F-8 permit premises;

(ii) The market is hosting an event pursuant to an F-8 permit and the market has notified the division of liquor control about the event in accordance with division (A)(3) of section 4303.208 of the Revised Code.

(b) As used in division (C)(8) of this section, "market" means a market, for which an F-8 permit is held, that has been in operation since 1860.

(D) This section does not apply to a person who pays all or a portion of the fee imposed for the use of a chauffeured limousine pursuant to a prearranged contract, or the guest of the person, when all of the following apply:

(1) The person or guest is a passenger in the limousine.

(2) The person or guest is located in the limousine, but is not occupying a seat in the front compartment of the limousine where the operator of the limousine is located.

(3) The limousine is located on any street, highway, or other public or private property open to the public for purposes of vehicular travel or parking.

(E) An opened bottle of wine that was purchased from the holder of a permit that authorizes the sale of wine for consumption on the premises where sold is not an opened container for the purposes of this section if both of the following apply:

(1) The opened bottle of wine is securely resealed by the permit holder or an employee of the permit holder before the bottle is removed from the premises. The bottle shall be secured in such a manner that it is visibly apparent if the bottle has been subsequently opened or tampered with.

(2) The opened bottle of wine that is resealed in accordance with division (E)(1) of this section is stored in the trunk of a motor vehicle or, if the motor vehicle does not have a trunk, behind the last upright seat or in an area not normally occupied by the driver or passengers and not easily accessible by the driver.

(F)(1) Except if an ordinance or resolution is enacted or adopted under division (F)(2) of this section, this section does not apply to a person who, pursuant to a prearranged contract, is a passenger riding on a commercial quadricycle when all of the following apply:

(a) The person is not occupying a seat in the front of the commercial quadricycle where the operator is steering or braking.

(b) The commercial quadricycle is being operated on a street, highway, or other public or private property open to the public for purposes of vehicular travel or parking.

(c) The person has in their possession on the commercial quadricycle an opened container of beer or wine.

(d) The person has in their possession on the commercial quadricycle not more than either thirty-six ounces of beer or eighteen ounces of wine.

(2) The legislative authority of a municipal corporation or township may enact an ordinance or adopt a resolution, as applicable, that prohibits a passenger riding on a commercial quadricycle from possessing an opened container of beer or wine.

(3) As used in this section, "commercial quadricycle" means a vehicle that has fully-operative pedals for propulsion entirely by human power and that meets all of the following requirements:

(a) It has four wheels and is operated in a manner similar to a bicycle.

(b) It has at least five seats for passengers.

(c) It is designed to be powered by the pedaling of the operator and the passengers.

(d) It is used for commercial purposes.

(e) It is operated by the vehicle owner or an employee of the owner.

(G) This section does not apply to a person that has in the person's possession an opened container of beer or intoxicating liquor on the premises of a market if the beer or intoxicating liquor has been purchased from a D liquor permit holder that is located in the market.

As used in division (G) of this section, "market" means an establishment that:

(1) Leases space in the market to individual vendors, not less than fifty per cent of which are retail food establishments or food service operations licensed under Chapter 3717. of the Revised Code;

(2) Has an indoor sales floor area of not less than twenty-two thousand square feet;

(3) Hosts a farmer's market on each Saturday from April through December.

(H)(1) As used in this section, "alcoholic beverage" has the same meaning as in section 4303.185 of the Revised Code.

(2) An alcoholic beverage in a closed container being

transported under section 4303.185 of the Revised Code to its 60534  
final destination is not an opened container for the purposes of 60535  
this section if the closed container is securely sealed in such a 60536  
manner that it is visibly apparent if the closed container has 60537  
been subsequently opened or tampered with after sealing. 60538

(I) This section does not apply to a person who has in the 60539  
person's possession an opened container of beer or intoxicating 60540  
liquor in a public-use airport, as described in division 60541  
(D)(2)(a)(iii) of section 4303.181 of the Revised Code, when both 60542  
of the following apply: 60543

(1) Consumption of the opened container of beer or 60544  
intoxicating liquor occurs in the area of the airport terminal 60545  
that is restricted to persons taking flights to and from the 60546  
airport; and 60547

(2) The consumption is authorized under division (D)(2)(a) of 60548  
section 4303.181 of the Revised Code. 60549

**Sec. 4301.82.** (A) As used in this section: 60550

(1) "Qualified permit holder" means the holder of an A-1, 60551  
A-1-A, A-1c, A-2, A-2f, or D class permit issued under Chapter 60552  
4303. of the Revised Code. 60553

(2) "D class permit" does not include a D-6 or D-8 permit. 60554

(B) The executive officer of a municipal corporation or the 60555  
fiscal officer of a township may file an application with the 60556  
legislative authority of the municipal corporation or township to 60557  
have property within the municipal corporation or township 60558  
designated as an outdoor refreshment area or to expand an existing 60559  
outdoor refreshment area to include additional property within the 60560  
municipal corporation or township. The executive officer or fiscal 60561  
officer shall ensure that the application contains all of the 60562  
following: 60563

(1) A map or survey of the proposed outdoor refreshment area 60564  
in sufficient detail to identify the boundaries of the area, which 60565  
shall not exceed either of the following, as applicable: 60566

(a) Three hundred twenty contiguous acres or one-half square 60567  
mile if the municipal corporation or township has a population of 60568  
more than thirty-five thousand as specified in division (D) of 60569  
this section; 60570

(b) One hundred fifty contiguous acres if the municipal 60571  
corporation or township has a population of thirty-five thousand 60572  
or less as specified in division (D) of this section. 60573

(2) A general statement of the nature and types of 60574  
establishments that will be located within the proposed outdoor 60575  
refreshment area; 60576

(3) A statement that the proposed outdoor refreshment area 60577  
will encompass not fewer than four qualified permit holders; 60578

(4) Evidence that the uses of land within the proposed 60579  
outdoor refreshment area are in accord with the master zoning plan 60580  
or map of the municipal corporation or township; 60581

(5) Proposed requirements for the purpose of ensuring public 60582  
health and safety within the proposed outdoor refreshment area. 60583

(C) Within forty-five days after the date the application is 60584  
filed with the legislative authority of a municipal corporation or 60585  
township, the legislative authority shall publish public notice of 60586  
the application in one newspaper of general circulation in the 60587  
municipal corporation or township or as provided in section 7.16 60588  
of the Revised Code. The legislative authority shall ensure that 60589  
the notice states that the application is on file in the office of 60590  
the clerk of the municipal corporation or township and is 60591  
available for inspection by the public during regular business 60592  
hours. The legislative authority also shall indicate in the notice 60593  
the date and time of any public hearing to be held regarding the 60594

application by the legislative authority. 60595

Not earlier than thirty but not later than sixty days after 60596  
the initial publication of notice, the legislative authority shall 60597  
approve or disapprove the application by either ordinance or 60598  
resolution, as applicable. Approval of an application requires an 60599  
affirmative vote of a majority of the legislative authority. Upon 60600  
approval of the application by the legislative authority, the 60601  
territory described in the application constitutes an outdoor 60602  
refreshment area. The legislative authority shall provide to the 60603  
division of liquor control and the investigative unit of the 60604  
department of public safety notice of the approval of the 60605  
application and a description of the area specified in the 60606  
application. If the legislative authority disapproves the 60607  
application, the executive officer of a municipal corporation or 60608  
fiscal officer of a township may make changes in the application 60609  
to secure its approval by the legislative authority. 60610

(D) The creation of outdoor refreshment areas is limited as 60611  
follows: 60612

(1) A municipal corporation or township with a population of 60613  
more than fifty thousand shall not create more than four outdoor 60614  
refreshment areas. 60615

(2) A municipal corporation or township with a population of 60616  
more than thirty-five thousand but less than or equal to fifty 60617  
thousand shall not create more than two outdoor refreshment areas. 60618

(3)(a) Except as provided in division (D)(3)(b) of this 60619  
section, a municipal corporation or township with a population of 60620  
thirty-five thousand or less shall not create an outdoor 60621  
refreshment area. 60622

(b) A municipal corporation or township with a population of 60623  
thirty-five thousand or less may create one outdoor refreshment 60624  
area if the proposed area will include at least four qualified 60625

permit holders and be composed of one hundred fifty or fewer 60626  
contiguous acres. 60627

For purposes of this section, the population of a municipal 60628  
corporation or township is deemed to be the population shown by 60629  
the most recent regular federal decennial census. 60630

(E) As soon as possible after receiving notice that an 60631  
outdoor refreshment area has been approved, the division of liquor 60632  
control, for purposes of section 4301.62 of the Revised Code, 60633  
shall issue an outdoor refreshment area designation to each 60634  
qualified permit holder located within the refreshment area that 60635  
is in compliance with all applicable requirements under Chapters 60636  
4301. and 4303. of the Revised Code. The division shall not charge 60637  
any fee for the issuance of the designation. Any permit holder 60638  
that receives such a designation shall comply with all laws, 60639  
rules, and regulations that govern its license type, and the 60640  
applicable public health and safety requirements established for 60641  
the area under division (F) of this section. 60642

(F)(1) At the time of the creation of an outdoor refreshment 60643  
area, the legislative authority of a municipal corporation or 60644  
township in which such an area is located shall adopt an ordinance 60645  
or resolution, as applicable, that establishes requirements the 60646  
legislative authority determines necessary to ensure public health 60647  
and safety within the area. The legislative authority shall 60648  
include in the ordinance or resolution all of the following: 60649

(a) The specific boundaries of the area, including street 60650  
addresses; 60651

(b) The number, spacing, and type of signage designating the 60652  
area; 60653

(c) The hours of operation for the area; 60654

(d) The number of personnel needed to ensure public safety in 60655  
the area; 60656

(e) A sanitation plan that will help maintain the appearance and public health of the area; 60657  
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(f) The number of personnel needed to execute the sanitation plan; 60659  
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(g) A requirement that beer and intoxicating liquor be served solely in plastic bottles or other ~~plastic~~non-glass containers in the area. 60661  
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The legislative authority may, but is not required to, include in the ordinance or resolution any public health and safety requirements proposed in an application under division (B) of this section to designate or expand the outdoor refreshment area. The legislative authority may subsequently modify the public health and safety requirements as determined necessary by the legislative authority. 60664  
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(2) Prior to adopting an ordinance or resolution under this division, the legislative authority shall give notice of its proposed action by publication in one newspaper of general circulation in the municipal corporation or township or as provided in section 7.16 of the Revised Code. 60671  
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(3) The legislative authority shall provide to the division of liquor control and the investigative unit of the department of public safety notice of the public health and safety requirements established or modified under this division. 60676  
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(G) If an outdoor refreshment area has been created in accordance with this section, the holder of an F class permit that sponsors an event located in the outdoor refreshment area may apply to the division for issuance of an outdoor refreshment area designation. The division shall issue such a designation if the division determines that the permit holder is in compliance with all applicable requirements established under this chapter and Chapter 4303. of the Revised Code. An F class permit holder that 60680  
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receives a designation under this division shall do both of the 60688  
following: 60689

(1) Comply with all laws, rules, and regulations that govern 60690  
its type of permit, and the applicable public health and safety 60691  
requirements established for the outdoor refreshment area under 60692  
division (F) of this section; 60693

(2) Not block ingress or egress to the outdoor refreshment 60694  
area or any other liquor permit premises located within the area. 60695

(H) Section 4399.18 of the Revised Code applies to a liquor 60696  
permit holder located within an outdoor refreshment area in the 60697  
same manner as if the liquor permit holder were not located in an 60698  
outdoor refreshment area. 60699

(I)(1) Five years after the date of creation of an outdoor 60700  
refreshment area, the legislative authority of the municipal 60701  
corporation or township that created the area under this section 60702  
shall review the operation of the area and shall, by ordinance or 60703  
resolution, either approve the continued operation of the area or 60704  
dissolve the area. Prior to adopting the ordinance or resolution, 60705  
the legislative authority shall give notice of its proposed action 60706  
by publication in one newspaper of general circulation in the 60707  
municipal corporation or township or as provided in section 7.16 60708  
of the Revised Code. 60709

If the legislative authority dissolves the outdoor 60710  
refreshment area, the outdoor refreshment area ceases to exist. 60711  
The legislative authority then shall provide notice of its action 60712  
to the division of liquor control and the investigative unit of 60713  
the department of public safety. Upon receipt of the notice, the 60714  
division shall revoke all outdoor refreshment area designations 60715  
issued to qualified permit holders within the dissolved area. If 60716  
the legislative authority approves the continued operation of the 60717  
outdoor refreshment area, the area continues in operation. 60718

(2) Five years after the approval of the continued operation of an outdoor refreshment area under division (I)(1) of this section, the legislative authority shall conduct a review in the same manner as provided in division (I)(1) of this section. The legislative authority also shall conduct such a review five years after any subsequent approval of continued operation under division (I)(2) of this section.

(J) At any time, the legislative authority of a municipal corporation or township in which an outdoor refreshment area is located may, by ordinance or resolution, dissolve all or a part of the outdoor refreshment area. Prior to adopting the resolution or ordinance, the legislative authority shall give notice of its proposed action by publication in one newspaper of general circulation in the municipal corporation or township or as provided in section 7.16 of the Revised Code. If the legislative authority dissolves all or part of an outdoor refreshment area, the area designated in the ordinance or resolution no longer constitutes an outdoor refreshment area. The legislative authority shall provide notice of its actions to the division of liquor control and the investigative unit of the department of public safety. Upon receipt of the notice, the division shall revoke all outdoor refreshment area designations issued to qualified permit holders or the holder of an Fclass permit within the dissolved area or portion of the area.

**Sec. 4303.03.** (A) Subject to division (B) of this section, permit A-2 may be issued to a manufacturer to manufacture wine from grapes, fruits, or other agricultural products; to import and purchase wine in bond for blending purposes, the total amount of wine so imported during the year covered by the permit not to exceed forty per cent of all the wine manufactured and imported; to manufacture, purchase, and import brandy for fortifying purposes; and to sell those products either in glass or container

for consumption on the premises where manufactured, in sealed 60751  
containers for consumption off the premises where manufactured, 60752  
and to wholesale permit holders under the rules adopted by the 60753  
division of liquor control. 60754

(B)(1) The holder of an A-2 permit shall not sell directly to 60755  
a retailer. In order to make sales to a retailer, the manufacturer 60756  
shall obtain a B-2a permit or make the sale directly to a B-2 or 60757  
B-5 permit holder for subsequent resale to a retailer. 60758

(2) The holder of an A-2 permit shall not sell directly to a 60759  
consumer unless the product is sold on the premises in accordance 60760  
with division (A) of this section. In order to make sales to a 60761  
consumer off the premises where the wine is manufactured, the 60762  
manufacturer shall obtain an § S-1 or S-2 permit. 60763

(3) Nothing in this chapter prohibits an A-2 permit holder 60764  
from also holding a B-2a, S-1, or § S-2 permit. 60765

(C) The fee for this permit is seventy-six dollars for each 60766  
plant to which this permit is issued. 60767

**Sec. 4303.031.** (A) Subject to divisions (B) and (C) of this 60768  
section, permit A-2f may be issued to a manufacturer to do all of 60769  
the following: 60770

(1) Manufacture wine from grapes, fruits, or other 60771  
agricultural products; 60772

(2) Import and purchase wine in bond for blending purposes. 60773  
The total amount of wine imported for blending purposes during any 60774  
year covered by the permit shall not exceed forty per cent of all 60775  
the wine manufactured and imported. 60776

(3) Manufacture, purchase, and import brandy for fortifying 60777  
purposes; 60778

(4) Sell products produced under divisions (A)(1) to (3) of 60779

this section either in glass or container for consumption on the 60780  
premises where manufactured, in sealed containers for consumption 60781  
off the premises where manufactured, and to wholesale permit 60782  
holders under the rules adopted by the division of liquor control. 60783

(B) The division may issue permit A-2f to a manufacturer only 60784  
if both of the following apply: 60785

(1) The manufacturer grows grapes, fruits, or other 60786  
agricultural products on property owned by the manufacturer that 60787  
is classified as land devoted exclusively to agricultural use in 60788  
accordance with section 5713.31 of the Revised Code. 60789

(2) The manufacturer processes the grapes, fruits, or other 60790  
agricultural products specified in division (B)(1) of this section 60791  
into wine and sells the wine as authorized in this section. 60792

(C)(1) The holder of an A-2f permit shall not sell directly 60793  
to a retailer. In order to make sales to a retailer, the 60794  
manufacturer shall obtain a B-2a permit or make the sale directly 60795  
to a B-2 or B-5 permit holder for subsequent resale to a retailer. 60796

(2) The holder of an A-2f permit shall not sell directly to a 60797  
consumer unless the product is sold on the premises in accordance 60798  
with division (A) of this section. In order to make sales to a 60799  
consumer off the premises where the wine is manufactured, the 60800  
manufacturer shall obtain an § S-1 or S-2 permit. 60801

(3) Nothing in this chapter prohibits an A-2f permit holder 60802  
from also holding a B-2a, S-1, or § S-2 permit. 60803

(D) The fee for this permit is seventy-six dollars for each 60804  
plant to which this permit is issued. 60805

(E) The A-2f permit shall be known as the "Ohio Farm Winery 60806  
Permit." 60807

**Sec. 4303.071.** (A)(1) ~~Permit~~ The division of liquor control 60808  
may issue a B-2a ~~may be issued~~ permit to a person that ~~is the~~ 60809

~~brand owner or United States importer of wine, is the designated agent of a brand owner or importer for all wine sold in this state for that owner or importer, or manufactures wine if such manufacturer is entitled to a tax credit under 27 C.F.R. 24.278 and produces less than two hundred fifty thousand gallons of wine per year.~~ If the person resides outside this state, the person shall comply with the requirements governing the issuance of licenses or permits that authorize the sale of intoxicating liquor by the appropriate authority of the state in which the person resides ~~or~~ and by the alcohol and tobacco tax and trade bureau in the United States department of the treasury.

(2) The fee for the B-2a permit is twenty-five dollars.

(3) The holder of a B-2a permit may sell wine to a retail permit holder, ~~but.~~ However, a B-2a permit holder that is a wine manufacturer may sell to a retail permit holder only wine that the B-2a permit holder has manufactured and for which a territory designation has not been filed in this state.

(4) The holder of a B-2a permit shall renew the permit in accordance with section 4303.271 of the Revised Code, except that renewal shall not be subject to the notice and hearing requirements established in division (B) of that section.

(B) The holder of a B-2a permit shall collect and pay the taxes relating to the delivery of wine to a retailer that are levied under sections 4301.421 and 4301.432 and Chapters 5739. and 5741. of the Revised Code.

(C) The holder of a B-2a permit shall comply with this chapter, Chapter 4301. of the Revised Code, and any rules adopted by the liquor control commission under section 4301.03 of the Revised Code.

**Sec. 4303.17.** (A)(1) Permit D-4 may be issued to a club that

has been in existence for three years or more prior to the 60840  
issuance of the permit to sell beer and any intoxicating liquor to 60841  
its members only, in glass or container, for consumption on the 60842  
premises where sold. The fee for this permit is four hundred 60843  
sixty-nine dollars. 60844

No D-4 permit shall be granted or retained until all elected 60845  
officers of the organization controlling the club have filed with 60846  
the division of liquor control a statement, ~~signed under oath,~~ 60847  
certifying that the club is operated in the interest of the 60848  
membership of a reputable organization, which is maintained by a 60849  
dues paying membership, and setting forth the amount of initiation 60850  
fee and yearly dues. 60851

The roster of membership of a D-4 permit holder shall be 60852  
submitted ~~under oath~~ on at the request of the superintendent of 60853  
liquor control. Any information acquired by the superintendent or 60854  
the division with respect to that membership shall not be open to 60855  
public inspection or examination and may be divulged by the 60856  
superintendent and the division only in hearings before the liquor 60857  
control commission or in a court action in which the division or 60858  
the superintendent is named a party. 60859

(2) The requirement that a club shall have been in existence 60860  
for three years in order to qualify for a D-4 permit does not 60861  
apply to units of organizations chartered by congress or to a 60862  
subsidiary unit of a national fraternal organization if the parent 60863  
organization has been in existence for three years or more at the 60864  
time application for a permit is made by that unit. 60865

(B) No rule or order of the division or commission shall 60866  
prohibit a charitable organization that holds a D-4 permit from 60867  
selling or serving beer or intoxicating liquor under its permit in 60868  
a portion of its premises merely because that portion of its 60869  
premises is used ~~at other times~~ for the conduct of a bingo game as 60870  
described in division (O)(1) of section 2915.01 of the Revised 60871

~~Code. However, such an organization shall not sell or serve beer  
or intoxicating liquor or permit beer or intoxicating liquor to be  
consumed or seen in the same location in its premises where a  
bingo game as described in division (O)(1) of section 2915.01 of  
the Revised Code is being conducted while the game is being  
conducted. As used in this division, "charitable organization" has  
the same meaning as in division (H) of section 2915.01 of the  
Revised Code.~~

(C) Notwithstanding any contrary provision of sections  
4301.32 to 4301.41, division (C)(1) of section 4303.29, and  
section 4305.14 of the Revised Code, the holder of a D-4 permit  
may transfer the location of the permit and sell beer and wine at  
the new location if that location is in an election precinct in  
which the sale of beer and wine, but not spirituous liquor,  
otherwise is permitted by law.

**Sec. 4303.185.** (A) As used in this section:

(1) "Alcoholic beverage" means beer, wine, mixed beverages,  
or spirituous liquor.

(2) "Personal consumer" means an individual who is at least  
twenty-one years of age and intends to use a purchased alcoholic  
beverage for personal consumption only and not for resale or other  
commercial purposes.

(3) "Qualified permit holder" has the same meaning as in  
section 4301.82 of the Revised Code and also includes an A-3a  
permit holder.

(B)(1) In addition to any other sales authorized by a  
qualified permit holder's permit, a qualified permit holder may  
sell alcoholic beverages by the individual drink in sealed, closed  
containers to a personal consumer for off-premises consumption,  
including via delivery to the location of the personal consumer.

(2) If a qualified permit holder sells a mixed beverage under division (B)(1) of this section, the mixed beverage shall not contain an amount that exceeds the amount contained in a standard mixed beverage sold by the qualified permit holder for on-premises consumption. 60902  
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(3) A qualified permit holder may only sell alcoholic beverages under division (B)(1) of this section if the permit holder also sells a meal with the alcoholic beverages. 60907  
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~~(3)~~(4) A qualified permit holder shall not sell more than three alcoholic beverages per meal to any individual under division (B)(1) of this section. 60910  
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(C)(1) A qualified permit holder may only sell types of alcoholic beverages under division (B) of this section that the qualified permit holder is otherwise authorized to sell under the qualified permit holder's permit. 60913  
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(2) Prior to delivering an alcoholic beverage to a personal consumer under this section, a qualified permit holder, or an employee of the qualified permit holder, shall make a bona fide effort to ensure that the personal consumer is at least twenty-one years of age. 60917  
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(3) A qualified permit holder may use an H permit holder to make deliveries authorized under this section. 60922  
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**Sec. 4303.2010.** (A) As used in this section: 60924

(1) "Farmers market" means a farmers market registered with the director of agriculture under section 3717.221 of the Revised Code. "Farmers market" does not include a for-profit farmers market, a farmers market located at a rest area within the limits of the right-of-way of an interstate highway, a farmers market located at a service facility as defined in Chapter 5537. of the Revised Code that is along the Ohio turnpike, or a farmers market 60925  
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with fewer than five farmers market participants. 60932

(2) "A-2 permit holder" means an A-2 permit holder that 60933  
produces less than two hundred and fifty thousand gallons of wine 60934  
per year. 60935

(B) The division of liquor control may issue an F-10 permit 60936  
to a person who organizes a farmers market. Pursuant to the 60937  
permit, the F-10 permit holder may allow a farmers market 60938  
participant that is an A-2, S-1, or S-2 permit holder ~~or S permit~~ 60939  
~~holder~~ to do the following at the location of the farmers market: 60940

(1) Sell tasting samples of wine manufactured by the A-2,  60941  
S-1, or S-2 permit holder ~~or S permit holder~~ for consumption on 60942  
the premises where the farmers market is located; 60943

(2) Sell wine manufactured by the A-2, S-1, or S-2 permit 60944  
holder ~~or S permit holder~~ in sealed containers for consumption off 60945  
the premises where the farmers market is located. 60946

(C) An applicant for an F-10 permit shall submit an 60947  
application for the permit to the division of liquor control. The 60948  
application shall include the location of the farmers market that 60949  
is the subject of the application. 60950

(D) The premises of the farmers market for which the F-10 60951  
permit is issued shall be clearly defined and sufficiently 60952  
restricted to allow proper enforcement of the permit by state and 60953  
local law enforcement officers. If an F-10 permit is issued for 60954  
all or a portion of the same premises for which another class of 60955  
permit is issued, the division of liquor control shall suspend 60956  
that permit holder's privileges in that portion of the premises in 60957  
which the F-10 permit is in effect. 60958

(E) No A-2, S-1, or S-2 permit holder ~~or S permit holder~~ 60959  
shall do any of the following at a farmers market for which an 60960  
F-10 permit has been issued: 60961

- (1) Sell a tasting sample in an amount that exceeds one ounce; 60962  
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- (2) Sell more than one sample of each wine offered for sale to any one person; 60964  
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- (3) Sell more than five varieties of wine as tasting samples per day; 60966  
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- (4) Sell a variety of wine that is offered for distribution by a wholesale distributor in any state. Division (E)(4) of this section does not apply to a variety of wine solely distributed by the A-2, S-1, or S-2 permit holder ~~or S permit holder~~. 60968  
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- (5) Sell more than four and one-half liters of wine per household for off-premises consumption under division (B)(2) of this section; 60972  
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- (6) Allow any person other than the A-2, S-1, or S-2 permit holder ~~or S permit holder~~, a member of the applicable permit holder's family, or an employee of the applicable permit holder to sell wine. 60975  
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- (F) The F-10 permit is effective for nine months. The permit is not renewable. However, a person who organizes a farmers market may re-apply for a new permit. The fee for the F-10 permit is one hundred dollars. 60979  
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- (G) An A-2, S-1, or S-2 permit holder ~~or S permit holder~~ shall not conduct the activities described in division (B) of this section unless the sale of wine for consumption on the premises and the sale of wine for consumption off the premises is authorized in the election precinct in which the farmers market that is the subject of the F-10 permit is located. 60983  
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- (H) No F-10 permit holder shall allow more than four A-2 permit holders, four S-1 permit holders, four S-2 permit holders, or a combination of four A-2, S-1, and S-2 permit holders 60989  
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~~and S permit holders~~ per day to conduct the activities described 60992  
in division (B) of this section on the premises of the applicable 60993  
farmers market. 60994

**Sec. 4303.232.** (A)(1) ~~Permit S may be issued~~ The division of 60995  
liquor control may issue an S-1 permit to a person that ~~is the~~ 60996  
~~brand owner or United States importer of beer or wine, is the~~ 60997  
~~designated agent of a brand owner or importer for all beer or wine~~ 60998  
~~sold in this state for that owner or importer, or manufactures~~ 60999  
~~wine if the manufacturer is entitled to a tax credit under 27~~ 61000  
~~C.F.R. 24.278 and produces~~ beer or less than two hundred fifty 61001  
thousand gallons of wine per year. If the person resides outside 61002  
this state, the person shall comply with the requirements 61003  
governing the issuance of licenses or permits that authorize the 61004  
sale of beer or intoxicating liquor by the appropriate authority 61005  
of the state in which the person resides ~~or~~ and by the alcohol and 61006  
tobacco tax and trade bureau of the United States department of 61007  
the treasury. 61008

(2) The fee for the ~~S~~ S-1 permit is twenty-five dollars. 61009

(3) ~~The holder of an S~~ An S-1 permit holder may sell beer or 61010  
wine to a personal consumer by receiving and filling orders that 61011  
the personal consumer submits to the permit holder. The permit 61012  
holder shall sell only beer or wine that the permit holder has 61013  
manufactured to a personal consumer. 61014

(4) ~~The holder of an S~~ An S-1 permit holder shall renew the 61015  
permit in accordance with section 4303.271 of the Revised Code, 61016  
except that the renewal shall not be subject to the notice and 61017  
hearing requirements established in division (B) of that section. 61018

(5) The division ~~of liquor control~~ may refuse to renew an ~~S~~ 61019  
S-1 permit for any of the reasons specified in section 4303.292 of 61020  
the Revised Code or if the holder of the permit fails to do any of 61021  
the following: 61022

(a) Collect and pay all applicable taxes specified in 61023  
division (B) of this section; 61024

(b) Pay the permit fee; 61025

(c) Comply with this section or any rules adopted by the 61026  
liquor control commission under section 4301.03 of the Revised 61027  
Code. 61028

(B)(1) ~~The holder of an S~~ An S-1 permit holder who sells wine 61029  
shall collect and pay the taxes relating to the delivery of wine 61030  
to a personal consumer that are levied under sections 4301.421, 61031  
4301.43, and 4301.432 and Chapters 5739. and 5741. of the Revised 61032  
Code. 61033

(2) ~~The holder of an S~~ An S-1 permit holder who sells beer 61034  
shall collect and pay the taxes relating to the delivery of beer 61035  
to a personal consumer that are levied under sections 4301.42 and 61036  
4301.421 and Chapters 4305., 4307., 5739., and 5741. of the 61037  
Revised Code. 61038

(C)(1) ~~The holder of an S~~ An S-1 permit holder shall send a 61039  
shipment of beer or wine that has been paid for by a personal 61040  
consumer to that personal consumer via ~~the holder of~~ an H permit 61041  
holder. Prior to sending a shipment of beer or wine to a personal 61042  
consumer, ~~the holder of an S~~ S-1 permit holder, or an employee of 61043  
the permit holder, shall make a bona fide effort to ensure that 61044  
the personal consumer is at least twenty-one years of age. The 61045  
shipment of beer or wine shall be shipped in a package that 61046  
clearly ~~has written on it in bold print the words "alcohol~~ 61047  
enclosed." states that it contains alcohol. No person shall fail 61048  
to comply with division (C)(1) of this section. 61049

(2) Upon delivering a shipment of beer or wine to a personal 61050  
consumer, ~~the holder of the~~ an H permit holder, or an employee of 61051  
the permit holder, shall verify that the personal consumer is at 61052  
least twenty-one years of age by checking the personal consumer's 61053

driver's or commercial driver's license or identification card 61054  
issued under sections 4507.50 to 4507.52 of the Revised Code. 61055

(3) ~~The holder of an § An S-1~~ permit holder shall keep a 61056  
record of each shipment of beer or wine that the permit holder 61057  
sends to a personal consumer. The records shall be used for all of 61058  
the following: 61059

(a) To provide a copy of each beer or wine shipment invoice 61060  
to the tax commissioner in a manner prescribed by the 61061  
commissioner. The invoice shall include the name of each personal 61062  
consumer that purchased beer or wine from the § S-1 permit holder 61063  
in accordance with this section and any other information required 61064  
by the tax commissioner. 61065

(b) To provide annually in electronic format by electronic 61066  
means a report to the division. The report shall include the name 61067  
and address of each personal consumer that purchased beer or wine 61068  
from the § S-1 permit holder in accordance with this section, the 61069  
quantity of beer or wine purchased by each personal consumer, and 61070  
any other information requested by the division. The division 61071  
shall prescribe and provide an electronic form for the report and 61072  
shall determine the specific electronic means that the § S-1 61073  
permit holder must use to submit the report. 61074

(c) To notify a personal consumer of any health or welfare 61075  
recalls of the beer or wine that has been purchased by the 61076  
personal consumer. 61077

(D) As used in this section, "personal consumer" means an 61078  
individual who is at least twenty-one years of age, is a resident 61079  
of this state, does not hold a permit issued under this chapter, 61080  
and intends to use beer or wine purchased in accordance with this 61081  
section for personal consumption only and not for resale or other 61082  
commercial purposes. 61083

(E) ~~The holder of an § An S-1~~ permit holder shall comply with 61084

this chapter, Chapter 4301. of the Revised Code, and any rules 61085  
adopted by the liquor control commission under section 4301.03 of 61086  
the Revised Code. 61087

Sec. 4303.233. (A) As used in this section, "personal 61088  
consumer" means an individual who is at least twenty-one years of 61089  
age, is a resident of this state, does not hold a permit issued 61090  
under this chapter, and intends to use wine purchased in 61091  
accordance with this section for personal consumption only and not 61092  
for resale or other commercial purposes. 61093

(B)(1) The division of liquor control may issue an S-2 permit 61094  
to a person that manufactures two hundred fifty thousand gallons 61095  
or more of wine per year. If the person resides outside this 61096  
state, the person shall comply with the requirements governing the 61097  
issuance of licenses or permits that authorize the sale of beer or 61098  
intoxicating liquor by the appropriate authority of the state in 61099  
which the person resides and by the alcohol and tobacco tax and 61100  
trade bureau of the United States department of the treasury. 61101

(2) An S-2 permit holder may sell wine to a personal consumer 61102  
by receiving and filling orders that the personal consumer submits 61103  
to the permit holder. The permit holder shall sell only wine that 61104  
the permit holder has manufactured to a personal consumer. An S-2 61105  
permit holder may use a fulfillment warehouse registered under 61106  
section 4303.234 of the Revised Code to send a shipment of wine to 61107  
a personal consumer. A fulfillment warehouse is an agent of an S-2 61108  
permit holder and an S-2 permit holder is liable for violations of 61109  
this chapter and Chapter 4301. of the Revised Code that are 61110  
committed by the fulfillment warehouse regarding wine shipped on 61111  
behalf of the S-2 permit holder. 61112

(C) An S-2 permit holder shall collect and pay the taxes 61113  
relating to the delivery of wine to a personal consumer that are 61114  
levied under sections 4301.421, 4301.43, and 4301.432 and Chapters 61115

5739. and 5741. of the Revised Code. 61116

(D)(1) An S-2 permit holder shall send a shipment of wine 61117  
that has been paid for by a personal consumer to that personal 61118  
consumer via an H permit holder. Prior to sending a shipment of 61119  
wine to a personal consumer, the S-2 permit holder, or an employee 61120  
of the permit holder, shall make a bona fide effort to ensure that 61121  
the personal consumer is at least twenty-one years of age. The 61122  
shipment of wine shall be shipped in a package that clearly states 61123  
that it contains alcohol. No person shall fail to comply with 61124  
division (D)(1) of this section. 61125

(2) Upon delivering a shipment of wine to a personal 61126  
consumer, an H permit holder, or an employee of the permit holder, 61127  
shall verify that the personal consumer is at least twenty-one 61128  
years of age by checking the personal consumer's driver's or 61129  
commercial driver's license or identification card issued under 61130  
sections 4507.50 to 4507.52 of the Revised Code. 61131

(3) An S-2 permit holder shall keep a record of each shipment 61132  
of wine that the permit holder sends to a personal consumer. The 61133  
records shall be used for all of the following: 61134

(a) To provide a copy of each wine shipment invoice to the 61135  
tax commissioner in a manner prescribed by the commissioner. The 61136  
invoice shall include the name of each personal consumer that 61137  
purchased wine from the S-2 permit holder in accordance with this 61138  
section and any other information required by the tax 61139  
commissioner. 61140

(b) To provide annually in electronic format by electronic 61141  
means a report to the division. The report shall include the name 61142  
and address of each personal consumer that purchased wine from the 61143  
S-2 permit holder in accordance with this section, the quantity of 61144  
wine purchased by each personal consumer, and any other 61145  
information requested by the division. If the S-2 permit holder 61146

uses a fulfillment warehouse registered under section 4303.234 of the Revised Code to send a shipment of wine on behalf of the S-2 permit holder, the S-2 permit holder need not include the personal consumer information for that shipment in the report. The division shall prescribe and provide an electronic form for the report and shall determine the specific electronic means that the S-2 permit holder must use to submit the report.

(c) To notify a personal consumer of any health or welfare recalls of the wine that has been purchased by the personal consumer.

(E) An S-2 permit holder shall comply with this chapter, Chapter 4301. of the Revised Code, and any rules adopted by the liquor control commission under section 4301.03 of the Revised Code.

(F)(1) An S-2 permit holder shall renew the permit in accordance with section 4303.271 of the Revised Code, except that the renewal shall not be subject to the notice and hearing requirements established in division (B) of that section.

(2) The division may refuse to renew an S-2 permit for any of the reasons specified in section 4303.292 of the Revised Code or if the permit holder fails to do any of the following:

(a) Collect and pay all applicable taxes specified in division (C) of this section;

(b) Pay the permit fee;

(c) Comply with this section or any rules adopted by the liquor control commission under section 4301.03 of the Revised Code.

(G) The initial fee for the S-2 permit is two hundred fifty dollars. The renewal fee for the S-2 permit is one hundred dollars.

Sec. 4303.234. (A) As used in this section: 61177

(1) "Fulfillment warehouse" means a person that operates a warehouse that is located outside this state and has entered into a written agreement with an S-2 permit holder to fulfill orders of the S-2 permit holder's wine to personal consumers via delivery by an H permit holder. 61178  
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61180  
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(2) "Personal consumer" has the same meaning as in section 4303.233 of the Revised Code. 61183  
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(B) A fulfillment warehouse may send a shipment of wine sold by an S-2 permit holder to a personal consumer via an H permit holder. A fulfillment warehouse shall provide annually in electronic format by electronic means a report to the division not later than March first. The annual report shall include all of the following: 61185  
61186  
61187  
61188  
61189  
61190

(1) The name and address of the fulfillment warehouse. The fulfillment warehouse shall include the address of each location owned or operated by the fulfillment warehouse that is used to ship wine to personal consumers in this state. 61191  
61192  
61193  
61194

(2) The name and address of each S-2 liquor permit holder with which the fulfillment warehouse has entered into an agreement; 61195  
61196  
61197

(3) The name and address of each personal consumer that the fulfillment warehouse sends wine to and the quantity of wine purchased by the personal consumer; 61198  
61199  
61200

(4) The shipping tracking number provided by the H permit holder for each shipment of wine delivered to a personal consumer. The division shall prescribe and provide an electronic form for the report and shall determine the specific electronic means that the fulfillment warehouse must use to submit the report. 61201  
61202  
61203  
61204  
61205

(E) The division may adopt rules in accordance with Chapter 61206

119. of the Revised Code necessary to administer and enforce this section. 61207  
61208

**Sec. ~~4303.234~~ 4303.235.** All B-2a, S-1, and S S-2 permit holders and fulfillment warehouses, as defined in section 4303.234 of the Revised Code, are subject to the following: 61209  
61210  
61211

(A) Audit by the division of liquor control or the department of taxation; 61212  
61213

(B) Jurisdiction of the liquor control commission, the division of liquor control, the department of taxation, the department of public safety, and the courts of this state; and 61214  
61215  
61216

(C) The statutes and rules of this state. 61217

**Sec. ~~4303.233~~ 4303.236.** (A) No family household shall purchase more than twenty-four cases of twelve bottles of seven hundred fifty milliliters of wine in one year. 61218  
61219  
61220

(B)(1) Except as provided in sections 4303.185 and 4303.27 of the Revised Code, no person shall knowingly send or transport a shipment of wine to a personal consumer, as defined in section 4303.233 of the Revised Code, without an S-1 or S-2 permit or registering as a fulfillment warehouse under section 4303.234 of the Revised Code. This division does not apply to an H permit holder. 61221  
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(2) Except as provided in sections 4303.185 and 4303.27 of the Revised Code, no person shall knowingly send or transport a shipment of beer to a personal consumer, as defined in section 4303.232 of the Revised Code, without an S-1 permit. This division does not apply to an H permit holder. 61228  
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(C) A person that is not a beer or wine manufacturer, including the holder of any retail permit in this state or outside of this state, shall not obtain or attempt to obtain a B-2a, S-1, 61233  
61234  
61235

or S-2 permit. 61236

Sec. 4303.237. (A) As used in this section: 61237

(1) "Container" means a can, bottle, or box of beer, wine, or mixed beverage that is sealed by the manufacturer of the beer, wine, or mixed beverage. 61238  
61239  
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(2) "Repackaging" means the process by which containers of beer, wine, and mixed beverages are rebundled into new configurations of those containers or with other promotional merchandise. 61241  
61242  
61243  
61244

(B) The division of liquor control may issue an R permit to either of the following: 61245  
61246

(1) A manufacturer or supplier of beer, wine, or mixed beverages for purposes of repackaging the beer, wine, or mixed beverages; or 61247  
61248  
61249

(2) An entity operating under a written authorization from the manufacturer or supplier to operate a repackaging facility for the repackaging of beer, wine, or mixed beverages. 61250  
61251  
61252

(B) An R permit holder may only deliver beer, wine, or mixed beverages that the permit holder repackages to the following: 61253  
61254

(1) The manufacturer or supplier that supplied the beer, wine, or mixed beverages to the R permit holder for repackaging purposes; 61255  
61256  
61257

(2) A B permit holder that is authorized by the beer, wine, or mixed beverages manufacturer or supplier to sell or distribute the repackaged beer, wine, or mixed beverages in this state; 61258  
61259  
61260

(3) An entity outside this state if so authorized by the beer, wine, or mixed beverages manufacturer or supplier. 61261  
61262

(C) An R permit holder shall ensure both of the following: 61263

(1) That beer, wine, or mixed beverages repackaged and 61264

delivered to a B permit holder pursuant to division (B) of this 61265  
section has been registered with the division of liquor control 61266  
under division (A)(8)(b) of section 4301.10 of the Revised Code; 61267  
and 61268

(2) That a territory designation form has been filed with the 61269  
division for the beer, wine, or mixed beverages. 61270

(D) An R permit holder shall not deliver to a B permit holder 61271  
more repackaged beer, wine, or mixed beverages than the B permit 61272  
holder specifically ordered. 61273

The title to beer, wine, or mixed beverages in the possession 61274  
of an R permit holder shall remain with the beer, wine, or mixed 61275  
beverages manufacturer or supplier for whom it is being 61276  
repackaged. 61277

(E) The liquor control commission shall revoke an R permit if 61278  
the R permit holder possesses or delivers beer, wine, or mixed 61279  
beverages in violation of this section. 61280

(F) An R permit holder shall not have any financial interest 61281  
in any other permit authorized under Chapter 4303. of the Revised 61282  
Code, except that a manufacturer may hold a manufacturing permit. 61283

(G) The fee for the R permit is seven hundred fifty dollars 61284  
for each location. 61285

**Sec. 4303.26.** (A) Applications for regular permits authorized 61286  
by sections 4303.02 to 4303.23 of the Revised Code may be filed 61287  
with the division of liquor control. No permit shall be issued by 61288  
the division until fifteen days after the application for it is 61289  
filed. An applicant for the issuance of a new permit shall pay a 61290  
processing fee of one hundred dollars when filing application for 61291  
the permit, if the permit is then available, or shall pay the 61292  
processing fee when a permit becomes available, if it is not 61293  
available when the applicant initially files the application. When 61294

an application for a new class C or D permit is filed, when class 61295  
C or D permits become available, or when an application for 61296  
transfer of ownership of a class C or D permit or transfer of a 61297  
location of a class C or D permit is filed, no permit shall be 61298  
issued, nor shall the location or the ownership of a permit be 61299  
transferred, by the division until the division notifies the 61300  
legislative authority of the municipal corporation if the business 61301  
or event is or is to be located within the corporate limits of a 61302  
municipal corporation, or the clerk of the board of county 61303  
commissioners and the fiscal officer of the board of township 61304  
trustees in the county in which the business or event is or is to 61305  
be conducted if the business is or is to be located outside the 61306  
corporate limits of a municipal corporation, and an opportunity is 61307  
provided officials or employees of the municipal corporation or 61308  
county and township, who shall be designated by the legislative 61309  
authority or the board of county commissioners or board of 61310  
township trustees, for a complete hearing upon the advisability of 61311  
the issuance, transfer of ownership, or transfer of location of 61312  
the permit. In this hearing, no objection to the issuance, 61313  
transfer of ownership, or transfer of location of the permit shall 61314  
be based upon noncompliance of the proposed permit premises with 61315  
local zoning regulations which prohibit the sale of beer or 61316  
intoxicating liquor, in an area zoned for commercial or industrial 61317  
uses, for a permit premises that would otherwise qualify for a 61318  
proper permit issued by the division. 61319

When the division sends notice to the legislative or 61320  
executive authority of the political subdivision, as required by 61321  
this section, the division shall also so notify, by certified 61322  
mail, return receipt requested, or by personal service, the chief 61323  
peace officer of the political subdivision. Upon the request of 61324  
the chief peace officer, the division shall send the chief peace 61325  
officer a copy of the application for the issuance or the transfer 61326  
of ownership or location of the permit and all other documents or 61327

materials filed by the applicant or applicants in relation to the 61328  
application. The chief peace officer may appear and testify, 61329  
either in person or through a representative, at any hearing held 61330  
on the advisability of the issuance, transfer of ownership, or 61331  
transfer of location of the permit. The hearing shall be held in 61332  
the central office of the division, except that upon written 61333  
request of the legislative authority of the municipal corporation 61334  
or the board of county commissioners or board of township 61335  
trustees, the hearing shall be held in the county seat of the 61336  
county where the applicant's business is or is to be conducted. 61337

If the business or event specified in an application for the 61338  
issuance, transfer of ownership, or transfer of location of any 61339  
regular permit authorized by sections 4303.02 to 4303.23 of the 61340  
Revised Code, except for an F-2 permit, is, or is to be operated, 61341  
within five hundred feet from the boundaries of a parcel of real 61342  
estate having situated on it a school, church, library, public 61343  
playground, or township park, no permit shall be issued, nor shall 61344  
the location or the ownership of a permit be transferred, by the 61345  
division until written notice of the filing of the application 61346  
with the division is served, by certified mail, return receipt 61347  
requested, or by personal service, upon the authorities in control 61348  
of the school, church, library, public playground, or township 61349  
park and an opportunity is provided them for a complete hearing 61350  
upon the advisability of the issuance, transfer of ownership, or 61351  
transfer of location of the permit. In this hearing, no objection 61352  
to the issuance, transfer of ownership, or transfer of location of 61353  
the permit shall be based upon the noncompliance of the proposed 61354  
permit premises with local zoning regulations which prohibit the 61355  
sale of beer or intoxicating liquor, in an area zoned for 61356  
commercial or industrial uses, for a permit premises that would 61357  
otherwise qualify for a proper permit issued by the division. Upon 61358  
the written request of any of these authorities, the hearing shall 61359  
be held in the county seat of the county where the applicant's 61360

business is or is to be conducted. 61361

A request for any hearing authorized by this section shall be 61362  
made no later than thirty days from the time of notification by 61363  
the division. This thirty-day period begins on the date the 61364  
division mails notice to the legislative authority or the date on 61365  
which the division mails notice to or, by personal service, serves 61366  
notice upon, the institution. The division shall conduct a hearing 61367  
if the request for the hearing is postmarked by the deadline date. 61368  
The division may allow, upon cause shown by the requesting 61369  
legislative authority or board, an extension of thirty additional 61370  
days for the legislative authority of the municipal corporation, 61371  
board of township trustees of the township, or board of county 61372  
commissioners of the county in which a permit premises is or is to 61373  
be located to object to the issuance, transfer of ownership, or 61374  
transfer of location of a permit. The request for the extension 61375  
shall be made by the legislative authority or board to the 61376  
division no later than thirty days after the time of notification 61377  
by the division. 61378

(B) When an application for transfer of ownership of a permit 61379  
is filed with the division, the division shall give notice of the 61380  
application to the tax commissioner. Within twenty days after 61381  
receiving this notification, the commissioner shall notify the 61382  
division of liquor control and the proposed transferee of the 61383  
permit if the permit holder owes to this state any delinquent 61384  
horse-racing taxes, alcoholic beverage taxes, motor fuel taxes, 61385  
petroleum activity taxes, sales or use taxes, cigarette taxes, 61386  
other tobacco product taxes, income taxes withheld from employee 61387  
compensation, commercial activity taxes, ~~or~~ gross casino revenue 61388  
taxes, or gross receipts taxes levied pursuant to section 5739.101 61389  
of the Revised Code, or has failed to file any corresponding 61390  
returns or submit any information required by the commissioner, as 61391  
required for such taxes, to the extent that any delinquent payment 61392

or return, or any failure to submit information, is known to the 61393  
department of taxation at the time of the application. The 61394  
division shall not transfer ownership of the permit until payments 61395  
known to be delinquent are resolved, returns known to be 61396  
delinquent are filed, and any information required by the 61397  
commissioner has been provided. As used in this division, 61398  
"resolved" means that the delinquent payment has been paid in full 61399  
or an amount sufficient to satisfy the delinquent payment is in 61400  
escrow for the benefit of the state. The commissioner shall notify 61401  
the division of the resolution. After the division has received 61402  
the notification from the commissioner, the division may proceed 61403  
to transfer ownership of the permit. Nothing in this division 61404  
shall be construed to affect or limit the responsibilities or 61405  
liabilities of the transferor or the transferee imposed by Chapter 61406  
3769., 4301., 4303., 4305., 5735., 5736., 5739., 5741., 5743., 61407  
5747., 5751., or 5753. of the Revised Code. 61408

(C) No F or F-2 permit shall be issued for an event until the 61409  
applicant has, by means of a form that the division shall provide 61410  
to the applicant, notified the chief peace officer of the 61411  
political subdivision in which the event will be conducted of the 61412  
date, time, place, and duration of the event. 61413

(D) The division of liquor control shall notify an applicant 61414  
for a permit authorized by sections 4303.02 to 4303.23 of the 61415  
Revised Code of an action pending or judgment entered against a 61416  
liquor permit premises, of which the division has knowledge, 61417  
pursuant to section 3767.03 or 3767.05 of the Revised Code if the 61418  
applicant is applying for a permit at the location of the premises 61419  
that is the subject of the action under section 3767.03 or 61420  
judgment under section 3767.05 of the Revised Code. 61421

**Sec. 4303.271.** (A) Except as provided in divisions (B) and 61422  
(D) of this section, the holder of a permit issued under sections 61423

4303.02 to 4303.232 of the Revised Code, who files an application 61424  
for the renewal of the same class of permit for the same premises, 61425  
shall be entitled to the renewal of the permit. The division of 61426  
liquor control shall renew the permit unless the division rejects 61427  
for good cause any renewal application, subject to the right of 61428  
the applicant to appeal the rejection to the liquor control 61429  
commission. 61430

(B) The legislative authority of the municipal corporation, 61431  
the board of township trustees, or the board of county 61432  
commissioners of the county in which a permit premises is located 61433  
may object to the renewal of a permit issued under sections 61434  
4303.11 to 4303.183 of the Revised Code for any of the reasons 61435  
contained in division (A) of section 4303.292 of the Revised Code. 61436  
Any objection shall be made no later than thirty days prior to the 61437  
expiration of the permit, and the division shall accept the 61438  
objection if it is postmarked no later than thirty days prior to 61439  
the expiration of the permit. The objection shall be made by a 61440  
resolution specifying the reasons for objecting to the renewal and 61441  
requesting a hearing, but no objection shall be based upon 61442  
noncompliance of the permit premises with local zoning regulations 61443  
that prohibit the sale of beer or intoxicating liquor in an area 61444  
zoned for commercial or industrial uses, for a permit premises 61445  
that would otherwise qualify for a proper permit issued by the 61446  
division. The resolution shall be accompanied by a statement by 61447  
the chief legal officer of the political subdivision that, in the 61448  
chief legal officer's opinion, the objection is based upon 61449  
substantial legal grounds within the meaning and intent of 61450  
division (A) of section 4303.292 of the Revised Code. 61451

Upon receipt of a resolution of a legislative authority or 61452  
board objecting to the renewal of a permit and a statement from 61453  
the chief legal officer, the division shall set a time for the 61454  
hearing and send by certified mail to the permit holder, at the 61455

permit holder's usual place of business, a copy of the resolution 61456  
and notice of the hearing. The division shall then hold a hearing 61457  
in the central office of the division, except that, upon written 61458  
request of the legislative authority or board, the hearing shall 61459  
be held in the county seat of the county in which the permit 61460  
premises is located, to determine whether the renewal shall be 61461  
denied for any of the reasons contained in division (A) of section 61462  
4303.292 of the Revised Code. Only the reasons for refusal 61463  
contained in division (A) of section 4303.292 of the Revised Code 61464  
and specified in the resolution of objection shall be considered 61465  
at the hearing. 61466

The permit holder and the objecting legislative authority or 61467  
board shall be parties to the proceedings under this section and 61468  
shall have the right to be present, to be represented by counsel, 61469  
to offer evidence, to require the attendance of witnesses, and to 61470  
cross-examine witnesses at the hearing. 61471

(C) An application for renewal of a permit shall be filed 61472  
with the division at least fifteen days prior to the expiration of 61473  
an existing permit, and the existing permit shall continue in 61474  
effect as provided in section 119.06 of the Revised Code until the 61475  
application is approved or rejected by the division. Any holder of 61476  
a permit, which has expired through failure to be renewed as 61477  
provided in this section, shall obtain a renewal of the permit, 61478  
upon filing an application for renewal with the division, at any 61479  
time within thirty days from the date of the expired permit. A 61480  
penalty of ten per cent of the permit fee shall be paid by the 61481  
permit holder if the application for renewal is not filed at least 61482  
fifteen days prior to the expiration of the permit. 61483

(D)(1) Annually, the tax commissioner shall ~~cause~~ examine the 61484  
department of taxation's records for the horse-racing, alcoholic 61485  
beverage, motor fuel, petroleum activity, sales or use, cigarette, 61486  
other tobacco products, employer withholding, commercial activity, 61487

and gross casino revenue tax ~~records in the department of taxation~~ 61488  
and gross receipts taxes levied pursuant to section 5739.101 of 61489  
the Revised Code for each holder of a permit issued under sections 61490  
4303.02 to 4303.232 of the Revised Code ~~to be examined~~ to 61491  
determine if the permit holder is delinquent in filing any 61492  
returns, submitting any information required by the commissioner, 61493  
or remitting any payments with respect to those taxes or any fees, 61494  
charges, penalties, or interest related to those taxes. 61495

If any delinquency or liability exists, the commissioner 61497  
shall send a notice of that fact by certified mail, return receipt 61498  
requested, to the permit holder at the mailing address shown in 61499  
the records of the department. The notice shall specify, in as 61500  
much detail as is possible, the periods for which returns have not 61501  
been filed and the nature and amount of unpaid assessments and 61502  
other liabilities and shall be sent on or before the first day of 61503  
the third month preceding the month in which the permit expires. 61504  
The commissioner also shall notify the division of liquor control 61505  
of the delinquency or liability, identifying the permit holder by 61506  
name and permit number. 61507

(2)(a) Except as provided in division (D)(4) of this section, 61508  
the division of liquor control shall not renew the permit of any 61509  
permit holder the tax commissioner has identified as being 61510  
delinquent in filing any returns, providing any information, or 61511  
remitting any payments with respect to the taxes listed in 61512  
division (D)(1) of this section as of the first day of the sixth 61513  
month preceding the month in which the permit expires, or of any 61514  
permit holder the commissioner has identified as having been 61515  
assessed by the department on or before the first day of the third 61516  
month preceding the month in which the permit expires, until the 61517  
division is notified by the commissioner that the delinquency, 61518  
liability, or assessment has been resolved. 61519

(b)(i) Within ninety days after the date on which the permit expires, any permit holder whose permit is not renewed under this division may file an appeal with the liquor control commission. The commission shall notify the tax commissioner regarding the filing of any such appeal. During the period in which the appeal is pending, the permit shall not be renewed by the division. The permit shall be reinstated if the permit holder and the commissioner or the attorney general demonstrate to the liquor control commission that the commissioner's notification of a delinquency or assessment was in error or that the issue of the delinquency or assessment has been resolved.

(ii) A permit holder who has filed an appeal under division (D)(2)(b)(i) of this section may file a motion to withdraw the appeal. The division of liquor control may renew a permit holder's permit if the permit holder has withdrawn such an appeal and the division receives written certification from the tax commissioner that the permit holder's delinquency or assessment has been resolved.

(3) A permit holder notified of delinquency or liability under this section may protest the notification to the tax commissioner on the basis that no return or information is delinquent and no tax, fee, charge, penalty, or interest is outstanding. The commissioner shall expeditiously consider any evidence submitted by the permit holder and, if it is determined that the notification was in error, immediately shall inform the division of liquor control that the renewal application may be granted. The renewal shall not be denied if the delinquency or unreported liability is the subject of a bona fide dispute as to the validity of the delinquency or unreported liability and is the subject of an assessment and of an appeal properly filed by the permit holder.

(4) If the commissioner concludes that under the

circumstances the permit holder's delinquency or liability has 61552  
been conditionally resolved, the commissioner shall allow the 61553  
permit to be renewed, conditioned upon the permit holder's 61554  
continuing performance in satisfying the delinquency and 61555  
liability. The conditional nature of the renewal shall be 61556  
specified in the notification given to the division of liquor 61557  
control under division (D)(1) of this section. Upon receipt of 61558  
notice of the resolution, the division shall issue a conditional 61559  
renewal. If the taxpayer defaults on any agreement to pay the 61560  
delinquency or liability or fails to keep subsequent tax or fee 61561  
payments current, the liquor control commission, upon request and 61562  
proof of the default or failure to keep subsequent tax or fee 61563  
payments current, shall indefinitely suspend the permit holder's 61564  
permit until all taxes or fees and interest due are paid. 61565

(5) The commissioner may adopt rules to assist in 61566  
administering the duties imposed by this section. 61567

**Sec. 4303.33.** (A) Every A-1 or A-1c permit holder in this 61568  
state, every bottler, importer, wholesale dealer, broker, 61569  
producer, or manufacturer of beer outside this state and within 61570  
the United States, and every B-1 permit holder and importer 61571  
importing beer from any manufacturer, bottler, person, or group of 61572  
persons however organized outside the United States for sale or 61573  
distribution for sale in this state, on or before the eighteenth 61574  
day of each month, shall make and file with the tax commissioner 61575  
upon a form prescribed by the tax commissioner an advance tax 61576  
payment in an amount estimated to equal the taxpayer's tax 61577  
liability for the month in which the advance tax payment is made. 61578  
If the advance tax payment credits claimed on the report are for 61579  
advance tax payments received by the tax commissioner on or before 61580  
the eighteenth day of the month covered by the report, the 61581  
taxpayer is entitled to an additional credit of three per cent of 61582  
the advance tax payment and a discount of three per cent shall be 61583

allowed the taxpayer at the time of filing the report if filed as 61584  
provided in division (B) of this section on any amount by which 61585  
the tax liability reflected in the report exceeds the advance tax 61586  
payment estimate by not more than ten per cent. The additional 61587  
three per cent credit and three per cent discount shall be in 61588  
consideration for advancing the payment of the tax and other 61589  
services performed by the permit holder and other taxpayers in the 61590  
collection of the tax. 61591

"Advance tax payment credit" means credit for payments made 61592  
by an A-1, A-1c, or B-1 permit holder and any other persons during 61593  
the period covered by a report which was made in anticipation of 61594  
the tax liability required to be reported on that report. 61595

"Tax liability" as used in division (A) of this section means 61596  
the total gross tax liability of an A-1, A-1c, or B-1 permit 61597  
holder and any other persons for the period covered by a report 61598  
before any allowance for credits and discount. 61599

(B) Every A-1 or A-1c permit holder in this state, every 61600  
bottler, importer, wholesale dealer, broker, producer, or 61601  
manufacturer of beer outside this state and within the United 61602  
States, and every B-1 permit holder importing beer from any 61603  
manufacturer, bottler, person, or group of persons however 61604  
organized outside the United States, and every § S-1 permit 61605  
holder, on or before the tenth day of each month, shall make and 61606  
file a report for the preceding month upon a form prescribed by 61607  
the tax commissioner which report shall show the amount of beer 61608  
produced, sold, and distributed for sale in this state by the A-1 61609  
or A-1c permit holder, sold and distributed for sale in this state 61610  
by each manufacturer, bottler, importer, wholesale dealer, or 61611  
broker outside this state and within the United States, the amount 61612  
of beer imported into this state from outside the United States 61613  
and sold and distributed for sale in this state by the B-1 permit 61614

holder or importer, and the amount of beer sold in this state by 61615  
the § S-1 permit holder. 61616

The report shall be filed by mailing it to the tax 61617  
commissioner, together with payment of the tax levied by sections 61618  
4301.42 and 4305.01 of the Revised Code shown to be due on the 61619  
report after deduction of advance payment credits and any 61620  
additional credits or discounts provided for under this section. 61621

(C)(1) Every A-2, A-2f, A-4, B-2, B-2a, B-3, B-4, B-5, S-1, 61622  
and § S-2 permit holder in this state, on or before the eighteenth 61623  
day of each month, shall make and file a report with the tax 61624  
commissioner upon a form prescribed by the tax commissioner which 61625  
report shall show, on the report of each A-2, A-2f, A-4, B-2a, 61626  
S-1, and § S-2 permit holder the amount of wine, cider, and mixed 61627  
beverages produced and sold, or sold in this state by each such 61628  
A-2, A-2f, A-4, B-2a, S-1, and § S-2 permit holder for the next 61629  
preceding calendar month and such other information as the tax 61630  
commissioner requires, and on the report of each such B-2, B-3, 61631  
B-4, and B-5 permit holder the amount of wine, cider, and mixed 61632  
beverages purchased from an importer, broker, wholesale dealer, 61633  
producer, or manufacturer located outside this state and sold and 61634  
distributed in this state by such B-2, B-3, B-4, and B-5 permit 61635  
holder, for the next preceding calendar month and such other 61636  
information as the tax commissioner requires. 61637

(2) Every such A-2, A-2f, A-4, B-2, B-2a, B-3, B-4, B-5, S-1, 61638  
and § S-2 permit holder in this state shall remit with the report 61639  
the tax levied by sections 4301.43 and, if applicable, 4301.432 of 61640  
the Revised Code less a discount thereon of three per cent of the 61641  
total tax so levied and paid, provided the return is filed 61642  
together with remittance of the amount of tax shown to be due 61643  
thereon, within the time prescribed. Any permit holder or other 61644  
persons who fail to file a report under this section, for each day 61645  
the person so fails, may be required to forfeit and pay into the 61646

state treasury the sum of one dollar as revenue arising from the 61647  
tax imposed by sections 4301.42, 4301.43, 4301.432, and 4305.01 of 61648  
the Revised Code, and that sum may be collected by assessment in 61649  
the manner provided in section 4305.13 of the Revised Code. 61650

(3) If the tax commissioner determines that the quantity 61651  
reported by a person does not warrant monthly reporting, the 61652  
commissioner may authorize the filing of returns and the payment 61653  
of the tax required by this section for periods longer than one 61654  
month. 61655

(D) Every B-1 permit holder and importer in this state 61656  
importing beer from any manufacturer, bottler, person, or group of 61657  
persons however organized, outside the United States, if required 61658  
by the tax commissioner shall post a bond payable to the state in 61659  
such form and amount as the commissioner prescribes with surety to 61660  
the satisfaction of the tax commissioner, conditioned upon the 61661  
payment to the tax commissioner of taxes levied by sections 61662  
4301.42 and 4305.01 of the Revised Code. 61663

(E) No such wine, beer, cider, or mixed beverages sold or 61664  
distributed in this state shall be taxed more than once under 61665  
sections 4301.42, 4301.43, and 4305.01 of the Revised Code. 61666

(F) As used in this section: 61667

(1) "Cider" has the same meaning as in section 4301.01 of the 61668  
Revised Code. 61669

(2) "Wine" has the same meaning as in section 4301.01 of the 61670  
Revised Code, except that "wine" does not include cider. 61671

(G) All money collected by the tax commissioner under this 61672  
section shall be paid to the treasurer of state as revenue arising 61673  
from the taxes levied by sections 4301.42, 4301.43, 4301.432, and 61674  
4305.01 of the Revised Code. 61675

~~Sec. 4303.332. An A-1c permit holder in this state shall~~ 61676

~~receive a credit against taxes levied in the following calendar~~ 61677  
~~year under sections 4301.42 and 4305.01 of the Revised Code on not~~ 61678  
~~more than nine million three hundred thousand gallons of beer sold~~ 61679  
~~or distributed in this state (A) Both of the following are exempt~~ 61680  
~~from the taxes levied under sections 4301.42 and 4305.01 of the~~ 61681  
~~Revised Code on beer sold or distributed in this state:~~ 61682

(1) An A-1c permit holder in this state with a total 61683  
production of beer, wherever produced, that does not exceed nine 61684  
million three hundred thousand gallons in a calendar year; 61685

(2) An S-1 permit holder with a total production of beer, 61686  
wherever produced, that does not exceed nine million three hundred 61687  
thousand gallons in a calendar year. 61688

The ~~credit~~ exemption may be claimed monthly against taxes 61689  
levied under one or more of those sections as the reports required 61690  
by section 4303.33 of the Revised Code are due. At the time the 61691  
report for December is due for a calendar year during which a 61692  
permit holder ~~is eligible to receive a credit~~ claimed an exemption 61693  
under this section, if the permit holder has ~~claimed less than the~~ 61694  
~~credit due on nine million three hundred thousand gallons,~~ 61695  
~~including credit claimed on the December report~~ paid the tax 61696  
levied under sections 4301.42 and 4305.01 of the Revised Code, the 61697  
permit holder may claim a refund of ~~taxes previously reported and~~ 61698  
~~such tax~~ paid under section 4303.33 of the Revised Code during the 61699  
calendar year ~~on a number of gallons equal to the difference~~ 61700  
~~between nine million three hundred thousand gallons and the number~~ 61701  
~~of gallons for which a credit has been claimed under this section~~ 61702  
~~or shall remit any additional tax due because the permit holder~~ 61703  
~~did not qualify for the exemption on the December report.~~ For the 61704  
purpose of providing this refund, taxes previously paid under 61705  
section 4303.33 of the Revised Code during the calendar year shall 61706  
not be considered final until the December report is filed. ~~The~~ 61707

(B) The tax commissioner shall prescribe forms for and allow 61708  
the ~~credits~~ exemptions and refunds authorized by this section. 61709

**Sec. 4303.333.** (A) An A-2 or A-2f permit holder in this state 61710  
or S-1 or S-2 permit holder whose total production of wine, 61711  
wherever produced, which but for this exemption is taxable under 61712  
section 4301.43 of the Revised Code does not exceed five hundred 61713  
thousand gallons in a calendar year, shall be allowed an exemption 61714  
from the taxes levied under section 4301.43 of the Revised Code on 61715  
wine produced and sold or distributed in this state. The exemption 61716  
may be claimed monthly against current taxes levied under such 61717  
section as the reports required by section 4303.33 of the Revised 61718  
Code are due. At the time the report for December is due for a 61719  
calendar year during which a permit holder claimed an exemption 61720  
under this section, if the permit holder has paid the tax levied 61721  
under section 4301.43 of the Revised Code, the permit holder may 61722  
claim a refund of such tax paid during the calendar year or shall 61723  
remit any additional tax due because it did not qualify for the 61724  
exemption on the December report. For the purpose of providing 61725  
this refund, taxes previously paid under section 4303.33 of the 61726  
Revised Code during the calendar year shall not be considered 61727  
final until the December report is filed. 61728

(B) The tax commissioner shall prescribe forms for and allow 61729  
the exemptions and refunds authorized by this section. 61730

**Sec. 4303.99.** (A) Whoever violates section 4303.28 of the 61731  
Revised Code shall be fined not less than one thousand nor more 61732  
than twenty-five hundred dollars or imprisoned not less than six 61733  
months nor more than one year. 61734

(B) Whoever violates section 4303.36 of the Revised Code 61735  
shall be fined not less than twenty-five nor more than one hundred 61736  
dollars. 61737

(C) Whoever violates section 4303.37 of the Revised Code shall be fined not less than twenty-five nor more than fifty dollars. 61738  
61739  
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(D) Whoever violates division (D)(2) of section 4303.202 or division (C) of section 4303.208 of the Revised Code is guilty of a misdemeanor of the fourth degree. 61741  
61742  
61743

(E)(1) Whoever violates division (B)(1) or (2) of section 4303.236 of the Revised Code is guilty of a misdemeanor and shall be fined not more than five hundred dollars. 61744  
61745  
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(2) If a person commits a second offense within one year after committing the first offense, the person shall be fined not more than one thousand dollars. 61747  
61748  
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(3) If a person commits a third or subsequent offense within one year after committing the first offense, the person shall be fined not more than five thousand dollars. 61750  
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**Sec. 4501.21.** (A) There is hereby created in the state treasury the license plate contribution fund. The fund shall consist of all contributions for specialty license plates paid by motor vehicle registrants and collected by the registrar of motor vehicles pursuant to the Revised Code sections referenced in division (B) of this section. 61753  
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(B) The registrar shall pay the contributions the registrar collects in the fund as follows: 61759  
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The registrar shall pay the contributions received pursuant to section 4503.491 of the Revised Code to the breast cancer fund of Ohio, which shall use that money only to pay for programs that provide assistance and education to Ohio breast cancer patients and that improve access for such patients to quality health care and clinical trials and shall not use any of the money for abortion information, counseling, services, or other 61761  
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abortion-related activities. 61768

The registrar shall pay the contributions the registrar 61769  
receives pursuant to section 4503.492 of the Revised Code to the 61770  
organization cancer support community central Ohio, which shall 61771  
deposit the money into the Sheryl L. Kraner Fund of that 61772  
organization. Cancer support community central Ohio shall expend 61773  
the money it receives pursuant to this division only in the same 61774  
manner and for the same purposes as that organization expends 61775  
other money in that fund. 61776

The registrar shall pay the contributions received pursuant 61777  
to section 4503.493 of the Revised Code to the autism society of 61778  
Ohio, which shall use the contributions for programs and autism 61779  
awareness efforts throughout the state. 61780

The registrar shall pay the contributions the registrar 61781  
receives pursuant to section 4503.494 of the Revised Code to the 61782  
national multiple sclerosis society for distribution in equal 61783  
amounts to the northwestern Ohio, Ohio buckeye, and Ohio valley 61784  
chapters of the national multiple sclerosis society. These 61785  
chapters shall use the money they receive under this section to 61786  
assist in paying the expenses they incur in providing services 61787  
directly to their clients. 61788

The registrar shall pay the contributions the registrar 61789  
receives pursuant to section 4503.495 of the Revised Code to the 61790  
national pancreatic cancer foundation, which shall use the money 61791  
it receives under this section to assist those who suffer with 61792  
pancreatic cancer and their families. 61793

The registrar shall pay the contributions the registrar 61794  
receives pursuant to section 4503.496 of the Revised Code to the 61795  
Ohio sickle cell and health association, which shall use the 61796  
contributions to help support educational, clinical, and social 61797  
support services for adults who have sickle cell disease. 61798

The registrar shall pay the contributions the registrar receives pursuant to section 4503.497 of the Revised Code to the St. Baldrick's foundation, which shall use the contributions for its research and other programs.

The registrar shall pay the contributions the registrar receives pursuant to section 4503.498 of the Revised Code to special olympics Ohio, inc., which shall use the contributions for its programs, charitable efforts, and other activities.

The registrar shall pay the contributions the registrar receives pursuant to section 4503.499 of the Revised Code to the children's glioma cancer foundation, which shall use the contributions for its research and other programs.

The registrar shall pay the contributions the registrar receives pursuant to section 4503.4910 of the Revised Code to the KylerStrong foundation, which shall use the contributions to raise awareness of brain cancer caused by diffuse intrinsic pontine glioma and to fund research for the cure of such cancer.

The registrar shall pay the contributions the registrar receives pursuant to section 4503.4911 of the Revised Code to the research institution for childhood cancer at nationwide children's hospital, which shall use the contributions to fund research for the cure of childhood cancers.

The registrar shall pay the contributions the registrar receives pursuant to section 4503.50 of the Revised Code to the future farmers of America foundation, which shall deposit the contributions into its general account to be used for educational and scholarship purposes of the future farmers of America foundation.

The registrar shall pay the contributions the registrar receives pursuant to section 4503.501 of the Revised Code to the 4-H youth development program of the Ohio state university

extension program, which shall use those contributions to pay the 61830  
expenses it incurs in conducting its educational activities. 61831

The registrar shall pay the contributions received pursuant 61832  
to section 4503.502 of the Revised Code to the Ohio cattlemen's 61833  
foundation, which shall use those contributions for scholarships 61834  
and other educational activities. 61835

The registrar shall pay the contributions received pursuant 61836  
to section 4503.505 of the Revised Code to the organization Ohio 61837  
region phi theta kappa, which shall use those contributions for 61838  
scholarships for students who are members of that organization. 61839

The registrar shall pay the contributions the registrar 61840  
receives pursuant to section 4503.506 of the Revised Code to Ohio 61841  
demolay, which shall use the contributions for scholarships, 61842  
educational programs, and any other programs or events the 61843  
organization holds or sponsors in this state. 61844

The registrar shall pay the contributions received pursuant 61845  
to section 4503.508 of the Revised Code to the organization 61846  
bottoms up diaper drive to provide funding for that organization 61847  
for collecting and delivering diapers to parents in need. 61848

The registrar shall pay the contributions the registrar 61849  
receives pursuant to section 4503.509 of the Revised Code to a kid 61850  
again, incorporated for distribution in equal amounts to the Ohio 61851  
chapters of a kid again. 61852

The registrar shall pay each contribution the registrar 61853  
receives pursuant to section 4503.51 of the Revised Code to the 61854  
university or college whose name or marking or design appears on 61855  
collegiate license plates that are issued to a person under that 61856  
section. A university or college that receives contributions from 61857  
the fund shall deposit the contributions into its general 61858  
scholarship fund. 61859

The registrar shall pay the contributions the registrar 61860

receives pursuant to section 4503.514 of the Revised Code to the 61861  
university of Notre Dame in South Bend, Indiana, for purposes of 61862  
awarding grants or scholarships to residents of Ohio who attend 61863  
the university. The university shall not use any of the funds it 61864  
receives for purposes of administering the scholarship program. 61865  
The registrar shall enter into appropriate agreements with the 61866  
university of Notre Dame to effectuate the distribution of such 61867  
funds as provided in this section. 61868

The registrar shall pay the contributions the registrar 61869  
receives pursuant to section 4503.521 of the Revised Code to the 61870  
Ohio bicycle federation to assist that organization in paying for 61871  
the educational programs it sponsors in support of Ohio cyclists 61872  
of all ages. 61873

The registrar shall pay the contributions the registrar 61874  
receives pursuant to section 4503.522 of the Revised Code to the 61875  
"friends of Perry's victory and international peace memorial, 61876  
incorporated," a nonprofit corporation organized under the laws of 61877  
this state, to assist that organization in paying the expenses it 61878  
incurs in sponsoring or holding charitable, educational, and 61879  
cultural events at the monument. 61880

The registrar shall pay the contributions the registrar 61881  
receives pursuant to section 4503.523 of the Revised Code to the 61882  
fairport lights foundation, which shall use the money to pay for 61883  
the restoration, maintenance, and preservation of the lighthouses 61884  
of fairport harbor. 61885

The registrar shall pay the contributions the registrar 61886  
receives pursuant to section 4503.524 of the Revised Code to the 61887  
Massillon tiger football booster club, which shall use the 61888  
contributions only to promote and support the football team of 61889  
Washington high school of the Massillon city school district. 61890

The registrar shall pay the contributions the registrar 61891

receives pursuant to section 4503.525 of the Revised Code to the 61892  
United States power squadron ~~districts~~ district seven, ~~eleven,~~ 61893  
~~twenty four, and twenty nine~~ which shall annually distribute the 61894  
contributions in equal amounts to all United States power 61895  
squadrons located in the state. Each power squadron district shall 61896  
use the money it receives under this section to pay for the 61897  
educational boating programs each district holds or sponsors 61898  
within this state. 61899

The registrar shall pay the contributions the registrar 61900  
receives pursuant to section 4503.526 of the Revised Code to the 61901  
Ohio district Kiwanis foundation of the Ohio district of Kiwanis 61902  
international, which shall use the money it receives under this 61903  
section to pay the costs of its educational and humanitarian 61904  
activities. 61905

The registrar shall pay the contributions the registrar 61906  
receives pursuant to section 4503.528 of the Revised Code to the 61907  
Ohio children's alliance, which shall use the money it receives 61908  
under this section to pay the expenses it incurs in advancing its 61909  
mission of sustainably improving the provision of services to 61910  
children, young adults, and families in this state. 61911

The registrar shall pay the contributions the registrar 61912  
receives pursuant to section 4503.529 of the Revised Code to the 61913  
Ohio nurses foundation. The foundation shall use the money it 61914  
receives under this section to provide educational scholarships to 61915  
assist individuals who aspire to join the nursing profession, to 61916  
assist nurses in the nursing profession who seek to advance their 61917  
education, and to support persons conducting nursing research 61918  
concerning the evidence-based practice of nursing and the 61919  
improvement of patient outcomes. 61920

The registrar shall pay the contributions the registrar 61921  
receives pursuant to section 4503.531 of the Revised Code to the 61922  
thank you foundation, incorporated, a nonprofit corporation 61923

organized under the laws of this state, to assist that 61924  
organization in paying for the charitable activities and programs 61925  
it sponsors in support of United States military personnel, 61926  
veterans, and their families. 61927

The registrar shall pay the contributions the registrar 61928  
receives pursuant to section 4503.534 of the Revised Code to the 61929  
disabled American veterans department of Ohio, to be used for 61930  
programs that serve disabled American veterans and their families. 61931

The registrar shall pay the contributions the registrar 61932  
receives pursuant to section 4503.55 of the Revised Code to the 61933  
pro football hall of fame, which shall deposit the contributions 61934  
into a special bank account that it establishes and which shall be 61935  
separate and distinct from any other account the pro football hall 61936  
of fame maintains, to be used exclusively for the purpose of 61937  
promoting the pro football hall of fame as a travel destination. 61938

The registrar shall pay the contributions that are paid to 61939  
the registrar pursuant to section 4503.545 of the Revised Code to 61940  
the national rifle association foundation, which shall use the 61941  
money to pay the costs of the educational activities and programs 61942  
the foundation holds or sponsors in this state. 61943

The registrar shall pay to the Ohio pet fund the 61944  
contributions the registrar receives pursuant to section 4503.551 61945  
of the Revised Code and any other money from any other source, 61946  
including donations, gifts, and grants, that is designated by the 61947  
source to be paid to the Ohio pet fund. The Ohio pet fund shall 61948  
use the moneys it receives under this section to support programs 61949  
for the sterilization of dogs and cats and for educational 61950  
programs concerning the proper veterinary care of those animals, 61951  
and for expenses of the Ohio pet fund that are reasonably 61952  
necessary for it to obtain and maintain its tax-exempt status and 61953  
to perform its duties. 61954

The registrar shall pay the contributions the registrar receives pursuant to section 4503.552 of the Revised Code to the rock and roll hall of fame and museum, incorporated.

The registrar shall pay the contributions the registrar receives pursuant to section 4503.553 of the Revised Code to the Ohio coalition for animals, incorporated, a nonprofit corporation. Except as provided in division (B) of this section, the coalition shall distribute the money to its members, and the members shall use the money only to pay for educational, charitable, and other programs of each coalition member that provide care for unwanted, abused, and neglected horses. The Ohio coalition for animals may use a portion of the money to pay for reasonable marketing costs incurred in the design and promotion of the license plate and for administrative costs incurred in the disbursement and management of funds received under this section.

The registrar shall pay the contributions the registrar receives pursuant to section 4503.554 of the Revised Code to the Ohio state council of the knights of Columbus, which shall use the contributions to pay for its charitable activities and programs.

The registrar shall pay the contributions the registrar receives pursuant to section 4503.555 of the Revised Code to the western reserve historical society, which shall use the contributions to fund the Crawford auto aviation museum.

The registrar shall pay the contributions the registrar receives pursuant to section 4503.556 of the Revised Code to the Erica J. Holloman foundation, inc., for the awareness of triple negative breast cancer. The foundation shall use the contributions for charitable and educational purposes.

The registrar shall pay each contribution the registrar receives pursuant to section 4503.557 of the Revised Code to the central Ohio chapter of the Ronald McDonald house charities, which

shall distribute the contribution to the chapter of the Ronald McDonald house charities in whose geographic territory the person who paid the contribution resides.

The registrar shall pay the contributions the registrar receives pursuant to section 4503.561 of the Revised Code to the state of Ohio chapter of ducks unlimited, inc., which shall deposit the contributions into a special bank account that it establishes. The special bank account shall be separate and distinct from any other account the state of Ohio chapter of ducks unlimited, inc., maintains and shall be used exclusively for the purpose of protecting, enhancing, restoring, and managing wetlands and conserving wildlife habitat. The state of Ohio chapter of ducks unlimited, inc., annually shall notify the registrar in writing of the name, address, and account to which such payments are to be made.

The registrar shall pay the contributions the registrar receives pursuant to section 4503.562 of the Revised Code to the Mahoning river consortium, which shall use the money to pay the expenses it incurs in restoring and maintaining the Mahoning river watershed.

The registrar shall pay the contributions the registrar receives pursuant to section 4503.564 of the Revised Code to the Glen Helen association to pay expenses related to the Glen Helen nature preserve.

The registrar shall pay the contributions the registrar receives pursuant to section 4503.565 of the Revised Code to the conservancy for Cuyahoga valley national park, which shall use the money in support of the park.

The registrar shall pay the contributions the registrar receives pursuant to section 4503.566 of the Revised Code to the Ottawa national wildlife refuge, which shall use the contributions

for wildlife preservation purposes. 62017

The registrar shall pay the contributions the registrar 62018  
receives pursuant to section 4503.567 of the Revised Code to the 62019  
girls on the run of Franklin county, inc., which shall use the 62020  
contributions to support the activities of the organization. 62021

The registrar shall pay the contributions the registrar 62022  
receives pursuant to section 4503.576 of the Revised Code to the 62023  
Ohio state beekeepers association, which shall use those 62024  
contributions to promote beekeeping, provide educational 62025  
information about beekeeping, and to support other state and local 62026  
beekeeping programs. 62027

The registrar shall pay the contributions the registrar 62028  
receives pursuant to section 4503.577 of the Revised Code to the 62029  
national aviation hall of fame, which shall use the contributions 62030  
to fulfill its mission of honoring aerospace legends to inspire 62031  
future leaders. 62032

The registrar shall pay the contributions the registrar 62033  
receives pursuant to section 4503.579 of the Revised Code to the 62034  
national council of negro women, incorporated, which shall use the 62035  
contributions for educational purposes. 62036

The registrar shall pay the contributions the registrar 62037  
receives pursuant to section 4503.581 of the Revised Code to the 62038  
Ohio sons of the American legion, which shall use the 62039  
contributions to support the activities of the organization. 62040

The registrar shall pay to a sports commission created 62041  
pursuant to section 4503.591 of the Revised Code each contribution 62042  
the registrar receives under that section that an applicant pays 62043  
to obtain license plates that bear the logo of a professional 62044  
sports team located in the county of that sports commission and 62045  
that is participating in the license plate program pursuant to 62046  
division (E) of that section, irrespective of the county of 62047

residence of an applicant. 62048

The registrar shall pay to a community charity each 62049  
contribution the registrar receives under section 4503.591 of the 62050  
Revised Code that an applicant pays to obtain license plates that 62051  
bear the logo of a professional sports team that is participating 62052  
in the license plate program pursuant to division (G) of that 62053  
section. 62054

The registrar shall pay the contributions the registrar 62055  
receives pursuant to section 4503.592 of the Revised Code to 62056  
pollinator partnership's monarch wings across Ohio program, which 62057  
shall use the contributions for the protection and preservation of 62058  
the monarch butterfly and pollinator corridor in Ohio and for 62059  
educational programs. 62060

The registrar shall pay the contributions the registrar 62061  
receives pursuant to section 4503.594 of the Revised Code to 62062  
pelotonia, which shall use the contributions for the purpose of 62063  
supporting cancer research. 62064

The registrar shall pay the contributions the registrar 62065  
receives pursuant to section 4503.595 of the Revised Code to the 62066  
Stan Hywet hall and gardens. 62067

The registrar shall pay the contributions the registrar 62068  
receives pursuant to section 4503.596 of the Revised Code to the 62069  
Cuyahoga valley scenic railroad. 62070

The registrar shall pay the contributions the registrar 62071  
receives pursuant to section 4503.67 of the Revised Code to the 62072  
Dan Beard council of the boy scouts of America. The council shall 62073  
distribute all contributions in an equitable manner throughout the 62074  
state to regional councils of the boy scouts. 62075

The registrar shall pay the contributions the registrar 62076  
receives pursuant to section 4503.68 of the Revised Code to the 62077  
girl scouts of Ohio's heartland. The girl scouts of Ohio's 62078

heartland shall distribute all contributions in an equitable 62079  
manner throughout the state to regional councils of the girl 62080  
scouts. 62081

The registrar shall pay the contributions the registrar 62082  
receives pursuant to section 4503.69 of the Revised Code to the 62083  
Dan Beard council of the boy scouts of America. The council shall 62084  
distribute all contributions in an equitable manner throughout the 62085  
state to regional councils of the boy scouts. 62086

The registrar shall pay the contributions the registrar 62087  
receives pursuant to section 4503.70 of the Revised Code to the 62088  
charitable foundation of the grand lodge of Ohio, f. & a. m., 62089  
which shall use the contributions for scholarship purposes. 62090

The registrar shall pay the contributions the registrar 62091  
receives pursuant to section 4503.701 of the Revised Code to the 62092  
Prince Hall grand lodge of free and accepted masons of Ohio, which 62093  
shall use the contributions for scholarship purposes. 62094

The registrar shall pay the contributions the registrar 62095  
receives pursuant to section 4503.702 of the Revised Code to the 62096  
Ohio Association of the Improved Benevolent and Protective Order 62097  
of the Elks of the World, which shall use the funds for charitable 62098  
purposes. 62099

The registrar shall pay the contributions the registrar 62100  
receives pursuant to section 4503.71 of the Revised Code to the 62101  
fraternal order of police of Ohio, incorporated, which shall 62102  
deposit the fees into its general account to be used for purposes 62103  
of the fraternal order of police of Ohio, incorporated. 62104

The registrar shall pay the contributions the registrar 62105  
receives pursuant to section 4503.711 of the Revised Code to the 62106  
fraternal order of police of Ohio, incorporated, which shall 62107  
deposit the contributions into an account that it creates to be 62108  
used for the purpose of advancing and protecting the law 62109

enforcement profession, promoting improved law enforcement 62110  
methods, and teaching respect for law and order. 62111

The registrar shall pay the contributions received pursuant 62112  
to section 4503.712 of the Revised Code to Ohio concerns of police 62113  
survivors, which shall use those contributions to provide whatever 62114  
assistance may be appropriate to the families of Ohio law 62115  
enforcement officers who are killed in the line of duty. 62116

The registrar shall pay the contributions received pursuant 62117  
to section 4503.713 of the Revised Code to the greater Cleveland 62118  
peace officers memorial society, which shall use those 62119  
contributions to honor law enforcement officers who have died in 62120  
the line of duty and support its charitable purposes. 62121

The registrar shall pay the contributions received pursuant 62122  
to section 4503.714 of the Revised Code to the Ohio association of 62123  
chiefs of police. 62124

The registrar shall pay the contributions the registrar 62125  
receives pursuant to section 4503.715 of the Revised Code to the 62126  
fallen linemen organization, which shall use the contributions to 62127  
recognize and memorialize fallen linemen and support their 62128  
families. 62129

The registrar shall pay the contributions the registrar 62130  
receives pursuant to section 4503.716 of the Revised Code to the 62131  
fallen timbers battlefield preservation commission, which shall 62132  
use the contributions to further the mission of the commission. 62133

The registrar shall pay the contributions the registrar 62134  
receives pursuant to section 4503.72 of the Revised Code to the 62135  
organization known on March 31, 2003, as the Ohio CASA/GAL 62136  
association, a private, nonprofit corporation organized under 62137  
Chapter 1702. of the Revised Code. The Ohio CASA/GAL association 62138  
shall use these contributions to pay the expenses it incurs in 62139  
administering a program to secure the proper representation in the 62140

courts of this state of abused, neglected, and dependent children, 62141  
and for the training and supervision of persons participating in 62142  
that program. 62143

The registrar shall pay the contributions the registrar 62144  
receives pursuant to section 4503.722 of the Revised Code to the 62145  
Down Syndrome Association of Central Ohio, which shall use the 62146  
contributions for advocacy purposes throughout the state. 62147

The registrar shall pay the contributions the registrar 62148  
receives pursuant to section 4503.724 of the Revised Code to the 62149  
Ohio Chapter of the American Foundation for Suicide Prevention, 62150  
which shall use the contributions for programs, education, and 62151  
advocacy purposes throughout the state. 62152

The registrar shall pay the contributions the registrar 62153  
receives pursuant to section 4503.725 of the Revised Code to the 62154  
ALS association central & southern Ohio chapter, which shall split 62155  
the contributions between that chapter and the ALS association 62156  
northern Ohio chapter in accordance with any agreement between the 62157  
two associations. The contributions shall be used to discover 62158  
treatments and a cure for ALS, and to serve, advocate for, and 62159  
empower people affected by ALS to live their lives to the fullest. 62160

The registrar shall pay the contributions the registrar 62161  
receives pursuant to section 4503.73 of the Revised Code to Wright 62162  
B. Flyer, incorporated, which shall deposit the contributions into 62163  
its general account to be used for purposes of Wright B. Flyer, 62164  
incorporated. 62165

The registrar shall pay the contributions the registrar 62166  
receives pursuant to section 4503.732 of the Revised Code to the 62167  
Siegel Shuster society, a nonprofit organization dedicated to 62168  
commemorating and celebrating the creation of Superman in 62169  
Cleveland, Ohio. 62170

The registrar shall pay the contributions the registrar 62171

receives pursuant to section 4503.733 of the Revised Code to the 62172  
central Ohio chapter of the juvenile diabetes research foundation, 62173  
which shall distribute the contributions to the chapters of the 62174  
juvenile diabetes research foundation in whose geographic 62175  
territory the person who paid the contribution resides. 62176

The registrar shall pay the contributions the registrar 62177  
receives pursuant to section 4503.734 of the Revised Code to the 62178  
Ohio highway patrol auxiliary foundation, which shall use the 62179  
contributions to fulfill the foundation's mission of supporting 62180  
law enforcement education and assistance. 62181

The registrar shall pay the contributions the registrar 62182  
receives pursuant to section 4503.74 of the Revised Code to the 62183  
Columbus zoological park association, which shall disburse the 62184  
moneys to Ohio's major metropolitan zoos, as defined in section 62185  
4503.74 of the Revised Code, in accordance with a written 62186  
agreement entered into by the major metropolitan zoos. 62187

The registrar shall pay the contributions the registrar 62188  
receives pursuant to section 4503.75 of the Revised Code to the 62189  
rotary foundation, located on March 31, 2003, in Evanston, 62190  
Illinois, to be placed in a fund known as the permanent fund and 62191  
used to endow educational and humanitarian programs of the rotary 62192  
foundation. 62193

The registrar shall pay the contributions the registrar 62194  
receives pursuant to section 4503.751 of the Revised Code to the 62195  
Ohio association of realtors, which shall deposit the 62196  
contributions into a property disaster relief fund maintained 62197  
under the Ohio realtors charitable and education foundation. 62198

The registrar shall pay the contributions the registrar 62199  
receives pursuant to section 4503.752 of the Revised Code to 62200  
buckeye corvettes, incorporated, which shall use the contributions 62201  
to pay for its charitable activities and programs. 62202

The registrar shall pay the contributions the registrar receives pursuant to section 4503.754 of the Revised Code to the municipal corporation of Twinsburg. 62203  
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The registrar shall pay the contributions the registrar receives pursuant to section 4503.763 of the Revised Code to the Ohio history connection to be used solely to build, support, and maintain the Ohio battleflag collection within the Ohio history connection. 62206  
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The registrar shall pay the contributions the registrar receives pursuant to section 4503.764 of the Revised Code to the Medina county historical society, which shall use those contributions to distribute between the various historical societies and museums in Medina county. 62211  
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The registrar shall pay the contributions the registrar receives pursuant to section 4503.765 of the Revised Code to the Amaranth grand chapter foundation, which shall use the contributions for communal outreach, charitable service, and scholarship purposes. 62216  
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The registrar shall pay the contributions the registrar receives pursuant to section 4503.767 of the Revised Code to folds of honor of central Ohio, which shall use the contributions to provide scholarships to spouses and children either of disabled veterans or of members of any branch of the armed forces who died during their service. 62221  
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The registrar shall pay the contributions the registrar receives pursuant to section 4503.85 of the Revised Code to the Ohio sea grant college program to be used for Lake Erie area research projects. 62227  
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The registrar shall pay the contributions the registrar receives pursuant to section 4503.86 of the Revised Code to the Ohio Lincoln highway historic byway, which shall use those 62231  
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contributions solely to promote and support the historical 62234  
preservation and advertisement of the Lincoln highway in this 62235  
state. 62236

The registrar shall pay the contributions the registrar 62237  
receives pursuant to section 4503.87 of the Revised Code to the 62238  
Grove City little league dream field fund, which shall use those 62239  
contributions solely to build, maintain, and improve youth 62240  
baseball fields within the municipal corporation of Grove City. 62241

The registrar shall pay the contributions the registrar 62242  
receives pursuant to section 4503.871 of the Revised Code to the 62243  
Solon city school district. The school district shall use the 62244  
contributions it receives to pay the expenses it incurs in 62245  
providing services to the school district's students that assist 62246  
in developing or maintaining the mental and emotional well-being 62247  
of the students. The services provided may include bereavement 62248  
counseling, instruction in defensive driving techniques, 62249  
sensitivity training, and the counseling and education of students 62250  
regarding bullying, dating violence, drug abuse, suicide 62251  
prevention, and human trafficking. The school district 62252  
superintendent or, in the school district superintendent's 62253  
discretion, the appropriate school principal or appropriate school 62254  
counselors shall determine any charitable organizations that the 62255  
school district hires to provide those services. The school 62256  
district also may use the contributions it receives to pay for 62257  
members of the faculty of the school district to receive training 62258  
in providing such services to the students of the school district. 62259  
The school district shall ensure that any charitable organization 62260  
that is hired by the district is exempt from federal income 62261  
taxation under subsection 501(c)(3) of the Internal Revenue Code. 62262  
The school district shall not use the contributions it receives 62263  
for any other purpose. 62264

The registrar shall pay the contributions the registrar 62265

receives pursuant to section 4503.872 of the Revised Code to the 62266  
Canton city school district. The district may use the 62267  
contributions for student welfare, but shall not use the 62268  
contributions for any political purpose or to pay salaries of 62269  
district employees. 62270

The registrar shall pay the contributions the registrar 62271  
receives pursuant to section 4503.873 of the Revised Code to Padua 62272  
Franciscan high school located in the municipal corporation of 62273  
Parma. The school shall use fifty per cent of the contributions it 62274  
receives to provide tuition assistance to its students. The school 62275  
shall use the remaining fifty per cent to pay the expenses it 62276  
incurs in providing services to the school's students that assist 62277  
in developing or maintaining the mental and emotional well-being 62278  
of the students. The services provided may include bereavement 62279  
counseling, instruction in defensive driving techniques, 62280  
sensitivity training, and the counseling and education of students 62281  
regarding bullying, dating violence, drug abuse, suicide 62282  
prevention, and human trafficking. As a part of providing such 62283  
services, the school may pay for members of the faculty of the 62284  
school to receive training in providing those services. The school 62285  
principal or, in the school principal's discretion, appropriate 62286  
school counselors shall determine any charitable organizations 62287  
that the school hires to provide those services. The school shall 62288  
ensure that any such charitable organization is exempt from 62289  
federal income taxation under subsection 501(c)(3) of the Internal 62290  
Revenue Code. The school shall not use the contributions it 62291  
receives for any other purpose. 62292

The registrar shall pay the contributions the registrar 62293  
receives pursuant to section 4503.874 of the Revised Code to St. 62294  
Edward high school located in the municipal corporation of 62295  
Lakewood. The school shall use fifty per cent of the contributions 62296  
it receives to provide tuition assistance to its students. The 62297

school shall use the remaining fifty per cent to pay the expenses 62298  
it incurs in providing services to the school's students that 62299  
assist in developing or maintaining the mental and emotional 62300  
well-being of the students. The services provided may include 62301  
bereavement counseling, instruction in defensive driving 62302  
techniques, sensitivity training, and the counseling and education 62303  
of students regarding bullying, dating violence, drug abuse, 62304  
suicide prevention, and human trafficking. As a part of providing 62305  
such services, the school may pay for members of the faculty of 62306  
the school to receive training in providing those services. The 62307  
school principal or, in the school principal's discretion, 62308  
appropriate school counselors shall determine any charitable 62309  
organizations that the school hires to provide those services. The 62310  
school shall ensure that any such charitable organization is 62311  
exempt from federal income taxation under subsection 501(c)(3) of 62312  
the Internal Revenue Code. The school shall not use the 62313  
contributions it receives for any other purpose. 62314

The registrar shall pay the contributions the registrar 62315  
receives pursuant to section 4503.875 of the Revised Code to Walsh 62316  
Jesuit high school located in the municipal corporation of 62317  
Cuyahoga Falls. The school shall use fifty per cent of the 62318  
contributions it receives to provide tuition assistance to its 62319  
students. The school shall use the remaining fifty per cent to pay 62320  
the expenses it incurs in providing services to the school's 62321  
students that assist in developing or maintaining the mental and 62322  
emotional well-being of the students. The services provided may 62323  
include bereavement counseling, instruction in defensive driving 62324  
techniques, sensitivity training, and the counseling and education 62325  
of students regarding bullying, dating violence, drug abuse, 62326  
suicide prevention, and human trafficking. As a part of providing 62327  
such services, the school may pay for members of the faculty of 62328  
the school to receive training in providing those services. The 62329  
school principal or, in the school principal's discretion, 62330

appropriate school counselors shall determine any charitable 62331  
organizations that the school hires to provide those services. The 62332  
school shall ensure that any such charitable organization is 62333  
exempt from federal income taxation under subsection 501(c)(3) of 62334  
the Internal Revenue Code. The school shall not use the 62335  
contributions it receives for any other purpose. 62336

The registrar shall pay the contributions the registrar 62337  
receives pursuant to section 4503.876 of the Revised Code to the 62338  
North Royalton city school district. The school district shall use 62339  
the contributions it receives to pay the expenses it incurs in 62340  
providing services to the school district's students that assist 62341  
in developing or maintaining the mental and emotional well-being 62342  
of the students. The services provided may include bereavement 62343  
counseling, instruction in defensive driving techniques, 62344  
sensitivity training, and the counseling and education of students 62345  
regarding bullying, dating violence, drug abuse, suicide 62346  
prevention, and human trafficking. The school district 62347  
superintendent or, in the school district superintendent's 62348  
discretion, the appropriate school principal or appropriate school 62349  
counselors shall determine any charitable organizations that the 62350  
school district hires to provide those services. The school 62351  
district also may use the contributions it receives to pay for 62352  
members of the faculty of the school district to receive training 62353  
in providing such services to the students of the school district. 62354  
The school district shall ensure that any charitable organization 62355  
that is hired by the district is exempt from federal income 62356  
taxation under subsection 501(c)(3) of the Internal Revenue Code. 62357  
The school district shall not use the contributions it receives 62358  
for any other purpose. 62359

The registrar shall pay the contributions the registrar 62360  
receives pursuant to section 4503.877 of the Revised Code to the 62361  
Independence local school district. The school district shall use 62362

the contributions it receives to pay the expenses it incurs in 62363  
providing services to the school district's students that assist 62364  
in developing or maintaining the mental and emotional well-being 62365  
of the students. The services provided may include bereavement 62366  
counseling, instruction in defensive driving techniques, 62367  
sensitivity training, and the counseling and education of students 62368  
regarding bullying, dating violence, drug abuse, suicide 62369  
prevention, and human trafficking. The school district 62370  
superintendent or, in the school district superintendent's 62371  
discretion, the appropriate school principal or appropriate school 62372  
counselors shall determine any charitable organizations that the 62373  
school district hires to provide those services. The school 62374  
district also may use the contributions it receives to pay for 62375  
members of the faculty of the school district to receive training 62376  
in providing such services to the students of the school district. 62377  
The school district shall ensure that any charitable organization 62378  
that is hired by the district is exempt from federal income 62379  
taxation under subsection 501(c)(3) of the Internal Revenue Code. 62380  
The school district shall not use the contributions it receives 62381  
for any other purpose. 62382

The registrar shall pay the contributions the registrar 62383  
receives pursuant to section 4503.878 of the Revised Code to the 62384  
Cuyahoga Heights local school district. The school district shall 62385  
use the contributions it receives to pay the expenses it incurs in 62386  
providing services to the school district's students that assist 62387  
in developing or maintaining the mental and emotional well-being 62388  
of the students. The services provided may include bereavement 62389  
counseling, instruction in defensive driving techniques, 62390  
sensitivity training, and the counseling and education of students 62391  
regarding bullying, dating violence, drug abuse, suicide 62392  
prevention, and human trafficking. The school district 62393  
superintendent or, in the school district superintendent's 62394  
discretion, the appropriate school principal or appropriate school 62395

counselors, shall determine any charitable organizations that the 62396  
school district hires to provide those services. The school 62397  
district also may use the contributions it receives to pay for 62398  
members of the faculty of the school district to receive training 62399  
in providing such services to the students of the school district. 62400  
The school district shall ensure that any charitable organization 62401  
that is hired by the district is exempt from federal income 62402  
taxation under subsection 501(c)(3) of the Internal Revenue Code. 62403  
The school district shall not use the contributions it receives 62404  
for any other purpose. 62405

The registrar shall pay the contributions the registrar 62406  
receives pursuant to section 4503.879 of the Revised Code to the 62407  
west technical high school alumni association, which shall use the 62408  
contributions for activities sponsored by the association. 62409

The registrar shall pay the contributions the registrar 62410  
receives pursuant to section 4503.88 of the Revised Code to the 62411  
Kenston local school district. The school district shall use the 62412  
contributions it receives to pay the expenses it incurs in 62413  
providing services that assist in developing or maintaining a 62414  
culture of environmental responsibility and an innovative science, 62415  
technology, engineering, art, and math (S.T.E.A.M.) curriculum to 62416  
the school district's students. The school district shall not use 62417  
the contributions it receives for any other purpose. 62418

The registrar shall pay the contributions the registrar 62419  
receives pursuant to section 4503.881 of the Revised Code to La 62420  
Salle high school in the municipal corporation of Cincinnati. The 62421  
high school shall not use the contributions it receives for any 62422  
political purpose. 62423

The registrar shall pay the contributions the registrar 62424  
receives pursuant to section 4503.882 of the Revised Code to St. 62425  
John's Jesuit high school and academy located in the municipal 62426  
corporation of Toledo. The school shall use the contributions it 62427

receives to provide tuition assistance for students attending the school. 62428  
62429

The registrar shall pay the contributions the registrar receives pursuant to section 4503.883 of the Revised Code to St. Charles preparatory school located in the municipal corporation of Columbus, which shall use the contributions for the school's alumni association and the alumni association's purposes. 62430  
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The registrar shall pay the contributions the registrar receives pursuant to section 4503.884 of the Revised Code to Archbishop Moeller high school located in the municipal corporation of Cincinnati. The high school shall not use the contributions it receives for any political purpose. 62435  
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The registrar shall pay the contributions the registrar receives pursuant to section 4503.89 of the Revised Code to the American red cross of greater Columbus on behalf of the Ohio chapters of the American red cross, which shall use the contributions for disaster readiness, preparedness, and response programs on a statewide basis. 62440  
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The registrar shall pay the contributions the registrar receives pursuant to section 4503.891 of the Revised Code to the Ohio lions foundation. The foundation shall use the contributions for charitable and educational purposes. 62446  
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62448  
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The registrar shall pay the contributions the registrar receives pursuant to section 4503.892 of the Revised Code to the Hudson city school district. The school district shall not use the contributions it receives for any political purpose. 62450  
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The registrar shall pay the contributions the registrar receives pursuant to section 4503.893 of the Revised Code to the Harrison Central jr./sr. high school located in the municipal corporation of Cadiz. 62454  
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The registrar shall pay the contributions the registrar 62458

receives pursuant to section 4503.899 of the Revised Code to the 62459  
Cleveland clinic foundation, which shall use the contributions to 62460  
support Cleveland clinic children's education, research, and 62461  
patient services. 62462

The registrar shall pay the contributions the registrar 62463  
receives pursuant to section 4503.90 of the Revised Code to the 62464  
nationwide children's hospital foundation. 62465

The registrar shall pay the contributions the registrar 62466  
receives pursuant to section 4503.901 of the Revised Code to the 62467  
Ohio association for pupil transportation, which shall use the 62468  
money to support transportation programs, provide training to 62469  
school transportation professionals, and support other initiatives 62470  
for school transportation safety. 62471

The registrar shall pay the contributions the registrar 62472  
receives pursuant to section 4503.902 of the Revised Code to St. 62473  
Ignatius high school located in the municipal corporation of 62474  
Cleveland. The school shall use fifty per cent of the 62475  
contributions it receives to provide tuition assistance to its 62476  
students. The school shall use the remaining fifty per cent to pay 62477  
the expenses it incurs in providing services to the school's 62478  
students that assist in developing or maintaining the mental and 62479  
emotional well-being of the students. The services provided may 62480  
include bereavement counseling, instruction in defensive driving 62481  
techniques, sensitivity training, and the counseling and education 62482  
of students regarding bullying, dating violence, drug abuse, 62483  
suicide prevention, and human trafficking. As a part of providing 62484  
such services, the school may pay for members of the faculty of 62485  
the school to receive training in providing those services. The 62486  
school principal or, in the school principal's discretion, 62487  
appropriate school counselors shall determine any charitable 62488  
organizations that the school hires to provide those services. The 62489  
school shall ensure that any such charitable organization is 62490

exempt from federal income taxation under subsection 501(c)(3) of 62491  
the Internal Revenue Code. The school shall not use the 62492  
contributions it receives for any other purpose. 62493

The registrar shall pay the contributions the registrar 62494  
receives pursuant to section 4503.903 of the Revised Code to the 62495  
Brecksville-Broadview Heights city school district. The school 62496  
district shall use the contributions it receives to pay the 62497  
expenses it incurs in providing services to the school district's 62498  
students that assist in developing or maintaining the mental and 62499  
emotional well-being of the students. The services provided may 62500  
include bereavement counseling, instruction in defensive driving 62501  
techniques, sensitivity training, and the counseling and education 62502  
of students regarding bullying, dating violence, drug abuse, 62503  
suicide prevention, and human trafficking. The school district 62504  
superintendent or, in the school district superintendent's 62505  
discretion, the appropriate school principal or appropriate school 62506  
counselors shall determine any charitable organizations that the 62507  
school district hires to provide those services. The school 62508  
district also may use the contributions it receives to pay for 62509  
members of the faculty of the school district to receive training 62510  
in providing such services to the students of the school district. 62511  
The school district shall ensure that any charitable organization 62512  
that is hired by the district is exempt from federal income 62513  
taxation under subsection 501(c)(3) of the Internal Revenue Code. 62514  
The school district shall not use the contributions it receives 62515  
for any other purpose. 62516

The registrar shall pay the contributions the registrar 62517  
receives pursuant to section 4503.904 of the Revised Code to the 62518  
Chagrin Falls exempted village school district. The school 62519  
district shall use the contributions it receives to pay the 62520  
expenses it incurs in providing services to the school district's 62521  
students that assist in developing or maintaining the mental and 62522

emotional well-being of the students. The services provided may 62523  
include bereavement counseling, instruction in defensive driving 62524  
techniques, sensitivity training, and the counseling and education 62525  
of students regarding bullying, dating violence, drug abuse, 62526  
suicide prevention, and human trafficking. The school district 62527  
superintendent or, in the school district superintendent's 62528  
discretion, the appropriate school principal or appropriate school 62529  
counselors shall determine any charitable organizations that the 62530  
school district hires to provide those services. The school 62531  
district also may use the contributions it receives to pay for 62532  
members of the faculty of the school district to receive training 62533  
in providing such services to the students of the school district. 62534  
The school district shall ensure that any charitable organization 62535  
that is hired by the district is exempt from federal income 62536  
taxation under subsection 501(c)(3) of the Internal Revenue Code. 62537  
The school district shall not use the contributions it receives 62538  
for any other purpose. 62539

The registrar shall pay the contributions the registrar 62540  
receives pursuant to section 4503.905 of the Revised Code to the 62541  
Cuyahoga valley career center. The career center shall use the 62542  
contributions it receives to pay the expenses it incurs in 62543  
providing services to the career center's students that assist in 62544  
developing or maintaining the mental and emotional well-being of 62545  
the students. The services provided may include bereavement 62546  
counseling, instruction in defensive driving techniques, 62547  
sensitivity training, and the counseling and education of students 62548  
regarding bullying, dating violence, drug abuse, suicide 62549  
prevention, and human trafficking. The career center's 62550  
superintendent or in the career center's superintendent's 62551  
discretion, the school board or appropriate school counselors 62552  
shall determine any charitable organizations that the career 62553  
center hires to provide those services. The career center also may 62554  
use the contributions it receives to pay for members of the 62555

faculty of the career center to receive training in providing such 62556  
services to the students of the career center. The career center 62557  
shall ensure that any charitable organization that is hired by the 62558  
career center is exempt from federal income taxation under 62559  
subsection 501(c)(3) of the Internal Revenue Code. The career 62560  
center shall not use the contributions it receives for any other 62561  
purpose. 62562

The registrar shall pay the contributions the registrar 62563  
receives pursuant to section 4503.906 of the Revised Code to the 62564  
Stow-Munroe Falls city school district. The school district shall 62565  
not use the contributions it receives for any political purpose. 62566

The registrar shall pay the contributions the registrar 62567  
receives pursuant to section 4503.907 of the Revised Code to the 62568  
Twinsburg city school district. The school district shall not use 62569  
the contributions it receives for any political purpose. 62570

The registrar shall pay the contributions the registrar 62571  
receives pursuant to section 4503.908 of the Revised Code to St. 62572  
Xavier high school located in Springfield township in Hamilton 62573  
county. The school shall use fifty per cent of the contributions 62574  
it receives to provide tuition assistance to its students. The 62575  
school shall use the remaining fifty per cent to pay the expenses 62576  
it incurs in providing services to the school's students that 62577  
assist in developing or maintaining the mental and emotional 62578  
well-being of the students. The services provided may include 62579  
bereavement counseling, instruction in defensive driving 62580  
techniques, sensitivity training, and the counseling and education 62581  
of students regarding bullying, dating violence, drug abuse, 62582  
suicide prevention, and human trafficking. As a part of providing 62583  
such services, the school may pay for members of the faculty of 62584  
the school to receive training in providing those services. The 62585  
school principal or, in the school principal's discretion, 62586  
appropriate school counselors shall determine any charitable 62587

organizations that the school hires to provide those services. The 62588  
school shall ensure that any such charitable organization is 62589  
exempt from federal income taxation under subsection 501(c)(3) of 62590  
the Internal Revenue Code. The school shall not use the 62591  
contributions it receives for any other purpose. 62592

The registrar shall pay the contributions the registrar 62593  
receives pursuant to section 4503.909 of the Revised Code to the 62594  
Grandview Heights city school district, which shall use the 62595  
contributions for its gifted programs and special education and 62596  
related services. 62597

The registrar shall pay the contributions received pursuant 62598  
to section 4503.92 of the Revised Code to support our troops, 62599  
incorporated, a national nonprofit corporation, which shall use 62600  
those contributions in accordance with its articles of 62601  
incorporation and for the benefit of servicemembers of the armed 62602  
forces of the United States and their families when they are in 62603  
financial need. 62604

The registrar shall pay the contributions received pursuant 62605  
to section 4503.931 of the Revised Code to healthy New Albany, 62606  
which shall use the contributions for its community programs, 62607  
events, and other activities. 62608

The registrar shall pay the contributions the registrar 62609  
receives pursuant to section 4503.932 of the Revised Code to 62610  
habitat for humanity of Ohio, inc., which shall use the 62611  
contributions for its projects related to building affordable 62612  
houses. 62613

The registrar shall pay the contributions the registrar 62614  
receives pursuant to section 4503.94 of the Revised Code to the 62615  
Michelle's leading star foundation, which shall use the money 62616  
solely to fund the rental, lease, or purchase of the simulated 62617  
driving curriculum of the Michelle's leading star foundation by 62618

boards of education of city, exempted village, local, and joint 62619  
vocational school districts. 62620

The registrar shall pay the contributions the registrar 62621  
receives pursuant to section 4503.941 of the Revised Code to the 62622  
Ohio chapter international society of arboriculture, which shall 62623  
use the money to increase consumer awareness on the importance of 62624  
proper tree care and to raise funds for the chapter's educational 62625  
efforts. 62626

The registrar shall pay the contributions received pursuant 62627  
to section 4503.942 of the Revised Code to zero, the end of 62628  
prostate cancer, incorporated, a nonprofit organization, which 62629  
shall use those contributions to raise awareness of prostate 62630  
cancer, to support research to end prostate cancer, and to support 62631  
prostate cancer patients and their families. 62632

The registrar shall pay the contributions the registrar 62633  
receives pursuant to section 4503.944 of the Revised Code to the 62634  
eastern European congress of Ohio, which shall use the 62635  
contributions for charitable and educational purposes. 62636

The registrar shall pay the contributions the registrar 62637  
receives pursuant to section 4503.945 of the Revised Code to the 62638  
Summit metro parks foundation, which shall use the money in 62639  
support of the Summit county metro parks. 62640

The registrar shall pay the contributions the registrar 62641  
receives pursuant to section 4503.951 of the Revised Code to the 62642  
Cincinnati city school district. 62643

The registrar shall pay the contributions the registrar 62644  
receives pursuant to section 4503.952 of the Revised Code to 62645  
Hawken school located in northeast Ohio. The school shall use 62646  
fifty per cent of the contributions it receives to provide tuition 62647  
assistance to its students. The school shall use the remaining 62648  
fifty per cent to pay the expenses it incurs in providing services 62649

to the school's students that assist in developing or maintaining 62650  
the mental and emotional well-being of the students. The services 62651  
provided may include bereavement counseling, instruction in 62652  
defensive driving techniques, sensitivity training, and the 62653  
counseling and education of students regarding bullying, dating 62654  
violence, drug abuse, suicide prevention, and human trafficking. 62655  
As a part of providing such services, the school may pay for 62656  
members of the faculty of the school to receive training in 62657  
providing those services. The school principal or, in the school 62658  
principal's discretion, appropriate school counselors shall 62659  
determine any charitable organizations that the school hires to 62660  
provide those services. The school shall ensure that any such 62661  
charitable organization is exempt from federal income taxation 62662  
under subsection 501(c)(3) of the Internal Revenue Code. The 62663  
school shall not use the contributions it receives for any other 62664  
purpose. 62665

The registrar shall pay the contributions the registrar 62666  
receives pursuant to section 4503.953 of the Revised Code to 62667  
Gilmour academy located in the municipal corporation of Gates 62668  
Mills. The school shall use fifty per cent of the contributions it 62669  
receives to provide tuition assistance to its students. The school 62670  
shall use the remaining fifty per cent to pay the expenses it 62671  
incurs in providing services to the school's students that assist 62672  
in developing or maintaining the mental and emotional well-being 62673  
of the students. The services provided may include bereavement 62674  
counseling, instruction in defensive driving techniques, 62675  
sensitivity training, and the counseling and education of students 62676  
regarding bullying, dating violence, drug abuse, suicide 62677  
prevention, and human trafficking. As a part of providing such 62678  
services, the school may pay for members of the faculty of the 62679  
school to receive training in providing those services. The school 62680  
principal or, in the school principal's discretion, appropriate 62681  
school counselors shall determine any charitable organizations 62682

that the school hires to provide those services. The school shall 62683  
ensure that any such charitable organization is exempt from 62684  
federal income taxation under subsection 501(c)(3) of the Internal 62685  
Revenue Code. The school shall not use the contributions it 62686  
receives for any other purpose. 62687

The registrar shall pay the contributions the registrar 62688  
receives pursuant to section 4503.954 of the Revised Code to 62689  
University school located in the suburban area near the municipal 62690  
corporation of Cleveland. The school shall use fifty per cent of 62691  
the contributions it receives to provide tuition assistance to its 62692  
students. The school shall use the remaining fifty per cent to pay 62693  
the expenses it incurs in providing services to the school's 62694  
students that assist in developing or maintaining the mental and 62695  
emotional well-being of the students. The services provided may 62696  
include bereavement counseling, instruction in defensive driving 62697  
techniques, sensitivity training, and the counseling and education 62698  
of students regarding bullying, dating violence, drug abuse, 62699  
suicide prevention, and human trafficking. As a part of providing 62700  
such services, the school may pay for members of the faculty of 62701  
the school to receive training in providing those services. The 62702  
school principal or, in the school principal's discretion, 62703  
appropriate school counselors shall determine any charitable 62704  
organizations that the school hires to provide those services. The 62705  
school shall ensure that any such charitable organization is 62706  
exempt from federal income taxation under subsection 501(c)(3) of 62707  
the Internal Revenue Code. The school shall not use the 62708  
contributions it receives for any other purpose. 62709

The registrar shall pay the contributions the registrar 62710  
receives pursuant to section 4503.955 of the Revised Code to Saint 62711  
Albert the Great school located in North Royalton. The school 62712  
shall use fifty per cent of the contributions it receives to 62713  
provide tuition assistance to its students. The school shall use 62714

the remaining fifty per cent to pay the expenses it incurs in 62715  
providing services to the school's students that assist in 62716  
developing or maintaining the mental and emotional well-being of 62717  
the students. The services provided may include bereavement 62718  
counseling, instruction in defensive driving techniques, 62719  
sensitivity training, and the counseling and education of students 62720  
regarding bullying, dating violence, drug abuse, suicide 62721  
prevention, and human trafficking. As a part of providing such 62722  
services, the school may pay for members of the faculty of the 62723  
school to receive training in providing those services. The school 62724  
principal or, in the school principal's discretion, appropriate 62725  
school counselors shall determine any charitable organizations 62726  
that the school hires to provide those services. The school shall 62727  
ensure that any such charitable organization is exempt from 62728  
federal income taxation under subsection 501(c)(3) of the Internal 62729  
Revenue Code. The school shall not use the contributions it 62730  
receives for any other purpose. 62731

The registrar shall pay the contributions the registrar 62732  
receives pursuant to section 4503.956 of the Revised Code to the 62733  
Liberty Center local school district, which shall use the 62734  
contributions for its gifted programs and special education and 62735  
related services. 62736

The registrar shall pay the contributions the registrar 62737  
receives pursuant to section 4503.957 of the Revised Code to John 62738  
F. Kennedy Catholic school located in Warren. The school shall not 62739  
use the contributions it receives for any political purpose. 62740

The registrar shall pay the contributions the registrar 62741  
receives pursuant to section 4503.958 of the Revised Code to Elder 62742  
high school located in the municipal corporation of Cincinnati. 62743  
The school shall use fifty per cent of the contributions it 62744  
receives to provide tuition assistance to its students, 62745  
twenty-five per cent of the contributions to benefit arts and 62746

enrichment at the school, and twenty-five per cent of the 62747  
contributions to benefit athletics at the school. 62748

The registrar shall pay the contributions the registrar 62749  
receives pursuant to section 4503.961 of the Revised Code to 62750  
Fairfield senior high school located in the municipal corporation 62751  
of Fairfield. The high school shall not use the contributions for 62752  
any political purpose. 62753

The registrar shall pay the contributions the registrar 62754  
receives pursuant to section 4503.962 of the Revised Code to 62755  
Hamilton high school located in the municipal corporation of 62756  
Hamilton. The high school shall not use the contributions for any 62757  
political purpose. 62758

The registrar shall pay the contributions the registrar 62759  
receives pursuant to section 4503.963 of the Revised Code to Ross 62760  
high school located in Ross township in Butler county. The high 62761  
school shall not use the contributions for any political purpose. 62762

The registrar shall pay the contributions the registrar 62763  
receives pursuant to section 4503.97 of the Revised Code to the 62764  
friends of united Hatzalah of Israel, which shall use the money to 62765  
support united Hatzalah of Israel, which provides free emergency 62766  
medical first response throughout Israel. 62767

The registrar shall pay the contributions the registrar 62768  
receives pursuant to section 4503.98 of the Revised Code to the 62769  
Westerville parks foundation to support the programs and 62770  
activities of the foundation and its mission of pursuing the city 62771  
of Westerville's vision of becoming "A City Within A Park." 62772

(C) All investment earnings of the license plate contribution 62773  
fund shall be credited to the fund. Not later than the first day 62774  
of May of every year, the registrar shall distribute to each 62775  
entity described in division (B) of this section the investment 62776  
income the fund earned the previous calendar year. The amount of 62777

such a distribution paid to an entity shall be proportionate to 62778  
the amount of money the entity received from the fund during the 62779  
previous calendar year. 62780

**Sec. 4503.066.** (A)(1) To obtain a tax reduction under section 62781  
4503.065 of the Revised Code, the owner of the home shall file an 62782  
application with the county auditor of the county in which the 62783  
home is located. An application for reduction in taxes based upon 62784  
a physical disability shall be accompanied by a certificate signed 62785  
by a physician, and an application for reduction in taxes based 62786  
upon a mental disability shall be accompanied by a certificate 62787  
signed by a physician or psychologist licensed to practice in this 62788  
state. The certificate shall attest to the fact that the applicant 62789  
is permanently and totally disabled, shall be in a form that the 62790  
department of taxation requires, and shall include the definition 62791  
of totally and permanently disabled as set forth in section 62792  
4503.064 of the Revised Code. An application for reduction in 62793  
taxes based upon a disability certified as permanent and total by 62794  
a state or federal agency having the function of so classifying 62795  
persons shall be accompanied by a certificate from that agency. 62796

An application by a disabled veteran for the reduction under 62797  
division (B) of section 4503.065 of the Revised Code shall be 62798  
accompanied by a letter or other written confirmation from the 62799  
United States department of veterans affairs, or its predecessor 62800  
or successor agency, showing that the veteran qualifies as a 62801  
disabled veteran. 62802

An application by the surviving spouse of a public service 62803  
officer killed in the line of duty for the reduction under 62804  
division (C) of section 4503.065 of the Revised Code shall be 62805  
accompanied by a letter or other written confirmation from an 62806  
officer or employee of the board of trustees of a retirement or 62807  
pension fund in this state or another state or from the chief or 62808

other chief executive of the department, agency, or other employer 62809  
for which the public service officer served when killed in the 62810  
line of duty affirming that the public service officer was killed 62811  
in the line of duty. 62812

(2) Each application shall constitute a continuing 62813  
application for a reduction in taxes for each year in which the 62814  
manufactured or mobile home is occupied by the applicant. Failure 62815  
to receive a new application or notification under division (B) of 62816  
this section after an application for reduction has been approved 62817  
is prima-facie evidence that the original applicant is entitled to 62818  
the reduction calculated on the basis of the information contained 62819  
in the original application. The original application and any 62820  
subsequent application shall be in the form of a signed statement 62821  
and shall be filed on or before the thirty-first day of December 62822  
of the year preceding the year for which the reduction is sought. 62823  
The statement shall be on a form, devised and supplied by the tax 62824  
commissioner, that shall require no more information than is 62825  
necessary to establish the applicant's eligibility for the 62826  
reduction in taxes and the amount of the reduction to which the 62827  
applicant is entitled. The form shall contain a statement that 62828  
signing such application constitutes a delegation of authority by 62829  
the applicant to the tax commissioner or the county auditor, 62830  
individually or in consultation with each other, to examine any 62831  
tax or financial records that relate to the income of the 62832  
applicant as stated on the application for the purpose of 62833  
determining eligibility under, or possible violation of, division 62834  
(C) or (D) of this section. The form also shall contain a 62835  
statement that conviction of willfully falsifying information to 62836  
obtain a reduction in taxes or failing to comply with division (B) 62837  
of this section shall result in the revocation of the right to the 62838  
reduction for a period of three years. 62839

(3) A late application for a reduction in taxes for the year 62840

preceding the year for which an original application is filed may 62841  
be filed with an original application. If the auditor determines 62842  
that the information contained in the late application is correct, 62843  
the auditor shall determine both the amount of the reduction in 62844  
taxes to which the applicant would have been entitled for the 62845  
current tax year had the application been timely filed and 62846  
approved in the preceding year, and the amount the taxes levied 62847  
under section 4503.06 of the Revised Code for the current year 62848  
would have been reduced as a result of the reduction. When an 62849  
applicant is permanently and totally disabled on the first day of 62850  
January of the year in which the applicant files a late 62851  
application, the auditor, in making the determination of the 62852  
amounts of the reduction in taxes under division (A)(3) of this 62853  
section, is not required to determine that the applicant was 62854  
permanently and totally disabled on the first day of January of 62855  
the preceding year. 62856

The amount of the reduction in taxes pursuant to a late 62857  
application shall be treated as an overpayment of taxes by the 62858  
applicant. The auditor shall credit the amount of the overpayment 62859  
against the amount of the taxes or penalties then due from the 62860  
applicant, and, at the next succeeding settlement, the amount of 62861  
the credit shall be deducted from the amount of any taxes or 62862  
penalties distributable to the county or any taxing unit in the 62863  
county that has received the benefit of the taxes or penalties 62864  
previously overpaid, in proportion to the benefits previously 62865  
received. If, after the credit has been made, there remains a 62866  
balance of the overpayment, or if there are no taxes or penalties 62867  
due from the applicant, the auditor shall refund that balance to 62868  
the applicant by a warrant drawn on the county treasurer in favor 62869  
of the applicant. The treasurer shall pay the warrant from the 62870  
general fund of the county. If there is insufficient money in the 62871  
general fund to make the payment, the treasurer shall pay the 62872  
warrant out of any undivided manufactured or mobile home taxes 62873

subsequently received by the treasurer for distribution to the 62874  
county or taxing district in the county that received the benefit 62875  
of the overpaid taxes, in proportion to the benefits previously 62876  
received, and the amount paid from the undivided funds shall be 62877  
deducted from the money otherwise distributable to the county or 62878  
taxing district in the county at the next or any succeeding 62879  
distribution. At the next or any succeeding distribution after 62880  
making the refund, the treasurer shall reimburse the general fund 62881  
for any payment made from that fund by deducting the amount of 62882  
that payment from the money distributable to the county or other 62883  
taxing unit in the county that has received the benefit of the 62884  
taxes, in proportion to the benefits previously received. On the 62885  
second Monday in September of each year, the county auditor shall 62886  
certify the total amount of the reductions in taxes made in the 62887  
current year under division (A)(3) of this section to the tax 62888  
commissioner who shall treat that amount as a reduction in taxes 62889  
for the current tax year and shall make reimbursement to the 62890  
county of that amount in the manner prescribed in section 4503.068 62891  
of the Revised Code, from moneys appropriated for that purpose. 62892

~~(B)~~(B)(1) If in any year for which an application for 62893  
reduction in taxes has been approved the owner no longer qualifies 62894  
for the reduction, the owner shall notify the county auditor that 62895  
the owner is not qualified for a reduction in taxes. 62896

(2) If the county auditor or county treasurer discovers that 62897  
an owner not entitled to the reduction in manufactured home taxes 62898  
under section 4503.065 of the Revised Code failed to notify the 62899  
county auditor as required by division (B)(1) of this section, a 62900  
charge shall be imposed against the manufactured or mobile home in 62901  
the amount by which taxes were reduced under that section for each 62902  
tax year the county auditor ascertains that the manufactured or 62903  
mobile home was not entitled to the reduction and was owned by the 62904  
current owner. Interest shall accrue in the manner prescribed by 62905

division (G)(2) of section 4503.06 of the Revised Code on the 62906  
amount by which taxes were reduced for each such tax year as if 62907  
the reduction became delinquent taxes at the close of the last day 62908  
the second installment of taxes for that tax year could be paid 62909  
without penalty. The county auditor shall notify the owner, by 62910  
ordinary mail, of the charge, of the owner's right to appeal the 62911  
charge, and of the manner in which the owner may appeal. The owner 62912  
may appeal the imposition of the charge and interest by filing an 62913  
appeal with the county board of revision not later than the last 62914  
day prescribed for payment of manufactured home taxes under 62915  
section 4503.06 of the Revised Code following receipt of the 62916  
notice and occurring at least ninety days after receipt of the 62917  
notice. The appeal shall be treated in the same manner as a 62918  
complaint relating to the valuation or assessment of manufactured 62919  
or mobile homes under section 5715.19 of the Revised Code. The 62920  
charge and any interest shall be collected as other delinquent 62921  
taxes. 62922

(3) During January of each year, the county auditor shall 62923  
furnish each person whose application for reduction has been 62924  
approved, by ordinary mail, a form on which to report any changes 62925  
in total income, ownership, occupancy, disability, and other 62926  
information earlier furnished the auditor relative to the 62927  
application. The form shall be completed and returned to the 62928  
auditor not later than the thirty-first day of December if the 62929  
changes would affect the person's eligibility for the reduction. 62930

(C) No person shall knowingly make a false statement for the 62931  
purpose of obtaining a reduction in taxes under section 4503.065 62932  
of the Revised Code. 62933

(D) No person shall knowingly fail to notify the county 62934  
auditor of any change required by division (B) of this section 62935  
that has the effect of maintaining or securing a reduction in 62936  
taxes under section 4503.065 of the Revised Code. 62937

(E) No person shall knowingly make a false statement or certification attesting to any person's physical or mental condition for purposes of qualifying such person for tax relief pursuant to sections 4503.064 to 4503.069 of the Revised Code.

(F) Whoever violates division (C), (D), or (E) of this section is guilty of a misdemeanor of the fourth degree.

**Sec. 4505.09.** (A)(1) The clerk of a court of common pleas shall charge and retain fees as follows:

(a) Five dollars for each certificate of title that is not applied for within thirty days after the later of the assignment or delivery of the motor vehicle described in it. The entire fee shall be retained by the clerk.

(b) Fifteen dollars for each certificate of title or duplicate certificate of title including the issuance of a memorandum certificate of title, or authorization to print a non-negotiable evidence of ownership described in division (G) of section 4505.08 of the Revised Code, non-negotiable evidence of ownership printed by the clerk under division (H) of that section, and notation of any lien on a certificate of title that is applied for at the same time as the certificate of title. The clerk shall retain eleven dollars and fifty cents of that fee for each certificate of title when there is a notation of a lien or security interest on the certificate of title, twelve dollars and twenty-five cents when there is no lien or security interest noted on the certificate of title, and eleven dollars and fifty cents for each duplicate certificate of title.

(c) Four dollars and fifty cents for each certificate of title with no security interest noted that is issued to a licensed motor vehicle dealer for resale purposes and, in addition, a separate fee of fifty cents. The clerk shall retain two dollars and twenty-five cents of that fee.

(d) Five dollars for each memorandum certificate of title or non-negotiable evidence of ownership that is applied for separately. The clerk shall retain that entire fee.

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(2) The fees that are not retained by the clerk shall be paid to the registrar of motor vehicles by monthly returns, which shall be forwarded to the registrar not later than the fifth day of the month next succeeding that in which the certificate is issued or that in which the registrar is notified of a lien or cancellation of a lien.

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(B)(1) The registrar shall pay twenty-five cents of the amount received for each certificate of title issued to a motor vehicle dealer for resale, one dollar for certificates of title issued with a lien or security interest noted on the certificate of title, and twenty-five cents for each certificate of title with no lien or security interest noted on the certificate of title into the public safety - highway purposes fund established in section 4501.06 of the Revised Code.

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(2) Fifty cents of the amount received for each certificate of title shall be paid by the registrar as follows:

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(a) Four cents shall be paid into the state treasury to the credit of the motor vehicle dealers board fund, which is hereby created. All investment earnings of the fund shall be credited to the fund. The moneys in the motor vehicle dealers board fund shall be used by the motor vehicle dealers board created under section 4517.30 of the Revised Code, together with other moneys appropriated to it, in the exercise of its powers and the performance of its duties under Chapter 4517. of the Revised Code, except that the director of budget and management may transfer excess money from the motor vehicle dealers board fund to the public safety - highway purposes fund if the registrar determines that the amount of money in the motor vehicle dealers board fund, together with other moneys appropriated to the board, exceeds the

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amount required for the exercise of its powers and the performance 63001  
of its duties under Chapter 4517. of the Revised Code and requests 63002  
the director to make the transfer. 63003

(b) ~~Twenty-one~~ Thirty-one cents shall be paid into the 63004  
highway operating fund created by section 5735.051 of the Revised 63005  
Code. 63006

(c) ~~Twenty-five~~ Fifteen cents shall be paid into the state 63007  
treasury to the credit of the motor vehicle sales audit fund, 63008  
which is hereby created. The moneys in the fund shall be used by 63009  
the tax commissioner together with other funds available to the 63010  
commissioner to conduct a continuing investigation of sales and 63011  
use tax returns filed for motor vehicles in order to determine if 63012  
sales and use tax liability has been satisfied. The commissioner 63013  
shall refer cases of apparent violations of section 2921.13 of the 63014  
Revised Code made in connection with the titling or sale of a 63015  
motor vehicle and cases of any other apparent violations of the 63016  
sales or use tax law to the appropriate county prosecutor whenever 63017  
the commissioner considers it advisable. 63018

(3) Two dollars of the amount received by the registrar under 63019  
divisions (A)(1)(a), (b), and (d) of this section and one dollar 63020  
and fifty cents of the amount received by the registrar under 63021  
division (A)(1)(c) of this section for each certificate of title 63022  
shall be paid into the state treasury to the credit of the 63023  
automated title processing fund, which is hereby created and which 63024  
shall consist of moneys collected under division (B)(3) of this 63025  
section and under sections 1548.10 and 4519.59 of the Revised 63026  
Code. All investment earnings of the fund shall be credited to the 63027  
fund. The moneys in the fund shall be used as follows: 63028

(a) Except for moneys collected under section 1548.10 of the 63029  
Revised Code, moneys collected under division (B)(3) of this 63030  
section shall be used to implement and maintain an automated title 63031  
processing system for the issuance of motor vehicle, off-highway 63032

motorcycle, and all-purpose vehicle certificates of title in the 63033  
offices of the clerks of the courts of common pleas. Those moneys 63034  
also shall be used to pay expenses that arise as a result of 63035  
enabling electronic motor vehicle dealers to directly transfer 63036  
applications for certificates of title under division (A)(3) of 63037  
section 4505.06 of the Revised Code. 63038

(b) Moneys collected under section 1548.10 of the Revised 63039  
Code shall be used to issue marine certificates of title in the 63040  
offices of the clerks of the courts of common pleas as provided in 63041  
Chapter 1548. of the Revised Code. 63042

(4) The registrar shall pay the fifty-cent separate fee 63044  
collected from a licensed motor vehicle dealer under division 63045  
(A)(1)(c) of this section into the title defect recision fund 63046  
created by section 1345.52 of the Revised Code. 63047

(C)(1) The automated title processing board is hereby created 63048  
consisting of the registrar or the registrar's representative, a 63049  
person selected by the registrar, the president of the Ohio clerks 63050  
of court association or the president's representative, and two 63051  
clerks of courts of common pleas appointed by the governor. The 63052  
director of budget and management or the director's designee, the 63053  
chief of the division of parks and watercraft in the department of 63054  
natural resources or the chief's designee, and the tax 63055  
commissioner or the commissioner's designee shall be nonvoting 63056  
members of the board. The purpose of the board is to facilitate 63057  
the operation and maintenance of an automated title processing 63058  
system and approve the procurement of automated title processing 63059  
system equipment and ribbons, cartridges, or other devices 63060  
necessary for the operation of that equipment. Voting members of 63061  
the board, excluding the registrar or the registrar's 63062  
representative, shall serve without compensation, but shall be 63063  
reimbursed for travel and other necessary expenses incurred in the 63064  
conduct of their official duties. The registrar or the registrar's 63065

representative shall receive neither compensation nor 63066  
reimbursement as a board member. 63067

(2) The automated title processing board shall determine each 63068  
of the following: 63069

(a) The automated title processing equipment and certificates 63070  
of title requirements for each county; 63071

(b) The payment of expenses that may be incurred by the 63072  
counties in implementing an automated title processing system; 63073

(c) The repayment to the counties for existing title 63074  
processing equipment; 63075

(d) With the approval of the director of public safety, the 63076  
award of grants from the automated title processing fund to the 63077  
clerk of courts of any county who employs a person who assists 63078  
with the design of, updates to, tests of, installation of, or any 63079  
other activity related to, an automated title processing system. 63080  
Any grant awarded under division (C)(2)(d) of this section shall 63081  
be deposited into the appropriate county certificate of title 63082  
administration fund created under section 325.33 of the Revised 63083  
Code and shall not be used to supplant any other funds. 63084

(3) The registrar shall purchase, lease, or otherwise acquire 63085  
any automated title processing equipment and certificates of title 63086  
that the board determines are necessary from moneys in the 63087  
automated title processing fund established by division (B)(3) of 63088  
this section. 63089

(D) All counties shall conform to the requirements of the 63090  
registrar regarding the operation of their automated title 63091  
processing system for motor vehicle titles, certificates of title 63092  
for off-highway motorcycles and all-purpose vehicles, and 63093  
certificates of title for watercraft and outboard motors. 63094

**Sec. 4505.104.** (A) A towing service or storage facility that 63095

is in possession of a motor vehicle may obtain a certificate of title to the vehicle as provided in division (B) of this section if all of the following apply: 63096  
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(1) The motor vehicle was towed or stored pursuant to section 4513.60, 4513.61, or 4513.66 of the Revised Code. 63099  
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(2) A search was made of the records of the bureau of motor vehicles to ascertain the identity of the owner and any lienholder of the motor vehicle. 63101  
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(3) Upon obtaining the identity in division (A)(2) of this section, notice was sent to the last known address of the owner and any lienholder, by certified or express mail with return receipt requested or by a commercial carrier service utilizing any form of delivery requiring a signed receipt. The notice shall inform the owner and lienholder that the towing service or storage facility will obtain title to the motor vehicle if not claimed within sixty days after the date the notice was received. 63104  
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(4) The motor vehicle has been left unclaimed for sixty days after one of the following: 63112  
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(a) The date the notice sent under division (A)(3) of this section was received, as evidenced by a receipt signed by any person; 63114  
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63116

(b) The date the towing service or storage facility received notification that the delivery of the notice sent under division (A)(3) of this section was not possible. 63117  
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63119

(5) A sheriff, chief of police, or state highway patrol trooper, as applicable, has made a determination that the vehicle or items in the vehicle are not necessary to a criminal investigation. 63120  
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(6) An agent of the towing service or storage facility executes an affidavit, in a form established by the registrar of 63124  
63125

motor vehicles not later than ninety days after the effective date 63126  
of this section, affirming that conditions in divisions (A)(1) to 63127  
(5) of this section are met. 63128

(B) The clerk of court shall issue a certificate of title, 63129  
free and clear of all liens and encumbrances, to the towing 63130  
service or storage facility that presents an affidavit that 63131  
affirms that the conditions in divisions (A)(1) to (5) of this 63132  
section are met. 63133

(C) After obtaining title to a motor vehicle under this 63134  
section, the towing service or storage facility shall retain any 63135  
money arising from the disposal of the vehicle. 63136

(D) A towing service or storage facility that obtains title 63137  
to a motor vehicle under this section shall notify the entity that 63138  
ordered the motor vehicle into storage that the motor vehicle has 63139  
been so disposed. The towing service or storage facility shall 63140  
provide the notice on the last business day of the month in which 63141  
the service or facility obtained title to the motor vehicle. 63142

(E) As used in this section, "towing service or storage 63143  
facility" means any for-hire motor carrier that removes a motor 63144  
vehicle under the authority of section 4513.60, 4513.61, or 63145  
4513.66 of the Revised Code and any place to which such a for-hire 63146  
motor carrier delivers a motor vehicle towed under those sections. 63147

**Sec. 4511.191.** (A)(1) As used in this section: 63148

(a) "Physical control" has the same meaning as in section 63149  
4511.194 of the Revised Code. 63150

(b) "Alcohol monitoring device" means any device that 63151  
provides for continuous alcohol monitoring, any ignition interlock 63152  
device, any immobilizing or disabling device other than an 63153  
ignition interlock device that is constantly available to monitor 63154  
the concentration of alcohol in a person's system, or any other 63155

device that provides for the automatic testing and periodic 63156  
reporting of alcohol consumption by a person and that a court 63157  
orders a person to use as a sanction imposed as a result of the 63158  
person's conviction of or plea of guilty to an offense. 63159

(c) "Community addiction services provider" has the same 63160  
meaning as in section 5119.01 of the Revised Code. 63161

(2) Any person who operates a vehicle, streetcar, or 63162  
trackless trolley upon a highway or any public or private property 63163  
used by the public for vehicular travel or parking within this 63164  
state or who is in physical control of a vehicle, streetcar, or 63165  
trackless trolley shall be deemed to have given consent to a 63166  
chemical test or tests of the person's whole blood, blood serum or 63167  
plasma, breath, or urine to determine the alcohol, drug of abuse, 63168  
controlled substance, metabolite of a controlled substance, or 63169  
combination content of the person's whole blood, blood serum or 63170  
plasma, breath, or urine if arrested for a violation of division 63171  
(A) or (B) of section 4511.19 of the Revised Code, section 63172  
4511.194 of the Revised Code or a substantially equivalent 63173  
municipal ordinance, or a municipal OVI ordinance. 63174

(3) The chemical test or tests under division (A)(2) of this 63175  
section shall be administered at the request of a law enforcement 63176  
officer having reasonable grounds to believe the person was 63177  
operating or in physical control of a vehicle, streetcar, or 63178  
trackless trolley in violation of a division, section, or 63179  
ordinance identified in division (A)(2) of this section. The law 63180  
enforcement agency by which the officer is employed shall 63181  
designate which of the tests shall be administered. 63182

(4) Any person who is dead or unconscious, or who otherwise 63183  
is in a condition rendering the person incapable of refusal, shall 63184  
be deemed to have consented as provided in division (A)(2) of this 63185  
section, and the test or tests may be administered, subject to 63186  
sections 313.12 to 313.16 of the Revised Code. 63187

(5)(a) If a law enforcement officer arrests a person for a violation of division (A) or (B) of section 4511.19 of the Revised Code, section 4511.194 of the Revised Code or a substantially equivalent municipal ordinance, or a municipal OVI ordinance and if the person if convicted would be required to be sentenced under division (G)(1)(c), (d), or (e) of section 4511.19 of the Revised Code, the law enforcement officer shall request the person to submit, and the person shall submit, to a chemical test or tests of the person's whole blood, blood serum or plasma, breath, or urine for the purpose of determining the alcohol, drug of abuse, controlled substance, metabolite of a controlled substance, or combination content of the person's whole blood, blood serum or plasma, breath, or urine. A law enforcement officer who makes a request pursuant to this division that a person submit to a chemical test or tests is not required to advise the person of the consequences of submitting to, or refusing to submit to, the test or tests and is not required to give the person the form described in division (B) of section 4511.192 of the Revised Code, but the officer shall advise the person at the time of the arrest that if the person refuses to take a chemical test the officer may employ whatever reasonable means are necessary to ensure that the person submits to a chemical test of the person's whole blood or blood serum or plasma. The officer shall also advise the person at the time of the arrest that the person may have an independent chemical test taken at the person's own expense. Divisions (A)(3) and (4) of this section apply to the administration of a chemical test or tests pursuant to this division.

(b) If a person refuses to submit to a chemical test upon a request made pursuant to division (A)(5)(a) of this section, the law enforcement officer who made the request may employ whatever reasonable means are necessary to ensure that the person submits to a chemical test of the person's whole blood or blood serum or plasma. A law enforcement officer who acts pursuant to this

division to ensure that a person submits to a chemical test of the person's whole blood or blood serum or plasma is immune from criminal and civil liability based upon a claim for assault and battery or any other claim for the acts, unless the officer so acted with malicious purpose, in bad faith, or in a wanton or reckless manner.

(B)(1) Upon receipt of the sworn report of a law enforcement officer who arrested a person for a violation of division (A) or (B) of section 4511.19 of the Revised Code, section 4511.194 of the Revised Code or a substantially equivalent municipal ordinance, or a municipal OVI ordinance that was completed and sent to the registrar of motor vehicles and a court pursuant to section 4511.192 of the Revised Code in regard to a person who refused to take the designated chemical test, the registrar shall enter into the registrar's records the fact that the person's driver's or commercial driver's license or permit or nonresident operating privilege was suspended by the arresting officer under this division and that section and the period of the suspension, as determined under this section. The suspension shall be subject to appeal as provided in section 4511.197 of the Revised Code. The suspension shall be for whichever of the following periods applies:

(a) Except when division (B)(1)(b), (c), or (d) of this section applies and specifies a different class or length of suspension, the suspension shall be a class C suspension for the period of time specified in division (B)(3) of section 4510.02 of the Revised Code.

(b) If the arrested person, within ten years of the date on which the person refused the request to consent to the chemical test, had refused one previous request to consent to a chemical test or had been convicted of or pleaded guilty to one violation of division (A) or (B) of section 4511.19 of the Revised Code or

one other equivalent offense, the suspension shall be a class B 63253  
suspension imposed for the period of time specified in division 63254  
(B)(2) of section 4510.02 of the Revised Code. 63255

(c) If the arrested person, within ten years of the date on 63256  
which the person refused the request to consent to the chemical 63257  
test, had refused two previous requests to consent to a chemical 63258  
test, had been convicted of or pleaded guilty to two violations of 63259  
division (A) or (B) of section 4511.19 of the Revised Code or 63260  
other equivalent offenses, or had refused one previous request to 63261  
consent to a chemical test and also had been convicted of or 63262  
pleaded guilty to one violation of division (A) or (B) of section 63263  
4511.19 of the Revised Code or other equivalent offenses, which 63264  
violation or offense arose from an incident other than the 63265  
incident that led to the refusal, the suspension shall be a class 63266  
A suspension imposed for the period of time specified in division 63267  
(B)(1) of section 4510.02 of the Revised Code. 63268

(d) If the arrested person, within ten years of the date on 63269  
which the person refused the request to consent to the chemical 63270  
test, had refused three or more previous requests to consent to a 63271  
chemical test, had been convicted of or pleaded guilty to three or 63272  
more violations of division (A) or (B) of section 4511.19 of the 63273  
Revised Code or other equivalent offenses, or had refused a number 63274  
of previous requests to consent to a chemical test and also had 63275  
been convicted of or pleaded guilty to a number of violations of 63276  
division (A) or (B) of section 4511.19 of the Revised Code or 63277  
other equivalent offenses that cumulatively total three or more 63278  
such refusals, convictions, and guilty pleas, the suspension shall 63279  
be for five years. 63280

(2) The registrar shall terminate a suspension of the 63281  
driver's or commercial driver's license or permit of a resident or 63282  
of the operating privilege of a nonresident, or a denial of a 63283  
driver's or commercial driver's license or permit, imposed 63284

pursuant to division (B)(1) of this section upon receipt of notice 63285  
that the person has entered a plea of guilty to, or that the 63286  
person has been convicted after entering a plea of no contest to, 63287  
operating a vehicle in violation of section 4511.19 of the Revised 63288  
Code or in violation of a municipal OVI ordinance, if the offense 63289  
for which the conviction is had or the plea is entered arose from 63290  
the same incident that led to the suspension or denial. 63291

The registrar shall credit against any judicial suspension of 63292  
a person's driver's or commercial driver's license or permit or 63293  
nonresident operating privilege imposed pursuant to section 63294  
4511.19 of the Revised Code, or pursuant to section 4510.07 of the 63295  
Revised Code for a violation of a municipal OVI ordinance, any 63296  
time during which the person serves a related suspension imposed 63297  
pursuant to division (B)(1) of this section. 63298

(C)(1) Upon receipt of the sworn report of the law 63299  
enforcement officer who arrested a person for a violation of 63300  
division (A) or (B) of section 4511.19 of the Revised Code or a 63301  
municipal OVI ordinance that was completed and sent to the 63302  
registrar and a court pursuant to section 4511.192 of the Revised 63303  
Code in regard to a person whose test results indicate that the 63304  
person's whole blood, blood serum or plasma, breath, or urine 63305  
contained at least the concentration of alcohol specified in 63306  
division (A)(1)(b), (c), (d), or (e) of section 4511.19 of the 63307  
Revised Code or at least the concentration of a listed controlled 63308  
substance or a listed metabolite of a controlled substance 63309  
specified in division (A)(1)(j) of section 4511.19 of the Revised 63310  
Code, the registrar shall enter into the registrar's records the 63311  
fact that the person's driver's or commercial driver's license or 63312  
permit or nonresident operating privilege was suspended by the 63313  
arresting officer under this division and section 4511.192 of the 63314  
Revised Code and the period of the suspension, as determined under 63315  
divisions (C)(1)(a) to (d) of this section. The suspension shall 63316

be subject to appeal as provided in section 4511.197 of the Revised Code. The suspension described in this division does not apply to, and shall not be imposed upon, a person arrested for a violation of section 4511.194 of the Revised Code or a substantially equivalent municipal ordinance who submits to a designated chemical test. The suspension shall be for whichever of the following periods applies:

(a) Except when division (C)(1)(b), (c), or (d) of this section applies and specifies a different period, the suspension shall be a class E suspension imposed for the period of time specified in division (B)(5) of section 4510.02 of the Revised Code.

(b) The suspension shall be a class C suspension for the period of time specified in division (B)(3) of section 4510.02 of the Revised Code if the person has been convicted of or pleaded guilty to, within ten years of the date the test was conducted, one violation of division (A) or (B) of section 4511.19 of the Revised Code or one other equivalent offense.

(c) If, within ten years of the date the test was conducted, the person has been convicted of or pleaded guilty to two violations of a statute or ordinance described in division (C)(1)(b) of this section, the suspension shall be a class B suspension imposed for the period of time specified in division (B)(2) of section 4510.02 of the Revised Code.

(d) If, within ten years of the date the test was conducted, the person has been convicted of or pleaded guilty to more than two violations of a statute or ordinance described in division (C)(1)(b) of this section, the suspension shall be a class A suspension imposed for the period of time specified in division (B)(1) of section 4510.02 of the Revised Code.

(2) The registrar shall terminate a suspension of the

driver's or commercial driver's license or permit of a resident or 63348  
of the operating privilege of a nonresident, or a denial of a 63349  
driver's or commercial driver's license or permit, imposed 63350  
pursuant to division (C)(1) of this section upon receipt of notice 63351  
that the person has entered a plea of guilty to, or that the 63352  
person has been convicted after entering a plea of no contest to, 63353  
operating a vehicle in violation of section 4511.19 of the Revised 63354  
Code or in violation of a municipal OVI ordinance, if the offense 63355  
for which the conviction is had or the plea is entered arose from 63356  
the same incident that led to the suspension or denial. 63357

The registrar shall credit against any judicial suspension of 63358  
a person's driver's or commercial driver's license or permit or 63359  
nonresident operating privilege imposed pursuant to section 63360  
4511.19 of the Revised Code, or pursuant to section 4510.07 of the 63361  
Revised Code for a violation of a municipal OVI ordinance, any 63362  
time during which the person serves a related suspension imposed 63363  
pursuant to division (C)(1) of this section. 63364

(D)(1) A suspension of a person's driver's or commercial 63365  
driver's license or permit or nonresident operating privilege 63366  
under this section for the time described in division (B) or (C) 63367  
of this section is effective immediately from the time at which 63368  
the arresting officer serves the notice of suspension upon the 63369  
arrested person. Any subsequent finding that the person is not 63370  
guilty of the charge that resulted in the person being requested 63371  
to take the chemical test or tests under division (A) of this 63372  
section does not affect the suspension. 63373

(2) If a person is arrested for operating a vehicle, 63374  
streetcar, or trackless trolley in violation of division (A) or 63375  
(B) of section 4511.19 of the Revised Code or a municipal OVI 63376  
ordinance, or for being in physical control of a vehicle, 63377  
streetcar, or trackless trolley in violation of section 4511.194 63378  
of the Revised Code or a substantially equivalent municipal 63379

ordinance, regardless of whether the person's driver's or 63380  
commercial driver's license or permit or nonresident operating 63381  
privilege is or is not suspended under division (B) or (C) of this 63382  
section or Chapter 4510. of the Revised Code, the person's initial 63383  
appearance on the charge resulting from the arrest shall be held 63384  
within five days of the person's arrest or the issuance of the 63385  
citation to the person, subject to any continuance granted by the 63386  
court pursuant to section 4511.197 of the Revised Code regarding 63387  
the issues specified in that division. 63388

(E) When it finally has been determined under the procedures 63389  
of this section and sections 4511.192 to 4511.197 of the Revised 63390  
Code that a nonresident's privilege to operate a vehicle within 63391  
this state has been suspended, the registrar shall give 63392  
information in writing of the action taken to the motor vehicle 63393  
administrator of the state of the person's residence and of any 63394  
state in which the person has a license. 63395

(F) At the end of a suspension period under this section, 63396  
under section 4511.194, section 4511.196, or division (G) of 63397  
section 4511.19 of the Revised Code, or under section 4510.07 of 63398  
the Revised Code for a violation of a municipal OVI ordinance and 63399  
upon the request of the person whose driver's or commercial 63400  
driver's license or permit was suspended and who is not otherwise 63401  
subject to suspension, cancellation, or disqualification, the 63402  
registrar shall return the driver's or commercial driver's license 63403  
or permit to the person upon the occurrence of all of the 63404  
conditions specified in divisions (F)(1) and (2) of this section: 63405

(1) A showing that the person has proof of financial 63406  
responsibility, a policy of liability insurance in effect that 63407  
meets the minimum standards set forth in section 4509.51 of the 63408  
Revised Code, or proof, to the satisfaction of the registrar, that 63409  
the person is able to respond in damages in an amount at least 63410  
equal to the minimum amounts specified in section 4509.51 of the 63411

Revised Code. 63412

(2) Subject to the limitation contained in division (F)(3) of 63413  
this section, payment by the person to the registrar or an 63414  
eligible deputy registrar of a license reinstatement fee of four 63415  
hundred seventy-five dollars, which fee shall be deposited in the 63416  
state treasury and credited as follows: 63417

(a) One hundred twelve dollars and fifty cents shall be 63418  
credited to the statewide treatment and prevention fund created by 63419  
section 4301.30 of the Revised Code. Money credited to the fund 63420  
under this section shall be used for purposes identified under 63421  
section 5119.22 of the Revised Code. 63422

(b) Seventy-five dollars shall be credited to the reparations 63423  
fund created by section 2743.191 of the Revised Code. 63424

(c) Thirty-seven dollars and fifty cents shall be credited to 63425  
the indigent drivers alcohol treatment fund, which is hereby 63426  
established in the state treasury. The department of mental health 63427  
and addiction services shall distribute the moneys in that fund to 63428  
the county indigent drivers alcohol treatment funds, the county 63429  
juvenile indigent drivers alcohol treatment funds, and the 63430  
municipal indigent drivers alcohol treatment funds that are 63431  
required to be established by counties and municipal corporations 63432  
pursuant to division (H) of this section to be used only as 63433  
provided in division (H)(3) of this section. Moneys in the fund 63434  
that are not distributed to a county indigent drivers alcohol 63435  
treatment fund, a county juvenile indigent drivers alcohol 63436  
treatment fund, or a municipal indigent drivers alcohol treatment 63437  
fund under division (H) of this section because the director of 63438  
mental health and addiction services does not have the information 63439  
necessary to identify the county or municipal corporation where 63440  
the offender or juvenile offender was arrested may be transferred 63441  
by the director of budget and management to the statewide 63442  
treatment and prevention fund created by section 4301.30 of the 63443

Revised Code, upon certification of the amount by the director of 63444  
mental health and addiction services. 63445

(d) Seventy-five dollars shall be credited to the 63446  
opportunities for Ohioans with disabilities agency established by 63447  
section 3304.15 of the Revised Code, to the services for 63448  
rehabilitation fund, which is hereby established. The fund shall 63449  
be used to match available federal matching funds where 63450  
appropriate, and for any other purpose or program of the agency to 63451  
rehabilitate persons with disabilities to help them become 63452  
employed and independent. 63453

(e) Seventy-five dollars shall be deposited into the state 63454  
treasury and credited to the drug abuse resistance education 63455  
programs fund, which is hereby established, to be used by the 63456  
attorney general for the purposes specified in division (F)(4) of 63457  
this section. 63458

(f) Thirty dollars shall be credited to the public safety - 63459  
highway purposes fund created by section 4501.06 of the Revised 63460  
Code. 63461

(g) Twenty dollars shall be credited to the trauma and 63462  
emergency medical services fund created by section 4513.263 of the 63463  
Revised Code. 63464

(h) Fifty dollars shall be credited to the indigent drivers 63465  
interlock and alcohol monitoring fund, which is hereby established 63466  
in the state treasury. Moneys in the fund shall be distributed by 63467  
the department of public safety to the county indigent drivers 63468  
interlock and alcohol monitoring funds, the county juvenile 63469  
indigent drivers interlock and alcohol monitoring funds, and the 63470  
municipal indigent drivers interlock and alcohol monitoring funds 63471  
that are required to be established by counties and municipal 63472  
corporations pursuant to this section, and shall be used only to 63473  
pay the cost of an immobilizing or disabling device, including a 63474

certified ignition interlock device, or an alcohol monitoring 63475  
device used by an offender or juvenile offender who is ordered to 63476  
use the device by a county, juvenile, or municipal court judge and 63477  
who is determined by the county, juvenile, or municipal court 63478  
judge not to have the means to pay for the person's use of the 63479  
device. 63480

(3) If a person's driver's or commercial driver's license or 63481  
permit is suspended under this section, under section 4511.196 or 63482  
division (G) of section 4511.19 of the Revised Code, under section 63483  
4510.07 of the Revised Code for a violation of a municipal OVI 63484  
ordinance or under any combination of the suspensions described in 63485  
division (F)(3) of this section, and if the suspensions arise from 63486  
a single incident or a single set of facts and circumstances, the 63487  
person is liable for payment of, and shall be required to pay to 63488  
the registrar or an eligible deputy registrar, only one 63489  
reinstatement fee of four hundred seventy-five dollars. The 63490  
reinstatement fee shall be distributed by the bureau in accordance 63491  
with division (F)(2) of this section. 63492

(4) The attorney general shall use amounts in the drug abuse 63493  
resistance education programs fund to award grants to law 63494  
enforcement agencies to establish and implement drug abuse 63495  
resistance education programs in public schools. Grants awarded to 63496  
a law enforcement agency under this section shall be used by the 63497  
agency to pay for not more than fifty per cent of the amount of 63498  
the salaries of law enforcement officers who conduct drug abuse 63499  
resistance education programs in public schools. The attorney 63500  
general shall not use more than six per cent of the amounts the 63501  
attorney general's office receives under division (F)(2)(e) of 63502  
this section to pay the costs it incurs in administering the grant 63503  
program established by division (F)(2)(e) of this section and in 63504  
providing training and materials relating to drug abuse resistance 63505  
education programs. 63506

The attorney general shall report to the governor and the general assembly each fiscal year on the progress made in establishing and implementing drug abuse resistance education programs. These reports shall include an evaluation of the effectiveness of these programs.

(5) In addition to the reinstatement fee under this section, if the person pays the reinstatement fee to a deputy registrar, the deputy registrar shall collect a service fee of ten dollars to compensate the deputy registrar for services performed under this section. The deputy registrar shall retain eight dollars of the service fee and shall transmit the reinstatement fee, plus two dollars of the service fee, to the registrar in the manner the registrar shall determine.

(G) Suspension of a commercial driver's license under division (B) or (C) of this section shall be concurrent with any period of disqualification under section 3123.611 or 4506.16 of the Revised Code or any period of suspension under section 3123.58 of the Revised Code. No person who is disqualified for life from holding a commercial driver's license under section 4506.16 of the Revised Code shall be issued a driver's license under Chapter 4507. of the Revised Code during the period for which the commercial driver's license was suspended under division (B) or (C) of this section. No person whose commercial driver's license is suspended under division (B) or (C) of this section shall be issued a driver's license under Chapter 4507. of the Revised Code during the period of the suspension.

(H)(1) Each county shall establish an indigent drivers alcohol treatment fund and a juvenile indigent drivers alcohol treatment fund. Each municipal corporation in which there is a municipal court shall establish an indigent drivers alcohol treatment fund. All revenue that the general assembly appropriates to the indigent drivers alcohol treatment fund for transfer to a

county indigent drivers alcohol treatment fund, a county juvenile 63539  
indigent drivers alcohol treatment fund, or a municipal indigent 63540  
drivers alcohol treatment fund, all portions of fees that are paid 63541  
under division (F) of this section and that are credited under 63542  
that division to the indigent drivers alcohol treatment fund in 63543  
the state treasury for a county indigent drivers alcohol treatment 63544  
fund, a county juvenile indigent drivers alcohol treatment fund, 63545  
or a municipal indigent drivers alcohol treatment fund, all 63546  
portions of additional costs imposed under section 2949.094 of the 63547  
Revised Code that are specified for deposit into a county, county 63548  
juvenile, or municipal indigent drivers alcohol treatment fund by 63549  
that section, and all portions of fines that are specified for 63550  
deposit into a county or municipal indigent drivers alcohol 63551  
treatment fund by section 4511.193 of the Revised Code shall be 63552  
deposited into that county indigent drivers alcohol treatment 63553  
fund, county juvenile indigent drivers alcohol treatment fund, or 63554  
municipal indigent drivers alcohol treatment fund. The portions of 63555  
the fees paid under division (F) of this section that are to be so 63556  
deposited shall be determined in accordance with division (H)(2) 63557  
of this section. Additionally, all portions of fines that are paid 63558  
for a violation of section 4511.19 of the Revised Code or of any 63559  
prohibition contained in Chapter 4510. of the Revised Code, and 63560  
that are required under section 4511.19 or any provision of 63561  
Chapter 4510. of the Revised Code to be deposited into a county 63562  
indigent drivers alcohol treatment fund or municipal indigent 63563  
drivers alcohol treatment fund shall be deposited into the 63564  
appropriate fund in accordance with the applicable division of the 63565  
section or provision. 63566

(2) That portion of the license reinstatement fee that is 63567  
paid under division (F) of this section and that is credited under 63568  
that division to the indigent drivers alcohol treatment fund shall 63569  
be deposited into a county indigent drivers alcohol treatment 63570  
fund, a county juvenile indigent drivers alcohol treatment fund, 63571

or a municipal indigent drivers alcohol treatment fund as follows: 63572

(a) Regarding a suspension imposed under this section, that 63573  
portion of the fee shall be deposited as follows: 63574

(i) If the fee is paid by a person who was charged in a 63575  
county court with the violation that resulted in the suspension or 63576  
in the imposition of the court costs, the portion shall be 63577  
deposited into the county indigent drivers alcohol treatment fund 63578  
under the control of that court; 63579

(ii) If the fee is paid by a person who was charged in a 63580  
juvenile court with the violation that resulted in the suspension 63581  
or in the imposition of the court costs, the portion shall be 63582  
deposited into the county juvenile indigent drivers alcohol 63583  
treatment fund established in the county served by the court; 63584

(iii) If the fee is paid by a person who was charged in a 63585  
municipal court with the violation that resulted in the suspension 63586  
or in the imposition of the court costs, the portion shall be 63587  
deposited into the municipal indigent drivers alcohol treatment 63588  
fund under the control of that court. 63589

(b) Regarding a suspension imposed under section 4511.19 of 63590  
the Revised Code or under section 4510.07 of the Revised Code for 63591  
a violation of a municipal OVI ordinance, that portion of the fee 63592  
shall be deposited as follows: 63593

(i) If the fee is paid by a person whose license or permit 63594  
was suspended by a county court, the portion shall be deposited 63595  
into the county indigent drivers alcohol treatment fund under the 63596  
control of that court; 63597

(ii) If the fee is paid by a person whose license or permit 63598  
was suspended by a municipal court, the portion shall be deposited 63599  
into the municipal indigent drivers alcohol treatment fund under 63600  
the control of that court. 63601

(3)(a) As used in division (H)(3) of this section, "indigent person" means a person who is convicted of a violation of division (A) or (B) of section 4511.19 of the Revised Code or a substantially similar municipal ordinance or found to be a juvenile traffic offender by reason of a violation of division (A) or (B) of section 4511.19 of the Revised Code or a substantially similar municipal ordinance, who is ordered by the court to attend an alcohol and drug addiction treatment program, and who is determined by the court under division (H)(5) of this section to be unable to pay the cost of the assessment or the cost of attendance at the treatment program.

(b) A county, juvenile, or municipal court judge, by order, may make expenditures from a county indigent drivers alcohol treatment fund, a county juvenile indigent drivers alcohol treatment fund, or a municipal indigent drivers alcohol treatment fund with respect to an indigent person for any of the following:

(i) To pay the cost of an assessment that is conducted by an appropriately licensed clinician at either a driver intervention program that is certified under section 5119.38 of the Revised Code or at a community addiction services provider whose alcohol and drug addiction services are certified under section 5119.36 of the Revised Code;

(ii) To pay the cost of alcohol addiction services, drug addiction services, or integrated alcohol and drug addiction services at a community addiction services provider whose alcohol and drug addiction services are certified under section 5119.36 of the Revised Code;

(iii) To pay the cost of transportation to attend an assessment as provided under division (H)(3)(b)(i) of this section or addiction services as provided under division (H)(3)(b)(ii) of this section.

The alcohol and drug addiction services board or the board of alcohol, drug addiction, and mental health services established pursuant to section 340.02 or 340.021 of the Revised Code and serving the alcohol, drug addiction, and mental health service district in which the court is located shall administer the indigent drivers alcohol treatment program of the court. When a court orders an offender or juvenile traffic offender to obtain an assessment or attend an alcohol and drug addiction treatment program, the board shall determine which program is suitable to meet the needs of the offender or juvenile traffic offender, and when a suitable program is located and space is available at the program, the offender or juvenile traffic offender shall attend the program designated by the board. A reasonable amount not to exceed five per cent of the amounts credited to and deposited into the county indigent drivers alcohol treatment fund, the county juvenile indigent drivers alcohol treatment fund, or the municipal indigent drivers alcohol treatment fund serving every court whose program is administered by that board shall be paid to the board to cover the costs it incurs in administering those indigent drivers alcohol treatment programs.

(c) Upon exhaustion of moneys in the indigent drivers interlock and alcohol monitoring fund for the use of an alcohol monitoring device, a county, juvenile, or municipal court judge may use moneys in the county indigent drivers alcohol treatment fund, county juvenile indigent drivers alcohol treatment fund, or municipal indigent drivers alcohol treatment fund in either of the following manners:

(i) If the source of the moneys was an appropriation of the general assembly, a portion of a fee that was paid under division (F) of this section, a portion of a fine that was specified for deposit into the fund by section 4511.193 of the Revised Code, or a portion of a fine that was paid for a violation of section

4511.19 of the Revised Code or of a provision contained in Chapter 63665  
4510. of the Revised Code that was required to be deposited into 63666  
the fund, to pay for the continued use of an alcohol monitoring 63667  
device by an offender or juvenile traffic offender, in conjunction 63668  
with a treatment program approved by the department of mental 63669  
health and addiction services, when such use is determined 63670  
clinically necessary by the treatment program and when the court 63671  
determines that the offender or juvenile traffic offender is 63672  
unable to pay all or part of the daily monitoring or cost of the 63673  
device; 63674

(ii) If the source of the moneys was a portion of an 63675  
additional court cost imposed under section 2949.094 of the 63676  
Revised Code, to pay for the continued use of an alcohol 63677  
monitoring device by an offender or juvenile traffic offender when 63678  
the court determines that the offender or juvenile traffic 63679  
offender is unable to pay all or part of the daily monitoring or 63680  
cost of the device. The moneys may be used for a device as 63681  
described in this division if the use of the device is in 63682  
conjunction with a treatment program approved by the department of 63683  
mental health and addiction services, when the use of the device 63684  
is determined clinically necessary by the treatment program, but 63685  
the use of a device is not required to be in conjunction with a 63686  
treatment program approved by the department in order for the 63687  
moneys to be used for the device as described in this division. 63688

(4) If a county, juvenile, or municipal court determines, in 63689  
consultation with the alcohol and drug addiction services board or 63690  
the board of alcohol, drug addiction, and mental health services 63691  
established pursuant to section 340.02 or 340.021 of the Revised 63692  
Code and serving the alcohol, drug addiction, and mental health 63693  
district in which the court is located, that the funds in the 63694  
county indigent drivers alcohol treatment fund, the county 63695  
juvenile indigent drivers alcohol treatment fund, or the municipal 63696

indigent drivers alcohol treatment fund under the control of the 63697  
court are more than sufficient to satisfy the purpose for which 63698  
the fund was established, as specified in divisions (H)(1) to (3) 63699  
of this section, the court may declare a surplus in the fund. If 63700  
the court declares a surplus in the fund, the court may take ~~any~~ 63701  
one or more of the following actions with regard to the amount of 63702  
the surplus in the fund: 63703

(a) Expend any of the surplus amount for alcohol and drug 63704  
abuse assessment and treatment, and for the cost of transportation 63705  
related to assessment and treatment, of persons who are charged in 63706  
the court with committing a criminal offense or with being a 63707  
delinquent child or juvenile traffic offender and in relation to 63708  
whom both of the following apply: 63709

(i) The court determines that substance abuse was a 63710  
contributing factor leading to the criminal or delinquent activity 63711  
or the juvenile traffic offense with which the person is charged. 63712

(ii) The court determines that the person is unable to pay 63713  
the cost of the alcohol and drug abuse assessment and treatment 63714  
for which the surplus money will be used. 63715

(b) Expend any of the surplus amount to pay all or part of 63716  
the cost of purchasing alcohol monitoring devices to be used in 63717  
conjunction with division (H)(3)(c) of this section, upon 63718  
exhaustion of moneys in the indigent drivers interlock and alcohol 63719  
monitoring fund for the use of an alcohol monitoring device. 63720

(c) Transfer to another court in the same county any of the 63721  
surplus amount to be utilized in a manner consistent with division 63722  
(H)(3) of this section. If surplus funds are transferred to 63723  
another court, the court that transfers the funds shall notify the 63724  
alcohol and drug addiction services board or the board of alcohol, 63725  
drug addiction, and mental health services that serves the 63726  
alcohol, drug addiction, and mental health service district in 63727

which that court is located. 63728

(d) Transfer to the alcohol and drug addiction services board 63729  
or the board of alcohol, drug addiction, and mental health 63730  
services that serves the alcohol, drug addiction, and mental 63731  
health service district in which the court is located any of the 63732  
surplus amount to be utilized in a manner consistent with division 63733  
(H)(3) of this section or for board contracted recovery support 63734  
services. 63735

(e) Expend any of the surplus amount for the cost of 63736  
staffing, equipment, training, drug testing, supplies, and other 63737  
expenses of any specialized docket program established within the 63738  
court and certified by the supreme court. 63739

(5) In order to determine if an offender does not have the 63740  
means to pay for the offender's attendance at an alcohol and drug 63741  
addiction treatment program for purposes of division (H)(3) of 63742  
this section or if an alleged offender or delinquent child is 63743  
unable to pay the costs specified in division (H)(4) of this 63744  
section, the court shall use the indigent client eligibility 63745  
guidelines and the standards of indigency established by the state 63746  
public defender to make the determination. 63747

(6) The court shall identify and refer any community 63748  
addiction services provider that intends to provide alcohol and 63749  
drug addiction services and has not had its alcohol and drug 63750  
addiction services certified under section 5119.36 of the Revised 63751  
Code and that is interested in receiving amounts from the surplus 63752  
in the fund declared under division (H)(4) of this section to the 63753  
department of mental health and addiction services in order for 63754  
the community addiction services provider to have its alcohol and 63755  
drug addiction services certified by the department. The 63756  
department shall keep a record of applicant referrals received 63757  
pursuant to this division and shall submit a report on the 63758  
referrals each year to the general assembly. If a community 63759

addiction services provider interested in having its alcohol and 63760  
drug addiction services certified makes an application pursuant to 63761  
section 5119.36 of the Revised Code, the community addiction 63762  
services provider is eligible to receive surplus funds as long as 63763  
the application is pending with the department. The department of 63764  
mental health and addiction services must offer technical 63765  
assistance to the applicant. If the interested community addiction 63766  
services provider withdraws the certification application, the 63767  
department must notify the court, and the court shall not provide 63768  
the interested community addiction services provider with any 63769  
further surplus funds. 63770

(7)(a) Each alcohol and drug addiction services board and 63771  
board of alcohol, drug addiction, and mental health services 63772  
established pursuant to section 340.02 or 340.021 of the Revised 63773  
Code shall submit to the department of mental health and addiction 63774  
services an annual report for each indigent drivers alcohol 63775  
treatment fund in that board's area. 63776

(b) The report, which shall be submitted not later than sixty 63777  
days after the end of the state fiscal year, shall provide the 63778  
total payment that was made from the fund, including the number of 63779  
indigent consumers that received treatment services and the number 63780  
of indigent consumers that received an alcohol monitoring device. 63781  
The report shall identify the treatment program and expenditure 63782  
for an alcohol monitoring device for which that payment was made. 63783  
The report shall include the fiscal year balance of each indigent 63784  
drivers alcohol treatment fund located in that board's area. In 63785  
the event that a surplus is declared in the fund pursuant to 63786  
division (H)(4) of this section, the report also shall provide the 63787  
total payment that was made from the surplus moneys and identify 63788  
the authorized purpose for which that payment was made. 63789

(c) If a board is unable to obtain adequate information to 63790  
develop the report to submit to the department for a particular 63791

indigent drivers alcohol treatment fund, the board shall submit a report detailing the effort made in obtaining the information.

(I)(1) Each county shall establish an indigent drivers interlock and alcohol monitoring fund and a juvenile indigent drivers interlock and alcohol treatment fund. Each municipal corporation in which there is a municipal court shall establish an indigent drivers interlock and alcohol monitoring fund. All revenue that the general assembly appropriates to the indigent drivers interlock and alcohol monitoring fund for transfer to a county indigent drivers interlock and alcohol monitoring fund, a county juvenile indigent drivers interlock and alcohol monitoring fund, or a municipal indigent drivers interlock and alcohol monitoring fund, all portions of license reinstatement fees that are paid under division (F)(2) of this section and that are credited under that division to the indigent drivers interlock and alcohol monitoring fund in the state treasury, and all portions of fines that are paid under division (G) of section 4511.19 of the Revised Code and that are credited by division (G)(5)(e) of that section to the indigent drivers interlock and alcohol monitoring fund in the state treasury shall be deposited in the appropriate fund in accordance with division (I)(2) of this section.

(2) That portion of the license reinstatement fee that is paid under division (F) of this section and that portion of the fine paid under division (G) of section 4511.19 of the Revised Code and that is credited under either division to the indigent drivers interlock and alcohol monitoring fund shall be deposited into a county indigent drivers interlock and alcohol monitoring fund, a county juvenile indigent drivers interlock and alcohol monitoring fund, or a municipal indigent drivers interlock and alcohol monitoring fund as follows:

(a) If the fee or fine is paid by a person who was charged in a county court with the violation that resulted in the suspension

or fine, the portion shall be deposited into the county indigent  
drivers interlock and alcohol monitoring fund under the control of  
that court.

(b) If the fee or fine is paid by a person who was charged in  
a juvenile court with the violation that resulted in the  
suspension or fine, the portion shall be deposited into the county  
juvenile indigent drivers interlock and alcohol monitoring fund  
established in the county served by the court.

(c) If the fee or fine is paid by a person who was charged in  
a municipal court with the violation that resulted in the  
suspension, the portion shall be deposited into the municipal  
indigent drivers interlock and alcohol monitoring fund under the  
control of that court.

(3) If a county, juvenile, or municipal court determines that  
the funds in the county indigent drivers interlock and alcohol  
monitoring fund, the county juvenile indigent drivers interlock  
and alcohol monitoring fund, or the municipal indigent drivers  
interlock and alcohol monitoring fund under the control of that  
court are more than sufficient to satisfy the purpose for which  
the fund was established as specified in division (F)(2)(h) of  
this section, the court may declare a surplus in the fund. The  
court then may order the transfer of a specified amount into the  
county indigent drivers alcohol treatment fund, the county  
juvenile indigent drivers alcohol treatment fund, or the municipal  
indigent drivers alcohol treatment fund under the control of that  
court to be utilized in accordance with division (H) of this  
section.

**Sec. 4513.601.** (A) The owner of a private property may  
establish a private tow-away zone, but may do so only if all of  
the following conditions are satisfied:

(1) The owner of the private property posts on the property a

sign, that is at least eighteen inches by twenty-four inches in 63855  
size, that is visible from all entrances to the property, and that 63856  
includes all of the following information: 63857

(a) A statement that the property is a tow-away zone; 63858

(b) A description of persons authorized to park on the 63859  
property. If the property is a residential property, the owner of 63860  
the private property may include on the sign a statement that only 63861  
tenants and guests may park in the private tow-away zone, subject 63862  
to the terms of the property owner. If the property is a 63863  
commercial property, the owner of the private property may include 63864  
on the sign a statement that only customers may park in the 63865  
private tow-away zone. In all cases, if it is not apparent which 63866  
persons may park in the private tow-away zone, the owner of the 63867  
private property shall include on the sign the address of the 63868  
property on which the private tow-away zone is located or the name 63869  
of the business that is located on the property designated as a 63870  
private tow-away zone. 63871

(c) If the private tow-away zone is not enforceable at all 63872  
times, the times during which the parking restrictions are 63873  
enforced; 63874

(d) The telephone number and the address of the place from 63875  
which a towed vehicle may be recovered at any time during the day 63876  
or night; 63877

(e) A statement that the failure to recover a towed vehicle 63878  
may result in the loss of title to the vehicle as provided in 63879  
division (B) of section 4505.101 of the Revised Code. 63880

In order to comply with the requirements of division (A)(1) 63881  
of this section, the owner of a private property may modify an 63882  
existing sign by affixing to the existing sign stickers or an 63883  
addendum in lieu of replacing the sign. 63884

(2) A towing service ensures that a vehicle towed under this 63885

section is taken to a location from which it may be recovered that 63886  
complies with all of the following: 63887

(a) It is located within twenty-five linear miles of the 63888  
location of the private tow-away zone, unless it is not 63889  
practicable to take the vehicle to a place of storage within 63890  
twenty-five linear miles. 63891

(b) It is well-lighted. 63892

(c) It is on or within a reasonable distance of a regularly 63893  
scheduled route of one or more modes of public transportation, if 63894  
any public transportation is available in the municipal 63895  
corporation or township in which the private tow-away zone is 63896  
located. 63897

(B)(1) If a vehicle is parked on private property that is 63898  
established as a private tow-away zone in accordance with division 63899  
(A) of this section, without the consent of the owner of the 63900  
private property or in violation of any posted parking condition 63901  
or regulation, the owner of the private property may cause the 63902  
removal of the vehicle by a towing service. The towing service 63903  
shall remove the vehicle in accordance with this section. The 63904  
vehicle owner and the operator of the vehicle are considered to 63905  
have consented to the removal and storage of the vehicle, to the 63906  
payment of the applicable fees established by the public utilities 63907  
commission in rules adopted under section 4921.25 of the Revised 63908  
Code, and to the right of a towing service to obtain title to the 63909  
vehicle if it remains unclaimed as provided in section 4505.101 of 63910  
the Revised Code. The owner or lienholder of a vehicle that has 63911  
been removed under this section, subject to division (C) of this 63912  
section, may recover the vehicle in accordance with division (G) 63913  
of this section. 63914

(2) If a municipal corporation requires tow trucks and tow 63915  
truck operators to be licensed, no owner of a private property 63916

located within the municipal corporation shall cause the removal 63917  
and storage of any vehicle pursuant to division (B) of this 63918  
section by an unlicensed tow truck or unlicensed tow truck 63919  
operator. 63920

(3) No towing service shall remove a vehicle from a private 63921  
tow-away zone except pursuant to a written contract for the 63922  
removal of vehicles entered into with the owner of the private 63923  
property on which the private tow-away zone is located. 63924

(C) If the owner or operator of a vehicle that is being 63925  
removed under authority of division (B) of this section arrives 63926  
after the vehicle has been prepared for removal, but prior to its 63927  
actual removal from the property, the towing service shall give 63928  
the vehicle owner or operator oral or written notification at the 63929  
time of such arrival that the vehicle owner or operator may pay a 63930  
fee of not more than one-half of the fee for the removal of the 63931  
vehicle established by the public utilities commission in rules 63932  
adopted under section 4921.25 of the Revised Code in order to 63933  
obtain release of the vehicle. That fee may be paid by use of a 63934  
major credit card unless the towing service uses a mobile credit 63935  
card processor and mobile service is not available at the time of 63936  
the transaction. Upon payment of that fee, the towing service 63937  
shall give the vehicle owner or operator a receipt showing both 63938  
the full amount normally assessed and the actual amount received 63939  
and shall release the vehicle to the owner or operator. Upon its 63940  
release, the owner or operator immediately shall move the vehicle 63941  
so that the vehicle is not parked on the private property 63942  
established as a private tow-away zone without the consent of the 63943  
owner of the private property or in violation of any posted 63944  
parking condition or regulation. 63945

(D)(1) Prior to towing a vehicle under division (B) of this 63946  
section, a towing service shall make all reasonable efforts to 63947  
take as many photographs as necessary to evidence that the vehicle 63948

is clearly parked on private property in violation of a private 63949  
tow-away zone established under division (A) of this section. 63950

The towing service shall record the time and date of the 63951  
photographs taken under this section. The towing service shall 63952  
retain the photographs and the record of the time and date, in 63953  
electronic or printed form, for at least thirty days after the 63954  
date on which the vehicle is recovered by the owner or lienholder 63955  
or at least two years after the date on which the vehicle was 63956  
towed, whichever is earlier. 63957

(2) A towing service shall deliver a vehicle towed under 63958  
division (B) of this section to the location from which it may be 63959  
recovered not more than two hours after the time it was removed 63960  
from the private tow-away zone, unless the towing service is 63961  
unable to deliver the motor vehicle within two hours due to an 63962  
uncontrollable force, natural disaster, or other event that is not 63963  
within the power of the towing service. 63964

(E)(1) If an owner of a private property that is established 63965  
as a private tow-away zone in accordance with division (A) of this 63966  
section causes the removal of a vehicle from that property by a 63967  
towing service under division (B) of this section, the towing 63968  
service, within two hours of removing the vehicle, shall provide 63969  
notice to the sheriff of the county or the police department of 63970  
the municipal corporation, township, port authority, or township 63971  
or joint police district in which the property is located 63972  
concerning all of the following: 63973

(a) The vehicle's license number, make, model, and color; 63974

(b) The location from which the vehicle was removed; 63975

(c) The date and time the vehicle was removed; 63976

(d) The telephone number of the person from whom the vehicle 63977  
may be recovered; 63978

(e) The address of the place from which the vehicle may be recovered. 63979  
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(2) Each county sheriff and each chief of police of a municipal corporation, township, port authority, or township or joint police district shall maintain a record of any vehicle removed from private property in the sheriff's or chief's jurisdiction that is established as a private tow-away zone of which the sheriff or chief has received notice under this section. The record shall include all information submitted by the towing service. The sheriff or chief shall provide any information in the record that pertains to a particular vehicle to a person who, either in person or pursuant to a telephone call, identifies self as the owner, operator, or lienholder of the vehicle and requests information pertaining to the vehicle. 63981  
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(F)(1) When a vehicle is removed from private property in accordance with this section, within three business days of the removal, the towing service or storage facility from which the vehicle may be recovered shall cause a search to be made of the records of the bureau of motor vehicles to ascertain the identity of the owner and any lienholder of the motor vehicle. The registrar of motor vehicles shall ensure that such information is provided in a timely manner. Subject to division (F)(4) of this section, the towing service or storage facility shall send notice to the vehicle owner and any known lienholder as follows: 63993  
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(a) Within five business days after the registrar of motor vehicles provides the identity of the owner and any lienholder of the motor vehicle, if the vehicle remains unclaimed, to the owner's and lienholder's last known address by certified or express mail with return receipt requested or by a commercial carrier service utilizing any form of delivery requiring a signed receipt; 64003  
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(b) If the vehicle remains unclaimed thirty days after the 64010

first notice is sent, in the manner required under division 64011  
(F)(1)(a) of this section+ 64012

~~(c) If the vehicle remains unclaimed forty five days after 64013  
the first notice is sent, in the manner required under division 64014  
(F)(1)(a) of this section. 64015~~

(2) Sixty days after any notice sent pursuant to division 64016  
(F)(1) of this section is received, as evidenced by a receipt 64017  
signed by any person, or the towing service or storage facility 64018  
has been notified that delivery was not possible, the towing 64019  
service or storage facility, if authorized under division (B) of 64020  
section 4505.101 of the Revised Code, may initiate the process for 64021  
obtaining a certificate of title to the motor vehicle as provided 64022  
in that section. 64023

(3) A towing service or storage facility that does not 64024  
receive a signed receipt of notice, or a notification that 64025  
delivery was not possible, shall not obtain, and shall not attempt 64026  
to obtain, a certificate of title to the motor vehicle under 64027  
division (B) of section 4505.101 of the Revised Code. 64028

(4) With respect to a vehicle concerning which a towing 64029  
service or storage facility is not eligible to obtain title under 64030  
section 4505.101 of the Revised Code, the towing service or 64031  
storage facility need only comply with the initial notice required 64032  
under division (F)(1)(a) of this section. 64033

(G)(1) The owner or lienholder of a vehicle that is removed 64034  
under division (B) of this section may reclaim it upon both of the 64035  
following: 64036

(a) Presentation of proof of ownership, which may be 64037  
evidenced by a certificate of title to the vehicle, a certificate 64038  
of registration for the motor vehicle, or a lease agreement; 64039

(b) Payment of the following fees: 64040

(i) All applicable fees established by the public utilities 64041  
commission in rules adopted under section 4921.25 of the Revised 64042  
Code, except that the lienholder of a vehicle may retrieve the 64043  
vehicle without paying any storage fee for the period of time that 64044  
the vehicle was in the possession of the towing service or storage 64045  
facility prior to the date the lienholder received the notice sent 64046  
under division (F)(1)(a) of this section; 64047

(ii) If notice has been sent to the owner and lienholder as 64048  
described in division (F) of this section, a processing fee of 64049  
twenty-five dollars. 64050

(2) A towing service or storage facility in possession of a 64051  
vehicle that is removed under authority of division (B) of this 64052  
section shall show the vehicle owner, operator, or lienholder who 64053  
contests the removal of the vehicle all photographs taken under 64054  
division (D) of this section. Upon request, the towing service or 64055  
storage facility shall provide a copy of all photographs in the 64056  
medium in which the photographs are stored, whether paper, 64057  
electronic, or otherwise. 64058

(3) When the owner of a vehicle towed under this section 64059  
retrieves the vehicle, the towing service or storage facility in 64060  
possession of the vehicle shall give the owner written notice that 64061  
if the owner disputes that the motor vehicle was lawfully towed, 64062  
the owner may be able to file a civil action under section 64063  
4513.611 of the Revised Code. 64064

(4) Upon presentation of proof of ownership, which may be 64065  
evidenced by a certificate of title to the vehicle, a certificate 64066  
of registration for the motor vehicle, or a lease agreement, the 64067  
owner of a vehicle that is removed under authority of division (B) 64068  
of this section may retrieve any personal items from the vehicle 64069  
without retrieving the vehicle and without paying any fee. The 64070  
owner of the vehicle shall not retrieve any personal items from a 64071  
vehicle if it would endanger the safety of the owner, unless the 64072

owner agrees to sign a waiver of liability. For purposes of 64073  
division (G)(4) of this section, "personal items" do not include 64074  
any items that are attached to the vehicle. 64075

(H) No person shall remove, or cause the removal of, any 64076  
vehicle from private property that is established as a private 64077  
tow-away zone under this section or store such a vehicle other 64078  
than in accordance with this section, or otherwise fail to comply 64079  
with any applicable requirement of this section. 64080

(I) This section does not affect or limit the operation of 64081  
section 4513.60 or sections 4513.61 to 4613.65 of the Revised Code 64082  
as they relate to property other than private property that is 64083  
established as a private tow-away zone under division (A) of this 64084  
section. 64085

(J) Whoever violates division (H) of this section is guilty 64086  
of a minor misdemeanor. 64087

(K) As used in this section, "owner of a private property" or 64088  
"owner of the private property" includes, with respect to a 64089  
private property, any of the following: 64090

(1) Any person who holds title to the property; 64091

(2) Any person who is a lessee or sublessee with respect to a 64092  
lease or sublease agreement for the property; 64093

(3) A person who is authorized to manage the property; 64094

(4) A duly authorized agent of any person listed in divisions 64095  
(K)(1) to (3) of this section. 64096

Sec. 4513.602. (A) As used in this section and section 64097  
4513.603 of the Revised Code: 64098

(1) "Motor vehicle dealer" has the same meaning as in section 64099  
4517.01 of the Revised Code. 64100

(2) "Repair facility" means any business with which a person 64101

has entered into an agreement to repair a vehicle. 64102

(3) "Towing service" means any for-hire motor carrier that 64103  
removes a motor vehicle from a motor vehicle dealer or repair 64104  
facility. 64105

(4) "Storage facility" means any place to which a towing 64106  
service delivers a motor vehicle from a motor vehicle dealer or 64107  
repair facility. 64108

(B) A motor vehicle dealer or repair facility that is in 64109  
possession of a motor vehicle may cause the removal of the motor 64110  
vehicle by a towing service if all of the following apply: 64111

(1) A search was made of the records of the bureau of motor 64112  
vehicles to ascertain the identity of the owner and any lienholder 64113  
of the motor vehicle. 64114

(2) Upon obtaining the identity under division (B)(1) of this 64115  
section, notice was sent to the owner's and any lienholder's last 64116  
known address by certified or express mail with return receipt 64117  
requested or by a commercial carrier service utilizing any form of 64118  
delivery requiring a signed receipt, and the notice informs the 64119  
owner and any lienholder of the following: 64120

(a) The address where the motor vehicle is located; 64121

(b) That the motor vehicle dealer or repair facility will 64122  
cause the vehicle to be towed if not claimed within fourteen 64123  
calendar days after either the date the notice was received or the 64124  
date the motor vehicle dealer or repair facility receives 64125  
notification that delivery was not possible; 64126

(c) That a towing service that removes the motor vehicle or a 64127  
storage facility that stores the motor vehicle may obtain title to 64128  
it under section 4513.603 of the Revised Code. 64129

(3) The motor vehicle has been left unclaimed for fourteen 64130  
days after one of the following: 64131

(a) The date the notice sent under division (B)(2) of this section was received, as evidenced by a receipt signed by any person; 64132  
64133  
64134

(b) The date the motor vehicle dealer or repair facility received notification that the delivery of the notice sent under division (B)(2) of this section was not possible. 64135  
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The procedure described in division (B) of this section applies regardless of who leaves the motor vehicle on the motor vehicle dealer's property or the repair facility's property. 64138  
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(C) A motor vehicle owner's or lienholder's failure to remove the vehicle from the property within the time period specified in division (B)(3) of this section constitutes consent to all of the following: 64141  
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64143  
64144

(1) The motor vehicle's removal and storage; 64145

(2) The payment of any charges incurred for the removal and storage of the motor vehicle; 64146  
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(3) The right of a towing service that removes the motor vehicle or storage facility that stores the motor vehicle to obtain title to the motor vehicle under section 4513.603 of the Revised Code. 64148  
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(D) After a motor vehicle has been removed by a towing service, a motor vehicle owner or lienholder may reclaim the motor vehicle from the towing service or storage facility that is in possession of the motor vehicle if all of the following apply: 64152  
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(1) The owner presents proof of ownership evidenced by a certificate of title to the motor vehicle, a certificate of registration for the motor vehicle, or a lease agreement. 64156  
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(2) The owner or lienholder makes payment of any charges incurred for the removal and storage of the motor vehicle. 64159  
64160

(3) Title to the motor vehicle has not been issued to the 64161

towing service or storage facility under section 4513.603 of the 64162  
Revised Code. 64163

(E) Any towing service that removes a motor vehicle under 64164  
this section shall not charge a fee greater than those established 64165  
by the public utilities commission in rules adopted under section 64166  
4921.25 of the Revised Code. 64167

(F)(1) Any motor vehicle dealer, repair facility, towing 64168  
service, or storage facility that complies with this section is 64169  
not liable for any damage, claim of conversion, or any other claim 64170  
resulting from the removal, towing, or storage of the motor 64171  
vehicle. 64172

(2) A motor vehicle dealer or repair facility does not 64173  
forego, release, or otherwise relinquish any legal recourse or 64174  
right of action against a titled owner or lienholder of a motor 64175  
vehicle by causing the vehicle to be removed under division (B) of 64176  
this section, unless possession of the motor vehicle is required 64177  
for the cause of action. 64178

**Sec. 4513.603.** (A) A towing service or storage facility that 64179  
is in possession of a motor vehicle obtained under section 64180  
4513.602 of the Revised Code may obtain a certificate of title to 64181  
the motor vehicle, regardless of the motor vehicle's value, as 64182  
provided in division (B) of this section if all of the following 64183  
apply: 64184

(1) A search was made by the towing service or storage 64185  
facility of the records of the bureau of motor vehicles to 64186  
ascertain the identity of the owner and any lienholder of the 64187  
motor vehicle. 64188

(2) Upon obtaining the identity in division (A)(1) of this 64189  
section, the towing service or storage facility sent notice to the 64190  
owner's and any lienholder's last known address, by certified or 64191

express mail with return receipt requested or by a commercial carrier service utilizing any form of delivery requiring a signed receipt, that informs the owner and any lienholder that the towing service or storage facility will obtain title to the motor vehicle if not claimed within sixty days after the date the notice was received. 64192  
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(3) The motor vehicle has been left unclaimed for sixty days after one of the following: 64198  
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(a) The date the notice sent under division (A)(2) of this section was received, as evidenced by a receipt signed by any person; 64200  
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64202

(b) The date the towing service or storage facility receives notification that the delivery of the notice sent under division (A)(2) of this section was not possible. 64203  
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(4) An agent of the towing service or storage facility executes an affidavit, in a form established by the registrar of motor vehicles not later than ninety days after the effective date of this section, affirming that conditions in divisions (A)(1) to (3) of this section are met. 64206  
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(B) The clerk of court shall issue a certificate of title, free and clear of all liens and encumbrances, to a towing service or storage facility that presents an affidavit that affirms that the conditions in divisions (A)(1) to (3) of this section are met. 64211  
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(C) After obtaining title to a motor vehicle under this section, the towing service or storage facility may retain any money arising from the disposal of the vehicle. 64215  
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**Sec. 4513.62.** ~~Unclaimed~~ An unclaimed motor vehicles vehicle 64218  
ordered into storage pursuant to division (A)(1) of section 64219  
4513.60 or section 4513.61 of the Revised Code shall be disposed 64220  
of at the order of the is subject to one of the following: 64221

(A) The sheriff of the county or the chief of police of the 64222  
municipal corporation, township, port authority, or township or 64223  
joint police district ~~to~~ may dispose of it with a motor vehicle 64224  
salvage dealer or scrap metal processing facility as defined in 64225  
section 4737.05 of the Revised Code, or ~~to~~ with any other facility 64226  
owned by or under contract with the county, municipal corporation, 64227  
port authority, or township, for the disposal of such motor 64228  
vehicles, ~~or shall be sold by the.~~ 64229

(B) The sheriff, chief of police, or a licensed auctioneer 64230  
may sell the motor vehicle at public auction, after giving notice 64231  
thereof by advertisement, published once a week for two successive 64232  
weeks in a newspaper of general circulation in the county or as 64233  
provided in section 7.16 of the Revised Code. ~~Any~~ 64234

(C) A towing service or storage facility may obtain title to 64235  
the motor vehicle in accordance with section 4505.104 of the 64236  
Revised Code. 64237

~~Any moneys accruing from the disposition of an unclaimed~~ 64238  
~~motor vehicle~~ accrued pursuant to division (A) or (B) of this 64239  
section that are in excess of the expenses resulting from the 64240  
removal and storage of the vehicle shall be credited to the 64241  
general fund of the county, municipal corporation, port authority, 64242  
township, or joint police district, as the case may be. 64243

**Sec. 4709.10.** (A) Each person who desires to obtain a license 64244  
to operate a barber school shall apply to the state cosmetology 64245  
and barber board, on forms provided by the board. The board shall 64246  
issue a barber school license to a person if the board determines 64247  
that the person meets and will comply with all of the requirements 64248  
of division (B) of this section and pays the required licensure 64249  
and inspection fees. 64250

(B) In order for a person to qualify for a license to operate 64251  
a barber school, the barber school to be operated by the person 64252

must meet all of the following requirements: 64253

(1) Have a training facility sufficient to meet the required 64254  
educational curriculum established by the board, including enough 64255  
space to accommodate all the facilities and equipment required by 64256  
rule by the board; 64257

(2) Provide sufficient licensed teaching personnel to meet 64258  
the minimum pupil-teacher ratio established by rule of the board; 64259

(3) Have established and provide to the board proof that it 64260  
has met all of the board requirements to operate a barber school, 64261  
as adopted by rule of the board; 64262

(4) File with the board a program of its curriculum, 64263  
accounting for not less than one thousand eight hundred hours of 64264  
instruction in the courses of theory and practical demonstration 64265  
required by rule of the board; 64266

(5) File with the board a surety bond in the amount of ten 64267  
thousand dollars issued by a bonding company licensed to do 64268  
business in this state. The bond shall be in the form prescribed 64269  
by the board and conditioned upon the barber school's continued 64270  
instruction in the theory and practice of barbering. The bond 64271  
shall continue in effect until notice of its termination is 64272  
provided to the board. In no event, however, shall the bond be 64273  
terminated while the barber school is in operation. Any student 64274  
who is injured or damaged by reason of a barber school's failure 64275  
to continue instruction in the theory and practice of barbering 64276  
may maintain an action on the bond against the barber school or 64277  
the surety, or both, for the recovery of any money or tuition paid 64278  
in advance for instruction in the theory and practice of barbering 64279  
which was not received. The aggregate liability of the surety to 64280  
all students shall not exceed the sum of the bond. 64281

(6) Maintain adequate record keeping to ensure that it has 64282  
met the requirements for records of student progress as required 64283

|                                                                                                                                                                                                                                                                                                                        |                                           |
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| by board rule;                                                                                                                                                                                                                                                                                                         | 64284                                     |
| (7) Establish minimum standards for acceptance of student applicants for admission to the barber school. The barber school may establish entrance requirements which are more stringent than those prescribed by the board, but the requirements must at a minimum require the applicant to meet all of the following: | 64285<br>64286<br>64287<br>64288<br>64289 |
| (a) Be at least seventeen years of age;                                                                                                                                                                                                                                                                                | 64290                                     |
| (b) Have an eighth grade education, or an equivalent education as determined by the state board of education;                                                                                                                                                                                                          | 64291<br>64292                            |
| (c) Submit two signed current photographs of the applicant, in the size determined by the board.                                                                                                                                                                                                                       | 64293<br>64294                            |
| (8) Have a procedure to submit every student applicant's admission application to the board for the board's review and approval prior to the applicant's admission to the barber school;                                                                                                                               | 64295<br>64296<br>64297                   |
| (9) Operate in a manner which reflects credit upon the barbering profession;                                                                                                                                                                                                                                           | 64298<br>64299                            |
| (10) Offer a curriculum of study which covers all aspects of the scientific fundamentals of barbering as specified by rule of the board;                                                                                                                                                                               | 64300<br>64301<br>64302                   |
| (11) Employ no more than two licensed assistant barber teachers for each licensed barber teacher employed or fewer than two licensed teachers or one licensed teacher and one licensed assistant teacher at each facility.                                                                                             | 64303<br>64304<br>64305<br>64306          |
| (C) Each person who desires to obtain a barber teacher or assistant barber teacher license shall apply to the board, on forms provided by the board. The board shall only issue a barber teacher license to a person who meets all of the following requirements:                                                      | 64307<br>64308<br>64309<br>64310<br>64311 |
| (1) Holds a current barber license issued pursuant to this chapter and has at least eighteen months of work experience in a                                                                                                                                                                                            | 64312<br>64313                            |

licensed barber shop or has been employed as an assistant barber teacher under the supervision of a licensed barber teacher for at least one year, unless, for good cause, the board waives this requirement; 64314  
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(2) Meets such other requirements as adopted by rule by the board; 64318  
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(3) Passes the required examination; and 64320

(4) Pays the required fees. ~~If an applicant fails to pass the examination, the applicant may reapply for the examination and licensure no earlier than one year after the failure to pass and provided that during that period, the applicant remains employed as an assistant barber teacher.~~ 64321  
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The board shall only issue an assistant barber teacher license to a person who holds a current barber license issued pursuant to this chapter and pays the required fees. 64326  
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(D) Any person who meets the qualifications of an assistant teacher pursuant to division (C) of this section, may be employed as an assistant teacher, provided that within five days after the commencement of the employment the barber school submits to the board, on forms provided by the board, the applicant's qualifications. 64329  
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**Sec. 4713.02.** (A) There is hereby created the state cosmetology and barber board, consisting of all of the following members appointed by the governor, with the advice and consent of the senate: 64335  
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(1) One individual holding a current, valid cosmetologist or cosmetology instructor license at the time of appointment; 64339  
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(2) Two individuals holding current, valid cosmetologist licenses and actively engaged in managing beauty salons for a period of not less than five years at the time of appointment; 64341  
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- (3) One individual who holds a current, valid independent contractor license at the time of appointment and practices a branch of cosmetology; 64344  
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- (4) One individual who represents individuals who teach the theory and practice of a branch of cosmetology at a vocational or career-technical school; 64347  
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- (5) One owner or executive actively engaged in the daily operations of a licensed school of cosmetology; 64350  
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- (6) One owner of at least five licensed salons; 64352
- (7) One individual who is either a certified nurse practitioner or clinical nurse specialist holding a current, valid license to practice nursing as an advanced practice registered nurse issued under Chapter 4723. of the Revised Code or a physician authorized under Chapter 4731. of the Revised Code to practice medicine and surgery or osteopathic medicine and surgery; 64353  
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- (8) One individual representing the general public; 64359
- (9) One individual who holds a current, valid tanning permit and who has owned or managed a tanning facility for at least five years immediately preceding the individual's appointment; 64360  
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- (10) One individual who holds a current, valid esthetician license and who has been actively practicing esthetics for a period of not less than five years immediately preceding the individual's appointment; 64363  
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- (11) ~~Two barbers, one of whom~~ One individual who is an employer barber and ~~one of whom is employed as a barber, both of whom have~~ who has been licensed as ~~barbers~~ a barber in this state for at least five years immediately preceding ~~their~~ the individual's appointment; 64367  
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- (12) One individual who holds a current, valid barber or barber teacher license at the time of appointment and who has been 64372  
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licensed as a barber or barber teacher in this state for at least 64374  
five years immediately preceding the individual's appointment. 64375

(B) The superintendent of public instruction shall nominate 64376  
three individuals for the governor to choose from when making an 64377  
appointment under division (A)(4) of this section. 64378

(C) All members shall be at least twenty-five years of age, 64379  
residents of the state, and citizens of the United States. No more 64380  
than two members, at any time, shall be graduates of the same 64381  
school of cosmetology. Not more than one member shall have a 64382  
common financial connection with any school of cosmetology, salon, 64383  
barber school, or barber shop. 64384

Terms of office are for five years. Terms shall commence on 64385  
the first day of November and end on the thirty-first day of 64386  
October. Each member shall hold office from the date of 64387  
appointment until the end of the term for which appointed. In case 64388  
of a vacancy occurring on the board, the governor shall, in the 64389  
same manner prescribed for the regular appointment to the board, 64390  
fill the vacancy by appointing a member. Any member appointed to 64391  
fill a vacancy occurring prior to the expiration of the term for 64392  
which the member's predecessor was appointed shall hold office for 64393  
the remainder of such term. Any member shall continue in office 64394  
subsequent to the expiration date of the member's term until the 64395  
member's successor takes office, or until a period of sixty days 64396  
has elapsed, whichever occurs first. Before entering upon the 64397  
discharge of the duties of the office of member, each member shall 64398  
take, and file with the secretary of state, the oath of office 64399  
required by Section 7 of Article XV, Ohio Constitution. 64400

The members of the board shall receive an amount fixed 64401  
pursuant to Chapter 124. of the Revised Code per diem for every 64402  
meeting of the board which they attend, together with their 64403  
necessary expenses, and mileage for each mile necessarily 64404  
traveled. 64405

The members of the board shall annually elect, from among 64406  
their number, a chairperson and a vice-chairperson. The executive 64407  
director appointed pursuant to section 4713.06 of the Revised Code 64408  
shall serve as the board's secretary. 64409

(D) The board shall prescribe the duties of its officers and 64410  
establish an office within Franklin county. The board shall keep 64411  
all records and files at the office and have the records and files 64412  
at all reasonable hours open to public inspection in accordance 64413  
with section 149.43 of the Revised Code and any rules adopted by 64414  
the board in compliance with this state's record retention policy. 64415  
The board also shall adopt a seal for the authentication of its 64416  
orders, communications, and records. 64417

(E) The governor may remove any member for cause prior to the 64418  
expiration of the member's term of office. 64419

(F) Whenever the term "state board of cosmetology" is used, 64420  
referred to, or designated in statute, rule, contract, grant, or 64421  
other document, the use, reference, or designation shall be deemed 64422  
to mean the "state cosmetology and barber board" or the executive 64423  
director of the state cosmetology and barber board, whichever is 64424  
appropriate in context. Whenever the term "barber board" is used, 64425  
referred to, or designated in statute, rule, contract, grant, or 64426  
other document, the use, reference, or designation shall be deemed 64427  
to mean the "state cosmetology and barber board" or the executive 64428  
director of the state cosmetology and barber board, whichever is 64429  
appropriate in context. 64430

**Sec. 4713.351.** (A) For purposes of this section, a "limited 64431  
event" includes, but is not limited to, the following: 64432

(1) A charity event; 64433

(2) On-location wedding or event preparation; 64434

(3) A bridal or hair show; 64435

|                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                             |                                                                      |
|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|----------------------------------------------------------------------|
| <u>(4) An on-location spa event;</u>                                                                                                                                                                                                                                                                                                                                                                                                                                                                        | 64436                                                                |
| <u>(5) An on-location event at a location such as a nursing home, hospital, or other care facility that lacks an on-site salon or barber shop;</u>                                                                                                                                                                                                                                                                                                                                                          | 64437<br>64438<br>64439                                              |
| <u>(6) An on-location event at the private residence of an individual who is unable to visit a fixed location salon or barber shop.</u>                                                                                                                                                                                                                                                                                                                                                                     | 64440<br>64441<br>64442                                              |
| <u>(B) Notwithstanding any provision of this chapter or Chapter 4709. of the Revised Code, or the rules adopted under either chapter, to the contrary, an individual who is licensed to provide services under Chapter 4709. or 4713. of the Revised Code may provide those services on premises other than a salon or a barber shop licensed under Chapter 4709., as applicable, for limited events only if the services provided are incidental to the licensee's practice in a salon or barber shop.</u> | 64443<br>64444<br>64445<br>64446<br>64447<br>64448<br>64449<br>64450 |
| <u>(C) The state cosmetology and barber board shall not require an individual who provides incidental services as described in this section to obtain an additional license or permit to provide those services.</u>                                                                                                                                                                                                                                                                                        | 64451<br>64452<br>64453<br>64454                                     |
| <b>Sec. 4715.36.</b> As used in this section and sections 4715.361 to 4715.374 of the Revised Code:                                                                                                                                                                                                                                                                                                                                                                                                         | 64455<br>64456                                                       |
| (A) "Accredited dental hygiene school" means a dental hygiene school accredited by the American dental association commission on dental accreditation or a dental hygiene school whose educational standards are recognized by the American dental association commission on dental accreditation and approved by the state dental board.                                                                                                                                                                   | 64457<br>64458<br>64459<br>64460<br>64461<br>64462                   |
| (B) "Authorizing dentist" means a dentist who authorizes a dental hygienist to perform dental hygiene services under section 4715.365 of the Revised Code.                                                                                                                                                                                                                                                                                                                                                  | 64463<br>64464<br>64465                                              |

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|------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|----------------------------------------------------------------------|
| (C) "Clinical evaluation" means a diagnosis and treatment plan formulated for an individual patient by a dentist.                                                                                                                                                                                                                                                                                                                                                                                    | 64466<br>64467                                                       |
| (D) "Dentist" means an individual licensed under this chapter to practice dentistry.                                                                                                                                                                                                                                                                                                                                                                                                                 | 64468<br>64469                                                       |
| (E) "Dental hygienist" means an individual licensed under this chapter to practice as a dental hygienist.                                                                                                                                                                                                                                                                                                                                                                                            | 64470<br>64471                                                       |
| (F) "Dental hygiene services" means the prophylactic, preventive, and other procedures that dentists are authorized by this chapter and rules of the state dental board to assign to dental hygienists, except for procedures while a patient is anesthetized, definitive root planing, definitive subgingival curettage, the administration of local anesthesia, and the procedures specified in rules adopted by the board as described in division (C)(3) of section 4715.22 of the Revised Code. | 64472<br>64473<br>64474<br>64475<br>64476<br>64477<br>64478<br>64479 |
| (G) "Facility" means any of the following:                                                                                                                                                                                                                                                                                                                                                                                                                                                           | 64480                                                                |
| (1) A health care facility, as defined in section 4715.22 of the Revised Code;                                                                                                                                                                                                                                                                                                                                                                                                                       | 64481<br>64482                                                       |
| (2) A state correctional institution, as defined in section 2967.01 of the Revised Code;                                                                                                                                                                                                                                                                                                                                                                                                             | 64483<br>64484                                                       |
| (3) A comprehensive child development program that receives funds distributed under the "Head Start Act," 95 Stat. 499 (1981), 42 U.S.C. 9831, as amended, and is licensed as a child day-care center;                                                                                                                                                                                                                                                                                               | 64485<br>64486<br>64487<br>64488                                     |
| (4) A residential facility licensed under section 5123.19 of the Revised Code;                                                                                                                                                                                                                                                                                                                                                                                                                       | 64489<br>64490                                                       |
| (5) A public school, as defined in section 3701.93 of the Revised Code, located in an area designated as a dental health resource shortage area pursuant to section 3702.87 of the Revised Code;                                                                                                                                                                                                                                                                                                     | 64491<br>64492<br>64493<br>64494                                     |
| (6) A nonpublic school, as defined in section 3701.93 of the                                                                                                                                                                                                                                                                                                                                                                                                                                         | 64495                                                                |

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| Revised Code, located in an area designated as a dental health resource shortage area pursuant to section 3702.87 of the Revised Code;                                                  | 64496<br>64497<br>64498 |
| (7) A federally qualified health center or federally qualified health center look-alike, as defined in section 3701.047 of the Revised Code;                                            | 64499<br>64500<br>64501 |
| (8) A shelter for victims of domestic violence, as defined in section 3113.33 of the Revised Code;                                                                                      | 64502<br>64503          |
| (9) A facility operated by the department of youth services under Chapter 5139. of the Revised Code;                                                                                    | 64504<br>64505          |
| (10) A foster home, as defined in section 5103.02 of the Revised Code;                                                                                                                  | 64506<br>64507          |
| (11) A nonprofit clinic, as defined in section 3715.87 of the Revised Code;                                                                                                             | 64508<br>64509          |
| (12) The residence of one or more individuals receiving services provided by a home health agency, as defined in section <del>3701.881</del> <u>3740.11</u> of the Revised Code;        | 64510<br>64511<br>64512 |
| (13) A dispensary;                                                                                                                                                                      | 64513                   |
| (14) A health care facility, such as a clinic or hospital, of the United States department of veterans affairs;                                                                         | 64514<br>64515          |
| (15) The residence of one or more individuals enrolled in a home and community-based services medicaid waiver component, as defined in section 5166.01 of the Revised Code;             | 64516<br>64517<br>64518 |
| (16) A facility operated by the board of health of a city or general health district or the authority having the duties of a board of health under section 3709.05 of the Revised Code; | 64519<br>64520<br>64521 |
| (17) A women, infants, and children clinic;                                                                                                                                             | 64522                   |
| (18) A mobile dental facility, as defined in section 4715.70 of the Revised Code, located at any location listed in divisions                                                           | 64523<br>64524          |

(G)(1) to (17) of this section; 64525

(19) Any other location, as specified by the state dental 64526  
board in rules adopted under section 4715.372 of the Revised Code, 64527  
that is in an area designated as a dental health resource shortage 64528  
area pursuant to section 3702.87 of the Revised Code and provides 64529  
health care services to individuals who are medicaid recipients 64530  
and to indigent and uninsured persons, as defined in section 64531  
2305.234 of the Revised Code. 64532

**Sec. 4719.01.** (A) As used in sections 4719.01 to 4719.18 of 64533  
the Revised Code: 64534

(1) "Affiliate" means a business entity that is owned by, 64535  
operated by, controlled by, or under common control with another 64536  
business entity. 64537

(2) "Communication" means a written or oral notification or 64538  
advertisement that meets both of the following criteria, as 64539  
applicable: 64540

(a) The notification or advertisement is transmitted by or on 64541  
behalf of the seller of goods or services and by or through any 64542  
printed, audio, video, cinematic, telephonic, or electronic means. 64543

(b) In the case of a notification or advertisement other than 64544  
by telephone, either of the following conditions is met: 64545

(i) The notification or advertisement is followed by a 64546  
telephone call from a telephone solicitor or salesperson. 64547

(ii) The notification or advertisement invites a response by 64548  
telephone, and, during the course of that response, a telephone 64549  
solicitor or salesperson attempts to make or makes a sale of goods 64550  
or services. As used in division (A)(2)(b)(ii) of this section, 64551  
"invites a response by telephone" excludes the mere listing or 64552  
inclusion of a telephone number in a notification or 64553  
advertisement. 64554

(3) "Gift, award, or prize" means anything of value that is offered or purportedly offered, or given or purportedly given by chance, at no cost to the receiver and with no obligation to purchase goods or services. As used in this division, "chance" includes a situation in which a person is guaranteed to receive an item and, at the time of the offer or purported offer, the telephone solicitor does not identify the specific item that the person will receive.

(4) "Goods or services" means any real property or any tangible or intangible personal property, or services of any kind provided or offered to a person. "Goods or services" includes, but is not limited to, advertising; labor performed for the benefit of a person; personal property intended to be attached to or installed in any real property, regardless of whether it is so attached or installed; timeshare estates or licenses; and extended service contracts.

(5) "Purchaser" means a person that is solicited to become or does become financially obligated as a result of a telephone solicitation.

(6) "Salesperson" means an individual who is employed, appointed, or authorized by a telephone solicitor to make telephone solicitations but does not mean any of the following:

(a) An individual who comes within one of the exemptions in division (B) of this section;

(b) An individual employed, appointed, or authorized by a person who comes within one of the exemptions in division (B) of this section;

(c) An individual under a written contract with a person who comes within one of the exemptions in division (B) of this section, if liability for all transactions with purchasers is assumed by the person so exempted.

(7) "Telephone solicitation" means a communication to a person that meets both of the following criteria:

(a) The communication is initiated by or on behalf of a telephone solicitor or by a salesperson.

(b) The communication either represents a price or the quality or availability of goods or services or is used to induce the person to purchase goods or services, including, but not limited to, inducement through the offering of a gift, award, or prize.

(8) "Telephone solicitor" means a person that engages in telephone solicitation directly or through one or more salespersons either from a location in this state, or from a location outside this state to persons in this state. "Telephone solicitor" includes, but is not limited to, any such person that is an owner, operator, officer, or director of, partner in, or other individual engaged in the management activities of, a business.

(B) A telephone solicitor is exempt from the provisions of sections 4719.02 to 4719.18 and section 4719.99 of the Revised Code if the telephone solicitor is any one of the following:

(1) A person engaging in a telephone solicitation that is a one-time or infrequent transaction not done in the course of a pattern of repeated transactions of a like nature;

(2) A person engaged in telephone solicitation solely for religious or political purposes; a charitable organization, fund-raising counsel, or professional solicitor in compliance with the registration and reporting requirements of Chapter 1716. of the Revised Code; or any person or other entity exempt under section 1716.03 of the Revised Code from filing a registration statement under section 1716.02 of the Revised Code;

(3) A person, making a telephone solicitation involving a

home solicitation sale as defined in section 1345.21 of the Revised Code, that makes the sales presentation and completes the sale at a later, face-to-face meeting between the seller and the purchaser rather than during the telephone solicitation. However, if the person, following the telephone solicitation, causes another person to collect the payment of any money, this exemption does not apply.

(4) A licensed securities, commodities, or investment broker, dealer, investment advisor, or associated person when making a telephone solicitation within the scope of the person's license. As used in division (B)(4) of this section, "licensed securities, commodities, or investment broker, dealer, investment advisor, or associated person" means a person subject to licensure or registration as such by the securities and exchange commission; the National Association of Securities Dealers or other self-regulatory organization, as defined by 15 U.S.C.A. 78c; by the division of securities under Chapter 1707. of the Revised Code; or by an official or agency of any other state of the United States.

(5)(a) A person primarily engaged in soliciting the sale of a newspaper of general circulation;

(b) As used in division (B)(5)(a) of this section, "newspaper of general circulation" includes, but is not limited to, both of the following:

(i) A newspaper that is a daily law journal designated as an official publisher of court calendars pursuant to section 2701.09 of the Revised Code;

(ii) A newspaper or publication that has at least twenty-five per cent editorial, non-advertising content, exclusive of inserts, measured relative to total publication space, and an audited circulation to at least fifty per cent of the households in the

newspaper's retail trade zone as defined by the audit. 64648

(6)(a) An issuer, or its subsidiary, that has a class of securities to which all of the following apply: 64649  
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(i) The class of securities is subject to section 12 of the "Securities Exchange Act of 1934," 15 U.S.C.A. 781, and is registered or is exempt from registration under 15 U.S.C.A. 781(g)(2)(A), (B), (C), (E), (F), (G), or (H); 64651  
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(ii) The class of securities is listed on the New York stock exchange, the American stock exchange, or the NASDAQ national market system; 64655  
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(iii) The class of securities is a reported security as defined in 17 C.F.R. 240.11Aa3-1(a)(4). 64658  
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(b) An issuer, or its subsidiary, that formerly had a class of securities that met the criteria set forth in division (B)(6)(a) of this section if the issuer, or its subsidiary, has a net worth in excess of one hundred million dollars, files or its parent files with the securities and exchange commission an S.E.C. form 10-K, and has continued in substantially the same business since it had a class of securities that met the criteria in division (B)(6)(a) of this section. As used in division (B)(6)(b) of this section, "issuer" and "subsidiary" include the successor to an issuer or subsidiary. 64660  
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(7) A person soliciting a transaction regulated by the commodity futures trading commission, if the person is registered or temporarily registered for that activity with the commission under 7 U.S.C.A. 1 et seq. and the registration or temporary registration has not expired or been suspended or revoked; 64670  
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(8) A person soliciting the sale of any book, record, audio tape, compact disc, or video, if the person allows the purchaser to review the merchandise for at least seven days and provides a full refund within thirty days to a purchaser who returns the 64675  
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merchandise or if the person solicits the sale on behalf of a 64679  
membership club operating in compliance with regulations adopted 64680  
by the federal trade commission in 16 C.F.R. 425; 64681

(9) A supervised financial institution or its subsidiary. As 64682  
used in division (B)(9) of this section, "supervised financial 64683  
institution" means a bank, trust company, savings and loan 64684  
association, savings bank, credit union, industrial loan company, 64685  
consumer finance lender, commercial finance lender, or institution 64686  
described in section 2(c)(2)(F) of the "Bank Holding Company Act 64687  
of 1956," 12 U.S.C.A. 1841(c)(2)(F), as amended, supervised by an 64688  
official or agency of the United States, this state, or any other 64689  
state of the United States; or a licensee or registrant under 64690  
sections 1321.01 to 1321.19, 1321.51 to 1321.60, or 1321.71 to 64691  
1321.83, or Chapter 1322. of the Revised Code. 64692

(10)(a) An insurance company, association, or other 64693  
organization that is licensed or authorized to conduct business in 64694  
this state by the superintendent of insurance pursuant to Title 64695  
XXXIX of the Revised Code or Chapter 1751. of the Revised Code, 64696  
when soliciting within the scope of its license or authorization. 64697

(b) A licensed insurance broker, agent, or solicitor when 64698  
soliciting within the scope of the person's license. As used in 64699  
division (B)(10)(b) of this section, "licensed insurance broker, 64700  
agent, or solicitor" means any person licensed as an insurance 64701  
broker, agent, or solicitor by the superintendent of insurance 64702  
pursuant to Title XXXIX of the Revised Code. 64703

(11) A person soliciting the sale of services provided by a 64704  
cable television system operating under authority of a 64705  
governmental franchise or permit; 64706

(12) A person soliciting a business-to-business sale under 64707  
which any of the following conditions are met: 64708

(a) The telephone solicitor has been operating continuously 64709

for at least three years under the same business name under which 64710  
it solicits purchasers, and at least fifty-one per cent of its 64711  
gross dollar volume of sales consists of repeat sales to existing 64712  
customers to whom it has made sales under the same business name. 64713

(b) The purchaser business intends to resell the goods 64714  
purchased. 64715

(c) The purchaser business intends to use the goods or 64716  
services purchased in a recycling, reuse, manufacturing, or 64717  
remanufacturing process. 64718

(d) The telephone solicitor is a publisher of a periodical or 64719  
of magazines distributed as controlled circulation publications as 64720  
defined in division (CC) of section 5739.01 of the Revised Code 64721  
and is soliciting sales of advertising, subscriptions, reprints, 64722  
lists, information databases, conference participation or 64723  
sponsorships, trade shows or media products related to the 64724  
periodical or magazine, or other publishing services provided by 64725  
the controlled circulation publication. 64726

(13) A person that, not less often than once each year, 64727  
publishes and delivers to potential purchasers a catalog that 64728  
complies with both of the following: 64729

(a) It includes all of the following: 64730

(i) The business address of the seller; 64731

(ii) A written description or illustration of each good or 64732  
service offered for sale; 64733

(iii) A clear and conspicuous disclosure of the sale price of 64734  
each good or service; shipping, handling, and other charges; and 64735  
return policy. 64736

(b) One of the following applies: 64737

(i) The catalog includes at least twenty-four pages of 64738  
written material and illustrations, is distributed in more than 64739

one state, and has an annual postage-paid mail circulation of not 64740  
less than two hundred fifty thousand households; 64741

(ii) The catalog includes at least ten pages of written 64742  
material or an equivalent amount of material in electronic form on 64743  
the internet or an on-line computer service, the person does not 64744  
solicit customers by telephone but solely receives telephone calls 64745  
made in response to the catalog, and during the calls the person 64746  
takes orders but does not engage in further solicitation of the 64747  
purchaser. As used in division (B)(13)(b)(ii) of this section, 64748  
"further solicitation" does not include providing the purchaser 64749  
with information about, or attempting to sell, any other item in 64750  
the catalog that prompted the purchaser's call or in a 64751  
substantially similar catalog issued by the seller. 64752

(14) A political subdivision or instrumentality of the United 64753  
States, this state, or any state of the United States; 64754

(15) A college or university or any other public or private 64755  
institution of higher education in this state; 64756

(16) A public utility as defined in section 4905.02 of the 64757  
Revised Code or a retail natural gas supplier as defined in 64758  
section 4929.01 of the Revised Code, if the utility or supplier is 64759  
subject to regulation by the public utilities commission, or the 64760  
affiliate of the utility or supplier; 64761

(17) A person that solicits sales through a television 64762  
program or advertisement that is presented in the same market area 64763  
no fewer than twenty days per month or offers for sale no fewer 64764  
than ten distinct items of goods or services; and offers to the 64765  
purchaser an unconditional right to return any good or service 64766  
purchased within a period of at least seven days and to receive a 64767  
full refund within thirty days after the purchaser returns the 64768  
good or cancels the service; 64769

(18)(a) A person that, for at least one year, has been 64770

operating a retail business under the same name as that used in 64771  
connection with telephone solicitation and both of the following 64772  
occur on a continuing basis: 64773

(i) The person either displays goods and offers them for 64774  
retail sale at the person's business premises or offers services 64775  
for sale and provides them at the person's business premises. 64776

(ii) At least fifty-one per cent of the person's gross dollar 64777  
volume of retail sales involves purchases of goods or services at 64778  
the person's business premises. 64779

(b) An affiliate of a person that meets the requirements in 64780  
division (B)(18)(a) of this section if the affiliate meets all of 64781  
the following requirements: 64782

(i) The affiliate has operated a retail business for a period 64783  
of less than one year; 64784

(ii) The affiliate either displays goods and offers them for 64785  
retail sale at the affiliate's business premises or offers 64786  
services for sale and provides them at the affiliate's business 64787  
premises; 64788

(iii) At least fifty-one per cent of the affiliate's gross 64789  
dollar volume of retail sales involves purchases of goods or 64790  
services at the affiliate's business premises. 64791

(c) A person that, for a period of less than one year, has 64792  
been operating a retail business in this state under the same name 64793  
as that used in connection with telephone solicitation, as long as 64794  
all of the following requirements are met: 64795

(i) The person either displays goods and offers them for 64796  
retail sale at the person's business premises or offers services 64797  
for sale and provides them at the person's business premises; 64798

(ii) The goods or services that are the subject of telephone 64799  
solicitation are sold at the person's business premises, and at 64800

least sixty-five per cent of the person's gross dollar volume of 64801  
retail sales involves purchases of goods or services at the 64802  
person's business premises; 64803

(iii) The person conducts all telephone solicitation 64804  
activities according to sections 310.3, 310.4, and 310.5 of the 64805  
telemarketing sales rule adopted by the federal trade commission 64806  
in 16 C.F.R. part 310. 64807

(19) A person who performs telephone solicitation sales 64808  
services on behalf of other persons and to whom one of the 64809  
following applies: 64810

(a) The person has operated under the same ownership, 64811  
control, and business name for at least five years, and the person 64812  
receives at least seventy-five per cent of its gross revenues from 64813  
written telephone solicitation contracts with persons who come 64814  
within one of the exemptions in division (B) of this section. 64815

(b) The person is an affiliate of one or more exempt persons 64816  
and makes telephone solicitations on behalf of only the exempt 64817  
persons of which it is an affiliate. 64818

(c) The person makes telephone solicitations on behalf of 64819  
only exempt persons, the person and each exempt person on whose 64820  
behalf telephone solicitations are made have entered into a 64821  
written contract that specifies the manner in which the telephone 64822  
solicitations are to be conducted and that at a minimum requires 64823  
compliance with the telemarketing sales rule adopted by the 64824  
federal trade commission in 16 C.F.R. part 310, and the person 64825  
conducts the telephone solicitations in the manner specified in 64826  
the written contract. 64827

(d) The person performs telephone solicitation for religious 64828  
or political purposes, a charitable organization, a fund-raising 64829  
council, or a professional solicitor in compliance with the 64830  
registration and reporting requirements of Chapter 1716. of the 64831

Revised Code; and meets all of the following requirements: 64832

(i) The person has operated under the same ownership, 64833  
control, and business name for at least five years, and the person 64834  
receives at least fifty-one per cent of its gross revenues from 64835  
written telephone solicitation contracts with persons who come 64836  
within the exemption in division (B)(2) of this section; 64837

(ii) The person does not conduct a prize promotion or offer 64838  
the sale of an investment opportunity; 64839

(iii) The person conducts all telephone solicitation 64840  
activities according to sections 310.3, 310.4, and 310.5 of the 64841  
telemarketing sales rules adopted by the federal trade commission 64842  
in 16 C.F.R. part 310. 64843

(20) A person that is a licensed real estate salesperson or 64844  
broker under Chapter 4735. of the Revised Code when soliciting 64845  
within the scope of the person's license; 64846

(21)(a) Either of the following: 64847

(i) A publisher that solicits the sale of the publisher's 64848  
periodical or magazine of general, paid circulation, or a person 64849  
that solicits a sale of that nature on behalf of a publisher under 64850  
a written agreement directly between the publisher and the person. 64851

(ii) A publisher that solicits the sale of the publisher's 64852  
periodical or magazine of general, paid circulation, or a person 64853  
that solicits a sale of that nature as authorized by a publisher 64854  
under a written agreement directly with a publisher's 64855  
clearinghouse provided the person is a resident of Ohio for more 64856  
than three years and initiates all telephone solicitations from 64857  
Ohio and the person conducts the solicitation and sale in 64858  
compliance with 16 C.F.R. part 310, as adopted by the federal 64859  
trade commission. 64860

(b) As used in division (B)(21) of this section, "periodical 64861

or magazine of general, paid circulation" excludes a periodical or 64862  
magazine circulated only as part of a membership package or given 64863  
as a free gift or prize from the publisher or person. 64864

(22) A person that solicits the sale of food, as defined in 64865  
section 3715.01 of the Revised Code, or the sale of products of 64866  
horticulture, as defined in section 5739.01 of the Revised Code, 64867  
if the person does not intend the solicitation to result in, or 64868  
the solicitation actually does not result in, a sale that costs 64869  
the purchaser an amount greater than five hundred dollars. 64870

(23) A funeral director licensed pursuant to Chapter 4717. of 64871  
the Revised Code when soliciting within the scope of that license, 64872  
if both of the following apply: 64873

(a) The solicitation and sale are conducted in compliance 64874  
with 16 C.F.R. part 453, as adopted by the federal trade 64875  
commission, and with sections 1107.33 and 1345.21 to 1345.28 of 64876  
the Revised Code; 64877

(b) The person provides to the purchaser of any preneed 64878  
funeral contract a notice that clearly and conspicuously sets 64879  
forth the cancellation rights specified in division (G) of section 64880  
1107.33 of the Revised Code, and retains a copy of the notice 64881  
signed by the purchaser. 64882

(24) A person, or affiliate thereof, licensed to sell or 64883  
issue Ohio instruments designated as travelers checks pursuant to 64884  
sections 1315.01 to 1315.18 of the Revised Code. 64885

(25) A person that solicits sales from its previous 64886  
purchasers and meets all of the following requirements: 64887

(a) The solicitation is made under the same business name 64888  
that was previously used to sell goods or services to the 64889  
purchaser; 64890

(b) The person has, for a period of not less than three 64891

years, operated a business under the same business name as that 64892  
used in connection with telephone solicitation; 64893

(c) The person does not conduct a prize promotion or offer 64894  
the sale of an investment opportunity; 64895

(d) The person conducts all telephone solicitation activities 64896  
according to sections 310.3, 310.4, and 310.5 of the telemarketing 64897  
sales rules adopted by the federal trade commission in 16 C.F.R. 64898  
part 310; 64899

(e) Neither the person nor any of its principals has been 64900  
convicted of, pleaded guilty to, or has entered a plea of no 64901  
contest for a felony or a theft offense as defined in sections 64902  
2901.02 and 2913.01 of the Revised Code or similar law of another 64903  
state or of the United States; 64904

(f) Neither the person nor any of its principals has had 64905  
entered against them an injunction or a final judgment or order, 64906  
including an agreed judgment or order, an assurance of voluntary 64907  
compliance, or any similar instrument, in any civil or 64908  
administrative action involving engaging in a pattern of corrupt 64909  
practices, fraud, theft, embezzlement, fraudulent conversion, or 64910  
misappropriation of property; the use of any untrue, deceptive, or 64911  
misleading representation; or the use of any unfair, unlawful, 64912  
deceptive, or unconscionable trade act or practice. 64913

(26) An institution defined as a home health agency in 64914  
section ~~3701.881~~ 3740.01 of the Revised Code, that conducts all 64915  
telephone solicitation activities according to sections 310.3, 64916  
310.4, and 310.5 of the telemarketing sales rules adopted by the 64917  
federal trade commission in 16 C.F.R. part 310, and engages in 64918  
telephone solicitation only within the scope of the institution's 64919  
certification, accreditation, contract with the department of 64920  
aging, or status as a home health agency; and that meets one of 64921  
the following requirements: 64922

(a) The institution is certified as a provider of home health services under Title XVIII of the Social Security Act, 49 Stat. 620, 42 U.S.C. 301, as amended;

(b) The institution is accredited by either the joint commission on accreditation of health care organizations or the community health accreditation program;

(c) The institution is providing PASSPORT services under the direction of the department of aging under sections 173.52 to 173.523 of the Revised Code;

(d) An affiliate of an institution that meets the requirements of division (B)(26)(a), (b), or (c) of this section when offering for sale substantially the same goods and services as those that are offered by the institution that meets the requirements of division (B)(26)(a), (b), or (c) of this section.

(27) A person licensed by the department of health pursuant to section 3712.04 or 3712.041 of the Revised Code to provide a hospice care program or pediatric respite care program when conducting telephone solicitations within the scope of the person's license and according to sections 310.3, 310.4, and 310.5 of the telemarketing sales rules adopted by the federal trade commission in 16 C.F.R. part 310.

**Sec. 4723.431.** (A)(1) An advanced practice registered nurse who is designated as a clinical nurse specialist, certified nurse-midwife, or certified nurse practitioner may practice only in accordance with a standard care arrangement entered into with each physician or podiatrist with whom the nurse collaborates. A copy of the standard care arrangement shall be retained on file by the nurse's employer. Prior approval of the standard care arrangement by the board of nursing is not required, but the board may periodically review it for compliance with this section.

A clinical nurse specialist, certified nurse-midwife, or certified nurse practitioner may enter into a standard care arrangement with one or more collaborating physicians or podiatrists. If a collaborating physician or podiatrist enters into standard care arrangements with more than five nurses, the physician or podiatrist shall not collaborate at the same time with more than five nurses in the prescribing component of their practices.

Not later than thirty days after first engaging in the practice of nursing as a clinical nurse specialist, certified nurse-midwife, or certified nurse practitioner, the nurse shall submit to the board the name and business address of each collaborating physician or podiatrist. Thereafter, the nurse shall notify the board of any additions or deletions to the nurse's collaborating physicians or podiatrists. Except as provided in division (D) of this section, the notice must be provided not later than thirty days after the change takes effect.

(2) All of the following conditions apply with respect to the practice of a collaborating physician or podiatrist with whom a clinical nurse specialist, certified nurse-midwife, or certified nurse practitioner may enter into a standard care arrangement:

(a) The physician or podiatrist must be authorized to practice in this state.

(b) Except as provided in division (A)(2)(c) of this section, the physician or podiatrist must be practicing in a specialty that is the same as or similar to the nurse's nursing specialty.

(c) If the nurse is a clinical nurse specialist who is certified as a psychiatric-mental health CNS by the American nurses credentialing center or a certified nurse practitioner who is certified as a psychiatric-mental health NP by the American nurses credentialing center, the nurse may enter into a standard

care arrangement with a physician but not a podiatrist and the 64984  
collaborating physician must be practicing in one of the following 64985  
specialties: 64986

- (i) Psychiatry; 64987
- (ii) Pediatrics; 64988
- (iii) Primary care or family practice. 64989

(B) A standard care arrangement shall be in writing and shall 64990  
contain all of the following: 64991

- (1) Criteria for referral of a patient by the clinical nurse 64992  
specialist, certified nurse-midwife, or certified nurse 64993  
practitioner to a collaborating physician or podiatrist or another 64994  
physician or podiatrist; 64995
- (2) A process for the clinical nurse specialist, certified 64996  
nurse-midwife, or certified nurse practitioner to obtain a 64997  
consultation with a collaborating physician or podiatrist or 64998  
another physician or podiatrist; 64999
- (3) A plan for coverage in instances of emergency or planned 65000  
absences of either the clinical nurse specialist, certified 65001  
nurse-midwife, or certified nurse practitioner or a collaborating 65002  
physician or podiatrist that provides the means whereby a 65003  
physician or podiatrist is available for emergency care; 65004
- (4) The process for resolution of disagreements regarding 65005  
matters of patient management between the clinical nurse 65006  
specialist, certified nurse-midwife, or certified nurse 65007  
practitioner and a collaborating physician or podiatrist; 65008
- (5) Any other criteria required by rule of the board adopted 65009  
pursuant to section 4723.07 or 4723.50 of the Revised Code. 65010

(C)(1) A standard care arrangement entered into pursuant to 65011  
this section may permit a clinical nurse specialist, certified 65012  
nurse-midwife, or certified nurse practitioner to supervise 65013

services provided by a home health agency as defined in section 65014  
~~3701.881~~ 3740.01 of the Revised Code. 65015

(2) A standard care arrangement entered into pursuant to this 65016  
section may permit a clinical nurse specialist, certified 65017  
nurse-midwife, or certified nurse practitioner to admit a patient 65018  
to a hospital in accordance with section 3727.06 of the Revised 65019  
Code. 65020

(D)(1) Except as provided in division (D)(2) of this section, 65021  
if a physician or podiatrist terminates the collaboration between 65022  
the physician or podiatrist and a certified nurse-midwife, 65023  
certified nurse practitioner, or clinical nurse specialist before 65024  
their standard care arrangement expires, all of the following 65025  
apply: 65026

(a) The physician or podiatrist must give the nurse written 65027  
or electronic notice of the termination. 65028

(b) Once the nurse receives the termination notice, the nurse 65029  
must notify the board of nursing of the termination as soon as 65030  
practicable by submitting to the board a copy of the physician's 65031  
or podiatrist's termination notice. 65032

(c) Notwithstanding the requirement of section 4723.43 of the 65033  
Revised Code that the nurse practice in collaboration with a 65034  
physician or podiatrist, the nurse may continue to practice under 65035  
the existing standard care arrangement without a collaborating 65036  
physician or podiatrist for not more than one hundred twenty days 65037  
after submitting to the board a copy of the termination notice. 65038

(2) In the event that the collaboration between a physician 65039  
or podiatrist and a certified nurse-midwife, certified nurse 65040  
practitioner, or clinical nurse specialist terminates because of 65041  
the physician's or podiatrist's death, the nurse must notify the 65042  
board of the death as soon as practicable. The nurse may continue 65043  
to practice under the existing standard care arrangement without a 65044

collaborating physician or podiatrist for not more than one 65045  
hundred twenty days after notifying the board of the physician's 65046  
or podiatrist's death. 65047

(E) Nothing in this section prohibits a hospital from hiring 65048  
a clinical nurse specialist, certified nurse-midwife, or certified 65049  
nurse practitioner as an employee and negotiating standard care 65050  
arrangements on behalf of the employee as necessary to meet the 65051  
requirements of this section. A standard care arrangement between 65052  
the hospital's employee and the employee's collaborating physician 65053  
is subject to approval by the medical staff and governing body of 65054  
the hospital prior to implementation of the arrangement at the 65055  
hospital. 65056

Sec. 4729.284. (A) As used in this section, "nicotine 65057  
replacement therapy" means a drug, including a dangerous drug, 65058  
that delivers small doses of nicotine to an individual for the 65059  
purpose of aiding in tobacco cessation or smoking cessation. 65060

(B) Subject to division (C) of this section, if use of a 65061  
protocol that has been developed under this section has been 65062  
authorized under section 4731.90 of the Revised Code, a pharmacist 65063  
may dispense nicotine replacement therapy in accordance with that 65064  
protocol to individuals who are eighteen years old or older and 65065  
seeking to quit using tobacco-containing products. 65066

(C) For a pharmacist to be authorized to dispense nicotine 65067  
replacement therapy under this section, the pharmacist shall do 65068  
both of the following: 65069

(1) Successfully complete a course on nicotine replacement 65070  
therapy that is taught by a provider that is accredited by the 65071  
accreditation council for pharmacy education, or another provider 65072  
approved by the state board of pharmacy, and that meets 65073  
requirements established in rules adopted under this section; 65074

|                                                                           |       |
|---------------------------------------------------------------------------|-------|
| <u>(2) Practice in accordance with a protocol that meets the</u>          | 65075 |
| <u>requirements of division (D) of this section.</u>                      | 65076 |
| <u>(D) All of the following apply with respect to the protocol</u>        | 65077 |
| <u>required by this section:</u>                                          | 65078 |
| <u>(1) The protocol shall be established by a physician</u>               | 65079 |
| <u>authorized under Chapter 4731. of the Revised Code to practice</u>     | 65080 |
| <u>medicine and surgery or osteopathic medicine and surgery.</u>          | 65081 |
| <u>(2) The protocol shall specify a definitive set of treatment</u>       | 65082 |
| <u>guidelines and the locations at which a pharmacist may dispense</u>    | 65083 |
| <u>nicotine replacement therapy under this section.</u>                   | 65084 |
| <u>(3) The protocol shall include provisions for implementation</u>       | 65085 |
| <u>of the following requirements:</u>                                     | 65086 |
| <u>(a) Use by the pharmacist of a screening procedure,</u>                | 65087 |
| <u>recommended by the United States centers for disease control and</u>   | 65088 |
| <u>prevention or another organization approved by the board, to</u>       | 65089 |
| <u>determine if an individual is a good candidate to receive nicotine</u> | 65090 |
| <u>replacement therapy dispensed as authorized by this section;</u>       | 65091 |
| <u>(b) A requirement that the pharmacist refer high-risk</u>              | 65092 |
| <u>individuals or individuals with contraindications to a primary</u>     | 65093 |
| <u>care provider or, as appropriate, to another type of provider;</u>     | 65094 |
| <u>(c) A requirement that the pharmacist develop and implement a</u>      | 65095 |
| <u>follow-up care plan in accordance with guidelines specified in</u>     | 65096 |
| <u>rules adopted under this section, including a recommendation by</u>    | 65097 |
| <u>the pharmacist that the individual seek additional assistance with</u> | 65098 |
| <u>behavior change, including assistance from the Ohio tobacco quit</u>   | 65099 |
| <u>line made available by the department of health.</u>                   | 65100 |
| <u>(4) The protocol shall satisfy any additional requirements</u>         | 65101 |
| <u>established in rules adopted under this section.</u>                   | 65102 |
| <u>(E)(1) Documentation related to screening, dispensing, and</u>         | 65103 |
| <u>follow-up care plans shall be maintained in the records of the</u>     | 65104 |

pharmacy where the pharmacist practices for at least three years. 65105  
Dispensing of nicotine replacement therapy may be documented on a 65106  
prescription form, and the form may be assigned a number for 65107  
recordkeeping purposes. 65108

(2) Not later than seventy-two hours after a screening is 65109  
conducted under this section, the pharmacist shall provide notice 65110  
to the individual's primary care provider, if known, or to the 65111  
individual if the primary care provider is unknown. The notice 65112  
shall include results of the screening, and if applicable, the 65113  
dispensing record and follow-up care plan. 65114

A copy of the documentation identified in division (E)(1) of 65115  
this section shall also be provided to the individual or the 65116  
individual's primary care provider on request. 65117

(F) This section does not affect the authority of a 65118  
pharmacist to do any of the following: 65119

(1) Fill or refill prescriptions for nicotine replacement 65120  
therapy; 65121

(2) Sell nicotine replacement therapy that does not require a 65122  
prescription. 65123

(G) No pharmacist shall do either of the following: 65124

(1) Dispense nicotine replacement therapy in accordance with 65125  
a protocol unless the requirements of division (C) of this section 65126  
have been met; 65127

(2) Delegate to any person the pharmacist's authority to 65128  
engage in or supervise the dispensing of nicotine replacement 65129  
therapy. 65130

(H)(1) The board shall adopt rules to implement this section. 65131  
The rules shall be adopted in accordance with Chapter 119. of the 65132  
Revised Code and shall include all of the following: 65133

(a) Provisions specifying the nicotine replacement therapy 65134

that may be dispensed in accordance with a protocol; 65135

(b) Requirements for courses on nicotine replacement therapy 65136  
including requirements that are consistent with any standards 65137  
established for such courses by the United States centers for 65138  
disease control and prevention; 65139

(c) Requirements for protocols to be followed by pharmacists 65140  
in dispensing nicotine replacement therapy; 65141

(d) Guidelines for follow-up care plans. 65142

(2) Prior to adopting rules regarding requirements for 65143  
protocols to be followed by pharmacists in dispensing of nicotine 65144  
replacement therapy, the state board of pharmacy shall consult 65145  
with the state medical board and the department of health. 65146

(I) A physician who in good faith authorizes a pharmacist to 65147  
dispense nicotine replacement therapy in accordance with a 65148  
protocol developed pursuant to rules adopted under division (H) of 65149  
this section is not liable for or subject to any of the following 65150  
for any action or omission of the individual to whom the nicotine 65151  
replacement therapy is dispensed: damages in any civil action, 65152  
prosecution in any criminal proceeding, or professional 65153  
disciplinary action. 65154

**Sec. 4729.43.** (A) As used in this section: 65155

(1) "Home health agency" has the same meaning as in section 65156  
~~3701.881~~ 3740.01 of the Revised Code. 65157

(2) "Hospice care program" and "hospice patient" have the 65158  
same meanings as in section 3712.01 of the Revised Code. 65159

(B) With regard to a dangerous drug that is indicated for the 65160  
treatment of cancer or a cancer-related illness, must be 65161  
administered intravenously or by subcutaneous injection, and 65162  
cannot reasonably be self-administered by the patient to whom the 65163  
drug is prescribed or by an individual assisting the patient with 65164

the self-administration, a pharmacist shall not dispense the drug 65165  
by delivering the drug directly to any of the following or causing 65166  
the drug to be delivered directly to any of the following: 65167

(1) The patient; 65168

(2) The patient's representative, which may include the 65169  
patient's guardian or a family member or friend of the patient; 65170

(3) The patient's private residence unless any of the 65171  
following is the case: 65172

(a) The patient's private residence is a nursing home, 65173  
residential care facility, rehabilitation facility, or similar 65174  
institutional facility or health care facility. 65175

(b) If the patient is an adult and a hospice patient or 65176  
client of a home health agency, the patient, the licensed health 65177  
professional authorized to prescribe drugs who prescribed the drug 65178  
to the patient, or an employee or agent of the prescriber has 65179  
notified the pharmacist that the patient is a hospice patient or 65180  
client of a home health agency and an employee or agent of the 65181  
hospice care program or home health agency will be administering 65182  
the drug to the patient. 65183

(c) If the patient is a minor and a hospice patient or client 65184  
of a home health agency, either of the following has notified the 65185  
pharmacist that the patient is a client of a home health agency 65186  
and an employee or agent of the hospice care program or home 65187  
health agency will be administering the drug to the patient: 65188

(i) The licensed health professional authorized to prescribe 65189  
drugs who prescribed the drug to the patient or an employee or 65190  
agent of the prescriber; 65191

(ii) The parent, guardian, or other person who has care or 65192  
charge of the patient and is authorized to consent to medical 65193  
treatment on behalf of the patient. 65194

**Sec. 4729.80.** (A) If the state board of pharmacy establishes 65195  
and maintains a drug database pursuant to section 4729.75 of the 65196  
Revised Code, the board is authorized or required to provide 65197  
information from the database only as follows: 65198

(1) On receipt of a request from a designated representative 65199  
of a government entity responsible for the licensure, regulation, 65200  
or discipline of health care professionals with authority to 65201  
prescribe, administer, or dispense drugs, the board may provide to 65202  
the representative information from the database relating to the 65203  
professional who is the subject of an active investigation being 65204  
conducted by the government entity or relating to a professional 65205  
who is acting as an expert witness for the government entity in 65206  
such an investigation. 65207

(2) On receipt of a request from a federal officer, or a 65208  
state or local officer of this or any other state, whose duties 65209  
include enforcing laws relating to drugs, the board shall provide 65210  
to the officer information from the database relating to the 65211  
person who is the subject of an active investigation of a drug 65212  
abuse offense, as defined in section 2925.01 of the Revised Code, 65213  
being conducted by the officer's employing government entity. 65214

(3) Pursuant to a subpoena issued by a grand jury, the board 65215  
shall provide to the grand jury information from the database 65216  
relating to the person who is the subject of an investigation 65217  
being conducted by the grand jury. 65218

(4) Pursuant to a subpoena, search warrant, or court order in 65219  
connection with the investigation or prosecution of a possible or 65220  
alleged criminal offense, the board shall provide information from 65221  
the database as necessary to comply with the subpoena, search 65222  
warrant, or court order. 65223

(5) On receipt of a request from a prescriber or the 65224  
prescriber's delegate approved by the board, the board shall 65225

provide to the prescriber a report of information from the 65226  
database relating to a patient who is either a current patient of 65227  
the prescriber or a potential patient of the prescriber based on a 65228  
referral of the patient to the prescriber, if all of the following 65229  
conditions are met: 65230

(a) The prescriber certifies in a form specified by the board 65231  
that it is for the purpose of providing medical treatment to the 65232  
patient who is the subject of the request; 65233

(b) The prescriber has not been denied access to the database 65234  
by the board. 65235

(6) On receipt of a request from a pharmacist or the 65236  
pharmacist's delegate approved by the board, the board shall 65237  
provide to the pharmacist information from the database relating 65238  
to a current patient of the pharmacist, if the pharmacist 65239  
certifies in a form specified by the board that it is for the 65240  
purpose of the pharmacist's practice of pharmacy involving the 65241  
patient who is the subject of the request and the pharmacist has 65242  
not been denied access to the database by the board. 65243

(7) On receipt of a request from an individual seeking the 65244  
individual's own database information in accordance with the 65245  
procedure established in rules adopted under section 4729.84 of 65246  
the Revised Code, the board may provide to the individual the 65247  
individual's own prescription history. 65248

(8) On receipt of a request from a medical director or a 65249  
pharmacy director of a managed care organization that has entered 65250  
into a contract with the department of medicaid under section 65251  
5167.10 of the Revised Code and a data security agreement with the 65252  
board required by section 5167.14 of the Revised Code, the board 65253  
shall provide to the medical director or the pharmacy director 65254  
information from the database relating to a medicaid recipient 65255  
enrolled in the managed care organization, including information 65256

in the database related to prescriptions for the recipient that 65257  
were not covered or reimbursed under a program administered by the 65258  
department of medicaid. 65259

(9) On receipt of a request from the medicaid director, the 65260  
board shall provide to the director information from the database 65261  
relating to a recipient of a program administered by the 65262  
department of medicaid, including information in the database 65263  
related to prescriptions for the recipient that were not covered 65264  
or paid by a program administered by the department. 65265

(10) On receipt of a request from a medical director of a 65266  
managed care organization that has entered into a contract with 65267  
the administrator of workers' compensation under division (B)(4) 65268  
of section 4121.44 of the Revised Code and a data security 65269  
agreement with the board required by section 4121.447 of the 65270  
Revised Code, the board shall provide to the medical director 65271  
information from the database relating to a claimant under Chapter 65272  
4121., 4123., 4127., or 4131. of the Revised Code assigned to the 65273  
managed care organization, including information in the database 65274  
related to prescriptions for the claimant that were not covered or 65275  
reimbursed under Chapter 4121., 4123., 4127., or 4131. of the 65276  
Revised Code, if the administrator of workers' compensation 65277  
confirms, upon request from the board, that the claimant is 65278  
assigned to the managed care organization. 65279

(11) On receipt of a request from the administrator of 65280  
workers' compensation, the board shall provide to the 65281  
administrator information from the database relating to a claimant 65282  
under Chapter 4121., 4123., 4127., or 4131. of the Revised Code, 65283  
including information in the database related to prescriptions for 65284  
the claimant that were not covered or reimbursed under Chapter 65285  
4121., 4123., 4127., or 4131. of the Revised Code. 65286

(12) On receipt of a request from a prescriber or the 65287  
prescriber's delegate approved by the board, the board shall 65288

provide to the prescriber information from the database relating 65289  
to a patient's mother, if the prescriber certifies in a form 65290  
specified by the board that it is for the purpose of providing 65291  
medical treatment to a newborn or infant patient diagnosed as 65292  
opioid dependent and the prescriber has not been denied access to 65293  
the database by the board. 65294

(13) On receipt of a request from the director of health, the 65295  
board shall provide to the director information from the database 65296  
relating to the duties of the director or the department of health 65297  
in implementing the Ohio violent death reporting system 65298  
established under section 3701.93 of the Revised Code. 65299

(14) On receipt of a request from a requestor described in 65300  
division (A)(1), (2), (5), or (6) of this section who is from or 65301  
participating with another state's prescription monitoring 65302  
program, the board may provide to the requestor information from 65303  
the database, but only if there is a written agreement under which 65304  
the information is to be used and disseminated according to the 65305  
laws of this state. 65306

(15) On receipt of a request from a delegate of a retail 65307  
dispensary licensed under Chapter 3796. of the Revised Code who is 65308  
approved by the board to serve as the dispensary's delegate, the 65309  
board shall provide to the delegate a report of information from 65310  
the database pertaining only to a patient's use of medical 65311  
marijuana, if both of the following conditions are met: 65312

(a) The delegate certifies in a form specified by the board 65313  
that it is for the purpose of dispensing medical marijuana for use 65314  
in accordance with Chapter 3796. of the Revised Code. 65315

(b) The retail dispensary or delegate has not been denied 65316  
access to the database by the board. 65317

(16) On receipt of a request from a judge of a program 65318  
certified by the Ohio supreme court as a specialized docket 65319

program for drugs, the board shall provide to the judge, or an 65320  
employee of the program who is designated by the judge to receive 65321  
the information, information from the database that relates 65322  
specifically to a current or prospective program participant. 65323

(17) On receipt of a request from a coroner, deputy coroner, 65324  
or coroner's delegate approved by the board, the board shall 65325  
provide to the requestor information from the database relating to 65326  
a deceased person about whom the coroner is conducting or has 65327  
conducted an autopsy or investigation. 65328

(18) On receipt of a request from a prescriber, the board may 65329  
provide to the prescriber a summary of the prescriber's 65330  
prescribing record if such a record is created by the board. 65331  
Information in the summary is subject to the confidentiality 65332  
requirements of this chapter. 65333

(19)(a) On receipt of a request from a pharmacy's responsible 65334  
person, the board may provide to the responsible person a summary 65335  
of the pharmacy's dispensing record if such a record is created by 65336  
the board. Information in the summary is subject to the 65337  
confidentiality requirements of this chapter. 65338

(b) As used in division (A)(19)(a) of this section, 65339  
"responsible person" has the same meaning as in rules adopted by 65340  
the board under section 4729.26 of the Revised Code. 65341

(20) The board may provide information from the database 65342  
without request to a prescriber or pharmacist who is authorized to 65343  
use the database pursuant to this chapter. 65344

(21)(a) On receipt of a request from a prescriber or 65345  
pharmacist, or the prescriber's or pharmacist's delegate, who is a 65346  
designated representative of a peer review committee, the board 65347  
shall provide to the committee information from the database 65348  
relating to a prescriber who is subject to the committee's 65349  
evaluation, supervision, or discipline if the information is to be 65350

used for one of those purposes. The board shall provide only 65351  
information that it determines, in accordance with rules adopted 65352  
under section 4729.84 of the Revised Code, is appropriate to be 65353  
provided to the committee. 65354

(b) As used in division (A)(21)(a) of this section, "peer 65355  
review committee" has the same meaning as in section 2305.25 of 65356  
the Revised Code, except that it includes only a peer review 65357  
committee of a hospital or a peer review committee of a nonprofit 65358  
health care corporation that is a member of the hospital or of 65359  
which the hospital is a member. 65360

(22) On receipt of a request from a requestor described in 65361  
division (A)(5) or (6) of this section who is from or 65362  
participating with a prescription monitoring program that is 65363  
operated by a federal agency and approved by the board, the board 65364  
may provide to the requestor information from the database, but 65365  
only if there is a written agreement under which the information 65366  
is to be used and disseminated according to the laws of this 65367  
state. 65368

(23) Any personal health information submitted to the board 65369  
pursuant to section 4729.772 of the Revised Code may be provided 65370  
by the board only as authorized by the submitter of the 65371  
information and in accordance with rules adopted under section 65372  
4729.84 of the Revised Code. 65373

(24) On receipt of a request from a person described in 65374  
division (A)(5), (6), or (17) of this section who is participating 65375  
in a drug overdose fatality review committee described in section 65376  
307.631 of the Revised Code, the board may provide to the 65377  
requestor information from the database, but only if there is a 65378  
written agreement under which the information is to be used and 65379  
disseminated according to the laws of this state. 65380

(25) On receipt of a request from a person described in 65381

division (A)(5), (6), or (17) of this section who is participating 65382  
in a suicide fatality review committee described in section 65383  
307.641 of the Revised Code, the board may provide to the 65384  
requestor information from the database, but only if there is a 65385  
written agreement under which the information is to be used and 65386  
disseminated according to the laws of this state. 65387

(B) The state board of pharmacy shall maintain a record of 65388  
each individual or entity that requests information from the 65389  
database pursuant to this section. In accordance with rules 65390  
adopted under section 4729.84 of the Revised Code, the board may 65391  
use the records to document and report statistics and law 65392  
enforcement outcomes. 65393

The board may provide records of an individual's requests for 65394  
database information only to the following: 65395

(1) A designated representative of a government entity that 65396  
is responsible for the licensure, regulation, or discipline of 65397  
health care professionals with authority to prescribe, administer, 65398  
or dispense drugs who is involved in an active criminal or 65399  
disciplinary investigation being conducted by the government 65400  
entity of the individual who submitted the requests for database 65401  
information; 65402

(2) A federal officer, or a state or local officer of this or 65403  
any other state, whose duties include enforcing laws relating to 65404  
drugs and who is involved in an active investigation being 65405  
conducted by the officer's employing government entity of the 65406  
individual who submitted the requests for database information; 65407

(3) A designated representative of the department of medicaid 65408  
regarding a prescriber who is treating or has treated a recipient 65409  
of a program administered by the department and who submitted the 65410  
requests for database information. 65411

(C) Information contained in the database and any information 65412

obtained from it is confidential and is not a public record. 65413  
Information contained in the records of requests for information 65414  
from the database is confidential and is not a public record. 65415  
Information contained in the database that does not identify a 65416  
person, including any licensee or registrant of the board or other 65417  
entity, may be released in summary, statistical, or aggregate 65418  
form. 65419

(D) A pharmacist or prescriber shall not be held liable in 65420  
damages to any person in any civil action for injury, death, or 65421  
loss to person or property on the basis that the pharmacist or 65422  
prescriber did or did not seek or obtain information from the 65423  
database. 65424

**Sec. 4729.86.** If the state board of pharmacy establishes and 65425  
maintains a drug database pursuant to section 4729.75 of the 65426  
Revised Code, all of the following apply: 65427

(A)(1) No person identified in divisions (A)(1) to (13), (15) 65428  
to ~~(23)~~(25), or (B) of section 4729.80 of the Revised Code shall 65429  
disseminate any written or electronic information the person 65430  
receives from the drug database or otherwise provide another 65431  
person access to the information that the person receives from the 65432  
database, except as follows: 65433

(a) When necessary in the investigation or prosecution of a 65434  
possible or alleged criminal offense; 65435

(b) When a person provides the information to the prescriber, 65436  
pharmacist, or retail dispensary licensed under Chapter 3796. of 65437  
the Revised Code for whom the person is approved by the board to 65438  
serve as a delegate of the prescriber, pharmacist, or retail 65439  
dispensary for purposes of requesting and receiving information 65440  
from the drug database under division (A)(5), (6), or (15) of 65441  
section 4729.80 of the Revised Code; 65442

(c) When a prescriber, pharmacist, or retail dispensary licensed under Chapter 3796. of the Revised Code provides the information to a person who is approved by the board to serve as such a delegate of the prescriber, pharmacist, or retail dispensary;

(d) When a prescriber or pharmacist includes the information in a medical record, as defined in section 3701.74 of the Revised Code.

(2) No person shall provide false information to the state board of pharmacy with the intent to obtain or alter information contained in the drug database.

(3) No person shall obtain drug database information by any means except as provided under section 4729.80 or 4729.81 of the Revised Code.

(B) A person shall not use information obtained pursuant to division (A) of section 4729.80 of the Revised Code as evidence in any civil or administrative proceeding.

(C)(1) Except as provided in division (C)(2) of this section, after providing notice and affording an opportunity for a hearing in accordance with Chapter 119. of the Revised Code, the board may restrict a person from obtaining further information from the drug database if any of the following is the case:

(a) The person violates division (A)(1), (2), or (3) of this section;

(b) The person is a requestor identified in division (A)(14) or (22) of section 4729.80 of the Revised Code and the board determines that the person's actions in another state would have constituted a violation of division (A)(1), (2), or (3) of this section;

(c) The person fails to comply with division (B) of this

section, regardless of the jurisdiction in which the failure to  
comply occurred;

(d) The person creates, by clear and convincing evidence, a  
threat to the security of information contained in the database.

(2) If the board determines that allegations regarding a  
person's actions warrant restricting the person from obtaining  
further information from the drug database without a prior  
hearing, the board may summarily impose the restriction. A  
telephone conference call may be used for reviewing the  
allegations and taking a vote on the summary restriction. The  
summary restriction shall remain in effect, unless removed by the  
board, until the board's final adjudication order becomes  
effective.

(3) The board shall determine the extent to which the person  
is restricted from obtaining further information from the  
database.

**Sec. 4730.43.** (A) A physician assistant who holds a valid  
prescriber number issued by the state medical board and has been  
granted physician-delegated prescriptive authority may personally  
furnish to a patient samples of drugs and therapeutic devices that  
are included in the physician assistant's physician-delegated  
prescriptive authority, subject to all of the following:

(1) The amount of the sample furnished shall not exceed a  
seventy-two-hour supply, except when the minimum available  
quantity of the sample is packaged in an amount that is greater  
than a seventy-two-hour supply, in which case the physician  
assistant may furnish the sample in the package amount.

(2) No charge may be imposed for the sample or for furnishing  
it.

(3) Samples of controlled substances may not be personally

furnished. 65503

(B) A physician assistant who holds a valid prescriber number 65504  
issued by the state medical board and has been granted 65505  
physician-delegated prescriptive authority may personally furnish 65506  
to a patient a complete or partial supply of the drugs and 65507  
therapeutic devices that are included in the physician assistant's 65508  
physician-delegated prescriptive authority, subject to all of the 65509  
following: 65510

(1) The physician assistant shall personally furnish only 65511  
antibiotics, antifungals, scabicides, contraceptives, prenatal 65512  
vitamins, antihypertensives, drugs and devices used in the 65513  
treatment of diabetes, drugs and devices used in the treatment of 65514  
asthma, and drugs used in the treatment of dyslipidemia. 65515

(2) The physician assistant shall not furnish the drugs and 65516  
devices in locations other than at the following: 65517

(a) A health department operated by the board of health of a 65518  
city or general health district or the authority having the duties 65519  
of a board of health under section 3709.05 of the Revised Code,~~ai~~ 65520

(b) A federally funded comprehensive primary care clinic,~~or~~ 65521  
~~ai~~ 65522

(c) A nonprofit health care clinic or program; 65523

(d) An employer-based clinic that provides health care 65524  
services to the employer's employees. 65525

(3) The physician assistant shall comply with all standards 65526  
and procedures for personally furnishing supplies of drugs and 65527  
devices, as established in rules adopted under section 4730.39 of 65528  
the Revised Code. 65529

Sec. 4731.152. (A) The state medical board shall appoint a 65530  
massage therapy advisory council for the purpose of advising the 65531  
board on issues relating to the practice of massage therapy. The 65532

advisory council shall consist of not more than seven individuals 65533  
knowledgeable in the area of massage therapy. 65534

A majority of the council members shall be individuals 65535  
licensed to practice massage therapy under this chapter who are 65536  
actively engaged in the practice of massage therapy. The board 65537  
shall include all of the following on the council: 65538

(1) One physician who is a member of the state medical board; 65539

(2) One massage therapy educator; 65540

(3) One individual who is not affiliated with any health care 65541  
profession, who shall be appointed to represent the interest of 65542  
consumers. 65543

The American massage therapy association, or its successor 65544  
organization, may nominate not more than three individuals for 65545  
consideration by the board in appointing the educator member 65546  
described in division (A)(2) of this section. 65547

Associated bodywork and massage professionals (ABMP), or its 65548  
successor organization, may nominate not more than three 65549  
individuals for consideration by the board in appointing any 65550  
member of the council other than the physician member described in 65551  
division (A)(1) of this section or the educator member described 65552  
in division (A)(2) of this section. 65553

(B) Not later than ninety days after the effective date of 65554  
this section, the board shall make initial appointments to the 65555  
council. Initial members shall serve terms of office of one, two, 65556  
or three years, as selected by the board. Thereafter, terms of 65557  
office shall be for three years, with each term ending on the same 65558  
day of the same month as the term that it succeeds. A council 65559  
member shall continue in office subsequent to the expiration date 65560  
of the member's term until a successor is appointed and takes 65561  
office, or until a period of sixty days has elapsed, whichever 65562

occurs first. Each council member shall hold office from the date of appointment until the end of the term for which the member was appointed. 65563  
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(C) Members shall serve without compensation, but shall be reimbursed for actual and necessary expenses incurred in performing their official duties. 65566  
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(D) The council shall meet at least four times each year and at other times as may be necessary to carry out its responsibilities. 65569  
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(E) The council may submit to the board recommendations concerning all of the following: 65572  
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(1) Requirements for issuing a license to practice as a licensed massage therapist, including the educational and experience requirements that must be met to receive the license; 65574  
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(2) Existing and proposed rules pertaining to the practice of massage therapy and the administration and enforcement of this chapter as it pertains to massage therapy; 65577  
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(3) Standards for the approval of educational programs required to qualify for licensure; 65580  
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(4) Policies related to the issuance and renewal of a license to practice massage therapy; 65582  
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(5) Fees for the issuance and renewal of a license to practice massage therapy; 65584  
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(6) Standards of practice and ethical conduct in the practice of massage therapy; 65586  
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(7) The safe and effective practice of massage therapy, including scope of practice and minimal standards of care. 65588  
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**Sec. 4731.22.** (A) The state medical board, by an affirmative vote of not fewer than six of its members, may limit, revoke, or 65590  
65591

suspend a license or certificate to practice or certificate to 65592  
recommend, refuse to grant a license or certificate, refuse to 65593  
renew a license or certificate, refuse to reinstate a license or 65594  
certificate, or reprimand or place on probation the holder of a 65595  
license or certificate if the individual applying for or holding 65596  
the license or certificate is found by the board to have committed 65597  
fraud during the administration of the examination for a license 65598  
or certificate to practice or to have committed fraud, 65599  
misrepresentation, or deception in applying for, renewing, or 65600  
securing any license or certificate to practice or certificate to 65601  
recommend issued by the board. 65602

(B) The board, by an affirmative vote of not fewer than six 65603  
members, shall, to the extent permitted by law, limit, revoke, or 65604  
suspend a license or certificate to practice or certificate to 65605  
recommend, refuse to issue a license or certificate, refuse to 65606  
renew a license or certificate, refuse to reinstate a license or 65607  
certificate, or reprimand or place on probation the holder of a 65608  
license or certificate for one or more of the following reasons: 65609

(1) Permitting one's name or one's license or certificate to 65610  
practice to be used by a person, group, or corporation when the 65611  
individual concerned is not actually directing the treatment 65612  
given; 65613

(2) Failure to maintain minimal standards applicable to the 65614  
selection or administration of drugs, or failure to employ 65615  
acceptable scientific methods in the selection of drugs or other 65616  
modalities for treatment of disease; 65617

(3) Except as provided in section 4731.97 of the Revised 65618  
Code, selling, giving away, personally furnishing, prescribing, or 65619  
administering drugs for other than legal and legitimate 65620  
therapeutic purposes or a plea of guilty to, a judicial finding of 65621  
guilt of, or a judicial finding of eligibility for intervention in 65622

lieu of conviction of, a violation of any federal or state law 65623  
regulating the possession, distribution, or use of any drug; 65624

(4) Willfully betraying a professional confidence. 65625

For purposes of this division, "willfully betraying a 65626  
professional confidence" does not include providing any 65627  
information, documents, or reports under sections 307.621 to 65628  
307.629 of the Revised Code to a child fatality review board; does 65629  
not include providing any information, documents, or reports under 65630  
sections 307.631 to 307.6410 of the Revised Code to a drug 65631  
overdose fatality review committee, a suicide fatality review 65632  
committee, or hybrid drug overdose fatality and suicide fatality 65633  
review committee; does not include providing any information, 65634  
documents, or reports to the director of health pursuant to 65635  
guidelines established under section 3701.70 of the Revised Code; 65636  
does not include written notice to a mental health professional 65637  
under section 4731.62 of the Revised Code; and does not include 65638  
the making of a report of an employee's use of a drug of abuse, or 65639  
a report of a condition of an employee other than one involving 65640  
the use of a drug of abuse, to the employer of the employee as 65641  
described in division (B) of section 2305.33 of the Revised Code. 65642  
Nothing in this division affects the immunity from civil liability 65643  
conferred by section 2305.33 or 4731.62 of the Revised Code upon a 65644  
physician who makes a report in accordance with section 2305.33 or 65645  
notifies a mental health professional in accordance with section 65646  
4731.62 of the Revised Code. As used in this division, "employee," 65647  
"employer," and "physician" have the same meanings as in section 65648  
2305.33 of the Revised Code. 65649

(5) Making a false, fraudulent, deceptive, or misleading 65650  
statement in the solicitation of or advertising for patients; in 65651  
relation to the practice of medicine and surgery, osteopathic 65652  
medicine and surgery, podiatric medicine and surgery, or a limited 65653  
branch of medicine; or in securing or attempting to secure any 65654

license or certificate to practice issued by the board. 65655

As used in this division, "false, fraudulent, deceptive, or 65656  
misleading statement" means a statement that includes a 65657  
misrepresentation of fact, is likely to mislead or deceive because 65658  
of a failure to disclose material facts, is intended or is likely 65659  
to create false or unjustified expectations of favorable results, 65660  
or includes representations or implications that in reasonable 65661  
probability will cause an ordinarily prudent person to 65662  
misunderstand or be deceived. 65663

(6) A departure from, or the failure to conform to, minimal 65664  
standards of care of similar practitioners under the same or 65665  
similar circumstances, whether or not actual injury to a patient 65666  
is established; 65667

(7) Representing, with the purpose of obtaining compensation 65668  
or other advantage as personal gain or for any other person, that 65669  
an incurable disease or injury, or other incurable condition, can 65670  
be permanently cured; 65671

(8) The obtaining of, or attempting to obtain, money or 65672  
anything of value by fraudulent misrepresentations in the course 65673  
of practice; 65674

(9) A plea of guilty to, a judicial finding of guilt of, or a 65675  
judicial finding of eligibility for intervention in lieu of 65676  
conviction for, a felony; 65677

(10) Commission of an act that constitutes a felony in this 65678  
state, regardless of the jurisdiction in which the act was 65679  
committed; 65680

(11) A plea of guilty to, a judicial finding of guilt of, or 65681  
a judicial finding of eligibility for intervention in lieu of 65682  
conviction for, a misdemeanor committed in the course of practice; 65683

(12) Commission of an act in the course of practice that 65684

constitutes a misdemeanor in this state, regardless of the 65685  
jurisdiction in which the act was committed; 65686

(13) A plea of guilty to, a judicial finding of guilt of, or 65687  
a judicial finding of eligibility for intervention in lieu of 65688  
conviction for, a misdemeanor involving moral turpitude; 65689

(14) Commission of an act involving moral turpitude that 65690  
constitutes a misdemeanor in this state, regardless of the 65691  
jurisdiction in which the act was committed; 65692

(15) Violation of the conditions of limitation placed by the 65693  
board upon a license or certificate to practice; 65694

(16) Failure to pay license renewal fees specified in this 65695  
chapter; 65696

(17) Except as authorized in section 4731.31 of the Revised 65697  
Code, engaging in the division of fees for referral of patients, 65698  
or the receiving of a thing of value in return for a specific 65699  
referral of a patient to utilize a particular service or business; 65700

(18) Subject to section 4731.226 of the Revised Code, 65701  
violation of any provision of a code of ethics of the American 65702  
medical association, the American osteopathic association, the 65703  
American podiatric medical association, or any other national 65704  
professional organizations that the board specifies by rule. The 65705  
state medical board shall obtain and keep on file current copies 65706  
of the codes of ethics of the various national professional 65707  
organizations. The individual whose license or certificate is 65708  
being suspended or revoked shall not be found to have violated any 65709  
provision of a code of ethics of an organization not appropriate 65710  
to the individual's profession. 65711

For purposes of this division, a "provision of a code of 65712  
ethics of a national professional organization" does not include 65713  
any provision that would preclude the making of a report by a 65714  
physician of an employee's use of a drug of abuse, or of a 65715

condition of an employee other than one involving the use of a 65716  
drug of abuse, to the employer of the employee as described in 65717  
division (B) of section 2305.33 of the Revised Code. Nothing in 65718  
this division affects the immunity from civil liability conferred 65719  
by that section upon a physician who makes either type of report 65720  
in accordance with division (B) of that section. As used in this 65721  
division, "employee," "employer," and "physician" have the same 65722  
meanings as in section 2305.33 of the Revised Code. 65723

(19) Inability to practice according to acceptable and 65724  
prevailing standards of care by reason of mental illness or 65725  
physical illness, including, but not limited to, physical 65726  
deterioration that adversely affects cognitive, motor, or 65727  
perceptive skills. 65728

In enforcing this division, the board, upon a showing of a 65729  
possible violation, may compel any individual authorized to 65730  
practice by this chapter or who has submitted an application 65731  
pursuant to this chapter to submit to a mental examination, 65732  
physical examination, including an HIV test, or both a mental and 65733  
a physical examination. The expense of the examination is the 65734  
responsibility of the individual compelled to be examined. Failure 65735  
to submit to a mental or physical examination or consent to an HIV 65736  
test ordered by the board constitutes an admission of the 65737  
allegations against the individual unless the failure is due to 65738  
circumstances beyond the individual's control, and a default and 65739  
final order may be entered without the taking of testimony or 65740  
presentation of evidence. If the board finds an individual unable 65741  
to practice because of the reasons set forth in this division, the 65742  
board shall require the individual to submit to care, counseling, 65743  
or treatment by physicians approved or designated by the board, as 65744  
a condition for initial, continued, reinstated, or renewed 65745  
authority to practice. An individual affected under this division 65746  
shall be afforded an opportunity to demonstrate to the board the 65747

ability to resume practice in compliance with acceptable and 65748  
prevailing standards under the provisions of the individual's 65749  
license or certificate. For the purpose of this division, any 65750  
individual who applies for or receives a license or certificate to 65751  
practice under this chapter accepts the privilege of practicing in 65752  
this state and, by so doing, shall be deemed to have given consent 65753  
to submit to a mental or physical examination when directed to do 65754  
so in writing by the board, and to have waived all objections to 65755  
the admissibility of testimony or examination reports that 65756  
constitute a privileged communication. 65757

(20) Except as provided in division (F)(1)(b) of section 65758  
4731.282 of the Revised Code or when civil penalties are imposed 65759  
under section 4731.225 of the Revised Code, and subject to section 65760  
4731.226 of the Revised Code, violating or attempting to violate, 65761  
directly or indirectly, or assisting in or abetting the violation 65762  
of, or conspiring to violate, any provisions of this chapter or 65763  
any rule promulgated by the board. 65764

This division does not apply to a violation or attempted 65765  
violation of, assisting in or abetting the violation of, or a 65766  
conspiracy to violate, any provision of this chapter or any rule 65767  
adopted by the board that would preclude the making of a report by 65768  
a physician of an employee's use of a drug of abuse, or of a 65769  
condition of an employee other than one involving the use of a 65770  
drug of abuse, to the employer of the employee as described in 65771  
division (B) of section 2305.33 of the Revised Code. Nothing in 65772  
this division affects the immunity from civil liability conferred 65773  
by that section upon a physician who makes either type of report 65774  
in accordance with division (B) of that section. As used in this 65775  
division, "employee," "employer," and "physician" have the same 65776  
meanings as in section 2305.33 of the Revised Code. 65777

(21) The violation of section 3701.79 of the Revised Code or 65778  
of any abortion rule adopted by the director of health pursuant to 65779

section 3701.341 of the Revised Code; 65780

(22) Any of the following actions taken by an agency 65781  
responsible for authorizing, certifying, or regulating an 65782  
individual to practice a health care occupation or provide health 65783  
care services in this state or another jurisdiction, for any 65784  
reason other than the nonpayment of fees: the limitation, 65785  
revocation, or suspension of an individual's license to practice; 65786  
acceptance of an individual's license surrender; denial of a 65787  
license; refusal to renew or reinstate a license; imposition of 65788  
probation; or issuance of an order of censure or other reprimand; 65789

(23) The violation of section 2919.12 of the Revised Code or 65790  
the performance or inducement of an abortion upon a pregnant woman 65791  
with actual knowledge that the conditions specified in division 65792  
(B) of section 2317.56 of the Revised Code have not been satisfied 65793  
or with a heedless indifference as to whether those conditions 65794  
have been satisfied, unless an affirmative defense as specified in 65795  
division (H)(2) of that section would apply in a civil action 65796  
authorized by division (H)(1) of that section; 65797

(24) The revocation, suspension, restriction, reduction, or 65798  
termination of clinical privileges by the United States department 65799  
of defense or department of veterans affairs or the termination or 65800  
suspension of a certificate of registration to prescribe drugs by 65801  
the drug enforcement administration of the United States 65802  
department of justice; 65803

(25) Termination or suspension from participation in the 65804  
medicare or medicaid programs by the department of health and 65805  
human services or other responsible agency; 65806

(26) Impairment of ability to practice according to 65807  
acceptable and prevailing standards of care because of habitual or 65808  
excessive use or abuse of drugs, alcohol, or other substances that 65809  
impair ability to practice. 65810

For the purposes of this division, any individual authorized 65811  
to practice by this chapter accepts the privilege of practicing in 65812  
this state subject to supervision by the board. By filing an 65813  
application for or holding a license or certificate to practice 65814  
under this chapter, an individual shall be deemed to have given 65815  
consent to submit to a mental or physical examination when ordered 65816  
to do so by the board in writing, and to have waived all 65817  
objections to the admissibility of testimony or examination 65818  
reports that constitute privileged communications. 65819

If it has reason to believe that any individual authorized to 65820  
practice by this chapter or any applicant for licensure or 65821  
certification to practice suffers such impairment, the board may 65822  
compel the individual to submit to a mental or physical 65823  
examination, or both. The expense of the examination is the 65824  
responsibility of the individual compelled to be examined. Any 65825  
mental or physical examination required under this division shall 65826  
be undertaken by a treatment provider or physician who is 65827  
qualified to conduct the examination and who is chosen by the 65828  
board. 65829

Failure to submit to a mental or physical examination ordered 65830  
by the board constitutes an admission of the allegations against 65831  
the individual unless the failure is due to circumstances beyond 65832  
the individual's control, and a default and final order may be 65833  
entered without the taking of testimony or presentation of 65834  
evidence. If the board determines that the individual's ability to 65835  
practice is impaired, the board shall suspend the individual's 65836  
license or certificate or deny the individual's application and 65837  
shall require the individual, as a condition for initial, 65838  
continued, reinstated, or renewed licensure or certification to 65839  
practice, to submit to treatment. 65840

Before being eligible to apply for reinstatement of a license 65841  
or certificate suspended under this division, the impaired 65842

practitioner shall demonstrate to the board the ability to resume 65843  
practice in compliance with acceptable and prevailing standards of 65844  
care under the provisions of the practitioner's license or 65845  
certificate. The demonstration shall include, but shall not be 65846  
limited to, the following: 65847

(a) Certification from a treatment provider approved under 65848  
section 4731.25 of the Revised Code that the individual has 65849  
successfully completed any required inpatient treatment; 65850

(b) Evidence of continuing full compliance with an aftercare 65851  
contract or consent agreement; 65852

(c) Two written reports indicating that the individual's 65853  
ability to practice has been assessed and that the individual has 65854  
been found capable of practicing according to acceptable and 65855  
prevailing standards of care. The reports shall be made by 65856  
individuals or providers approved by the board for making the 65857  
assessments and shall describe the basis for their determination. 65858

The board may reinstate a license or certificate suspended 65859  
under this division after that demonstration and after the 65860  
individual has entered into a written consent agreement. 65861

When the impaired practitioner resumes practice, the board 65862  
shall require continued monitoring of the individual. The 65863  
monitoring shall include, but not be limited to, compliance with 65864  
the written consent agreement entered into before reinstatement or 65865  
with conditions imposed by board order after a hearing, and, upon 65866  
termination of the consent agreement, submission to the board for 65867  
at least two years of annual written progress reports made under 65868  
penalty of perjury stating whether the individual has maintained 65869  
sobriety. 65870

(27) A second or subsequent violation of section 4731.66 or 65871  
4731.69 of the Revised Code; 65872

(28) Except as provided in division (N) of this section: 65873

(a) Waiving the payment of all or any part of a deductible or copayment that a patient, pursuant to a health insurance or health care policy, contract, or plan that covers the individual's services, otherwise would be required to pay if the waiver is used as an enticement to a patient or group of patients to receive health care services from that individual;

(b) Advertising that the individual will waive the payment of all or any part of a deductible or copayment that a patient, pursuant to a health insurance or health care policy, contract, or plan that covers the individual's services, otherwise would be required to pay.

(29) Failure to use universal blood and body fluid precautions established by rules adopted under section 4731.051 of the Revised Code;

(30) Failure to provide notice to, and receive acknowledgment of the notice from, a patient when required by section 4731.143 of the Revised Code prior to providing nonemergency professional services, or failure to maintain that notice in the patient's medical record;

(31) Failure of a physician supervising a physician assistant to maintain supervision in accordance with the requirements of Chapter 4730. of the Revised Code and the rules adopted under that chapter;

(32) Failure of a physician or podiatrist to enter into a standard care arrangement with a clinical nurse specialist, certified nurse-midwife, or certified nurse practitioner with whom the physician or podiatrist is in collaboration pursuant to section 4731.27 of the Revised Code or failure to fulfill the responsibilities of collaboration after entering into a standard care arrangement;

(33) Failure to comply with the terms of a consult agreement

entered into with a pharmacist pursuant to section 4729.39 of the Revised Code; 65905  
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(34) Failure to cooperate in an investigation conducted by the board under division (F) of this section, including failure to comply with a subpoena or order issued by the board or failure to answer truthfully a question presented by the board in an investigative interview, an investigative office conference, at a deposition, or in written interrogatories, except that failure to cooperate with an investigation shall not constitute grounds for discipline under this section if a court of competent jurisdiction has issued an order that either quashes a subpoena or permits the individual to withhold the testimony or evidence in issue; 65907  
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(35) Failure to supervise an acupuncturist in accordance with Chapter 4762. of the Revised Code and the board's rules for providing that supervision; 65917  
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(36) Failure to supervise an anesthesiologist assistant in accordance with Chapter 4760. of the Revised Code and the board's rules for supervision of an anesthesiologist assistant; 65920  
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(37) Assisting suicide, as defined in section 3795.01 of the Revised Code; 65923  
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(38) Failure to comply with the requirements of section 2317.561 of the Revised Code; 65925  
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(39) Failure to supervise a radiologist assistant in accordance with Chapter 4774. of the Revised Code and the board's rules for supervision of radiologist assistants; 65927  
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(40) Performing or inducing an abortion at an office or facility with knowledge that the office or facility fails to post the notice required under section 3701.791 of the Revised Code; 65930  
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(41) Failure to comply with the standards and procedures established in rules under section 4731.054 of the Revised Code 65933  
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|                                                                                                                                                                                                                                                                                              |                                           |
|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-------------------------------------------|
| for the operation of or the provision of care at a pain management clinic;                                                                                                                                                                                                                   | 65935<br>65936                            |
| (42) Failure to comply with the standards and procedures established in rules under section 4731.054 of the Revised Code for providing supervision, direction, and control of individuals at a pain management clinic;                                                                       | 65937<br>65938<br>65939<br>65940          |
| (43) Failure to comply with the requirements of section 4729.79 or 4731.055 of the Revised Code, unless the state board of pharmacy no longer maintains a drug database pursuant to section 4729.75 of the Revised Code;                                                                     | 65941<br>65942<br>65943<br>65944          |
| (44) Failure to comply with the requirements of section 2919.171, 2919.202, or 2919.203 of the Revised Code or failure to submit to the department of health in accordance with a court order a complete report as described in section 2919.171 or 2919.202 of the Revised Code;            | 65945<br>65946<br>65947<br>65948<br>65949 |
| (45) Practicing at a facility that is subject to licensure as a category III terminal distributor of dangerous drugs with a pain management clinic classification unless the person operating the facility has obtained and maintains the license with the classification;                   | 65950<br>65951<br>65952<br>65953<br>65954 |
| (46) Owning a facility that is subject to licensure as a category III terminal distributor of dangerous drugs with a pain management clinic classification unless the facility is licensed with the classification;                                                                          | 65955<br>65956<br>65957<br>65958          |
| (47) Failure to comply with any of the requirements regarding making or maintaining medical records or documents described in division (A) of section 2919.192, division (C) of section 2919.193, division (B) of section 2919.195, or division (A) of section 2919.196 of the Revised Code; | 65959<br>65960<br>65961<br>65962<br>65963 |
| (48) Failure to comply with the requirements in section 3719.061 of the Revised Code before issuing for a minor a                                                                                                                                                                            | 65964<br>65965                            |

prescription for an opioid analgesic, as defined in section 65966  
3719.01 of the Revised Code; 65967

(49) Failure to comply with the requirements of section 65968  
4731.30 of the Revised Code or rules adopted under section 65969  
4731.301 of the Revised Code when recommending treatment with 65970  
medical marijuana; 65971

(50) Practicing at a facility, clinic, or other location that 65972  
is subject to licensure as a category III terminal distributor of 65973  
dangerous drugs with an office-based opioid treatment 65974  
classification unless the person operating that place has obtained 65975  
and maintains the license with the classification; 65976

(51) Owning a facility, clinic, or other location that is 65977  
subject to licensure as a category III terminal distributor of 65978  
dangerous drugs with an office-based opioid treatment 65979  
classification unless that place is licensed with the 65980  
classification; 65981

(52) A pattern of continuous or repeated violations of 65982  
division (E)(2) or (3) of section 3963.02 of the Revised Code. 65983

(C) Disciplinary actions taken by the board under divisions 65984  
(A) and (B) of this section shall be taken pursuant to an 65985  
adjudication under Chapter 119. of the Revised Code, except that 65986  
in lieu of an adjudication, the board may enter into a consent 65987  
agreement with an individual to resolve an allegation of a 65988  
violation of this chapter or any rule adopted under it. A consent 65989  
agreement, when ratified by an affirmative vote of not fewer than 65990  
six members of the board, shall constitute the findings and order 65991  
of the board with respect to the matter addressed in the 65992  
agreement. If the board refuses to ratify a consent agreement, the 65993  
admissions and findings contained in the consent agreement shall 65994  
be of no force or effect. 65995

A telephone conference call may be utilized for ratification 65996

of a consent agreement that revokes or suspends an individual's 65997  
license or certificate to practice or certificate to recommend. 65998  
The telephone conference call shall be considered a special 65999  
meeting under division (F) of section 121.22 of the Revised Code. 66000

If the board takes disciplinary action against an individual 66001  
under division (B) of this section for a second or subsequent plea 66002  
of guilty to, or judicial finding of guilt of, a violation of 66003  
section 2919.123 or 2919.124 of the Revised Code, the disciplinary 66004  
action shall consist of a suspension of the individual's license 66005  
or certificate to practice for a period of at least one year or, 66006  
if determined appropriate by the board, a more serious sanction 66007  
involving the individual's license or certificate to practice. Any 66008  
consent agreement entered into under this division with an 66009  
individual that pertains to a second or subsequent plea of guilty 66010  
to, or judicial finding of guilt of, a violation of that section 66011  
shall provide for a suspension of the individual's license or 66012  
certificate to practice for a period of at least one year or, if 66013  
determined appropriate by the board, a more serious sanction 66014  
involving the individual's license or certificate to practice. 66015

(D) For purposes of divisions (B)(10), (12), and (14) of this 66016  
section, the commission of the act may be established by a finding 66017  
by the board, pursuant to an adjudication under Chapter 119. of 66018  
the Revised Code, that the individual committed the act. The board 66019  
does not have jurisdiction under those divisions if the trial 66020  
court renders a final judgment in the individual's favor and that 66021  
judgment is based upon an adjudication on the merits. The board 66022  
has jurisdiction under those divisions if the trial court issues 66023  
an order of dismissal upon technical or procedural grounds. 66024

(E) The sealing of conviction records by any court shall have 66025  
no effect upon a prior board order entered under this section or 66026  
upon the board's jurisdiction to take action under this section 66027  
if, based upon a plea of guilty, a judicial finding of guilt, or a 66028

judicial finding of eligibility for intervention in lieu of 66029  
conviction, the board issued a notice of opportunity for a hearing 66030  
prior to the court's order to seal the records. The board shall 66031  
not be required to seal, destroy, redact, or otherwise modify its 66032  
records to reflect the court's sealing of conviction records. 66033

(F)(1) The board shall investigate evidence that appears to 66034  
show that a person has violated any provision of this chapter or 66035  
any rule adopted under it. Any person may report to the board in a 66036  
signed writing any information that the person may have that 66037  
appears to show a violation of any provision of this chapter or 66038  
any rule adopted under it. In the absence of bad faith, any person 66039  
who reports information of that nature or who testifies before the 66040  
board in any adjudication conducted under Chapter 119. of the 66041  
Revised Code shall not be liable in damages in a civil action as a 66042  
result of the report or testimony. Each complaint or allegation of 66043  
a violation received by the board shall be assigned a case number 66044  
and shall be recorded by the board. 66045

(2) Investigations of alleged violations of this chapter or 66046  
any rule adopted under it shall be supervised by the supervising 66047  
member elected by the board in accordance with section 4731.02 of 66048  
the Revised Code and by the secretary as provided in section 66049  
4731.39 of the Revised Code. The president may designate another 66050  
member of the board to supervise the investigation in place of the 66051  
supervising member. No member of the board who supervises the 66052  
investigation of a case shall participate in further adjudication 66053  
of the case. 66054

(3) In investigating a possible violation of this chapter or 66055  
any rule adopted under this chapter, or in conducting an 66056  
inspection under division (E) of section 4731.054 of the Revised 66057  
Code, the board may question witnesses, conduct interviews, 66058  
administer oaths, order the taking of depositions, inspect and 66059  
copy any books, accounts, papers, records, or documents, issue 66060

subpoenas, and compel the attendance of witnesses and production 66061  
of books, accounts, papers, records, documents, and testimony, 66062  
except that a subpoena for patient record information shall not be 66063  
issued without consultation with the attorney general's office and 66064  
approval of the secretary and supervising member of the board. 66065

(a) Before issuance of a subpoena for patient record 66066  
information, the secretary and supervising member shall determine 66067  
whether there is probable cause to believe that the complaint 66068  
filed alleges a violation of this chapter or any rule adopted 66069  
under it and that the records sought are relevant to the alleged 66070  
violation and material to the investigation. The subpoena may 66071  
apply only to records that cover a reasonable period of time 66072  
surrounding the alleged violation. 66073

(b) On failure to comply with any subpoena issued by the 66074  
board and after reasonable notice to the person being subpoenaed, 66075  
the board may move for an order compelling the production of 66076  
persons or records pursuant to the Rules of Civil Procedure. 66077

(c) A subpoena issued by the board may be served by a 66078  
sheriff, the sheriff's deputy, or a board employee or agent 66079  
designated by the board. Service of a subpoena issued by the board 66080  
may be made by delivering a copy of the subpoena to the person 66081  
named therein, reading it to the person, or leaving it at the 66082  
person's usual place of residence, usual place of business, or 66083  
address on file with the board. When serving a subpoena to an 66084  
applicant for or the holder of a license or certificate issued 66085  
under this chapter, service of the subpoena may be made by 66086  
certified mail, return receipt requested, and the subpoena shall 66087  
be deemed served on the date delivery is made or the date the 66088  
person refuses to accept delivery. If the person being served 66089  
refuses to accept the subpoena or is not located, service may be 66090  
made to an attorney who notifies the board that the attorney is 66091  
representing the person. 66092

(d) A sheriff's deputy who serves a subpoena shall receive 66093  
the same fees as a sheriff. Each witness who appears before the 66094  
board in obedience to a subpoena shall receive the fees and 66095  
mileage provided for under section 119.094 of the Revised Code. 66096

(4) All hearings, investigations, and inspections of the 66097  
board shall be considered civil actions for the purposes of 66098  
section 2305.252 of the Revised Code. 66099

(5) A report required to be submitted to the board under this 66100  
chapter, a complaint, or information received by the board 66101  
pursuant to an investigation or pursuant to an inspection under 66102  
division (E) of section 4731.054 of the Revised Code is 66103  
confidential and not subject to discovery in any civil action. 66104

The board shall conduct all investigations or inspections and 66105  
proceedings in a manner that protects the confidentiality of 66106  
patients and persons who file complaints with the board. The board 66107  
shall not make public the names or any other identifying 66108  
information about patients or complainants unless proper consent 66109  
is given or, in the case of a patient, a waiver of the patient 66110  
privilege exists under division (B) of section 2317.02 of the 66111  
Revised Code, except that consent or a waiver of that nature is 66112  
not required if the board possesses reliable and substantial 66113  
evidence that no bona fide physician-patient relationship exists. 66114

The board may share any information it receives pursuant to 66115  
an investigation or inspection, including patient records and 66116  
patient record information, with law enforcement agencies, other 66117  
licensing boards, and other governmental agencies that are 66118  
prosecuting, adjudicating, or investigating alleged violations of 66119  
statutes or administrative rules. An agency or board that receives 66120  
the information shall comply with the same requirements regarding 66121  
confidentiality as those with which the state medical board must 66122  
comply, notwithstanding any conflicting provision of the Revised 66123  
Code or procedure of the agency or board that applies when it is 66124

dealing with other information in its possession. In a judicial proceeding, the information may be admitted into evidence only in accordance with the Rules of Evidence, but the court shall require that appropriate measures are taken to ensure that confidentiality is maintained with respect to any part of the information that contains names or other identifying information about patients or complainants whose confidentiality was protected by the state medical board when the information was in the board's possession. Measures to ensure confidentiality that may be taken by the court include sealing its records or deleting specific information from its records.

(6) On a quarterly basis, the board shall prepare a report that documents the disposition of all cases during the preceding three months. The report shall contain the following information for each case with which the board has completed its activities:

(a) The case number assigned to the complaint or alleged violation;

(b) The type of license or certificate to practice, if any, held by the individual against whom the complaint is directed;

(c) A description of the allegations contained in the complaint;

(d) The disposition of the case.

The report shall state how many cases are still pending and shall be prepared in a manner that protects the identity of each person involved in each case. The report shall be a public record under section 149.43 of the Revised Code.

(G) If the secretary and supervising member determine both of the following, they may recommend that the board suspend an individual's license or certificate to practice or certificate to recommend without a prior hearing:

(1) That there is clear and convincing evidence that an individual has violated division (B) of this section; 66155  
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(2) That the individual's continued practice presents a danger of immediate and serious harm to the public. 66157  
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Written allegations shall be prepared for consideration by the board. The board, upon review of those allegations and by an affirmative vote of not fewer than six of its members, excluding the secretary and supervising member, may suspend a license or certificate without a prior hearing. A telephone conference call may be utilized for reviewing the allegations and taking the vote on the summary suspension. 66159  
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The board shall issue a written order of suspension by certified mail or in person in accordance with section 119.07 of the Revised Code. The order shall not be subject to suspension by the court during pendency of any appeal filed under section 119.12 of the Revised Code. If the individual subject to the summary suspension requests an adjudicatory hearing by the board, the date set for the hearing shall be within fifteen days, but not earlier than seven days, after the individual requests the hearing, unless otherwise agreed to by both the board and the individual. 66166  
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Any summary suspension imposed under this division shall remain in effect, unless reversed on appeal, until a final adjudicative order issued by the board pursuant to this section and Chapter 119. of the Revised Code becomes effective. The board shall issue its final adjudicative order within seventy-five days after completion of its hearing. A failure to issue the order within seventy-five days shall result in dissolution of the summary suspension order but shall not invalidate any subsequent, final adjudicative order. 66175  
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(H) If the board takes action under division (B)(9), (11), or (13) of this section and the judicial finding of guilt, guilty 66184  
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plea, or judicial finding of eligibility for intervention in lieu 66186  
of conviction is overturned on appeal, upon exhaustion of the 66187  
criminal appeal, a petition for reconsideration of the order may 66188  
be filed with the board along with appropriate court documents. 66189  
Upon receipt of a petition of that nature and supporting court 66190  
documents, the board shall reinstate the individual's license or 66191  
certificate to practice. The board may then hold an adjudication 66192  
under Chapter 119. of the Revised Code to determine whether the 66193  
individual committed the act in question. Notice of an opportunity 66194  
for a hearing shall be given in accordance with Chapter 119. of 66195  
the Revised Code. If the board finds, pursuant to an adjudication 66196  
held under this division, that the individual committed the act or 66197  
if no hearing is requested, the board may order any of the 66198  
sanctions identified under division (B) of this section. 66199

(I) The license or certificate to practice issued to an 66200  
individual under this chapter and the individual's practice in 66201  
this state are automatically suspended as of the date of the 66202  
individual's second or subsequent plea of guilty to, or judicial 66203  
finding of guilt of, a violation of section 2919.123 or 2919.124 66204  
of the Revised Code. In addition, the license or certificate to 66205  
practice or certificate to recommend issued to an individual under 66206  
this chapter and the individual's practice in this state are 66207  
automatically suspended as of the date the individual pleads 66208  
guilty to, is found by a judge or jury to be guilty of, or is 66209  
subject to a judicial finding of eligibility for intervention in 66210  
lieu of conviction in this state or treatment or intervention in 66211  
lieu of conviction in another jurisdiction for any of the 66212  
following criminal offenses in this state or a substantially 66213  
equivalent criminal offense in another jurisdiction: aggravated 66214  
murder, murder, voluntary manslaughter, felonious assault, 66215  
kidnapping, rape, sexual battery, gross sexual imposition, 66216  
aggravated arson, aggravated robbery, or aggravated burglary. 66217  
Continued practice after suspension shall be considered practicing 66218

without a license or certificate. 66219

The board shall notify the individual subject to the 66220  
suspension by certified mail or in person in accordance with 66221  
section 119.07 of the Revised Code. If an individual whose license 66222  
or certificate is automatically suspended under this division 66223  
fails to make a timely request for an adjudication under Chapter 66224  
119. of the Revised Code, the board shall do whichever of the 66225  
following is applicable: 66226

(1) If the automatic suspension under this division is for a 66227  
second or subsequent plea of guilty to, or judicial finding of 66228  
guilt of, a violation of section 2919.123 or 2919.124 of the 66229  
Revised Code, the board shall enter an order suspending the 66230  
individual's license or certificate to practice for a period of at 66231  
least one year or, if determined appropriate by the board, 66232  
imposing a more serious sanction involving the individual's 66233  
license or certificate to practice. 66234

(2) In all circumstances in which division (I)(1) of this 66235  
section does not apply, enter a final order permanently revoking 66236  
the individual's license or certificate to practice. 66237

(J) If the board is required by Chapter 119. of the Revised 66238  
Code to give notice of an opportunity for a hearing and if the 66239  
individual subject to the notice does not timely request a hearing 66240  
in accordance with section 119.07 of the Revised Code, the board 66241  
is not required to hold a hearing, but may adopt, by an 66242  
affirmative vote of not fewer than six of its members, a final 66243  
order that contains the board's findings. In that final order, the 66244  
board may order any of the sanctions identified under division (A) 66245  
or (B) of this section. 66246

(K) Any action taken by the board under division (B) of this 66247  
section resulting in a suspension from practice shall be 66248  
accompanied by a written statement of the conditions under which 66249

the individual's license or certificate to practice may be 66250  
reinstated. The board shall adopt rules governing conditions to be 66251  
imposed for reinstatement. Reinstatement of a license or 66252  
certificate suspended pursuant to division (B) of this section 66253  
requires an affirmative vote of not fewer than six members of the 66254  
board. 66255

(L) When the board refuses to grant or issue a license or 66256  
certificate to practice to an applicant, revokes an individual's 66257  
license or certificate to practice, refuses to renew an 66258  
individual's license or certificate to practice, or refuses to 66259  
reinstate an individual's license or certificate to practice, the 66260  
board may specify that its action is permanent. An individual 66261  
subject to a permanent action taken by the board is forever 66262  
thereafter ineligible to hold a license or certificate to practice 66263  
and the board shall not accept an application for reinstatement of 66264  
the license or certificate or for issuance of a new license or 66265  
certificate. 66266

(M) Notwithstanding any other provision of the Revised Code, 66267  
all of the following apply: 66268

(1) The surrender of a license or certificate issued under 66269  
this chapter shall not be effective unless or until accepted by 66270  
the board. A telephone conference call may be utilized for 66271  
acceptance of the surrender of an individual's license or 66272  
certificate to practice. The telephone conference call shall be 66273  
considered a special meeting under division (F) of section 121.22 66274  
of the Revised Code. Reinstatement of a license or certificate 66275  
surrendered to the board requires an affirmative vote of not fewer 66276  
than six members of the board. 66277

(2) An application for a license or certificate made under 66278  
the provisions of this chapter may not be withdrawn without 66279  
approval of the board. 66280

(3) Failure by an individual to renew a license or certificate to practice in accordance with this chapter or a certificate to recommend in accordance with rules adopted under section 4731.301 of the Revised Code shall not remove or limit the board's jurisdiction to take any disciplinary action under this section against the individual.

(4) At the request of the board, a license or certificate holder shall immediately surrender to the board a license or certificate that the board has suspended, revoked, or permanently revoked.

(N) Sanctions shall not be imposed under division (B)(28) of this section against any person who waives deductibles and copayments as follows:

(1) In compliance with the health benefit plan that expressly allows such a practice. Waiver of the deductibles or copayments shall be made only with the full knowledge and consent of the plan purchaser, payer, and third-party administrator. Documentation of the consent shall be made available to the board upon request.

(2) For professional services rendered to any other person authorized to practice pursuant to this chapter, to the extent allowed by this chapter and rules adopted by the board.

(O) Under the board's investigative duties described in this section and subject to division (F) of this section, the board shall develop and implement a quality intervention program designed to improve through remedial education the clinical and communication skills of individuals authorized under this chapter to practice medicine and surgery, osteopathic medicine and surgery, and podiatric medicine and surgery. In developing and implementing the quality intervention program, the board may do all of the following:

(1) Offer in appropriate cases as determined by the board an

educational and assessment program pursuant to an investigation 66312  
the board conducts under this section; 66313

(2) Select providers of educational and assessment services, 66314  
including a quality intervention program panel of case reviewers; 66315

(3) Make referrals to educational and assessment service 66316  
providers and approve individual educational programs recommended 66317  
by those providers. The board shall monitor the progress of each 66318  
individual undertaking a recommended individual educational 66319  
program. 66320

(4) Determine what constitutes successful completion of an 66321  
individual educational program and require further monitoring of 66322  
the individual who completed the program or other action that the 66323  
board determines to be appropriate; 66324

(5) Adopt rules in accordance with Chapter 119. of the 66325  
Revised Code to further implement the quality intervention 66326  
program. 66327

An individual who participates in an individual educational 66328  
program pursuant to this division shall pay the financial 66329  
obligations arising from that educational program. 66330

(P) The board shall not refuse to issue a license to an 66331  
applicant because of a conviction, plea of guilty, judicial 66332  
finding of guilt, judicial finding of eligibility for intervention 66333  
in lieu of conviction, or the commission of an act that 66334  
constitutes a criminal offense, unless the refusal is in 66335  
accordance with section 9.79 of the Revised Code. 66336

**Sec. 4731.33.** (A) As used in this section: 66337

(1) "Light-based medical device" means any device that can be 66338  
made to produce or amplify electromagnetic radiation at 66339  
wavelengths equal to or greater than one hundred eighty nm but 66340  
less than or equal to  $1.0 \times 10^6$  nm and that is manufactured, 66341

designed, intended, or promoted for irradiation of any part of the 66342  
human body for the purpose of affecting the structure or function 66343  
of the body. 66344

(2) "Physician" means a person authorized to practice 66345  
medicine and surgery, osteopathic medicine and surgery, or 66346  
podiatric medicine and surgery under this chapter. 66347

(3) "On-site supervision" means the supervising physician is 66348  
physically in the same location as the delegate during the use of 66349  
a light-based medical device, but does not require the physician 66350  
to be in the same room. "On-site supervision" includes the 66351  
supervising physician's presence in the same office suite as the 66352  
delegate during the use of the device. 66353

(4) "Off-site supervision" means the supervising physician is 66354  
continuously available for direct communication with the cosmetic 66355  
therapist during the use of a light-based medical device. 66356

(5) "Direct physical oversight" means the supervising 66357  
physician is in the same room directly observing the delegate's 66358  
use of the light-based medical device. 66359

(B) A physician may delegate the application of light-based 66360  
medical devices for the purpose of hair removal only if all of the 66361  
following conditions are met: 66362

(1) The light-based medical device has been specifically 66363  
cleared or approved by the United States food and drug 66364  
administration for the removal of hair from the human body. 66365

(2) The use of the light-based medical device for the purpose 66366  
of hair removal is within the physician's normal course of 66367  
practice and expertise. 66368

(3) The physician has seen and evaluated the patient to 66369  
determine whether the proposed application of the specific 66370  
light-based medical device is appropriate. 66371

(4) The physician has seen and evaluated the patient following the initial application of the specific light-based medical device, but before any continuation of treatment, to determine that the patient responded well to that initial application of the specific light-based medical device. 66372  
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(5) The person to whom the delegation is made is one of the following: 66377  
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(a) A physician assistant licensed under Chapter 4730. of the Revised Code with whom the physician has an effective supervision agreement; 66379  
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(b) A person who was licensed as a cosmetic therapist under Chapter 4731. of the Revised Code on April 11, 2021; 66382  
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(c) A person who has completed a cosmetic therapy course of instruction for a minimum of seven hundred fifty clock hours and received a passing score on the certified laser hair removal professional examination administered by the society for clinical and medical hair removal; 66384  
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(d) A registered nurse or licensed practical nurse licensed under Chapter 4723. of the Revised Code. 66389  
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(C) For delegation to a physician assistant, the delegation must meet the requirements of section 4730.21 of the Revised Code. 66391  
66392

(D)(1) For delegation to a person described under division (B)(5)(b) or (c) of this section, the physician shall ensure that the person to whom the delegation is made has received adequate education and training to provide the level of skill and care necessary, including all of the following: 66393  
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(a) The person has completed eight hours of basic education that includes the following topics: 66398  
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(i) Light-based procedure physics; 66400

(ii) Tissue interaction in light-based procedures; 66401

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| <u>(iii) Light-based procedure safety, including use of proper safety equipment;</u>                                                                                                                                                                                                                                                                                                                                                                                                                                             | 66402 |
|                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                  | 66403 |
| <u>(iv) Clinical application of light-based procedures;</u>                                                                                                                                                                                                                                                                                                                                                                                                                                                                      | 66404 |
| <u>(v) Preoperative and postoperative care of light-based procedure patients;</u>                                                                                                                                                                                                                                                                                                                                                                                                                                                | 66405 |
|                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                  | 66406 |
| <u>(vi) Reporting of adverse events.</u>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                         | 66407 |
| <u>(b) The person has observed fifteen procedures for each specific type of light-based medical device procedure for hair removal that the person will perform under the delegation.</u>                                                                                                                                                                                                                                                                                                                                         | 66408 |
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|                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                  | 66410 |
| <u>(c) The person shall perform at least twenty procedures under the direct physical oversight of the physician on each specific type of light-based medical device procedure for hair removal delegated.</u>                                                                                                                                                                                                                                                                                                                    | 66411 |
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|                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                  | 66414 |
| <u>(2) For purposes of division (D)(1)(b) of this section, the procedures observed shall be performed by a physician who uses the specific light-based medical device procedure for hair removal in the physician's normal course of practice and expertise.</u>                                                                                                                                                                                                                                                                 | 66415 |
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|                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                  | 66418 |
| <u>(3) For purposes of division (D)(1)(c) of this section, the physician overseeing the performance of these procedures shall use this specific light-based medical device procedure for hair removal within the physician's normal course of practice and expertise.</u>                                                                                                                                                                                                                                                        | 66419 |
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|                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                  | 66423 |
| <u>(4) Each delegating physician and delegate shall document and retain satisfactory completion of training required under division (D) of this section. The education requirement in division (D)(1)(a) of this section shall be completed only once by the delegate regardless of the number of types of specific light-based medical device procedures for hair removal delegated and the number of delegating physicians. The training requirements of divisions (D)(1)(b) and (c) of this section shall be completed by</u> | 66424 |
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the delegate once for each specific type of light-based medical device procedure for hair removal delegated regardless of the number of delegating physicians. 66432  
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(E) The following delegates are exempt from the education and training requirements of division (D)(1) of this section: 66435  
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(1) A person who, before the effective date of this section, has been applying a light-based medical device for hair removal for at least two years through a lawful delegation by a physician; 66437  
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(2) A person described under division (B)(5)(b) of this section if the person was authorized to use a light-based medical device under the cosmetic therapist license; 66440  
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(3) A person described in division (B)(5)(a) or (d) of this section. 66443  
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(F) For delegation to a person under division (B)(5)(b), (c), or (d) of this section, the physician shall provide on-site supervision at all times that the person to whom the delegation is made is applying the light-based medical device. 66445  
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A physician shall not supervise more than two delegates under division (B)(5)(b), (c), or (d) of this section at the same time. 66449  
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(G)(1) Notwithstanding division (F) of this section, a physician may provide off-site supervision when the light-based medical device is applied for the purpose of hair removal to an established patient if the person to whom the delegation is made is a cosmetic therapist who meets all of the following criteria: 66451  
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(a) The cosmetic therapist has successfully completed a course in the use of light-based medical devices for the purpose of hair removal that has been approved by the delegating physician; 66456  
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(b) The course consisted of at least fifty hours of training, at least thirty hours of which was clinical experience; 66460  
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(c) The cosmetic therapist has worked under the on-site supervision of the delegating physician for a sufficient period of time that the physician is satisfied that the cosmetic therapist is capable of competently performing the service with off-site supervision. 66462  
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(2) The cosmetic therapist shall maintain documentation of the successful completion of the required training. 66467  
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(H) A delegate under this section shall immediately report to the supervising physician any clinically significant side effect following the application of the light-based medical device or any failure of the treatment to progress as was expected at the time the delegation was made. The physician shall see and personally evaluate the patient who has experienced the clinically significant side effect or whose treatment is not progressing as expected as soon as practicable. 66469  
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(I) No physician shall fail to comply with division (A), (B), (G), or (H) of this section. A violation of this division constitutes a departure from, or the failure to conform to, minimal standards of care of similar practitioners under the same or similar circumstances, whether or not actual injury to a patient is established, under division (B)(6) of section 4731.22 of the Revised Code. 66477  
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(J) No physician shall delegate the application of light-based medical devices for the purpose of hair removal to a person who is not listed in division (B)(5) of this section. A violation of this division constitutes violating or attempting to violate, directly or indirectly, or assisting in or abetting the violation of, or conspiring to violate section 4731.41 of the Revised Code for purposes of division (B)(20) of section 4731.22 of the Revised Code. 66484  
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(K) No cosmetic therapist to whom a delegation is made under 66492

division (B)(5)(b) or (c) of this section shall fail to comply 66493  
with division (G) or (H) of this section. A violation of this 66494  
division constitutes the unauthorized practice of medicine 66495  
pursuant to section 4731.41 of the Revised Code. 66496

(L) No physician assistant shall fail to comply with division 66497  
(H) of this section. A violation of this division constitutes a 66498  
departure from, or failure to conform to, minimal standards of 66499  
care of similar physician assistants under the same or similar 66500  
circumstances, regardless of whether actual injury to patient is 66501  
established, for purposes of division (B)(19) of section 4730.25 66502  
of the Revised Code. 66503

Sec. 4731.90. A physician who has established a protocol that 66504  
meets the requirements of section 4729.284 of the Revised Code and 66505  
the rules adopted under that section may authorize one or more 66506  
pharmacists to use the protocol for the purpose of dispensing 66507  
nicotine replacement therapy under section 4729.284 of the Revised 66508  
Code. 66509

**Sec. 4735.05.** (A) The Ohio real estate commission is a part 66510  
of the department of commerce for administrative purposes. The 66511  
director of commerce is ex officio the executive officer of the 66512  
commission, or the director may designate any employee of the 66513  
department as superintendent of real estate and professional 66514  
licensing to act as executive officer of the commission. 66515

The commission and the real estate appraiser board created 66516  
pursuant to section 4763.02 of the Revised Code shall each submit 66517  
to the director a list of three persons whom the commission and 66518  
the board consider qualified to be superintendent within sixty 66519  
days after the office of superintendent becomes vacant. The 66520  
director shall appoint a superintendent from the lists submitted 66521  
by the commission and the board, and the superintendent shall 66522

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| serve at the pleasure of the director.                                                                                                                                                                                                                                                                                                                                                                    | 66523 |
| (B) The superintendent, except as otherwise provided, shall do all of the following in regard to this chapter:                                                                                                                                                                                                                                                                                            | 66524 |
| (1) Administer this chapter;                                                                                                                                                                                                                                                                                                                                                                              | 66526 |
| (2) Issue all orders necessary to implement this chapter;                                                                                                                                                                                                                                                                                                                                                 | 66527 |
| (3) Investigate complaints concerning the violation of this chapter or the conduct of any licensee;                                                                                                                                                                                                                                                                                                       | 66528 |
| (4) Establish and maintain an investigation and audit section to investigate complaints and conduct inspections, audits, and other inquiries as in the judgment of the superintendent are appropriate to enforce this chapter. The investigators or auditors have the right to review and audit the business records of licensees and continuing education course providers during normal business hours. | 66530 |
| (5) Appoint a hearing examiner for any proceeding involving disciplinary action under section 3123.47, 4735.052, or 4735.18 of the Revised Code;                                                                                                                                                                                                                                                          | 66531 |
| (6) Administer the real estate recovery fund.                                                                                                                                                                                                                                                                                                                                                             | 66532 |
| (C) The superintendent may do all of the following:                                                                                                                                                                                                                                                                                                                                                       | 66533 |
| (1) In connection with investigations and audits under division (B) of this section, subpoena witnesses as provided in section 4735.04 of the Revised Code;                                                                                                                                                                                                                                               | 66534 |
| (2) Apply to the appropriate court to enjoin any violation of this chapter. Upon a showing by the superintendent that any person has violated or is about to violate any provision of this chapter, the court shall grant an injunction, restraining order, or other appropriate order.                                                                                                                   | 66535 |
| (3) <del>Upon</del> <u>Recommend the appointment of an ancillary trustee who is qualified as determined by the superintendent in any of the following instances:</u>                                                                                                                                                                                                                                      | 66536 |

~~(a) Upon the death of a licensed broker or the revocation or suspension of the broker's license, if there is no other licensed broker within the business entity of the broker brokerage, appoint upon application by any interested party, or, in the case of a deceased broker, subject to the approval by the appropriate probate court, recommend the appointment of, an ancillary trustee who is qualified as determined by the superintendent to conclude the business transactions of the deceased, revoked, or suspended broker;~~ 66553  
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(b) Upon the revocation of a licensed broker, if there is no other licensed broker within the brokerage, to conclude the business transactions of the revoked broker; 66562  
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(c) Upon the incapacitation, suspension, or incarceration of a licensed broker, if there is no other licensed broker within the brokerage, to continue the business transactions of the brokerage for a period of time not to exceed the period of incapacitation, suspension, or incarceration. 66565  
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(4) In conjunction with the enforcement of this chapter, when the superintendent of real estate has reasonable cause to believe that an applicant or licensee has committed a criminal offense, the superintendent of real estate may request the superintendent of the bureau of criminal identification and investigation to conduct a criminal records check of the applicant or licensee. The superintendent of the bureau of criminal identification and investigation shall obtain information from the federal bureau of investigation as part of the criminal records check of the applicant or licensee. The superintendent of real estate may assess the applicant or licensee a fee equal to the fee assessed for the criminal records check. 66570  
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(5) In conjunction with the enforcement of this chapter, issue advisory letters in lieu of initiating disciplinary action under section 4735.051 or 4735.052 of the Revised Code or issuing 66582  
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a citation under section 4735.16 or 4735.181 of the Revised Code. 66585

(D) All information that is obtained by investigators and 66586  
auditors performing investigations or conducting inspections, 66587  
audits, and other inquiries pursuant to division (B)(4) of this 66588  
section, from licensees, complainants, or other persons, and all 66589  
reports, documents, and other work products that arise from that 66590  
information and that are prepared by the investigators, auditors, 66591  
or other personnel of the department, shall be held in confidence 66592  
by the superintendent, the investigators and auditors, and other 66593  
personnel of the department. Notwithstanding division (D) of 66594  
section 2317.023 of the Revised Code, all information obtained by 66595  
investigators or auditors from an informal mediation meeting held 66596  
pursuant to section 4735.051 of the Revised Code, including but 66597  
not limited to the agreement to mediate and the accommodation 66598  
agreement, shall be held in confidence by the superintendent, 66599  
investigators, auditors, and other personnel of the department. 66600

(E) This section does not prevent the division of real estate 66601  
and professional licensing from releasing information relating to 66602  
licensees to the superintendent of financial institutions for 66603  
purposes relating to the administration of Chapter 1322. of the 66604  
Revised Code, to the superintendent of insurance for purposes 66605  
relating to the administration of Chapter 3953. of the Revised 66606  
Code, to the attorney general, or to local law enforcement 66607  
agencies and local prosecutors. Information released by the 66608  
division pursuant to this section remains confidential. 66609

**Sec. 4735.14.** (A) Each license issued under this chapter, 66610  
shall be valid without further recommendation or examination until 66611  
it is placed in an inactive or resigned status, is revoked or 66612  
suspended, or such license expires by operation of law. 66613

(B) Except for a licensee who has placed the licensee's 66614  
license in resigned status pursuant to section 4735.142 of the 66615

Revised Code, each licensed broker, brokerage, or salesperson 66616  
shall file, on or before the date the Ohio real estate commission 66617  
has adopted by rule for that licensee in accordance with division 66618  
(A)(2)(f) of section 4735.10 of the Revised Code, a notice of 66619  
renewal on a form prescribed by the superintendent of real estate. 66620  
The notice of renewal shall be mailed by the superintendent two 66621  
months prior to the filing deadline to the personal residence 66622  
address of each broker or salesperson that is on file with the 66623  
division. If the licensee is a partnership, association, limited 66624  
liability company, limited liability partnership, or corporation, 66625  
the notice of renewal shall be mailed by the superintendent two 66626  
months prior to the filing deadline to the brokerage's business 66627  
address on file with the division. A licensee shall not renew the 66628  
licensee's license any earlier than two months prior to the filing 66629  
deadline. 66630

(C) Except as otherwise provided in division (B) of this 66631  
section, the license of any real estate broker, brokerage, or 66632  
salesperson that fails to file a notice of renewal on or before 66633  
the filing deadline of each ensuing year shall be suspended 66634  
automatically without the taking of any action by the 66635  
superintendent. A suspended license may be reactivated within 66636  
twelve months of the date of suspension, provided that the renewal 66637  
fee plus a penalty fee of fifty per cent of the renewal fee is 66638  
paid to the superintendent. Failure to reactivate the license as 66639  
provided in this division shall result in automatic revocation of 66640  
the license without the taking of any action by the 66641  
superintendent. No person, partnership, association, corporation, 66642  
limited liability company, or limited partnership shall engage in 66643  
any act or acts for which a real estate license is required while 66644  
that entity's license is placed in an inactive or resigned status, 66645  
or is suspended, or revoked. The commission shall adopt rules in 66646  
accordance with Chapter 119. of the Revised Code to provide to 66647  
licensees notice of suspension or revocation or both. 66648

(D) Each licensee shall notify the superintendent of a change 66649  
in personal residence address within thirty days after the change 66650  
of location. A licensee's failure to notify the superintendent of 66651  
a change in personal residence address does not negate the 66652  
requirement to file the license renewal by the required deadline 66653  
established by the commission by rule under division (A)(2)(f) of 66654  
section 4735.10 of the Revised Code. Each licensee shall maintain 66655  
a valid electronic mail address on file with the division and 66656  
notify the superintendent of any change in electronic mail address 66657  
within thirty days after the change. 66658

(E) The superintendent shall not renew a license if the 66659  
licensee fails to comply with section 4735.141 of the Revised Code 66660  
or is otherwise not in compliance with this chapter. 66661

(F) The superintendent shall make notice of successful 66662  
renewal available electronically to licensees as soon as 66663  
practicable, but not later than thirty days after receipt by the 66664  
division of a complete application and renewal fee. This notice 66665  
shall serve as a notice of renewal for purposes of section 4745.02 66666  
of the Revised Code. 66667

**Sec. 4735.15.** (A) The nonrefundable fees for reactivation or 66668  
transfer of a license shall be as follows: 66669

(1) Reactivation or transfer of a broker's license into or 66670  
out of a partnership, association, limited liability company, 66671  
limited liability partnership, or corporation or from one 66672  
partnership, association, limited liability company, limited 66673  
liability partnership, or corporation to another partnership, 66674  
association, limited liability company, limited liability 66675  
partnership, or corporation, thirty-four dollars. An application 66676  
for such transfer shall be made to the superintendent of real 66677  
estate on forms provided by the superintendent. 66678

(2) Reactivation or transfer of a license by a real estate 66679

salesperson, thirty-four dollars. 66680

(B) Except as may otherwise be specified pursuant to division 66681  
(F) of this section or any rules adopted by the Ohio real estate 66682  
commission pursuant to division (A)(2)(b) of section 4735.10 of 66683  
the Revised Code, the nonrefundable fees are as follows for each 66684  
licensing period: 66685

(1) Branch office license, twenty dollars; 66686

(2) Renewal of a three-year real estate broker's license, two 66687  
hundred forty-three dollars. If the licensee is a partnership, 66688  
association, limited liability company, limited liability 66689  
partnership, or corporation, the full broker's renewal fee shall 66690  
be required for each member of such partnership, association, 66691  
limited liability company, limited liability partnership, or 66692  
corporation that is a real estate broker. If the real estate 66693  
broker has not less than eleven nor more than twenty real estate 66694  
salespersons associated with the broker, an additional fee of 66695  
sixty-four dollars shall be assessed to the brokerage. For every 66696  
additional ten real estate salespersons or fraction of that 66697  
number, the brokerage assessment fee shall be increased in the 66698  
amount of thirty-seven dollars. 66699

(3) Renewal of a three-year real estate salesperson's 66700  
license, one hundred eighty-two dollars; 66701

(4) Renewal of a real estate broker's or salesperson's 66702  
license filed within twelve months after the licensee's renewal 66703  
date, an additional late filing penalty of fifty per cent of the 66704  
required three-year fee; 66705

(5) Foreign real estate dealer's license and each renewal of 66706  
the license, thirty dollars per salesperson employed by the 66707  
dealer, but not less than two hundred three dollars; 66708

(6) Foreign real estate salesperson's license and each 66709  
renewal of the license, sixty-eight dollars. 66710

(C) All fees collected under this section shall be paid to 66711  
the treasurer of state. One dollar of each such fee shall be 66712  
credited to the real estate education and research fund, except 66713  
that for fees that are assessed only once every three years, ~~three~~ 66714  
~~dollars~~ one dollar and fifty cents of each triennial fee shall be 66715  
credited to the real estate education and research fund. 66716

(D) In all cases, the fee and any penalty shall accompany the 66717  
application for the license, license transfer, or license 66718  
reactivation or shall accompany the filing of the renewal. 66719

(E) The commission may establish by rule reasonable fees for 66720  
services not otherwise established by this chapter. 66721

(F) The commission may adopt rules that provide for a 66722  
reduction in the fees established in divisions (B)(2) and (3) of 66723  
this section. 66724

**Sec. 4735.211.** All fines imposed under section 4735.051 of 66725  
the Revised Code, and all fees and charges collected under 66726  
sections 4735.06, 4735.09, 4735.13, 4735.15, 4735.25, 4735.27, 66727  
4735.28, and 4735.29 of the Revised Code, except such fees as are 66728  
paid to the real estate education and research fund and real 66729  
estate recovery fund as provided in this chapter, shall be paid 66730  
into the state treasury to the credit of the division of real 66731  
estate operating fund, which is hereby created. All operating 66732  
expenses of the division of real estate shall be paid from the 66733  
division of real estate operating fund. 66734

The division of real estate operating fund shall be assessed 66735  
a proportionate share of the administrative costs of the 66736  
department of commerce in accordance with procedures prescribed by 66737  
the director of commerce ~~and approved by the director of budget~~ 66738  
~~and management~~. Such assessments shall be paid from the division 66739  
of real estate operating fund to the division of administration 66740  
fund. 66741

If funds in the division of real estate operating fund are 66742  
determined by the director of commerce to be in excess of those 66743  
necessary to fund all the expenses of the division in any 66744  
biennium, the director may pay the excess funds to the real estate 66745  
education and research fund. 66746

Sec. 4743.10. (A) As used in this section: 66747

(1) "Health care service" means medical care provided to any 66748  
patient at any time over the entire course of the patient's 66749  
treatment and may include one or more of the following: testing; 66750  
diagnosis; referral; dispensing or administering a drug, 66751  
medication, or device; psychological therapy or counseling; 66752  
research; prognosis; therapy; record making procedures and notes 66753  
related to treatment; preparation for or performance of a surgery 66754  
or procedure; or any other care or services performed or provided 66755  
by any medical practitioner. 66756

(2) "Medical practitioner" means any person who facilitates 66757  
or participates in the provision of health care services, 66758  
including nursing, physician services, counseling and social work, 66759  
psychological and psychiatric services, research services, 66760  
surgical services, laboratory services, and the provision of 66761  
pharmaceuticals and may include any of the following: any student 66762  
or faculty at a medical, nursing, mental health, or counseling 66763  
institution of higher education or an allied health professional, 66764  
paraprofessional, or employee or contractor of a health care 66765  
institution. 66766

(3) "Participation in a health care service" means to 66767  
provide, perform, assist with, facilitate, refer for, counsel for, 66768  
advise with regard to, admit for the purposes of providing, or 66769  
take part in any way in providing, any health care service. 66770

(B) Notwithstanding any conflicting provision of the Revised 66771  
Code, a medical practitioner, health care institution, or health 66772

care payer has the freedom to decline to perform, participate in, or pay for any health care service which violates the practitioner's, institution's, or payer's conscience as informed by the moral, ethical, or religious beliefs or principles held by the practitioner, institution, or payer. Exercise of the right of conscience is limited to conscience-based objections to a particular health care service. 66773  
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(C) Whenever a situation arises in which a requested course of treatment includes a particular health care service that conflicts with the moral, ethical, or religious beliefs or convictions of a medical practitioner, the medical practitioner shall be excused from participating in the particular health care service to which the practitioner has a conflict. 66780  
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When a medical practitioner becomes aware of the conflict, the medical practitioner shall notify the practitioner's supervisor, if applicable, and request to be excused from participating in the particular health care service that conflicts with the practitioner's beliefs or convictions. 66786  
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When possible and when the medical practitioner is willing, the medical practitioner shall seek to transfer the patient to a colleague who will provide the requested health care service. 66791  
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If participation in a transfer of care for a particular health care service violates the medical practitioner's beliefs or convictions or no willing colleague is identified, the patient shall be notified and provided the opportunity to seek an alternate medical practitioner. Upon patient request, the patient's medical records shall be promptly released to the patient. 66794  
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The medical practitioner is responsible for providing all appropriate health care services, other than the particular health care service that conflicts with the medical practitioner's 66801  
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beliefs or convictions, until another medical practitioner or facility is available. 66804  
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(D) A medical practitioner, health care institution, or health care payer shall not be civilly, criminally, or administratively liable for exercising the practitioner's, institution's, or payer's right of conscience by declining to participate in or pay for a particular health care service. 66806  
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A health care institution shall not be civilly, criminally, or administratively liable for the exercise of conscience rights not to participate in a particular health care service by a medical practitioner who is employed by, under contract with, or granted admitting privileges by the health care institution. 66811  
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A medical practitioner, health care institution, or health care payer shall not be discriminated against or suffer any other adverse action as a result of declining to participate in or pay for a particular health care service on the basis of conscience. 66816  
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(E) Unless specifically prohibited by law, a medical practitioner shall not be discriminated against or suffer any adverse action for disclosing any information that the medical practitioner reasonably believes evinces any violation of this section or any other law, rule, or regulation; any violation of any standard of care or other ethical guidelines for the provision of any health care service; or gross mismanagement, a gross waste of funds, an abuse of authority, or a substantial and specific danger to public health or safety. 66820  
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(F) A civil action for damages, injunctive relief, or any other appropriate relief may be brought by any medical practitioner, health care institution, or health care payer for any violation of any provision of this section. 66829  
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Upon a finding of a violation of the rights of conscience in this section, a court shall award threefold the actual damages 66833  
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sustained and reasonable costs and attorney's fees. A court 66835  
considering such civil action may also award injunctive relief, 66836  
which may include reinstatement of a medical practitioner to the 66837  
practitioner's previous position, reinstatement of board 66838  
certification, and relicensure of a health care institution or 66839  
health care payer. 66840

(G) This section shall not be construed to override the 66841  
requirement to provide emergency medical treatment to all patients 66842  
as set forth in 42 U.S.C. § 1395dd. 66843

(H) With respect to the right of a health care payer to 66844  
decline to pay for a health care service as established in 66845  
division (B) of this section, the payer's right to decline applies 66846  
only to payments and health care services for which a contract has 66847  
been entered into between the payer and policyholder on or after 66848  
the effective date of this section. 66849

**Sec. 4755.01.** (A) There is hereby created the Ohio 66850  
occupational therapy, physical therapy, and athletic trainers 66851  
board consisting of sixteen residents of this state, who shall be 66852  
appointed by the governor with the advice and consent of the 66853  
senate. The board shall be composed of a physical therapy section, 66854  
an occupational therapy section, and an athletic trainers section. 66855

(1) Five members of the board shall be physical therapists 66856  
who are licensed to practice physical therapy and who have been 66857  
engaged in or actively associated with the practice of physical 66858  
therapy in this state for at least five years immediately 66859  
preceding appointment. Such members of the board shall sit on the 66860  
physical therapy section. The physical therapy section also shall 66861  
consist of four additional members, appointed by the governor with 66862  
the advice and consent of the senate, who satisfy the same 66863  
qualifications as the members of the board sitting on the physical 66864  
therapy section, but who are not members of the board. Of the 66865

additional physical therapy section members whose terms commence 66866  
on August 28, 2007, one shall be for a term of one year, one for a 66867  
term of two years, one for a term of three years, and one for a 66868  
term of four years. Such additional members of the physical 66869  
therapy section are vested with only such powers and shall perform 66870  
only such duties as relate to the affairs of that section. 66871

(2) Four members of the board shall be occupational 66872  
therapists and one member shall be a licensed occupational therapy 66873  
assistant, all of whom have been engaged in or actively associated 66874  
with the practice of occupational therapy or practice as an 66875  
occupational therapy assistant in this state for at least five 66876  
years immediately preceding appointment. Such members of the board 66877  
shall sit on the occupational therapy section. 66878

(3) Four members of the board shall be athletic trainers who 66879  
have been engaged in the practice of athletic training in Ohio for 66880  
at least five years immediately preceding appointment. One member 66881  
of the board shall be a physician licensed to practice medicine 66882  
and surgery in this state. Such members of the board shall sit on 66883  
the athletic trainers section. 66884

(4) One member of the board shall represent the public. This 66885  
member shall sit on the board and shall attend each year at least 66886  
three meetings of the physical therapy section, three meetings of 66887  
the occupational therapy section, and three meetings of the 66888  
athletic trainers section. 66889

(B) Except for the terms of office specified in division 66890  
(A)(1) of this section for the additional members of the physical 66891  
therapy section commencing on August 28, 2007, terms for the 66892  
members of the board and the additional members of the physical 66893  
therapy section are for three years. Each member's term shall 66894  
commence on the twenty-eighth day of August and end on the 66895  
twenty-seventh day of August. Each member shall serve subsequent 66896  
to the expiration of the member's term until the member's 66897

successor is appointed and qualifies, or until a period of ~~sixty~~ 66898  
ninety days has elapsed, whichever occurs first. A member shall 66899  
not serve for more than three consecutive terms. All vacancies 66900  
shall be filled in the manner prescribed for the regular 66901  
appointments and are limited to the unexpired terms. 66902

(C) Each member of the board and each additional member of 66903  
the physical therapy section, before entering upon the official 66904  
duties of office, shall do both of the following: 66905

(1) Subscribe to and file with the secretary of state the 66906  
constitutional oath of office; 66907

(2) Sign and file with the executive director of the board a 66908  
notarized statement that the member has read and understands 66909  
sections 121.22 and 149.43 of the Revised Code and the provisions 66910  
of Chapter 119. of the Revised Code that are applicable to the 66911  
duties of the board. 66912

(D) Annually, upon the qualification of the member or members 66913  
appointed in that year, the board shall organize by selecting from 66914  
its members a president and secretary. Each section of the board 66915  
shall independently organize by selecting from its members a 66916  
chairperson and secretary. 66917

(E) A majority of the members of the board constitutes a 66918  
quorum to transact and vote on the business of the board. A 66919  
majority of the members of each section constitutes a quorum to 66920  
transact and vote on the affairs of that section. 66921

(F) Each member of the board and each additional member of 66922  
the physical therapy section shall receive an amount fixed 66923  
pursuant to division (J) of section 124.15 of the Revised Code for 66924  
each day employed in the discharge of official duties. In 66925  
addition, each member of the board and each additional member of 66926  
the physical therapy section shall receive the member's actual and 66927  
necessary expenses incurred in the performance of official duties. 66928

(G) The board of trustees of the Ohio occupational therapy association may recommend, after any term expires or vacancy occurs in an occupational therapy position, at least three persons to fill each such position or vacancy on the board, and the governor may make the appointment from the persons so recommended. The executive board of the Ohio chapter of the American physical therapy association may recommend, after any term expires or vacancy occurs in a physical therapy position, at least three persons to fill each such vacancy on the board, and the governor may make appointments from the persons so recommended. The Ohio athletic trainers association shall recommend to the governor at least three persons when any term expires or any vacancy occurs in an athletic trainer position. The governor may select one of the association's recommendations in making such an appointment.

(H) The board shall meet as a whole to determine all administrative, personnel, and budgetary matters. The executive director of the board appointed by the board shall not be a physical therapist, an occupational therapist, or an athletic trainer who has been licensed to practice physical therapy, occupational therapy, or as an athletic trainer in this state within three years immediately preceding appointment. The executive director shall execute, under the direction of the board, the policies, orders, directives, and administrative functions of the board and shall direct, under rules adopted by the board, the work of all persons employed by the board. Upon the request of the board, the executive director shall report to the board on any matter. The executive director shall serve at the pleasure of the board.

(I) The occupational therapy section of the board shall have the authority to act on behalf of the board on matters concerning the practice of occupational therapy and, in particular, the examination of applicants, the issuance of licenses ~~and limited~~

~~permits~~, and the suspension or revocation of licenses ~~and limited~~ 66961  
~~permits~~ to practice as an occupational therapist or occupational 66962  
therapy assistant. The physical therapy section of the board shall 66963  
have the authority to act on behalf of the board on matters 66964  
concerning the practice of physical therapy and, in particular, 66965  
the examination, licensure, and suspension or revocation of 66966  
licensure of applicants, physical therapists, and physical 66967  
therapist assistants. The athletic trainers section of the board 66968  
shall have the authority to act on behalf of the board on matters 66969  
concerning the practice of athletic training and, in particular, 66970  
the examination, licensure, and suspension or revocation of 66971  
licensure of applicants and athletic trainers. All actions taken 66972  
by any section of the board under this division shall be in 66973  
accordance with Chapter 119. of the Revised Code. 66974

**Sec. 4755.02.** (A) The appropriate section of the Ohio 66975  
occupational therapy, physical therapy, and athletic trainers 66976  
board shall investigate compliance with this chapter or any rule 66977  
or order issued under this chapter and shall investigate alleged 66978  
grounds for the suspension, revocation, or refusal to issue or 66979  
renew licenses ~~or limited permits~~ under section 3123.47, 4755.11, 66980  
4755.47, or 4755.64 of the Revised Code. The appropriate section 66981  
may subpoena witnesses and documents in connection with its 66982  
investigations. 66983

(B) Through the attorney general or an appropriate 66984  
prosecuting attorney, the appropriate section may apply to an 66985  
appropriate court for an order enjoining the violation of this 66986  
chapter. On the filing of a verified petition, the court shall 66987  
conduct a hearing on the petition and give the same preference to 66988  
the proceeding as is given to all proceedings under Chapter 119. 66989  
of the Revised Code, irrespective of the position of the 66990  
proceeding on the court's calendar. On a showing that a person has 66991  
violated or is about to violate this chapter, the court shall 66992

grant an injunction, restraining order, or other order as 66993  
appropriate. The injunction proceedings provided by this division 66994  
are in addition to all penalties and other remedies provided in 66995  
this chapter. 66996

(C) When requested by the appropriate section, the 66997  
prosecuting attorney of a county, or the village solicitor or city 66998  
director of law of a municipal corporation, where a violation of 66999  
this chapter allegedly occurs, shall take charge of and conduct 67000  
the prosecution. 67001

(D) The appropriate section may employ investigators who 67002  
shall investigate complaints, conduct inspections, and make 67003  
inquiries as in the judgment of the section are appropriate to 67004  
enforce sections 3123.41 to 3123.50 of the Revised Code or this 67005  
chapter. These investigators have the right to review, obtain 67006  
copies, and audit the patient records and personnel files of 67007  
licensees ~~and limited permit holders~~ at the place of business of 67008  
the licensees ~~or limited permit holders~~ or any other place where 67009  
such documents may be and shall be given access to such documents 67010  
during normal business hours. 67011

(E)(1) Subject to division (E)(2) of this section, 67012  
information and records received or generated by the board 67013  
pursuant to an investigation are confidential, are not public 67014  
records as defined in section 149.43 of the Revised Code, and are 67015  
not subject to discovery in any civil or administrative action. 67016

(2) For good cause, the board may disclose information 67017  
gathered pursuant to an investigation to any federal, state, or 67018  
local law enforcement, prosecutorial, or regulatory agency or its 67019  
officers or agents engaging in an investigation the board believes 67020  
is within the agency's jurisdiction. An agency that receives 67021  
confidential information shall comply with the same requirements 67022  
regarding confidentiality as those with which the board must 67023  
comply, notwithstanding any conflicting provision of the Revised 67024

Code or procedure of the agency that applies when the agency is 67025  
dealing with other information in its possession. The information 67026  
may be admitted into evidence in a criminal trial in accordance 67027  
with the Rules of Evidence, or in an administrative hearing 67028  
conducted by an agency, but the court or agency shall require that 67029  
appropriate measures be taken to ensure that confidentiality is 67030  
maintained with respect to any part of the information that 67031  
contains names or other identifying information about patients, 67032  
complainants, or others whose confidentiality was protected by the 67033  
board when the information was in the board's possession. Measures 67034  
to ensure confidentiality that may be taken by the court or agency 67035  
include sealing its records or redacting specific information from 67036  
its records. 67037

(F) The appropriate section shall conduct hearings, keep 67038  
records and minutes, and enforce the relevant sections of this 67039  
chapter. 67040

(G) Each section of the board shall publish and make 67041  
available, upon request and for a fee not to exceed the actual 67042  
cost of printing and mailing, the licensure standards prescribed 67043  
by the relevant sections of this chapter and the Administrative 67044  
Code. 67045

(H) The board shall submit to the governor and to the general 67046  
assembly each year a report of all its official actions during the 67047  
preceding year, together with any recommendations and findings 67048  
with regard to the status of the professions of physical therapy, 67049  
occupational therapy, and athletic training. 67050

**Sec. 4755.04.** As used in sections 4755.04 to 4755.13 and 67051  
section 4755.99 of the Revised Code: 67052

(A) "Occupational therapy" means the therapeutic use of 67053  
everyday life activities or occupations with individuals or groups 67054  
for the purpose of participation in roles and situations in the 67055

home, school, workplace, community, and other settings. The 67056  
practice of occupational therapy includes all of the following: 67057

(1) Methods or strategies selected to direct the process of 67058  
interventions, including, but not limited to, establishment, 67059  
remediation, or restoration of a skill or ability that has not yet 67060  
developed or is impaired and compensation, modification, or 67061  
adaptation of activity or environment to enhance performance; 67062

(2) Evaluation of factors affecting activities of daily 67063  
living, instrumental activities of daily living, education, work, 67064  
play, leisure, and social participation, including, but not 67065  
limited to, sensory motor abilities, vision, perception, 67066  
cognition, psychosocial, and communication and interaction skills; 67067

(3) Interventions and procedures to promote or enhance safety 67068  
and performance in activities of daily living, education, work, 67069  
play, leisure, and social participation, including, but not 67070  
limited to, application of physical agent modalities, use of a 67071  
range of specific therapeutic procedures to enhance performance 67072  
skills, rehabilitation of driving skills to facilitate community 67073  
mobility, and management of feeding, eating, and swallowing to 67074  
enable eating and feeding performance; 67075

(4) Consultative services, case management, and education of 67076  
patients, clients, or other individuals to promote 67077  
self-management, home management, and community and work 67078  
reintegration; 67079

(5) Designing, fabricating, applying, recommending, and 67080  
instructing in the use of selected orthotic or prosthetic devices 67081  
and other equipment which assists the individual to adapt to the 67082  
individual's potential or actual impairment; 67083

(6) Administration of topical drugs that have been prescribed 67084  
by a licensed health professional authorized to prescribe drugs, 67085  
as defined in section 4729.01 of the Revised Code. 67086

(B) "Occupational therapist" means a person who is licensed 67087  
~~or holds a limited permit~~ to practice occupational therapy and who 67088  
offers such services to the public under any title incorporating 67089  
the words "occupational therapy," "occupational therapist," or any 67090  
similar title or description of services. 67091

(C) "Occupational therapy assistant" means a person who holds 67092  
a license ~~or limited permit~~ to provide occupational therapy 67093  
techniques under the general supervision of an occupational 67094  
therapist. 67095

**Sec. 4755.05.** No person who does not hold a current license 67096  
~~or limited permit~~ under sections 4755.04 to 4755.13 of the Revised 67097  
Code shall practice or offer to practice occupational therapy, or 67098  
use in connection with the person's name, or otherwise assume, 67099  
use, or advertise, any title, initials, or description tending to 67100  
convey the impression that the person is an occupational therapist 67101  
or an occupational therapy assistant. No partnership, association, 67102  
or corporation shall advertise or otherwise offer to provide or 67103  
convey the impression that it is providing occupational therapy 67104  
unless an individual holding a current license ~~or limited permit~~ 67105  
under sections 4755.04 to 4755.13 of the Revised Code is or will 67106  
at the appropriate time be rendering the occupational therapy 67107  
services to which reference is made. 67108

**Sec. 4755.06.** The occupational therapy section of the Ohio 67109  
occupational therapy, physical therapy, and athletic trainers 67110  
board may make reasonable rules in accordance with Chapter 119. of 67111  
the Revised Code relating to, but not limited to, the following: 67112

(A) The form and manner for filing applications for licensure 67113  
under sections 4755.04 to 4755.13 of the Revised Code; 67114

(B) The issuance, suspension, and revocation of the licenses 67115  
and the conducting of investigations and hearings; 67116

|                                                                                                                                                                                                                                                                                                                                                                                                   |                                                             |
|---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-------------------------------------------------------------|
| (C) Standards for approval of courses of study relative to the practice of occupational therapy;                                                                                                                                                                                                                                                                                                  | 67117<br>67118                                              |
| (D) The time and form of examination for the licensure;                                                                                                                                                                                                                                                                                                                                           | 67119                                                       |
| (E) Standards of ethical conduct in the practice of occupational therapy;                                                                                                                                                                                                                                                                                                                         | 67120<br>67121                                              |
| (F) The form and manner for filing applications for renewal and a schedule of deadlines for renewal;                                                                                                                                                                                                                                                                                              | 67122<br>67123                                              |
| (G) The conditions under which a license of a licensee who files a late application for renewal will be reinstated;                                                                                                                                                                                                                                                                               | 67124<br>67125                                              |
| <del>(H) Placing an existing license in escrow;</del>                                                                                                                                                                                                                                                                                                                                             | 67126                                                       |
| <del>(I)</del> The amount, scope, and nature of continuing education activities required for license renewal, including waivers of the continuing education requirements;                                                                                                                                                                                                                         | 67127<br>67128<br>67129                                     |
| <del>(J) Guidelines for limited permits;</del>                                                                                                                                                                                                                                                                                                                                                    | 67130                                                       |
| <del>(K)</del> <u>(I)</u> Requirements for criminal records checks of applicants under section 4776.03 of the Revised Code;                                                                                                                                                                                                                                                                       | 67131<br>67132                                              |
| <del>(L)</del> <u>(J)</u> Subject to section 4755.061 of the Revised Code, the amount for each fee specified in section 4755.12 of the Revised Code that the section charges;                                                                                                                                                                                                                     | 67133<br>67134<br>67135                                     |
| <del>(M)</del> <u>(K)</u> The amount and content of corrective action courses required by the board under section 4755.11 of the Revised Code.                                                                                                                                                                                                                                                    | 67136<br>67137                                              |
| The section may hear testimony in matters relating to the duties imposed upon it, and the chairperson and secretary of the section may administer oaths. The section may require proof, beyond the evidence found in the application, of the honesty and truthfulness of any person named in an application for licensure, before admitting the applicant to an examination or issuing a license. | 67138<br>67139<br>67140<br>67141<br>67142<br>67143<br>67144 |
| <b>Sec. 4755.08.</b> The occupational therapy section of the Ohio                                                                                                                                                                                                                                                                                                                                 | 67145                                                       |

occupational therapy, physical therapy, and athletic trainers 67146  
board shall issue a license to every applicant who has passed the 67147  
appropriate examination designated by the section and who 67148  
otherwise complies with the licensure requirements of sections 67149  
4755.04 to 4755.13 of the Revised Code. The license entitles the 67150  
holder to practice occupational therapy or to assist in the 67151  
practice of occupational therapy. The licensee shall display the 67152  
license in a conspicuous place at the licensee's principal place 67153  
of business. 67154

~~The section may issue a limited permit to persons who have 67155  
satisfied the requirements of divisions (A) and (B) of section 67156  
4755.07 of the Revised Code. This permit allows the person to 67157  
practice as an occupational therapist or occupational therapy 67158  
assistant under the supervision of a licensed occupational 67159  
therapist and is valid until the date on which the results of the 67160  
examination are made public. This limited permit shall not be 67161  
renewed if the applicant has failed the examination. 67162~~

**Sec. 4755.11.** (A) In accordance with Chapter 119. of the 67163  
Revised Code, the occupational therapy section of the Ohio 67164  
occupational therapy, physical therapy, and athletic trainers 67165  
board may suspend, revoke, or, except as provided in division (B) 67166  
of this section, refuse to issue or renew an occupational 67167  
therapist license, or occupational therapy assistant license, 67168  
~~occupational therapist limited permit, occupational therapy 67169  
assistant limited permit,~~ or may reprimand, fine, place a license 67170  
~~or limited permit~~ holder on probation, or require the license ~~or~~ 67171  
~~limited permit~~ holder to take corrective action courses, for any 67172  
of the following: 67173

(1) Conviction of an offense involving moral turpitude or a 67174  
felony, regardless of the state or country in which the conviction 67175  
occurred; 67176

- (2) Violation of any provision of sections 4755.04 to 4755.13 of the Revised Code; 67177  
67178
- (3) Violation of any lawful order or rule of the occupational therapy section; 67179  
67180
- (4) Obtaining or attempting to obtain a license ~~or limited permit~~ issued by the occupational therapy section by fraud or deception, including the making of a false, fraudulent, deceptive, or misleading statement in relation to these activities; 67181  
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- (5) Negligence, unprofessional conduct, or gross misconduct in the practice of the profession of occupational therapy; 67185  
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- (6) Accepting commissions or rebates or other forms of remuneration for referring persons to other professionals; 67187  
67188
- (7) Communicating, without authorization, information received in professional confidence; 67189  
67190
- (8) Using controlled substances, habit forming drugs, or alcohol to an extent that it impairs the ability to perform the work of an occupational therapist, or occupational therapy assistant, ~~occupational therapist limited permit holder, or occupational therapy assistant limited permit holder~~; 67191  
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- (9) Practicing in an area of occupational therapy for which the individual is untrained or incompetent; 67196  
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- (10) Failing the licensing or Ohio jurisprudence examination; 67198
- (11) Aiding, abetting, directing, or supervising the unlicensed practice of occupational therapy; 67199  
67200
- (12) Denial, revocation, suspension, or restriction of authority to practice a health care occupation, including occupational therapy, for any reason other than a failure to renew, in Ohio or another state or jurisdiction; 67201  
67202  
67203  
67204
- (13) Except as provided in division (C) of this section: 67205

(a) Waiving the payment of all or any part of a deductible or copayment that a patient, pursuant to a health insurance or health care policy, contract, or plan that covers occupational therapy, would otherwise be required to pay if the waiver is used as an enticement to a patient or group of patients to receive health care services from that provider;

(b) Advertising that the individual will waive the payment of all or any part of a deductible or copayment that a patient, pursuant to a health insurance or health care policy, contract, or plan that covers occupational therapy, would otherwise be required to pay.

(14) Working or representing oneself as an occupational therapist, ~~or occupational therapy assistant, occupational therapist limited permit holder, or occupational therapy assistant limited permit holder~~ without a current and valid license ~~or limited permit~~ issued by the occupational therapy section;

(15) Engaging in a deceptive trade practice, as defined in section 4165.02 of the Revised Code;

(16) Violation of the standards of ethical conduct in the practice of occupational therapy as identified by the occupational therapy section;

(17) A departure from, or the failure to conform to, minimal standards of care required of licensees ~~or limited permit holders~~, whether or not actual injury to a patient is established;

(18) An adjudication by a court that the applicant, ~~or licensee, or limited permit holder~~ is incompetent for the purpose of holding a license ~~or limited permit~~ and has not thereafter been restored to legal capacity for that purpose;

(19)(a) Except as provided in division (A)(19)(b) of this section, failure to cooperate with an investigation conducted by the occupational therapy section, including failure to comply with

a subpoena or orders issued by the section or failure to answer truthfully a question presented by the section at a deposition or in written interrogatories. 67237  
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(b) Failure to cooperate with an investigation does not constitute grounds for discipline under this section if a court of competent jurisdiction issues an order that either quashes a subpoena or permits the individual to withhold the testimony or evidence at issue. 67240  
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(20) Conviction of a misdemeanor reasonably related to the practice of occupational therapy, regardless of the state or country in which the conviction occurred; 67245  
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(21) Inability to practice according to acceptable and prevailing standards of care because of mental or physical illness, including physical deterioration that adversely affects cognitive, motor, or perception skills; 67248  
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(22) Violation of conditions, limitations, or agreements placed by the occupational therapy section on a license ~~or limited permit~~ to practice; 67252  
67253  
67254

(23) Making a false, fraudulent, deceptive, or misleading statement in the solicitation of or advertising for patients in relation to the practice of occupational therapy; 67255  
67256  
67257

(24) Failure to complete continuing education requirements as prescribed in rules adopted by the occupational therapy section under section 4755.06 of the Revised Code; 67258  
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67260

(25) Regardless of whether it is consensual, engaging in any of the following with a patient other than the spouse of the occupational therapist or occupational therapy assistant: 67261  
67262  
67263

(a) Sexual conduct, as defined in section 2907.01 of the Revised Code; 67264  
67265

(b) Sexual contact, as defined in section 2907.01 of the 67266

Revised Code; 67267

(c) Verbal behavior that is sexually demeaning to the patient 67268  
or may be reasonably interpreted by the patient as sexually 67269  
demeaning. 67270

(B) The occupational therapy section shall not refuse to 67271  
issue a license ~~or limited permit~~ to an applicant because of a 67272  
criminal conviction unless the refusal is in accordance with 67273  
section 9.79 of the Revised Code. 67274

(C) Sanctions shall not be imposed under division (A)(13) of 67275  
this section against any individual who waives deductibles and 67276  
copayments as follows: 67277

(1) In compliance with the health benefit plan that expressly 67278  
allows such a practice. Waiver of the deductibles or copayments 67279  
shall be made only with the full knowledge and consent of the plan 67280  
purchaser, payer, and third-party administrator. Documentation of 67281  
the consent shall be made available to the section upon request. 67282

(2) For professional services rendered to any other person 67283  
licensed pursuant to sections 4755.04 to 4755.13 of the Revised 67284  
Code to the extent allowed by those sections and the rules of the 67285  
occupational therapy section. 67286

(D) Except as provided in division (E) of this section, the 67287  
suspension or revocation of a license ~~or limited permit~~ under this 67288  
section is not effective until either the order for suspension or 67289  
revocation has been affirmed following an adjudication hearing, or 67290  
the time for requesting a hearing has elapsed. 67291

When a license ~~or limited permit~~ is revoked under this 67292  
section, application for reinstatement may not be made sooner than 67293  
one year after the date of revocation. The occupational therapy 67294  
section may accept or refuse an application for reinstatement and 67295  
may require that the applicant pass an examination as a condition 67296  
of reinstatement. 67297

When a license ~~or limited permit~~ holder is placed on 67298  
probation under this section, the occupational therapy section's 67299  
probation order shall be accompanied by a statement of the 67300  
conditions under which the individual may be removed from 67301  
probation and restored to unrestricted practice. 67302

(E) On receipt of a complaint that a person who holds a 67303  
license ~~or limited permit~~ issued by the occupational therapy 67304  
section has committed any of the prohibited actions listed in 67305  
division (A) of this section, the section may immediately suspend 67306  
the license ~~or limited permit~~ prior to holding a hearing in 67307  
accordance with Chapter 119. of the Revised Code if it determines, 67308  
based on the complaint, that the licensee ~~or limited permit holder~~ 67309  
poses an immediate threat to the public. The section may review 67310  
the allegations and vote on the suspension by telephone conference 67311  
call. If the section votes to suspend a license ~~or limited permit~~ 67312  
under this division, the section shall issue a written order of 67313  
summary suspension to the licensee ~~or limited permit holder~~ in 67314  
accordance with section 119.07 of the Revised Code. If the 67315  
individual whose license ~~or limited permit~~ is suspended fails to 67316  
make a timely request for an adjudication under Chapter 119. of 67317  
the Revised Code, the section shall enter a final order 67318  
permanently revoking the individual's license ~~or limited permit~~. 67319  
Notwithstanding section 119.12 of the Revised Code, a court of 67320  
common pleas shall not grant a suspension of the section's order 67321  
of summary suspension pending the determination of an appeal filed 67322  
under that section. Any order of summary suspension issued under 67323  
this division shall remain in effect, unless reversed on appeal, 67324  
until a final adjudication order issued by the section pursuant to 67325  
division (A) of this section becomes effective. The section shall 67326  
issue its final adjudication order regarding an order of summary 67327  
suspension issued under this division not later than ninety days 67328  
after completion of its hearing. Failure to issue the order within 67329  
ninety days shall result in immediate dissolution of the 67330

suspension order, but shall not invalidate any subsequent, final 67331  
adjudication order. 67332

(F) If any person other than a person who holds a license ~~or~~ 67333  
~~limited permit~~ issued under section 4755.08 of the Revised Code 67334  
has engaged in any practice that is prohibited under sections 67335  
4755.04 to 4755.13 of the Revised Code or the rules of the 67336  
occupational therapy section, the section may apply to the court 67337  
of common pleas of the county in which the violation occurred, for 67338  
an injunction or other appropriate order restraining this conduct, 67339  
and the court shall issue this order. 67340

**Sec. 4755.12.** (A) The occupational therapy section of the 67341  
Ohio occupational therapy, physical therapy, and athletic trainers 67342  
board may charge any or all of the following fees: 67343

(1) A nonrefundable examination fee, which is to be paid at 67344  
the time of application for licensure; 67345

(2) An application fee for an initial license; 67346

(3) An initial licensure fee; 67347

(4) A fee for biennial renewal of a license; 67348

(5) A fee for late renewal of a license; 67349

(6) A fee for the review of continuing education activities; 67350

(7) ~~A fee for a limited permit;~~ 67351

~~(8)~~ A fee for verification of a license. 67352

(B) ~~Any person who is qualified to practice occupational 67353  
therapy as certified by the section, but who is not in the active 67354  
practice, as defined by section rule, may register with the 67355  
section as a nonactive licensee at a biennial fee.~~ 67356

~~(C)~~ The section may, by rule, provide for the waiver of all 67357  
or part of a fee when the license is issued less than one hundred 67358  
days before the date on which it will expire. 67359

~~(D)~~(C) Except when all or part of a fee is waived under 67360  
division ~~(C)~~(B) of this section, the amount charged by the 67361  
occupational therapy section for each of its fees shall be the 67362  
applicable amount established in rules adopted under section 67363  
4755.06 of the Revised Code. 67364

**Sec. 4755.42.** (A) Each person ~~who desires to practice~~ seeking 67365  
licensure as a physical therapy therapist shall file with the 67366  
physical therapy section of the Ohio occupational therapy, 67367  
physical therapy, and athletic trainers board an application that 67368  
includes the following: 67369

(1) Name; 67370

(2) Current address; 67371

(3) ~~Physical description and photograph;~~ 67372

~~(4) Proof of completion of graduation from a master's or~~ 67373  
~~doctorate professional physical therapy program of physical~~ 67374  
~~therapy education that is accredited by a national physical~~ 67375  
~~therapy accreditation agency recognized~~ approved by the United 67376  
~~States department of education and that includes:~~ 67377

~~(a) A minimum of one hundred twenty academic semester credits~~ 67378  
~~or its equivalent, including courses in the biological and other~~ 67379  
~~physical sciences;~~ 67380

~~(b) A course in physical therapy education that has provided~~ 67381  
~~instruction in basic sciences, clinical sciences, and physical~~ 67382  
~~therapy theory and procedures~~ physical therapy section. 67383

(B) On making application under division (A) of this section, 67384  
the applicant shall pay a fee of not more than one hundred 67385  
twenty-five dollars for the license. 67386

(C) The physical therapy section shall approve an ~~application~~ 67387  
applicant to sit for the examination required under division (A) 67388  
of section 4755.43 of the Revised Code not later than one hundred 67389

twenty days after receiving an application that the section  
considers complete unless the board has done either of the  
following:

(1) Requested documents relevant to the section's evaluation  
of the application;

(2) Notified the applicant in writing of the section's intent  
to deny a license and the applicant's right to request a hearing  
in accordance with Chapter 119. of the Revised Code to appeal the  
section's intent to deny a license.

(D) If the section fails to comply with division (C) of this  
section, the section shall refund one-half of the application fee  
to the applicant.

**Sec. 4755.421.** (A) Each ~~applicant~~ person seeking licensure as  
a physical therapist assistant shall file with the physical  
therapy section of the Ohio occupational therapy, physical  
therapy, and athletic trainers board an application that includes  
the following:

(1) Name;

(2) Current address;

(3) ~~Physical description and photograph;~~

~~(4) Proof of completion of graduation from a professional~~  
physical therapist assistant program ~~of education~~ that is  
accredited by a national physical therapy accreditation agency  
~~recognized~~ approved by the ~~United States department of education~~  
physical therapy section.

(B) On making application under division (A) of this section,  
the applicant shall pay a fee of not more than one hundred  
twenty-five dollars for the license.

(C)(1) The physical therapy section shall approve an

applicant to sit for the examination required under division (A) 67419  
of section 4755.431 of the Revised Code not later than one hundred 67420  
twenty days after receiving an application that the section 67421  
considers complete unless the board has done either of the 67422  
following: 67423

(a) Requested documents relevant to the section's evaluation 67424  
of the application; 67425

(b) Notified the applicant in writing of the section's intent 67426  
to deny a license and the applicant's right to request a hearing 67427  
in accordance with Chapter 119. of the Revised Code to appeal the 67428  
section's intent to deny a license. 67429

(2) If the section fails to comply with division (C)(1) of 67430  
this section, the section shall refund half of the application fee 67431  
to the applicant. 67432

**Sec. 4755.47.** (A) In accordance with Chapter 119. of the 67433  
Revised Code, the physical therapy section of the Ohio 67434  
occupational therapy, physical therapy, and athletic trainers 67435  
board may, except as provided in division (B) of this section, 67436  
refuse to grant a license to an applicant for an initial or 67437  
renewed license as a physical therapist or physical therapist 67438  
assistant or, by an affirmative vote of not less than five 67439  
members, may limit, suspend, or revoke the license of a physical 67440  
therapist or physical therapist assistant or reprimand, fine, 67441  
place a license holder on probation, or require the license holder 67442  
to take corrective action courses, on any of the following 67443  
grounds: 67444

(1) Habitual indulgence in the use of controlled substances, 67445  
other habit-forming drugs, or alcohol to an extent that affects 67446  
the individual's professional competency; 67447

(2) Conviction of a felony or a crime involving moral 67448

turpitude, regardless of the state or country in which the conviction occurred;

(3) Obtaining or attempting to obtain a license issued by the physical therapy section by fraud or deception, including the making of a false, fraudulent, deceptive, or misleading statement;

(4) An adjudication by a court, as provided in section 5122.301 of the Revised Code, that the applicant or licensee is incompetent for the purpose of holding the license and has not thereafter been restored to legal capacity for that purpose;

(5) Subject to section 4755.471 of the Revised Code, violation of the code of ethics adopted by the physical therapy section;

(6) Violating or attempting to violate, directly or indirectly, or assisting in or abetting the violation of or conspiring to violate sections 4755.40 to 4755.56 of the Revised Code or any order issued or rule adopted under those sections;

(7) Failure of one or both of the examinations required under section 4755.43 or 4755.431 of the Revised Code;

(8) Permitting the use of one's name or license by a person, group, or corporation when the one permitting the use is not directing the treatment given;

(9) Denial, revocation, suspension, or restriction of authority to practice a health care occupation, including physical therapy, for any reason other than a failure to renew, in Ohio or another state or jurisdiction;

(10) Failure to maintain minimal standards of practice in the administration or handling of drugs, as defined in section 4729.01 of the Revised Code, or failure to employ acceptable scientific methods in the selection of drugs, as defined in section 4729.01 of the Revised Code, or other modalities for treatment;

|                                                                                                                                                                                                                                                                                                                     |                                           |
|---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-------------------------------------------|
| (11) Willful betrayal of a professional confidence;                                                                                                                                                                                                                                                                 | 67479                                     |
| (12) Making a false, fraudulent, deceptive, or misleading statement in the solicitation of or advertising for patients in relation to the practice of physical therapy;                                                                                                                                             | 67480<br>67481<br>67482                   |
| (13) A departure from, or the failure to conform to, minimal standards of care required of licensees when under the same or similar circumstances, whether or not actual injury to a patient is established;                                                                                                        | 67483<br>67484<br>67485<br>67486          |
| (14) Obtaining, or attempting to obtain, money or anything of value by fraudulent misrepresentations in the course of practice;                                                                                                                                                                                     | 67487<br>67488                            |
| (15) Violation of the conditions of limitation or agreements placed by the physical therapy section on a license to practice;                                                                                                                                                                                       | 67489<br>67490                            |
| (16) Failure to renew a license in accordance with section 4755.46 of the Revised Code;                                                                                                                                                                                                                             | 67491<br>67492                            |
| (17) Except as provided in section 4755.471 of the Revised Code, engaging in the division of fees for referral of patients or receiving anything of value in return for a specific referral of a patient to utilize a particular service or business;                                                               | 67493<br>67494<br>67495<br>67496          |
| (18) Inability to practice according to acceptable and prevailing standards of care because of mental illness or physical illness, including physical deterioration that adversely affects cognitive, motor, or perception skills;                                                                                  | 67497<br>67498<br>67499<br>67500          |
| (19) The revocation, suspension, restriction, or termination of clinical privileges by the United States department of defense or department of veterans affairs;                                                                                                                                                   | 67501<br>67502<br>67503                   |
| (20) Termination or suspension from participation in the medicare or medicaid program established under Title XVIII and Title XIX, respectively, of the "Social Security Act," 49 Stat. 620 (1935), 42 U.S.C. 301, as amended, for an act or acts that constitute a violation of sections 4755.40 to 4755.56 of the | 67504<br>67505<br>67506<br>67507<br>67508 |

Revised Code; 67509

(21) Failure of a physical therapist to maintain supervision 67510  
of a student, physical therapist assistant, unlicensed support 67511  
personnel, other assistant personnel, or a license applicant in 67512  
accordance with the requirements of sections 4755.40 to 4755.56 of 67513  
the Revised Code and rules adopted under those sections; 67514

(22) Failure to complete continuing education requirements as 67515  
prescribed in section 4755.51 or 4755.511 of the Revised Code or 67516  
to satisfy any rules applicable to continuing education 67517  
requirements that are adopted by the physical therapy section; 67518

(23) Conviction of a misdemeanor when the act that 67519  
constitutes the misdemeanor occurs during the practice of physical 67520  
therapy; 67521

(24)(a) Except as provided in division (A)(24)(b) of this 67522  
section, failure to cooperate with an investigation conducted by 67523  
the physical therapy section, including failure to comply with a 67524  
subpoena or orders issued by the section or failure to answer 67525  
truthfully a question presented by the section at a deposition or 67526  
in written interrogatories. 67527

(b) Failure to cooperate with an investigation does not 67528  
constitute grounds for discipline under this section if a court of 67529  
competent jurisdiction issues an order that either quashes a 67530  
subpoena or permits the individual to withhold the testimony or 67531  
evidence at issue. 67532

(25) Regardless of whether ~~the contact or verbal behavior~~ it 67533  
is consensual, engaging in any of the following with a patient 67534  
other than the spouse of the physical therapist or physical 67535  
therapist assistant, ~~in any of the following:~~ 67536

(a) Sexual conduct, as defined in section 2907.01 of the 67537  
Revised Code; 67538

(b) Sexual contact, as defined in section 2907.01 of the Revised Code; 67539  
67540

~~(b)~~(c) Verbal behavior that is sexually demeaning to the patient or may be reasonably interpreted by the patient as sexually demeaning. 67541  
67542  
67543

(26) Failure to notify the physical therapy section of a change in name, business address, or home address within thirty days after the date of change; 67544  
67545  
67546

(27) Except as provided in division (C) of this section: 67547

(a) Waiving the payment of all or any part of a deductible or copayment that a patient, pursuant to a health insurance or health care policy, contract, or plan that covers physical therapy, would otherwise be required to pay if the waiver is used as an enticement to a patient or group of patients to receive health care services from that provider; 67548  
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(b) Advertising that the individual will waive the payment of all or any part of a deductible or copayment that a patient, pursuant to a health insurance or health care policy, contract, or plan that covers physical therapy, would otherwise be required to pay. 67554  
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(28) Violation of any section of this chapter or rule adopted under it. 67559  
67560

(B) The physical therapy section shall not refuse to issue a license to an applicant because of a criminal conviction unless the refusal is in accordance with section 9.79 of the Revised Code. 67561  
67562  
67563  
67564

(C) Sanctions shall not be imposed under division (A)(27) of this section against any individual who waives deductibles and copayments as follows: 67565  
67566  
67567

(1) In compliance with the health benefit plan that expressly 67568

allows such a practice. Waiver of the deductibles or copayments 67569  
shall be made only with the full knowledge and consent of the plan 67570  
purchaser, payer, and third-party administrator. Documentation of 67571  
the consent shall be made available to the physical therapy 67572  
section upon request. 67573

(2) For professional services rendered to any other person 67574  
licensed pursuant to sections 4755.40 to 4755.56 of the Revised 67575  
Code to the extent allowed by those sections and the rules of the 67576  
physical therapy section. 67577

(D) When a license is revoked under this section, application 67578  
for reinstatement may not be made sooner than one year after the 67579  
date of revocation. The physical therapy section may accept or 67580  
refuse an application for reinstatement and may require that the 67581  
applicant pass an examination as a condition for reinstatement. 67582

When a license holder is placed on probation under this 67583  
section, the physical therapy section's order for placement on 67584  
probation shall be accompanied by a statement of the conditions 67585  
under which the individual may be removed from probation and 67586  
restored to unrestricted practice. 67587

(E) When an application for an initial or renewed license is 67588  
refused under this section, the physical therapy section shall 67589  
notify the applicant in writing of the section's decision to 67590  
refuse issuance of a license and the reason for its decision. 67591

(F) On receipt of a complaint that a person licensed by the 67592  
physical therapy section has committed any of the actions listed 67593  
in division (A) of this section, the physical therapy section may 67594  
immediately suspend the license of the physical therapist or 67595  
physical therapist assistant prior to holding a hearing in 67596  
accordance with Chapter 119. of the Revised Code if it determines, 67597  
based on the complaint, that the person poses an immediate threat 67598  
to the public. The physical therapy section may review the 67599

allegations and vote on the suspension by telephone conference 67600  
call. If the physical therapy section votes to suspend a license 67601  
under this division, the physical therapy section shall issue a 67602  
written order of summary suspension to the person in accordance 67603  
with section 119.07 of the Revised Code. If the person fails to 67604  
make a timely request for an adjudication under Chapter 119. of 67605  
the Revised Code, the physical therapy section shall enter a final 67606  
order permanently revoking the person's license. Notwithstanding 67607  
section 119.12 of the Revised Code, a court of common pleas shall 67608  
not grant a suspension of the physical therapy section's order of 67609  
summary suspension pending the determination of an appeal filed 67610  
under that section. Any order of summary suspension issued under 67611  
this division shall remain in effect, unless reversed on appeal, 67612  
until a final adjudication order issued by the physical therapy 67613  
section pursuant to division (A) of this section becomes 67614  
effective. The physical therapy section shall issue its final 67615  
adjudication order regarding an order of summary suspension issued 67616  
under this division not later than ninety days after completion of 67617  
its hearing. Failure to issue the order within ninety days shall 67618  
result in immediate dissolution of the suspension order, but shall 67619  
not invalidate any subsequent, final adjudication order. 67620

**Sec. 4755.48.** (A) No person shall employ fraud or deception 67621  
in applying for or securing a license to practice physical therapy 67622  
or to be a physical therapist assistant. 67623

(B) No person shall practice or in any way imply or claim to 67624  
the public by words, actions, or the use of letters as described 67625  
in division (C) of this section to be able to practice physical 67626  
therapy or to provide physical therapy services, including 67627  
practice as a physical therapist assistant, unless the person 67628  
holds a valid license under sections 4755.40 to 4755.56 of the 67629  
Revised Code or except for submission of claims as provided in 67630  
section 4755.56 of the Revised Code. 67631

(C) No person shall use the words or letters, physical 67632  
therapist, physical therapy, physical therapy services, 67633  
physiotherapist, physiotherapy, physiotherapy services, licensed 67634  
physical therapist, P.T., Ph.T., P.T.T., R.P.T., L.P.T., M.P.T., 67635  
D.P.T., M.S.P.T., P.T.A., physical therapy assistant, physical 67636  
therapist assistant, physical therapy technician, licensed 67637  
physical therapist assistant, L.P.T.A., R.P.T.A., or any other 67638  
letters, words, abbreviations, or insignia, indicating or implying 67639  
that the person is a physical therapist or physical therapist 67640  
assistant without a valid license under sections 4755.40 to 67641  
4755.56 of the Revised Code. 67642

(D) No person who practices physical therapy or assists in 67643  
the provision of physical therapy treatments under the supervision 67644  
of a physical therapist shall fail to display the person's current 67645  
license granted under sections 4755.40 to 4755.56 of the Revised 67646  
Code in a conspicuous location in the place where the person 67647  
spends the major part of the person's time so engaged. 67648

(E) Nothing in sections 4755.40 to 4755.56 of the Revised 67649  
Code shall affect or interfere with the performance of the duties 67650  
of any physical therapist or physical therapist assistant in 67651  
active service in the army, navy, coast guard, marine corps, air 67652  
force, public health service, or marine hospital service of the 67653  
United States, while so serving. 67654

(F) Nothing in sections 4755.40 to 4755.56 of the Revised 67655  
Code shall prevent or restrict the activities or services of a 67656  
person pursuing a course of study leading to a degree in physical 67657  
therapy in an accredited or approved educational program if the 67658  
activities or services constitute a part of a supervised course of 67659  
study and the person is designated by a title that clearly 67660  
indicates the person's status as a student. 67661

(G)(1) Subject to division (G)(2) of this section, nothing in 67662  
sections 4755.40 to 4755.56 of the Revised Code shall prevent or 67663

restrict the activities or services of any person who holds a 67664  
current, unrestricted license to practice physical therapy in 67665  
another state when that person, pursuant to contract or employment 67666  
with an athletic team located in the state in which the person 67667  
holds the license, provides physical therapy to any of the 67668  
following while the team is traveling to or from or participating 67669  
in a sporting event in this state: 67670

(a) A member of the athletic team; 67671

(b) A member of the athletic team's coaching, communications, 67672  
equipment, or sports medicine staff; 67673

(c) A member of a band or cheerleading squad accompanying the 67674  
athletic team; 67675

(d) The athletic team's mascot. 67676

(2) In providing physical therapy pursuant to division (G)(1) 67677  
of this section, the person shall not do either of the following: 67678

(a) Provide physical therapy at a health care facility; 67679

(b) Provide physical therapy for more than sixty days in a 67680  
calendar year. 67681

(3) The limitations described in divisions (G)(1) and (2) of 67682  
this section do not apply to a person who is practicing in 67683  
accordance with the compact privilege granted by this state 67684  
through the "Physical Therapy Licensure Compact" entered into 67685  
under section 4755.57 of the Revised Code. 67686

(H)(1) Except as provided in division (H)(2) of this section 67687  
and subject to division (I) of this section, no person shall 67688  
practice physical therapy other than on the prescription of, or 67689  
the referral of a patient by, a person who is licensed in this or 67690  
another state to do at least one of the following: 67691

(a) Practice medicine and surgery, chiropractic, dentistry, 67692  
osteopathic medicine and surgery, podiatric medicine and surgery; 67693

(b) Practice as a physician assistant; 67694

(c) Practice nursing as an advanced practice registered 67695  
nurse. 67696

(2) The prohibition in division (H)(1) of this section on 67697  
practicing physical therapy other than on the prescription of, or 67698  
the referral of a patient by, any of the persons described in that 67699  
division does not apply if either of the following applies to the 67700  
person: 67701

(a) The person holds a master's or doctorate degree from a 67702  
professional physical therapy program that is accredited by a 67703  
national physical therapy accreditation agency ~~recognized~~ approved 67704  
by the ~~United States department of education~~ physical therapy 67705  
section of the Ohio occupational therapy, physical therapy, and 67706  
athletic trainers board. 67707

(b) On or before December 31, 2004, the person has completed 67708  
at least two years of practical experience as a licensed physical 67709  
therapist. 67710

(I) To be authorized to prescribe physical therapy or refer a 67711  
patient to a physical therapist for physical therapy, a person 67712  
described in division (H)(1) of this section must be in good 67713  
standing with the relevant licensing board in this state or the 67714  
state in which the person is licensed and must act only within the 67715  
person's scope of practice. 67716

(J) In the prosecution of any person for violation of 67717  
division (B) or (C) of this section, it is not necessary to allege 67718  
or prove want of a valid license to practice physical therapy or 67719  
to practice as a physical therapist assistant, but such matters 67720  
shall be a matter of defense to be established by the accused. 67721

**Sec. 4755.64.** (A) In accordance with Chapter 119. of the 67722  
Revised Code, the athletic trainers section of the Ohio 67723

occupational therapy, physical therapy, and athletic trainers 67724  
board may suspend, revoke, or, except as provided in division (B) 67725  
of this section, refuse to issue or renew an athletic trainers 67726  
license, or reprimand, fine, or place a licensee on probation, for 67727  
any of the following: 67728

(1) Conviction of a felony or offense involving moral 67729  
turpitude, regardless of the state or country in which the 67730  
conviction occurred; 67731

(2) Violation of sections 4755.61 to 4755.65 of the Revised 67732  
Code or any order issued or rule adopted thereunder; 67733

(3) Obtaining a license through fraud, false or misleading 67734  
representation, or concealment of material facts; 67735

(4) Negligence or gross misconduct in the practice of 67736  
athletic training; 67737

(5) Violating the standards of ethical conduct in the 67738  
practice of athletic training as adopted by the athletic trainers 67739  
section under section 4755.61 of the Revised Code; 67740

(6) Using any controlled substance or alcohol to the extent 67741  
that the ability to practice athletic training at a level of 67742  
competency is impaired; 67743

(7) Practicing in an area of athletic training for which the 67744  
individual is untrained, incompetent, or practicing without the 67745  
referral of a practitioner licensed under Chapter 4731. of the 67746  
Revised Code, a dentist licensed under Chapter 4715. of the 67747  
Revised Code, a chiropractor licensed under Chapter 4734. of the 67748  
Revised Code, or a physical therapist licensed under this chapter; 67749

(8) Employing, directing, or supervising a person in the 67750  
performance of athletic training procedures who is not authorized 67751  
to practice as a licensed athletic trainer under this chapter; 67752

(9) Misrepresenting educational attainments or the functions 67753

the individual is authorized to perform for the purpose of 67754  
obtaining some benefit related to the individual's athletic 67755  
training practice; 67756

(10) Failing the licensing examination; 67757

(11) Aiding or abetting the unlicensed practice of athletic 67758  
training; 67759

(12) Denial, revocation, suspension, or restriction of 67760  
authority to practice a health care occupation, including athletic 67761  
training, for any reason other than a failure to renew, in Ohio or 67762  
another state or jurisdiction; 67763

(13) Regardless of whether it is consensual, engaging in any 67764  
of the following with a patient other than the spouse of the 67765  
athletic trainer: 67766

(a) Sexual conduct, as defined in section 2907.01 of the 67767  
Revised Code; 67768

(b) Sexual contact, as defined in section 2907.01 of the 67769  
Revised Code; 67770

(c) Verbal behavior that is sexually demeaning to the patient 67771  
or may be reasonably interpreted by the patient as sexually 67772  
demeaning. 67773

(B) The athletic trainers section shall not refuse to issue a 67774  
license to an applicant because of a criminal conviction unless 67775  
the refusal is in accordance with section 9.79 of the Revised 67776  
Code. 67777

(C) If the athletic trainers section places a licensee on 67778  
probation under division (A) of this section, the section's order 67779  
for placement on probation shall be accompanied by a written 67780  
statement of the conditions under which the person may be removed 67781  
from probation and restored to unrestricted practice. 67782

(D) A licensee whose license has been revoked under division 67783

(A) of this section may apply to the athletic trainers section for 67784  
reinstatement of the license one year following the date of 67785  
revocation. The athletic trainers section may accept or deny the 67786  
application for reinstatement and may require that the applicant 67787  
pass an examination as a condition for reinstatement. 67788

(E) On receipt of a complaint that a person licensed by the 67789  
athletic trainers section has committed any of the prohibited 67790  
actions listed in division (A) of this section, the section may 67791  
immediately suspend the license of a licensed athletic trainer 67792  
prior to holding a hearing in accordance with Chapter 119. of the 67793  
Revised Code if it determines, based on the complaint, that the 67794  
licensee poses an immediate threat to the public. The section may 67795  
review the allegations and vote on the suspension by telephone 67796  
conference call. If the section votes to suspend a license under 67797  
this division, the section shall issue a written order of summary 67798  
suspension to the licensed athletic trainer in accordance with 67799  
section 119.07 of the Revised Code. If the individual whose 67800  
license is suspended fails to make a timely request for an 67801  
adjudication under Chapter 119. of the Revised Code, the section 67802  
shall enter a final order permanently revoking the individual's 67803  
license. Notwithstanding section 119.12 of the Revised Code, a 67804  
court of common pleas shall not grant a suspension of the 67805  
section's order of summary suspension pending the determination of 67806  
an appeal filed under that section. Any order of summary 67807  
suspension issued under this division shall remain in effect, 67808  
unless reversed on appeal, until a final adjudication order issued 67809  
by the section pursuant to division (A) of this section becomes 67810  
effective. The section shall issue its final adjudication order 67811  
regarding an order of summary suspension issued under this 67812  
division not later than ninety days after completion of its 67813  
hearing. Failure to issue the order within ninety days shall 67814  
result in immediate dissolution of the suspension order, but shall 67815  
not invalidate any subsequent, final adjudication order. 67816

|                                                                                                                                                                                                                                                                                                                          |                                           |
|--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-------------------------------------------|
| Sec. 4757.10. (A) The counselor, social worker, and marriage and family therapist board may adopt any rules necessary to carry out this chapter.                                                                                                                                                                         | 67817<br>67818<br>67819                   |
| (B) The board shall adopt rules that do all of the following:                                                                                                                                                                                                                                                            | 67820                                     |
| (1) Concern intervention for and treatment of any impaired person holding a license or certificate of registration issued under this chapter;                                                                                                                                                                            | 67821<br>67822<br>67823                   |
| (2) Establish standards for training and experience of supervisors described in division (C) of section 4757.30 of the Revised Code;                                                                                                                                                                                     | 67824<br>67825<br>67826                   |
| (3) Establish requirements for criminal records checks of applicants under section 4776.03 of the Revised Code;                                                                                                                                                                                                          | 67827<br>67828                            |
| (4) Establish a graduated system of fines based on the scope and severity of violations and the history of compliance, not to exceed five hundred dollars per incident, that any professional standards committee of the board may charge for a disciplinary violation described in section 4757.36 of the Revised Code; | 67829<br>67830<br>67831<br>67832<br>67833 |
| (5) Establish the amount and content of corrective action courses required by the board under section 4757.36 of the Revised Code;                                                                                                                                                                                       | 67834<br>67835<br>67836                   |
| (6) Provide for voluntary registration of all of the following:                                                                                                                                                                                                                                                          | 67837<br>67838                            |
| (a) Master's level counselor trainees enrolled in practice and internships;                                                                                                                                                                                                                                              | 67839<br>67840                            |
| (b) Master's level social worker trainees enrolled in fieldwork, practice, and internships;                                                                                                                                                                                                                              | 67841<br>67842                            |
| (c) Master's level marriage and family therapist trainees enrolled in practice and internships.                                                                                                                                                                                                                          | 67843<br>67844                            |
| (7) <u>In the case of an individual who is voluntarily</u>                                                                                                                                                                                                                                                               | 67845                                     |

registered as a trainee under division (B)(6) of this section and 67846  
who has graduated but not yet completed all requirements for 67847  
licensure, provide for an extension of the individual's 67848  
registration for a period of six months beginning on the date of 67849  
the individual's graduation. 67850

(8) Establish a schedule of deadlines for renewal. 67851

(C) Rules adopted under division (B)(6) of this section shall 67852  
not require a trainee to register with the board, and if a trainee 67853  
has not registered, shall prohibit any adverse effect with respect 67854  
to a trainee's application for licensure by the board. 67855

(D) All rules adopted under this section shall be adopted in 67856  
accordance with Chapter 119. of the Revised Code. When it adopts 67857  
rules under this section or any other section of this chapter, the 67858  
board may consider standards established by any national 67859  
association or other organization representing the interests of 67860  
those involved in professional counseling, social work, or 67861  
marriage and family therapy. 67862

**Sec. 4763.15.** Except for moneys required to be transferred 67863  
into the real estate appraiser recovery fund pursuant to section 67864  
4763.16 of the Revised Code or as required pursuant to this 67865  
section, the superintendent of real estate may deposit all fees 67866  
collected under this chapter into the state treasury to the credit 67867  
of the real estate appraiser operating fund, which is hereby 67868  
created. All operating expenses of the real estate appraiser board 67869  
and the superintendent of real estate relating to the 67870  
administration and enforcement of this chapter and Chapter 4768. 67871  
of the Revised Code shall be paid from this fund. The fund shall 67872  
be assessed a proportionate share of the administrative cost of 67873  
the department of commerce in accordance with procedures 67874  
prescribed by the director of commerce ~~and approved by the~~ 67875  
~~director of budget and management,~~ and the assessment shall be 67876

paid from the operating fund to the division of administration 67877  
fund. 67878

If, in any biennium, the director of commerce determines that 67879  
moneys in the operating fund exceed those necessary to fund the 67880  
activities of the board and of the superintendent of real estate 67881  
that relate to this chapter and Chapter 4768. of the Revised Code, 67882  
the director may pay the excess funds to the real estate appraiser 67883  
recovery fund. 67884

**Sec. 4779.28.** (A) The Ohio occupational therapy, physical 67885  
therapy, and athletic trainers board ~~may~~, pursuant to an 67886  
adjudication under Chapter 119. of the Revised Code, and except as 67887  
provided in division (B) of this section, may limit, revoke, or 67888  
suspend a license issued under this chapter, may refuse to issue a 67889  
license to an applicant, or may reprimand ~~or, fine,~~ place a 67890  
license holder on probation ~~a, or may require the~~ license holder 67891  
to take corrective action courses, for any of the following 67892  
reasons: 67893

(1) Conviction of, or a plea of guilty to, a misdemeanor or 67894  
felony involving moral turpitude; 67895

(2) Any violation of this chapter; 67896

(3) Committing fraud, misrepresentation, or deception in 67897  
applying for or securing a license issued under this chapter; 67898

(4) Habitual use of drugs or intoxicants to the extent that 67899  
it renders the person unfit to practice; 67900

(5) Violation of any rule adopted by the board under section 67901  
4779.08 of the Revised Code; 67902

(6) A departure from, or failure to conform to, minimal 67903  
standards of care of similar orthotists, prosthetists, 67904  
orthotists-prosthetists, or pedorthists under the same or similar 67905

|                                                                                                                                                                                                                                                                                                                                                                        |                                                    |
|------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|----------------------------------------------------|
| circumstances, regardless of whether actual injury to a patient is established;                                                                                                                                                                                                                                                                                        | 67906<br>67907                                     |
| (7) Obtaining or attempting to obtain money or anything of value by fraudulent misrepresentation in the course of practice;                                                                                                                                                                                                                                            | 67908<br>67909                                     |
| (8) Publishing a false, fraudulent, deceptive, or misleading statement;                                                                                                                                                                                                                                                                                                | 67910<br>67911                                     |
| (9) Waiving the payment of all or part of a deductible or copayment that a patient, pursuant to a health insurance or health care policy, contract, or plan, would otherwise be required to pay, if the waiver is used as an enticement to a patient or group of patients to receive health care services from a person who holds a license issued under this chapter; | 67912<br>67913<br>67914<br>67915<br>67916<br>67917 |
| (10) Advertising that a person who holds a license issued under this chapter will waive the payment of all or part of a deductible or copayment that a patient, pursuant to a health insurance or health care policy, contract, or plan, that covers the person's services, would otherwise be required to pay;                                                        | 67918<br>67919<br>67920<br>67921<br>67922          |
| <u>(11) Denial, revocation, suspension, or restriction of authority to practice a health care occupation, including orthotics, prosthetics, or pedorthics, for any reason other than a failure to renew, in Ohio or another state or jurisdiction;</u>                                                                                                                 | 67923<br>67924<br>67925<br>67926                   |
| <u>(12) Regardless of whether it is consensual, engaging in any of the following with a patient other than the spouse of the orthotist, prosthetist, orthotist-prosthetist, or pedorthist:</u>                                                                                                                                                                         | 67927<br>67928<br>67929                            |
| <u>(a) Sexual contact, as defined in section 2907.01 of the Revised Code;</u>                                                                                                                                                                                                                                                                                          | 67930<br>67931                                     |
| <u>(b) Sexual conduct, as defined in section 2907.01 of the Revised Code;</u>                                                                                                                                                                                                                                                                                          | 67932<br>67933                                     |
| <u>(c) Verbal behavior that is sexually demeaning to the patient or may be reasonably interpreted by the patient as sexually</u>                                                                                                                                                                                                                                       | 67934<br>67935                                     |

demeaning. 67936

(B) The board shall not refuse to issue a license to an 67937  
applicant because of a conviction of or plea of guilty to an 67938  
offense unless the refusal is in accordance with section 9.79 of 67939  
the Revised Code. 67940

(C) For the purpose of investigating whether a person is 67941  
engaging or has engaged in conduct described in division (A) of 67942  
this section, the board may administer oaths, order the taking of 67943  
depositions, issue subpoenas, examine witnesses, and compel the 67944  
attendance of witnesses and production of books, accounts, papers, 67945  
records, documents, and testimony. 67946

Sec. 4779.281. A person sanctioned under section 4779.28 of 67947  
the Revised Code shall pay a fee in the amount of the actual cost 67948  
of the administrative hearing, including the cost of the court 67949  
reporter, the hearing officer, transcripts, and any witness fees 67950  
for lodging and travel, as determined by the Ohio occupational 67951  
therapy, physical therapy, and athletic trainers board. The fee 67952  
shall be collected by the board. 67953

Sec. 4779.33. (A) The Ohio occupational therapy, physical 67954  
therapy, and athletic trainers board shall enforce the laws 67955  
relating to the practice of orthotics, prosthetics, and 67956  
pedorthics. If the ~~secretary of the~~ board has knowledge of a 67957  
violation, the ~~secretary~~ board shall investigate the violation and 67958  
notify the prosecuting attorney of the proper county. 67959

(B)(1) Subject to division (B)(2) of this section, 67960  
information and records received or generated by the board 67961  
pursuant to an investigation are confidential, are not public 67962  
records as defined in section 149.43 of the Revised Code, and are 67963  
not subject to discovery in any civil or administrative action. 67964

(2) For good cause, the board may disclose information 67965

gathered pursuant to an investigation to any federal, state, or 67966  
local law enforcement, prosecutorial, or regulatory agency or its 67967  
officers or agents engaging in an investigation the board believes 67968  
is within the agency's jurisdiction. An agency that receives 67969  
confidential information shall comply with the same requirements 67970  
regarding confidentiality as those with which the board must 67971  
comply, notwithstanding any conflicting provision of the Revised 67972  
Code or procedure of the agency that applies when the agency is 67973  
dealing with other information in its possession. The information 67974  
may be admitted into evidence in a criminal trial in accordance 67975  
with the Rules of Evidence, or in an administrative hearing 67976  
conducted by an agency, but the court or agency shall require that 67977  
appropriate measures be taken to ensure that confidentiality is 67978  
maintained with respect to any part of the information that 67979  
contains names or other identifying information about patients, 67980  
complainants, or others whose confidentiality was protected by the 67981  
board when the information was in the board's possession. Measures 67982  
to ensure confidentiality that may be taken by the court or agency 67983  
include sealing its records or redacting specific information from 67984  
its records. 67985

**Sec. 4781.04.** (A) The department of commerce, division of 67986  
industrial compliance shall adopt rules pursuant to Chapter 119. 67987  
of the Revised Code to do all of the following: 67988

(1) Establish uniform standards that govern the installation 67989  
of manufactured housing that are consistent with, and not less 67990  
stringent than, the model standards for the design and 67991  
installation of manufactured housing the secretary of the United 67992  
States department of housing and urban development adopts; 67993

(2) Govern the inspection of the installation of manufactured 67994  
housing. The rules shall specify that the division of industrial 67995  
compliance, any building department or personnel of any 67996

department, or any private third party, certified pursuant to 67997  
section 4781.07 of the Revised Code shall conduct all inspections 67998  
of the installation of manufactured housing located in 67999  
manufactured home parks to determine compliance with the uniform 68000  
installation standards the division of industrial compliance 68001  
establishes pursuant to this section. 68002

(3) Govern the design, construction, installation, approval, 68003  
and inspection of foundations and the base support systems for 68004  
manufactured housing. The rules shall specify that the division of 68005  
industrial compliance, any building department or personnel of any 68006  
department, or any private third party, certified pursuant to 68007  
section 4781.07 of the Revised Code shall conduct all inspections 68008  
of the installation, foundations, and base support systems of 68009  
manufactured housing located in manufactured home parks to 68010  
determine compliance with the uniform installation standards and 68011  
foundation and base support system design the division of 68012  
industrial compliance establishes pursuant to this section. 68013

(4) Govern the training, experience, and education 68014  
requirements for manufactured housing installers; 68015

(5) Establish a code of ethics for manufactured housing 68016  
installers; 68017

(6) Govern the issuance, revocation, and suspension of 68018  
licenses to manufactured housing installers; 68019

(7) Establish fees for the issuance and renewal of licenses, 68020  
for conducting inspections to determine an applicant's compliance 68021  
with this chapter and the rules adopted pursuant to it, and for 68022  
the division's expenses incurred in implementing this chapter; 68023

(8) Establish conditions under which a licensee may enter 68024  
into contracts to fulfill the licensee's responsibilities; 68025

(9) Govern the investigation of complaints concerning any 68026  
complaints involving the conduct of any licensed manufactured 68027

housing installer or person installing manufactured housing 68028  
without a license; 68029

(10) Establish a dispute resolution program for the timely 68030  
resolution of warranty issues involving new manufactured homes, 68031  
disputes regarding responsibility for the correction or repair of 68032  
defects in manufactured housing, and the installation of 68033  
manufactured housing. The rules shall provide for the timely 68034  
resolution of disputes between manufacturers, manufactured housing 68035  
dealers, and installers regarding the correction or repair of 68036  
defects in manufactured housing that are reported by the purchaser 68037  
of the home during the one-year period beginning on the date of 68038  
installation of the home. The rules also shall provide that 68039  
decisions made regarding the dispute under the program are not 68040  
binding upon the purchaser of the home or the other parties 68041  
involved in the dispute unless the purchaser so agrees in a 68042  
written acknowledgement that the purchaser signs and delivers to 68043  
the program within ten business days after the decision is issued. 68044

(11) Establish the requirements and procedures for the 68045  
certification of building departments and building department 68046  
personnel pursuant to section 4781.07 of the Revised Code; 68047

(12) Establish fees to be charged to building departments and 68048  
building department personnel applying for certification and 68049  
renewal of certification pursuant to section 4781.07 of the 68050  
Revised Code; 68051

(13) Develop a policy regarding the maintenance of records 68052  
for any inspection authorized or conducted pursuant to this 68053  
chapter. Any record maintained under division (A)(13) of this 68054  
section shall be a public record under section 149.43 of the 68055  
Revised Code. 68056

(B) The division of industrial compliance shall do all of the 68057  
following: 68058

- (1) Prepare and administer a licensure examination to determine an applicant's knowledge of manufactured housing installation and other aspects of installation the division determines appropriate;
- (2) Select, provide, or procure appropriate examination questions and answers for the licensure examination and establish the criteria for successful completion of the examination;
- (3) Prepare and distribute any application form sections 4781.01 to 4781.11 of the Revised Code require;
- (4) Receive applications for licenses and renewal of licenses and issue licenses to qualified applicants;
- (5) Establish procedures for processing, approving, and disapproving applications for licensure;
- (6) Retain records of applications for licensure, including all application materials submitted and a written record of the action taken on each application;
- (7) Review the design and plans for manufactured housing installations, foundations, and support systems;
- (8) Inspect a sample of homes at a percentage the division determines to evaluate the construction and installation of manufactured housing installations, foundations, and support systems to determine compliance with the standards the division adopts;
- (9) Investigate complaints concerning violations of this chapter or the rules adopted pursuant to it, or the conduct of any manufactured housing installer;
- (10) Determine appropriate disciplinary actions for violations of this chapter;
- (11) Conduct audits and inquiries of manufactured housing installers as appropriate for the enforcement of this chapter. The

division, or any person the division employs for the purpose, may 68089  
review and audit the business records of any manufactured housing 68090  
installer during normal business hours. 68091

(12) Approve an installation training course, which may be 68092  
offered by the Ohio manufactured homes association or other 68093  
entity. 68094

(C) Nothing in this section, or in any rule adopted by the 68095  
division of industrial compliance, shall be construed to limit the 68096  
authority of a board of health to enforce section 3701.344 or 68097  
Chapters 3703., 3718., and 3781. of the Revised Code or limit the 68098  
authority of the department of administrative services to lease 68099  
space for the use of a state agency and to group together state 68100  
offices in any city in the state as provided in section 123.01 of 68101  
the Revised Code. 68102

(D) The department of commerce, division of real estate and 68103  
professional licensing may adopt rules pursuant to Chapter 119. of 68104  
the Revised Code necessary for administration of the provisions of 68105  
this chapter related to manufactured home dealers, brokers, and 68106  
salespersons. 68107

**Sec. 4781.07.** (A) Pursuant to rules the division of 68108  
industrial compliance adopts, the division may certify municipal, 68109  
township, and county building departments and the personnel of 68110  
those departments, or any private third party, to exercise the 68111  
division's enforcement authority, accept and approve plans and 68112  
specifications for foundations, support systems and installations, 68113  
and inspect manufactured housing foundations, support systems, and 68114  
manufactured housing installations. Any certification is effective 68115  
for three years. 68116

(B) Following an investigation and finding of facts that 68117  
support its action, the division of industrial compliance may 68118  
revoke or suspend certification. The division may initiate an 68119

investigation on the division's own motion or the petition of a person affected by the enforcement or approval of plans.

(C)(1) If a township, municipal corporation, or county does not have a building department that is certified pursuant to this section, it may designate by resolution or ordinance another building department that has been certified pursuant to this section to exercise the ~~commission's~~ division's enforcement authority, accept and approve plans and specifications for foundations, support systems and installations, and inspect manufactured housing foundations, support systems, and manufactured housing installations. The designation is effective upon acceptance by the designee.

(2) An owner of a manufactured home or an operator of a manufactured home park may request an inspection and obtain an approval described in division (C)(1) of this section from any building department certified pursuant to this section designated by the township, municipal corporation, or county in which the owner's manufactured home or operator's manufactured home park is located.

**Sec. 4781.281.** (A) The ~~manufactured homes commission~~ division of industrial compliance may charge a fee for inspector certification. The fees shall include all of the following:

(1) The nonrefundable certification fee for inspectors shall not be greater than fifty dollars for each three-year certification period.

(2) The nonrefundable certification renewal fee for inspectors shall not be greater than fifty dollars.

(3) The nonrefundable late fee for certification renewal shall not be greater than twenty-five dollars in addition to the renewal fee.

(B) The ~~commission~~ division may adopt rules pursuant to 68150  
Chapter 119. of the Revised Code establishing fees less than those 68151  
described in division (A) of this section. 68152

**Sec. 4781.56.** (A) The ~~manufactured homes commission~~ division 68153  
of industrial compliance may contract with the board of health of 68154  
a city or general health district to permit the ~~commission~~ 68155  
division to abate and remove, in accordance with sections 3707.01 68156  
to 3707.021 of the Revised Code, any abandoned or unoccupied 68157  
manufactured home, mobile home, or recreational vehicle that 68158  
constitutes a nuisance and that is located in a manufactured home 68159  
park within the board of health's jurisdiction. Under the 68160  
contract, the ~~commission~~ division may receive complaints of 68161  
abandoned or unoccupied manufactured homes, mobile homes, or 68162  
recreational vehicles that constitute a nuisance and may, by 68163  
order, compel the park operator to abate and remove the nuisance. 68164  
The park operator shall pay any costs for the removal. 68165

(B) The sheriff, police officer, constable, or bailiff shall 68166  
not be liable pursuant to the abatement or removal of any 68167  
abandoned or unoccupied manufactured home, mobile home, or 68168  
recreational vehicle pursuant to this section. 68169

**Sec. 4781.57.** The park operator of a manufactured home park 68170  
shall ensure that all manufactured home park buildings, lots, 68171  
streets, walkways, manufactured homes, mobile homes, and other 68172  
facilities located in the manufactured home park shall be 68173  
maintained in a condition satisfactory to the ~~commission~~ division 68174  
at all times. 68175

**Sec. 4901.10.** The office of the public utilities commission 68176  
shall be at the seat of government in Columbus, in suitable 68177  
quarters provided by the state, and shall be open ~~between~~ 68178  
~~eight thirty a.m. and five thirty p.m.~~ throughout the year, 68179

Saturdays, Sundays, and legal holidays excepted. The commission 68180  
shall hold its sessions at least once in each calendar month in 68181  
Columbus, but also may meet at such other times and places as are 68182  
necessary for the proper performance of its duties. For the 68183  
purpose of holding sessions in places other than the seat of 68184  
government, the commission may rent quarters or offices, the 68185  
expense of which, in connection therewith, shall be paid in the 68186  
same manner as other authorized expenses. 68187

**Sec. 4906.02.** (A) There is hereby created within the public 68188  
utilities commission the power siting board, composed of the 68189  
~~chairman~~ chairperson of the public utilities commission, the 68190  
director of environmental protection, the director of health, the 68191  
director of development, the director of natural resources, the 68192  
director of agriculture, and a representative of the public who 68193  
shall be an engineer and shall be appointed by the governor, from 68194  
a list of three nominees submitted to the governor by the office 68195  
of the consumers' counsel, with the advice and consent of the 68196  
senate and shall serve for a term of four years. The ~~chairman~~ 68197  
chairperson of the public utilities commission shall be ~~chairman~~ 68198  
chairperson of the board and its chief executive officer. The 68199  
~~chairman~~ chairperson shall designate one of the voting members of 68200  
the board to act as ~~vice-chairman~~ vice-chairperson who shall 68201  
possess during the absence or disability of the ~~chairman~~ 68202  
chairperson all of the powers of the ~~chairman~~ chairperson. All 68203  
hearings, studies, and consideration of applications for 68204  
certificates shall be conducted by the board or representatives of 68205  
its members. 68206

In addition, the board shall include four legislative members 68207  
who may participate fully in all the board's deliberations and 68208  
activities except that they shall serve as nonvoting members. The 68209  
speaker of the house of representatives shall appoint one 68210  
legislative member, and the president of the senate and minority 68211

leader of each house shall each appoint one legislative member. 68212  
Each such legislative leader shall designate an alternate to 68213  
attend meetings of the board when the regular legislative member 68214  
~~he~~ appointed by the legislative leader is unable to attend. Each 68215  
legislative member and alternate shall serve for the duration of 68216  
the elected term that ~~he~~ the legislative member is serving at the 68217  
time of ~~his~~ appointment. A quorum of the board is a majority of 68218  
its voting members. 68219

The representative of the public and, notwithstanding section 68220  
101.26 of the Revised Code, legislative members of the board or 68221  
their designated alternates, when engaged in their duties as 68222  
members of the board, shall be paid at the per diem rate of step 68223  
1, pay range 32, under schedule B of section 124.15 of the Revised 68224  
Code and shall be reimbursed for the actual and necessary expenses 68225  
they incur in the discharge of their official duties. 68226

(B) The ~~chairman~~ chairperson shall keep a complete record of 68227  
all proceedings of the board, issue all necessary process, writs, 68228  
warrants, and notices, keep all books, maps, documents, and papers 68229  
ordered filed by the board, conduct investigations pursuant to 68230  
section 4906.07 of the Revised Code, and perform such other duties 68231  
as the board may prescribe. 68232

(C) The ~~chairman~~ chairperson of the public utilities 68233  
commission may assign or transfer duties among the commission's 68234  
staff. However, the board's authority to grant certificates under 68235  
section 4906.10 of the Revised Code shall not be exercised by any 68236  
officer, employee, or body other than the board itself. 68237

~~(D)~~(D)(1) The ~~chairman~~ chairperson may call to ~~his~~ the 68238  
chairperson's assistance, temporarily, any employee of the 68239  
environmental protection agency, the department of natural 68240  
resources, the department of agriculture, the department of 68241  
health, or the department of development, for the purpose of 68242  
making studies, conducting hearings, investigating applications, 68243

or preparing any report required or authorized under this chapter. 68244  
Such employees shall not receive any additional compensation over 68245  
that which they receive from the agency by which they are 68246  
employed, but they shall be reimbursed for their actual and 68247  
necessary expenses incurred while working under the direction of 68248  
the ~~chairman~~ chairperson. All contracts for special services are 68249  
subject to the approval of the ~~chairman~~ chairperson. 68250

(2) Subject to controlling board approval, the board may 68251  
contract for the services of any expert or analyst, other than an 68252  
employee described in division (D)(1) of this section, for the 68253  
purposes of carrying out the board's powers and duties as 68254  
described in Chapter 4906. of the Revised Code. Any such expert or 68255  
analyst shall be compensated from the application fee, or if 68256  
necessary, supplemental application fees assessed in accordance 68257  
with division (F) of section 4906.06 of the Revised Code. 68258

(E) The board's offices shall be located in those of the 68259  
public utilities commission. 68260

**Sec. 4927.01.** (A) As used in this chapter: 68261

(1) "Basic local exchange service" means residential-end-user 68262  
access to and usage of telephone-company-provided services over a 68263  
single line or small-business-end-user access to and usage of 68264  
telephone-company-provided services over the primary access line 68265  
of service, which in the case of residential and small-business 68266  
access and usage is not part of a bundle or package of services, 68267  
that does both of the following: 68268

(a) Enables a customer to originate or receive voice 68269  
communications within a local service area as that area exists on 68270  
September 13, 2010, or as that area is changed with the approval 68271  
of the public utilities commission; 68272

(b) Consists of all of the following services: 68273

|                                                                                                                                                                                                                                                                                                                                                                                                                                                                                        |                                                                      |
|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|----------------------------------------------------------------------|
| (i) Local dial tone service;                                                                                                                                                                                                                                                                                                                                                                                                                                                           | 68274                                                                |
| (ii) For residential end users, flat-rate telephone exchange service;                                                                                                                                                                                                                                                                                                                                                                                                                  | 68275<br>68276                                                       |
| (iii) Touch tone dialing service;                                                                                                                                                                                                                                                                                                                                                                                                                                                      | 68277                                                                |
| (iv) Access to and usage of 9-1-1 services, where such services are available;                                                                                                                                                                                                                                                                                                                                                                                                         | 68278<br>68279                                                       |
| (v) Access to operator services and directory assistance;                                                                                                                                                                                                                                                                                                                                                                                                                              | 68280                                                                |
| (vi) Provision of a telephone directory in any reasonable format, <u>which includes, at the telephone company's option, an internet-accessible database of directory listings,</u> for no additional charge and a listing in that directory, with reasonable accommodations made for private listings, <u>and for a telephone company that no longer offers a printed directory, provision of reasonable customer notice of the available options to obtain directory information;</u> | 68281<br>68282<br>68283<br>68284<br>68285<br>68286<br>68287<br>68288 |
| (vii) Per call, caller identification blocking services;                                                                                                                                                                                                                                                                                                                                                                                                                               | 68289                                                                |
| (viii) Access to telecommunications relay service; and                                                                                                                                                                                                                                                                                                                                                                                                                                 | 68290                                                                |
| (ix) Access to toll presubscription, interexchange or toll providers or both, and networks of other telephone companies.                                                                                                                                                                                                                                                                                                                                                               | 68291<br>68292                                                       |
| "Basic local exchange service" excludes any voice service to which customers are transitioned following a withdrawal of basic local exchange service under section 4927.10 of the Revised Code.                                                                                                                                                                                                                                                                                        | 68293<br>68294<br>68295                                              |
| (2) "Bundle or package of services" means one or more telecommunications services or other services offered together as one service option at a single price.                                                                                                                                                                                                                                                                                                                          | 68296<br>68297<br>68298                                              |
| (3) "Carrier access" means access to and usage of telephone company-provided facilities that enable end user customers originating or receiving voice grade, data, or image communications, over a local exchange telephone company network operated within a local service area, to access interexchange or                                                                                                                                                                           | 68299<br>68300<br>68301<br>68302<br>68303                            |

other networks and includes special access. 68304

(4) "Federal poverty level" means the income level 68305  
represented by the poverty guidelines as revised annually by the 68306  
United States department of health and human services in 68307  
accordance with section 673(2) of the "Omnibus Reconciliation Act 68308  
of 1981," 95 Stat. 511, 42 U.S.C. 9902, as amended, for a family 68309  
size equal to the size of the family of the person whose income is 68310  
being determined. 68311

(5) "Incumbent local exchange carrier" means, with respect to 68312  
an area, the local exchange carrier that: 68313

(a) On February 8, 1996, provided telephone exchange service 68314  
in such area; and 68315

(b)(i) On February 8, 1996, was deemed to be a member of the 68316  
exchange carrier association pursuant to 47 C.F.R. 69.601(b); or 68317

(ii) Is a person or entity that, on or after February 8, 68318  
1996, became a successor or assign of a member described in 68319  
division (A)(5)(b)(i) of this section. 68320

(6) "Internet protocol-enabled services" means any services, 68321  
capabilities, functionalities, or applications that are provided 68322  
using internet protocol or a successor protocol to enable an end 68323  
user to send or receive communications in internet protocol format 68324  
or a successor format, regardless of how any particular such 68325  
service is classified by the federal communications commission, 68326  
and includes voice over internet protocol service. 68327

(7) "Interstate-access component" means the portion of 68328  
carrier access that is within the jurisdiction of the federal 68329  
communications commission. 68330

(8) "Local exchange carrier" means any person engaged in the 68331  
provision of telephone exchange service, or the offering of access 68332  
to telephone exchange service or facilities for the purpose of 68333

originating or terminating telephone toll service. 68334

(9) "Local service area" means the geographic area that may 68335  
encompass more than one exchange area and within which a telephone 68336  
customer, by paying the rate for basic local exchange service, may 68337  
complete calls to other telephone customers without being assessed 68338  
long distance toll charges. 68339

(10) "Small business" means a nonresidential service customer 68340  
with three or fewer service access lines. 68341

(11) "Telecommunications" means the transmission, between or 68342  
among points specified by the user, of information of the user's 68343  
choosing, without change in the form or content of the information 68344  
as sent and received. 68345

(12) "Telecommunications carrier" has the same meaning as in 68346  
the "Telecommunications Act of 1996," 110 Stat. 60, 47 U.S.C. 153. 68347

(13) "Telecommunications service" means the offering of 68348  
telecommunications for a fee directly to the public, or to such 68349  
classes of users as to be effectively available directly to the 68350  
public, regardless of the facilities used. 68351

(14) "Telephone company" means a company described in 68352  
division (A) of section 4905.03 of the Revised Code that is a 68353  
public utility under section 4905.02 of the Revised Code. 68354

(15) "Telephone exchange service" means telecommunications 68355  
service that is within a telephone exchange, or within a connected 68356  
system of telephone exchanges within the same exchange area 68357  
operated to furnish to subscribers intercommunicating service of 68358  
the character ordinarily furnished by a single exchange, and that 68359  
is covered by the exchange service charge; or comparable service 68360  
provided through a system of switches, transmission equipment, or 68361  
other facilities, or combination thereof, by which a customer can 68362  
originate and terminate a telecommunications service. 68363

(16) "Telephone toll service" means telephone service between stations in different exchange areas for which there is made a separate charge not included in contracts with customers for exchange service.

(17) "Voice over internet protocol service" means a service that enables real-time, two-way, voice communications that originate or terminate from the user's location using internet protocol or a successor protocol, including, but not limited to, any such service that permits an end user to receive calls from and terminate calls to the public switched network.

(18) "Voice service" includes all of the applicable functionalities described in 47 C.F.R. 54.101(a). "Voice service" is not the same as basic local exchange service.

(19) "Wireless service" means federally licensed commercial mobile service as defined in the "Telecommunications Act of 1996," 110 Stat. 61, 151, 153, 47 U.S.C. 332(d) and further defined as commercial mobile radio service in 47 C.F.R. 20.3. Under division (A)(19) of this section, commercial mobile radio service is specifically limited to mobile telephone, mobile cellular telephone, paging, personal communications services, and specialized mobile radio service provided by a common carrier in this state and excludes fixed wireless service.

(20) "Wireless service provider" means a facilities-based provider of wireless service to one or more end users in this state.

(B) The definitions of this section shall be applied consistent with the definitions in the "Telecommunications Act of 1996," 110 Stat. 56, 47 U.S.C. 151 et seq., as amended, and with federal decisions interpreting those definitions.

**Sec. 5101.04.** Notwithstanding any provision of law or

regulation to the contrary, in order to improve the timeliness of 68394  
public assistance benefit deliveries, to maximize operational 68395  
efficiencies, increase cost savings, and minimize fraud, the 68396  
department of job and family services may contract with a 68397  
third-party commercial consumer reporting agency, in accordance 68398  
with the "Fair Credit Reporting Act," 15 U.S.C. 1681 et seq., for 68399  
the purpose of assisting the department with eligibility 68400  
determinations for supplemental nutrition assistance supplemental 68401  
program benefits, benefits funded by the temporary assistance for 68402  
needy families block grant, and unemployment compensation 68403  
benefits. The department shall undertake efforts to incorporate 68404  
real-time employment and income information into existing 68405  
verification and eligibility determination procedures. 68406

Sec. 5101.041. (A) The director of job and family services 68407  
shall enter into the following data matching agreements: 68408

(1) An agreement with the department of rehabilitation and 68409  
correction, under which the director of rehabilitation and 68410  
correction is required to provide the director of job and family 68411  
services with a searchable list, updated weekly, identifying all 68412  
persons committed to the several institutions governed by the 68413  
department of rehabilitation and correction. 68414

(2) Agreements with the director of the state lottery 68415  
commission and executive director of the Ohio casino control 68416  
commission, under which the director and executive director 68417  
provide the director of job and family services with a searchable 68418  
list identifying all individuals with substantial lottery or 68419  
gambling winnings. The director of job and family services shall 68420  
check the list at least monthly to determine if the information 68421  
affects any public assistance recipient's eligibility. 68422

(3) An agreement with the director of health, under which the 68423  
director of health is required to provide the director of job and 68424

family services with a searchable list identifying new and updated vital statistics records, including death records. The director of job and family services shall check the list at least monthly for vital statistics records involving public assistance recipients that may affect a recipient's eligibility. 68425  
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(B) The agreements required by division (A) of this section shall describe the manner in which each agency is to report the information to the department of job and family services. 68430  
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**Sec. 5101.141.** (A) As used in sections 5101.141 to ~~5101.1414~~ 5101.1417 of the Revised Code: 68433  
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(1) "Adopted young adult" means a person: 68435

(a) Who was in the temporary or permanent custody of a public children services agency; 68436  
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(b) Who was adopted at the age of sixteen or seventeen and attained the age of sixteen before a Title IV-E adoption assistance agreement became effective; 68438  
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(c) Who has attained the age of eighteen; and 68441

(d) Who has not yet attained the age of twenty-one. 68442

(2) "Child" means any of the following: 68443

(a) A person who meets the requirements of division (B)(3) of section 5153.01 of the Revised Code; 68444  
68445

(b) An adopted young adult; 68446

(c) An emancipated young adult. 68447

(3) "Emancipated young adult" means a person: 68448

(a) Who was in the temporary or permanent custody of a public children services agency, a planned permanent living arrangement, or in the Title-IV-E-eligible care and placement responsibility of a juvenile court or other governmental agency that provides Title 68449  
68450  
68451  
68452

|                                                                                                                                                                                                                                               |                                  |
|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|----------------------------------|
| IV-E reimbursable placement services;                                                                                                                                                                                                         | 68453                            |
| (b) Whose custody, arrangement, or care and placement was terminated on or after the person's eighteenth birthday; and                                                                                                                        | 68454<br>68455                   |
| (c) Who has not yet attained the age of twenty-one.                                                                                                                                                                                           | 68456                            |
| (4) <u>"Kinship guardianship young adult" means an individual that meets the following criteria:</u>                                                                                                                                          | 68457<br>68458                   |
| (a) <u>Was in the temporary or permanent custody of a public children services agency or a planned permanent living arrangement prior to the commitment described in division (A)(4)(b) of this section;</u>                                  | 68459<br>68460<br>68461<br>68462 |
| (b) <u>Was committed to the legal custody or legal guardianship of a kinship caregiver at the age of sixteen or seventeen and attained the age of sixteen before a Title IV-E kinship guardianship assistance agreement became effective;</u> | 68463<br>68464<br>68465<br>68466 |
| (c) <u>Has attained the age of eighteen;</u>                                                                                                                                                                                                  | 68467                            |
| (d) <u>Has not yet attained the age of twenty-one.</u>                                                                                                                                                                                        | 68468                            |
| (5) <u>"Relative" means, with respect to a child, any of the following who is eighteen years of age or older:</u>                                                                                                                             | 68469<br>68470                   |
| (a) <u>The following individuals related by blood or adoption to the child:</u>                                                                                                                                                               | 68471<br>68472                   |
| (i) <u>Grandparents, including grandparents with the prefix "great," "great-great," or "great-great-great";</u>                                                                                                                               | 68473<br>68474                   |
| (ii) <u>Siblings;</u>                                                                                                                                                                                                                         | 68475                            |
| (iii) <u>Aunts, uncles, nephews, and nieces, including such relatives with the prefix "great," "great-great," "grand," or "great-grand";</u>                                                                                                  | 68476<br>68477<br>68478          |
| (iv) <u>First cousins and first cousins once removed.</u>                                                                                                                                                                                     | 68479                            |
| (b) <u>Stepparents and stepsiblings of the child;</u>                                                                                                                                                                                         | 68480                            |

|                                                                                       |       |
|---------------------------------------------------------------------------------------|-------|
| <u>(c) Spouses and former spouses of individuals named in</u>                         | 68481 |
| <u>divisions (A)(5)(a) and (b) of this section;</u>                                   | 68482 |
| <u>(d) A legal guardian of the child;</u>                                             | 68483 |
| <u>(e) A legal custodian of the child;</u>                                            | 68484 |
| <u>(f) Any nonrelative adult that has a familiar and</u>                              | 68485 |
| <u>long-standing relationship or bond with the child or the family,</u>               | 68486 |
| <u>which relationship or bond will ensure the child's social ties.</u>                | 68487 |
| <u>(6) "Representative" means a person with whom the department</u>                   | 68488 |
| <u>of job and family services has entered into a contract, pursuant</u>               | 68489 |
| <u>to division (B)(2)(b) of this section.</u>                                         | 68490 |
| <del>(5)</del> <u>(7) "Title IV-E" means Title IV-E of the "Social Security</u>       | 68491 |
| <u>Act," 94 Stat. 501, 42 U.S.C. 670 (1980), as amended.</u>                          | 68492 |
| <u>(B)(1) Except as provided in <del>division</del> <u>divisions (B)(2), (3),</u></u> | 68493 |
| <u>and (4)</u> of this section, the department of job and family services             | 68494 |
| shall act as the single state agency to administer federal                            | 68495 |
| payments for foster care, <u>kinship guardianship assistance,</u> and                 | 68496 |
| adoption assistance made pursuant to Title IV-E. The director of                      | 68497 |
| job and family services shall adopt rules to implement this                           | 68498 |
| authority. Rules governing financial and administrative                               | 68499 |
| requirements applicable to public children services agencies and                      | 68500 |
| government entities that provide Title IV-E reimbursable placement                    | 68501 |
| services to children shall be adopted in accordance with section                      | 68502 |
| 111.15 of the Revised Code, as if they were internal management                       | 68503 |
| rules. Rules governing requirements applicable to private child                       | 68504 |
| placing agencies and private noncustodial agencies and rules                          | 68505 |
| establishing eligibility, program participation, and other                            | 68506 |
| requirements concerning Title IV-E shall be adopted in accordance                     | 68507 |
| with Chapter 119. of the Revised Code. A public children services                     | 68508 |
| agency to which the department distributes Title IV-E funds shall                     | 68509 |
| administer the funds in accordance with those rules.                                  | 68510 |
| (2) If the state plan is amended under divisions (A) and (B)                          | 68511 |

of section 5101.1411 of the Revised Code, both of the following 68512  
shall apply: 68513

(a) Implementation of the amendments to the plan shall begin 68514  
fifteen months after September 13, 2016, the effective date of 68515  
H.B. 50 of the 131st general assembly, if both of the following 68516  
apply: 68517

(i) The plan as amended is approved by the secretary of 68518  
health and human services; 68519

(ii) The general assembly has appropriated sufficient funds 68520  
to operate the program required under the plan as amended. 68521

(b) The department shall have, exercise, and perform all new 68522  
duties required under the plan as amended. In doing so, the 68523  
department may contract with another person to carry out those new 68524  
duties, to the extent permitted under Title IV-E. 68525

(3) If the state plan is amended under division (C) of 68526  
section 5101.1411 of the Revised Code, both of the following 68527  
apply: 68528

(a) Implementation of the amendments to the plan shall begin 68529  
fifteen months after the effective date of this section, if both 68530  
of the following apply: 68531

(i) The plan as amended is approved by the secretary of 68532  
health and human services. 68533

(ii) The general assembly has appropriated sufficient funds 68534  
to operate the program required under the plan as amended. 68535

(b) The department shall perform all new duties required 68536  
under the amended plan. In doing so, the department may contract 68537  
with another person to carry out those new duties, to the extent 68538  
permitted under Title IV-E. 68539

(4) If the state plan is amended under section 5101.1416 of 68540  
the Revised Code, and is approved by the secretary of health and 68541

human services, implementation of the amendments to the plan shall 68542  
begin fifteen months after the effective date of this section. 68543

(C)(1) Except with regard to the new duties imposed on the 68544  
department or its contractor under ~~division~~ divisions (B)(2)(b) 68545  
and (B)(3)(b) of this section that are not imposed on the county, 68546  
the county, on behalf of each child eligible for foster care 68547  
maintenance payments under Title IV-E, shall make payments to 68548  
cover the cost of providing all of the following: 68549

(a) The child's food, clothing, shelter, daily supervision, 68550  
and school supplies; 68551

(b) The child's personal incidentals; 68552

(c) Reasonable travel to the child's home for visitation. 68553

(2) In addition to payments made under division (C)(1) of 68554  
this section, the county may, on behalf of each child eligible for 68555  
foster care maintenance payments under Title IV-E, make payments 68556  
to cover the cost of providing the following: 68557

(a) Liability insurance with respect to the child; 68558

(b) If the county is participating in the demonstration 68559  
project established under division (A) of section 5101.142 of the 68560  
Revised Code, services provided under the project. 68561

(3) With respect to a child who is in a child-care 68562  
institution, including any type of group home designed for the 68563  
care of children or any privately operated program consisting of 68564  
two or more certified foster homes operated by a common 68565  
administrative unit, the foster care maintenance payments made by 68566  
the county on behalf of the child shall include the reasonable 68567  
cost of the administration and operation of the institution, group 68568  
home, or program, as necessary to provide the items described in 68569  
divisions (C)(1) and (2) of this section. 68570

(D) To the extent that either foster care maintenance 68571

payments under division (C) of this section, Title IV-E kinship guardianship assistance, or Title IV-E adoption assistance 68572  
68573  
payments for maintenance costs require the expenditure of county 68574  
funds, the board of county commissioners shall report the nature 68575  
and amount of each expenditure of county funds to the department. 68576

(E) The department shall distribute to public children 68577  
services agencies that incur and report expenditures of the type 68578  
described in division (D) of this section federal financial 68579  
participation received for administrative and training costs 68580  
incurred in the operation of foster care maintenance, kinship guardianship assistance, and adoption assistance programs. The 68581  
68582  
department may withhold not more than three per cent of the 68583  
federal financial participation received. The funds withheld may 68584  
be used only to fund the following: 68585

(1) The Ohio child welfare training program established under 68586  
section 5103.30 of the Revised Code; 68587

(2) The university partnership program for college and 68588  
university students majoring in social work who have committed to 68589  
work for a public children services agency upon graduation; 68590

(3) Efforts supporting organizational excellence, including 68591  
voluntary activities to be accredited by a nationally recognized 68592  
accreditation organization. 68593

The funds withheld shall be in addition to any administration 68594  
and training cost for which the department is reimbursed through 68595  
its own cost allocation plan. 68596

(F) All federal financial participation funds received by a 68597  
county pursuant to this section shall be deposited into the 68598  
county's children services fund created pursuant to section 68599  
5101.144 of the Revised Code. 68600

(G) The department shall periodically publish and distribute 68601  
the maximum amounts that the department will reimburse public 68602

children services agencies for making payments on behalf of 68603  
children eligible for foster care maintenance payments. 68604

(H) The department, by and through its director, is hereby 68605  
authorized to develop, participate in the development of, 68606  
negotiate, and enter into one or more interstate compacts on 68607  
behalf of this state with agencies of any other states, for the 68608  
provision of social services to children in relation to whom all 68609  
of the following apply: 68610

(1) They have special needs. 68611

(2) This state or another state that is a party to the 68612  
interstate compact is providing kinship guardianship assistance or 68613  
adoption assistance on their behalf. 68614

(3) They move into this state from another state or move out 68615  
of this state to another state. 68616

**Sec. 5101.1411.** (A)(1) The director of job and family 68617  
services shall, not later than nine months after September 13, 68618  
2016, the effective date of H.B. 50 of the 131st general assembly, 68619  
submit an amendment to the state plan required by 42 U.S.C. 671 to 68620  
the United States secretary of health and human services to 68621  
implement 42 U.S.C. 675(8) to make federal payments for foster 68622  
care under Title IV-E directly to, or on behalf of, any 68623  
emancipated young adult who meets the following requirements: 68624

(a) The emancipated young adult signs a voluntary 68625  
participation agreement. 68626

(b) The emancipated young adult satisfies division ~~(C)~~(D) of 68627  
this section. 68628

(2) Any emancipated young adult who meets the requirements of 68629  
division (A)(1) of this section may apply for foster care payments 68630  
and make the appropriate application at any time. 68631

(B)(1) The director of job and family services shall, not 68632

later than nine months after September 13, 2016, the effective 68633  
date of H.B. 50 of the 131st general assembly, submit an amendment 68634  
to the state plan required by 42 U.S.C. 671 to the United States 68635  
secretary of health and human services to implement 42 U.S.C. 68636  
675(8) to make federal payments for adoption assistance under 68637  
Title IV-E available to any parent who meets all of the following 68638  
requirements: 68639

(a) The parent adopted a person who is an adopted young adult 68640  
and the parent entered into an adoption assistance agreement under 68641  
42 U.S.C. 673 while the adopted person was age sixteen or 68642  
seventeen. 68643

(b) The parent maintains parental responsibility for the 68644  
adopted young adult. 68645

(c) The adopted young adult satisfies division ~~(C)~~(D) of this 68646  
section. 68647

(2) Any parent who meets the requirements of division (B)(1) 68648  
of this section that are applicable to a parent may request an 68649  
extension of adoption assistance payments at any time before the 68650  
adopted young adult reaches age twenty-one. 68651

(3) An adopted young adult who is eligible to receive 68652  
adoption assistance payments is not considered an emancipated 68653  
young adult and is therefore not eligible to receive payment under 68654  
division (A) of this section. 68655

(C)(1) The director of job and family services shall, not 68656  
later than nine months after the effective date of this amendment, 68657  
submit an amendment to the state plan required by 42 U.S.C. 671 to 68658  
the United States secretary of health and human services to 68659  
implement 42 U.S.C. 673(d) to provide kinship guardianship 68660  
assistance under Title IV-E available to any relative who meets 68661  
all of the following requirements: 68662

(a) Both of the following apply: 68663

(i) A juvenile court issued an order granting legal custody of a person who is a kinship guardianship young adult to the relative, or a probate court issued an order granting guardianship of a person who is a kinship guardianship young adult to the relative, and the order is not a temporary court order. 68664  
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(ii) The relative entered into a kinship guardianship assistance agreement under 42 U.S.C. 673(d) while the kinship guardianship young adult was age sixteen or seventeen. 68669  
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(b) The relative maintains parental responsibility for the kinship guardianship young adult. 68672  
68673

(c) The kinship guardianship young adult satisfies division (D) of this section. 68674  
68675

(2) Any person who meets the requirements of division (C)(1) of this section may request an extension of kinship guardianship assistance at any time before the kinship guardianship young adult reaches age twenty-one. 68676  
68677  
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68679

(3) A kinship guardianship young adult who is eligible to receive kinship guardianship assistance is not considered an emancipated young adult and is therefore not eligible to receive assistance under division (A) of this section. 68680  
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68683

(D) In addition to other requirements, an adopted, kinship guardianship, or emancipated young adult must meet at least one of the following criteria: 68684  
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68686

(1) Is completing secondary education or a program leading to an equivalent credential; 68687  
68688

(2) Is enrolled in an institution that provides post-secondary or vocational education; 68689  
68690

(3) Is participating in a program or activity designed to promote, or remove barriers to, employment; 68691  
68692

(4) Is employed for at least eighty hours per month; 68693

(5) Is incapable of doing any of the activities described in 68694  
divisions ~~(C)(1)~~(D)(1) to (4) of this section due to a physical or 68695  
mental condition, which incapacity is supported by regularly 68696  
updated information in the person's case record or plan. 68697

~~(D)~~(E) Any emancipated young adult described in division 68698  
(A)(1) of this section who is directly receiving foster care 68699  
payments, or on whose behalf such foster care payments are 68700  
received, or any relative described in division (C)(1) of this 68701  
section who is receiving kinship guardianship assistance, or any 68702  
parent receiving adoption assistance payments, may refuse the 68703  
payments at any time. 68704

~~(E)(1)~~(F)(1) An emancipated young adult described in division 68705  
(A)(1) of this section who is directly receiving foster care 68706  
payments, or on whose behalf such foster care payments are 68707  
received, or any relative described in division (C)(1) of this 68708  
section who is receiving kinship guardianship assistance and the 68709  
kinship guardianship young adult, or a parent receiving adoption 68710  
assistance payments and the adopted young adult shall be eligible 68711  
for services set forth in the federal, "Fostering Connections to 68712  
Success and Increasing Adoptions Act of 2008," P.L. 110-351, 122 68713  
Stat. 3949. 68714

(2) An emancipated young adult described in division (A)(1) 68715  
of this section who is directly receiving foster care payments, or 68716  
on whose behalf such foster care payments are received, pursuant 68717  
to this section, may be eligible to reside in a supervised 68718  
independent living setting, including apartment living, room and 68719  
board arrangements, college or university dormitories, host homes, 68720  
and shared roommate settings. 68721

~~(F)~~(G) Any determination by the department that denies or 68722  
terminates foster care assistance, kinship guardianship 68723  
assistance, kinship support program payments, or adoption 68724  
assistance payments shall be subject to a state hearing pursuant 68725

to section 5101.35 of the Revised Code. 68726

**Sec. 5101.1412.** (A) Without the approval of a court, an 68727  
emancipated young adult who receives payments, or on whose behalf 68728  
payments are received, under division (A) of section 5101.1411 of 68729  
the Revised Code, may enter into a voluntary participation 68730  
agreement with the department of job and family services, or its 68731  
representative, for the emancipated young adult's care and 68732  
placement. The agreement shall stay in effect until one of the 68733  
following occurs: 68734

(1) The emancipated young adult enrolled in the program 68735  
notifies the department, or its representative, that they want to 68736  
terminate the agreement. 68737

(2) The emancipated young adult becomes ineligible for the 68738  
program. 68739

(B) ~~During the one hundred eighty day period after the 68740  
voluntary participation agreement becomes effective, the 68741  
department or its representative shall seek approval from the 68742  
court that the emancipated young adult's best interest is served 68743  
by continuing the care and placement with the department or its 68744  
representative.~~ 68745

~~(C)~~ In order to maintain Title IV-E eligibility for the 68746  
emancipated young adult, ~~not~~ both of the following apply: 68747

(1) Not later than one hundred eighty days after the 68748  
effective date of the voluntary participation agreement, the 68749  
department or its representative must petition the court for, and 68750  
obtain, a judicial determination that the emancipated young 68751  
adult's best interest is served by continuing the care and 68752  
placement with the department or its representative. 68753

(2) Not later than twelve months after the effective date of 68754  
the voluntary participation agreement, and at least once every 68755

twelve months thereafter, the department or its representative 68756  
must petition the court for, and obtain, a judicial determination 68757  
that the department or its representative has made reasonable 68758  
efforts to finalize a permanency plan ~~that addresses the~~ 68759  
~~department's or its representative's efforts~~ to prepare the 68760  
emancipated young adult for independence. 68761

**Sec. 5101.1415.** The provisions of divisions (A) and ~~(C)~~(D) to 68762  
~~(F)~~(G) of section 5101.1411 of the Revised Code shall not apply if 68763  
the person is eligible for temporary or permanent custody until 68764  
age twenty-one pursuant to a dispositional order under sections 68765  
2151.353, 2151.414, and 2151.415 of the Revised Code. 68766

**Sec. 5101.1416.** (A) Not later than nine months after the 68767  
effective date of this section, the director of job and family 68768  
services shall submit an amendment to the state plan required by 68769  
42 U.S.C. 671 to the United States secretary of health and human 68770  
services to implement 42 U.S.C. 673(d) to provide kinship 68771  
guardianship assistance under Title IV-E on behalf of a child to a 68772  
relative who meets the following requirements: 68773

(1) The relative has cared for the eligible child pursuant to 68774  
division (B) of this section as a foster caregiver as defined by 68775  
section 5103.02 of the Revised Code for at least six consecutive 68776  
months. 68777

(2) Both of the following apply: 68778

(a) A juvenile court issued an order granting legal custody 68779  
of the child to the relative, or a probate court issued an order 68780  
granting guardianship of the child to the relative, and the order 68781  
is not a temporary court order. 68782

(b) The relative has committed to care for the child on a 68783  
permanent basis. 68784

(3) The relative signs a kinship guardianship assistance 68785

agreement required by 42 U.S.C. 673. 68786

(B) A child is an eligible child for kinship guardianship assistance under this section if the following are met: 68787  
68788

(1) The child has been removed from his or her home pursuant to a voluntary placement agreement or as a result of a judicial determination to the effect that continuation in the home would be contrary to the welfare of the child. 68789  
68790  
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(2) The child has been eligible for foster care maintenance payments under section 5101.141 of the Revised Code while residing for at least six consecutive months in the home of a relative described in division (A) of this section. 68793  
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(3) Returning the child home or adoption of the child are not appropriate permanency options for the child. 68797  
68798

(4) The child demonstrates a strong attachment to the child's relative described in division (A) of this section and the relative has a strong commitment to caring permanently for the child. 68799  
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(5) With respect to a child who has attained fourteen years of age, the child has been consulted regarding the kinship guardianship arrangement. 68803  
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68805

**Sec. 5101.1417.** Not later than nine months after the effective date of this section, the department of job and family services shall adopt rules necessary to carry out the purposes of sections 5101.141, 5101.1411, and 5101.1416 of the Revised Code, and 42 U.S.C. 673(d) of the "Social Security Act," including rules that do all of the following: 68806  
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(A) Allow a kinship guardianship young adult described in division (C) of section 5101.1411 of the Revised Code on whose behalf kinship guardianship assistance is received, to maintain eligibility while transitioning into, or out of, qualified 68812  
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employment or educational activities; 68816

(B) Require that a thirty-day notice of termination be given 68817  
by the department to a person receiving kinship guardianship 68818  
assistance for a kinship guardianship young adult described in 68819  
division (C) of section 5101.1411 of the Revised Code, who is 68820  
determined to be ineligible for assistance. 68821

**Sec. 5101.1418.** (A)(1) If, after a child's adoption is 68822  
finalized, the department of job and family services considers the 68823  
child to be in need of public care or protective services, the 68824  
department may, to the extent state funds are available for this 68825  
purpose, enter into an agreement with the child's adoptive parent 68826  
under which the department may make post adoption special services 68827  
subsidy payments on behalf of the child as needed when both of the 68828  
following apply: 68829

(a) The child has a physical or developmental disability or 68830  
mental or emotional condition that either: 68831

(i) Existed before the adoption petition was filed; or 68832

(ii) Developed after the adoption petition was filed and can 68833  
be directly attributed to factors in the child's preadoption 68834  
background, medical history, or biological family's background or 68835  
medical history. 68836

(b) The department determines the expenses necessitated by 68837  
the child's disability or condition are beyond the adoptive 68838  
parent's economic resources. 68839

(2) Services for which the department may make post adoption 68840  
special services subsidy payments on behalf of a child under this 68841  
section shall include medical, surgical, psychiatric, 68842  
psychological, and counseling services, including residential 68843  
treatment. 68844

(3) The department shall establish clinical standards to 68845

evaluate a child's physical or developmental disability or mental 68846  
or emotional condition and assess the child's need for services. 68847

(4) The total dollar value of post adoption special services 68848  
subsidy payments made on a child's behalf shall not exceed ten 68849  
thousand dollars in any fiscal year, unless the department 68850  
determines that extraordinary circumstances exist that necessitate 68851  
further funding of services for the child. Under such 68852  
extraordinary circumstances, the value of the payments made on the 68853  
child's behalf shall not exceed fifteen thousand dollars in any 68854  
fiscal year. 68855

(5) The adoptive parent or parents of a child who receives 68856  
post adoption special services subsidy payments shall pay at least 68857  
five per cent of the total cost of all services provided to the 68858  
child; except that the department may waive this requirement if 68859  
the gross annual income of the child's adoptive family is not more 68860  
than two hundred per cent of the federal poverty guideline. 68861

(6) The department may use other sources of revenue to make 68862  
post adoption special services subsidy payments, in addition to 68863  
any state funds appropriated for that purpose. 68864

(7) The department may contract with another person to carry 68865  
out any of the duties described in this section. 68866

(B) No payment shall be made on behalf of any person eighteen 68867  
years of age or older beyond the end of the school year during 68868  
which the person attains the age of eighteen or on behalf of a 68869  
mentally or physically disabled person twenty-one years of age or 68870  
older. 68871

(C) The director of job and family services, not later than 68872  
July 1, 2022, shall adopt rules in accordance with Chapter 119. of 68873  
the Revised Code necessary to implement this section. The rules 68874  
shall establish all of the following: 68875

(1) The application process for all forms of assistance 68876

provided under this section; 68877

(2) Standards for determining the children who qualify to receive assistance provided under this section; 68878  
68879

(3) The method of determining the amount, duration, and scope of services provided to a child; 68880  
68881

(4) The method of transitioning the post adoption special services subsidy program from public children services agencies to the department; 68882  
68883  
68884

(5) Any other rule, requirement, or procedure the department considers appropriate for the implementation of this section. 68885  
68886

(D) The department shall implement this section not later than July 1, 2022. 68887  
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**Sec. 5101.341.** (A) The Ohio commission on fatherhood ~~annually~~ shall elect a chairperson from among its members in every odd-numbered year. 68889  
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(B) The governor shall appoint an individual to serve as the commission's executive director. The executive director shall serve at the pleasure of the governor and shall report to the director of job and family services or the director's designee. 68892  
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The governor shall fix the executive director's salary on the basis of the executive director's experience and the executive director's responsibilities and duties. The executive director shall be in the unclassified civil service. 68896  
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The department of job and family services shall provide staff and other support services as necessary for the commission to fulfill its duties. 68900  
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(C) The commission may accept gifts, grants, donations, contributions, benefits, and other funds from any public agency or private source to carry out any or all of the commission's duties. 68903  
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The funds shall be deposited into the Ohio commission on 68906  
fatherhood fund, which is hereby created in the state treasury. 68907  
All gifts, grants, donations, contributions, benefits, and other 68908  
funds received by the commission pursuant to this division shall 68909  
be used solely to support the operations of the commission. 68910

**Sec. 5101.54.** (A) The director of job and family services 68911  
shall administer the supplemental nutrition assistance program in 68912  
accordance with the Food and Nutrition Act of 2008 (7 U.S.C. 2011 68913  
et seq.). The department of job and family services may: 68914

(1) Prepare and submit to the secretary of the United States 68915  
department of agriculture a plan for the administration of the 68916  
supplemental nutrition assistance program; 68917

(2) Prescribe forms for applications, certificates, reports, 68918  
records, and accounts of county departments of job and family 68919  
services, and other matters; 68920

(3) Require such reports and information from each county 68921  
department of job and family services as may be necessary and 68922  
advisable; 68923

(4) Administer and expend any sums appropriated by the 68924  
general assembly for the purposes of the supplemental nutrition 68925  
assistance program and all sums paid to the state by the United 68926  
States as authorized by the Food and Nutrition Act of 2008; 68927

(5) Conduct such investigations as are necessary; 68928

(6) Enter into interagency agreements and cooperate with 68929  
investigations conducted by the department of public safety, 68930  
including providing information for investigative purposes, 68931  
exchanging property and records, passing through federal financial 68932  
participation, modifying any agreements with the United States 68933  
department of agriculture, providing for the supply, security, and 68934  
accounting of supplemental nutrition assistance program benefits 68935

for investigative purposes, and meeting any other requirements 68936  
necessary for the detection and deterrence of illegal activities 68937  
in the supplemental nutrition assistance program; 68938

(7) Adopt rules in accordance with Chapter 119. of the 68939  
Revised Code governing employment and training requirements of 68940  
recipients of supplemental nutrition assistance program benefits, 68941  
including rules specifying which recipients are subject to the 68942  
requirements and establishing sanctions for failure to satisfy the 68943  
requirements. The rules shall be consistent with 7 U.S.C. 2015, 68944  
including its work and employment and training requirements, and, 68945  
to the extent practicable, shall provide for the recipients to 68946  
participate in work activities, developmental activities, and 68947  
alternative work activities described in sections 5107.40 to 68948  
5107.69 of the Revised Code that are comparable to programs 68949  
authorized by 7 U.S.C. 2015(d)(4). The rules may reference rules 68950  
adopted under section 5107.05 of the Revised Code governing work 68951  
activities, developmental activities, and alternative work 68952  
activities described in sections 5107.40 to 5107.69 of the Revised 68953  
Code. 68954

(8) Adopt rules in accordance with section 111.15 of the 68955  
Revised Code that are consistent with the Food and Nutrition Act 68956  
of 2008, the regulations adopted thereunder, and this section 68957  
governing the following: 68958

(a) Eligibility requirements for the supplemental nutrition 68959  
assistance program; 68960

(b) Sanctions for failure to comply with eligibility 68961  
requirements; 68962

(c) Allotment of supplemental nutrition assistance program 68963  
benefits; 68964

(d) To the extent permitted under federal statutes and 68965  
regulations, a system under which some or all recipients of 68966

supplemental nutrition assistance program benefits subject to 68967  
employment and training requirements established by rules adopted 68968  
under division (A)(7) of this section receive the benefits after 68969  
satisfying the requirements; 68970

(e) Administration of the program by county departments of 68971  
job and family services; 68972

(f) Other requirements necessary for the efficient 68973  
administration of the program. 68974

(9) Submit a plan to the United States secretary of 68975  
agriculture for the department of job and family services to 68976  
operate a simplified supplemental nutrition assistance program 68977  
pursuant to 7 U.S.C. 2035 under which requirements governing the 68978  
Ohio works first program established under Chapter 5107. of the 68979  
Revised Code also govern the supplemental nutrition assistance 68980  
program in the case of households receiving supplemental nutrition 68981  
assistance program benefits and participating in Ohio works first. 68982

(10) Collect information on suspicious electronic benefit 68983  
transfer card transactions and provide the information to each 68984  
impacted county department for analysis and investigation. Such 68985  
information shall include transactions of even dollar amounts, 68986  
full monthly benefit amounts, multiple same-day transactions, 68987  
out-of-state transactions, and any other suspicious trends. 68988

(B) A household that is entitled to receive supplemental 68989  
nutrition assistance program benefits and that is determined to be 68990  
in immediate need of nutrition assistance shall receive 68991  
certification of eligibility for program benefits, pending 68992  
verification, within twenty-four hours, or, if mitigating 68993  
circumstances occur, within seventy-two hours, after application, 68994  
if: 68995

(1) The results of the application interview indicate that 68996  
the household will be eligible upon full verification; 68997

(2) Information sufficient to confirm the statements in the application has been obtained from at least one additional source, not a member of the applicant's household. Such information shall be recorded in the case file and shall include:

(a) The name of the person who provided the name of the information source;

(b) The name and address of the information source;

(c) A summary of the information obtained.

The period of temporary eligibility shall not exceed one month from the date of certification of temporary eligibility. If eligibility is established by full verification, benefits shall continue without interruption as long as eligibility continues.

There is no limit on the number of times a household may receive expedited certification of eligibility under this division as long as before each expedited certification all of the information identified in division (F)(1) of this section was verified for the household at the last expedited certification or the household's eligibility was certified under normal processing standards since the last expedited certification.

At the time of application, the county department of job and family services shall provide to a household described in this division a list of community assistance programs that provide emergency food.

(C) Before certifying supplemental nutrition assistance program benefits, the department shall verify the eligibility of each household in accordance with division (F) of this section. All applications shall be approved or denied through full verification within thirty days from receipt of the application by the county department of job and family services.

(D) Nothing in this section shall be construed to prohibit

the certification of households that qualify under federal 69028  
regulations to receive supplemental nutrition assistance program 69029  
benefits without charge under the Food and Nutrition Act of 2008. 69030

(E) Any person who applies for the supplemental nutrition 69031  
assistance program shall receive a voter registration application 69032  
under section 3503.10 of the Revised Code. 69033

(F)(1) In order to verify household eligibility as required 69034  
by federal regulations and this section, the department shall, 69035  
except as provided in division (F)(2) of this section, verify at 69036  
least the following information before certifying supplemental 69037  
nutrition assistance program benefits: 69038

(a) Household composition; 69039

(b) Identity; 69040

(c) Citizenship and alien eligibility status; 69041

(d) Social security numbers; 69042

(e) State residency status; 69043

(f) Disability status; 69044

(g) Gross nonexempt income; 69045

(h) Utility expenses; 69046

(i) Medical expenses; 69047

(j) Enrollment status in other state-administered public 69048  
assistance programs within and outside this state; 69049

(k) Any available information related to potential identity 69050  
fraud or identity theft. 69051

(2) A household's eligibility for supplemental nutrition 69052  
assistance program benefits may be certified before all of the 69053  
information identified in division (F)(1) of this section is 69054  
verified if the household's certification is being expedited under 69055  
division (B) of this section. 69056

(3) On at least a quarterly basis and consistent with federal regulations, as information is received by a county department of job and family services, the county department shall review and act on information identified in division (F)(1) of this section that indicates a change in circumstances that may affect eligibility, to the extent such information is available to the department. 69057  
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(4) Consistent with federal regulations, as part of the application for public assistance and before certifying benefits under the supplemental nutrition assistance program, the department shall require an applicant, or a person acting on the applicant's behalf, to verify the identity of the members of the applicant household. 69064  
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(5)(a) The department shall sign a memorandum of understanding with any department, agency, or division as needed to obtain the information identified in division (F)(1) of this section. 69070  
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(b) The department may contract with one or more independent vendors to provide the information identified in division (F)(1) of this section. 69074  
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(c) Nothing in this section prevents the department or a county department of job and family services from receiving or reviewing additional information related to eligibility not identified in this section or from contracting with one or more independent vendors to provide additional information not identified in this section. 69077  
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(6) The department shall explore joining a multistate cooperative, such as the national accuracy clearinghouse, to identify individuals enrolled in public assistance programs outside of this state. 69083  
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(G) If the department receives information concerning a 69087

household certified to receive supplemental nutrition assistance 69088  
program benefits that indicates a change in circumstances that may 69089  
affect eligibility, the department shall take action in accordance 69090  
with federal regulations, including verifying unclear information, 69091  
providing prior written notice of a change or adverse action, and 69092  
notifying the household of the right to a fair hearing. 69093

(H) In the case of suspected fraud, the department shall 69094  
refer the case for an administrative disqualification hearing or 69095  
to the county prosecutor of the county in which the applicant or 69096  
recipient resides for investigation, or both. 69097

(I) The department shall adopt rules in accordance with 69098  
Chapter 119. of the Revised Code to implement divisions (F) to (H) 69099  
of this section. 69100

(J) Except as prohibited by federal law, the department may 69101  
assign any of the duties described in this section to any county 69102  
department of job and family services. 69103

Sec. 5101.545. The director of job and family services shall 69104  
submit an application to the United States department of 69105  
agriculture for participation in the elderly simplified 69106  
application project within the supplemental nutrition assistance 69107  
program. 69108

**Sec. 5101.63.** (A)(1) Any individual listed in division (A)(2) 69109  
of this section having reasonable cause to believe that an adult 69110  
is being abused, neglected, or exploited, or is in a condition 69111  
which is the result of abuse, neglect, or exploitation shall 69112  
immediately report such belief to the county department of job and 69113  
family services. 69114

(2) All of the following are subject to division (A)(1) of 69115  
this section: 69116

(a) An attorney admitted to the practice of law in this 69117

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| state;                                                                                                                                                                                                                                                  | 69118                            |
| (b) An individual authorized under Chapter 4731. of the Revised Code to practice medicine and surgery, osteopathic medicine and surgery, or podiatric medicine and surgery;                                                                             | 69119<br>69120<br>69121          |
| (c) An individual licensed under Chapter 4734. of the Revised Code as a chiropractor;                                                                                                                                                                   | 69122<br>69123                   |
| (d) An individual licensed under Chapter 4715. of the Revised Code as a dentist;                                                                                                                                                                        | 69124<br>69125                   |
| (e) An individual licensed under Chapter 4723. of the Revised Code as a registered nurse or licensed practical nurse;                                                                                                                                   | 69126<br>69127                   |
| (f) An individual licensed under Chapter 4732. of the Revised Code as a psychologist;                                                                                                                                                                   | 69128<br>69129                   |
| (g) An individual licensed under Chapter 4757. of the Revised Code as a social worker, independent social worker, professional counselor, professional clinical counselor, marriage and family therapist, or independent marriage and family therapist; | 69130<br>69131<br>69132<br>69133 |
| (h) An individual licensed under Chapter 4729. of the Revised Code as a pharmacist;                                                                                                                                                                     | 69134<br>69135                   |
| (i) An individual holding a certificate to practice as a dialysis technician issued under Chapter 4723. of the Revised Code;                                                                                                                            | 69136<br>69137<br>69138          |
| (j) An employee of a home health agency, as defined in section <del>3701.881</del> <u>3740.01</u> of the Revised Code;                                                                                                                                  | 69139<br>69140                   |
| (k) An employee of an outpatient health facility;                                                                                                                                                                                                       | 69141                            |
| (l) An employee of a hospital, as defined in section 3727.01 of the Revised Code;                                                                                                                                                                       | 69142<br>69143                   |
| (m) An employee of a hospital or public hospital, as defined in section 5122.01 of the Revised Code;                                                                                                                                                    | 69144<br>69145                   |
| (n) An employee of a nursing home or residential care                                                                                                                                                                                                   | 69146                            |

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| facility, as defined in section 3721.01 of the Revised Code;                                                                                                                                                   | 69147                            |
| (o) An employee of a residential facility licensed under section 5119.22 of the Revised Code that provides accommodations, supervision, and personal care services for three to sixteen unrelated adults;      | 69148<br>69149<br>69150<br>69151 |
| (p) An employee of a health department operated by the board of health of a city or general health district or the authority having the duties of a board of health under section 3709.05 of the Revised Code; | 69152<br>69153<br>69154<br>69155 |
| (q) An employee of a community mental health agency, as defined in section 5122.01 of the Revised Code;                                                                                                        | 69156<br>69157                   |
| (r) A humane society agent appointed under section 1717.06 of the Revised Code;                                                                                                                                | 69158<br>69159                   |
| (s) An individual who is a firefighter for a lawfully constituted fire department;                                                                                                                             | 69160<br>69161                   |
| (t) An individual who is an ambulance driver for an emergency medical service organization, as defined in section 4765.01 of the Revised Code;                                                                 | 69162<br>69163<br>69164          |
| (u) A first responder, emergency medical technician-basic, emergency medical technician-intermediate, or paramedic, as those terms are defined in section 4765.01 of the Revised Code;                         | 69165<br>69166<br>69167          |
| (v) An official employed by a local building department to conduct inspections of houses and other residential buildings;                                                                                      | 69168<br>69169                   |
| (w) A peace officer;                                                                                                                                                                                           | 69170                            |
| (x) A coroner;                                                                                                                                                                                                 | 69171                            |
| (y) A member of the clergy;                                                                                                                                                                                    | 69172                            |
| (z) An individual who holds a certificate issued under Chapter 4701. of the Revised Code as a certified public accountant or is registered under that chapter as a public accountant;                          | 69173<br>69174<br>69175          |

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| (aa) An individual licensed under Chapter 4735. of the Revised Code as a real estate broker or real estate salesperson;                                                                                                      | 69176<br>69177                   |
| (bb) An individual appointed and commissioned under section 147.01 of the Revised Code as a notary public;                                                                                                                   | 69178<br>69179                   |
| (cc) An employee of a bank, savings bank, savings and loan association, or credit union organized under the laws of this state, another state, or the United States;                                                         | 69180<br>69181<br>69182          |
| (dd) A dealer, investment adviser, sales person, or investment advisor representative licensed under Chapter 1707. of the Revised Code;                                                                                      | 69183<br>69184<br>69185          |
| (ee) A financial planner accredited by a national accreditation agency;                                                                                                                                                      | 69186<br>69187                   |
| (ff) Any other individual who is a senior service provider, other than a representative of the office of the state long-term care ombudsman program as defined in section 173.14 of the Revised Code.                        | 69188<br>69189<br>69190<br>69191 |
| (B) Any person having reasonable cause to believe that an adult has suffered abuse, neglect, or exploitation may report, or cause a report to be made of such belief to the county department of job and family services.    | 69192<br>69193<br>69194<br>69195 |
| This division applies to a representative of the office of the state long-term care ombudsman program only to the extent permitted by federal law.                                                                           | 69196<br>69197<br>69198          |
| (C) The reports made under this section shall be made orally or in writing except that oral reports shall be followed by a written report if a written report is requested by the department. Written reports shall include: | 69199<br>69200<br>69201<br>69202 |
| (1) The name, address, and approximate age of the adult who is the subject of the report;                                                                                                                                    | 69203<br>69204                   |
| (2) The name and address of the individual responsible for                                                                                                                                                                   | 69205                            |

the adult's care, if any individual is, and if the individual is known; 69206  
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(3) The nature and extent of the alleged abuse, neglect, or exploitation of the adult; 69208  
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(4) The basis of the reporter's belief that the adult has been abused, neglected, or exploited. 69210  
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(D) Any person with reasonable cause to believe that an adult is suffering abuse, neglect, or exploitation who makes a report pursuant to this section or who testifies in any administrative or judicial proceeding arising from such a report, or any employee of the state or any of its subdivisions who is discharging responsibilities under section 5101.65 of the Revised Code shall be immune from civil or criminal liability on account of such investigation, report, or testimony, except liability for perjury, unless the person has acted in bad faith or with malicious purpose. 69212  
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(E) No employer or any other person with the authority to do so shall do any of the following as a result of an employee's having filed a report under this section: 69222  
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(1) Discharge, demote, transfer, or prepare a negative work performance evaluation; 69225  
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(2) Reduce benefits, pay, or work privileges; 69227

(3) Take any other action detrimental to an employee or in any way retaliate against the employee. 69228  
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(F) The written or oral report provided for in this section and the investigatory report provided for in section 5101.65 of the Revised Code are confidential and are not public records, as defined in section 149.43 of the Revised Code. In accordance with rules adopted by the department of job and family services, information contained in the report shall upon request be made 69230  
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available to the adult who is the subject of the report and to 69236  
legal counsel for the adult. If it determines that there is a risk 69237  
of harm to a person who makes a report under this section or to 69238  
the adult who is the subject of the report, the county department 69239  
of job and family services may redact the name and identifying 69240  
information related to the person who made the report. 69241

(G) The county department of job and family services shall be 69242  
available to receive the written or oral report provided for in 69243  
this section twenty-four hours a day and seven days a week. 69244

**Sec. 5101.741.** (A) The elder abuse commission shall formulate 69245  
and recommend strategies on all of the following: 69246

(1) Increasing awareness of and improving education on elder 69247  
abuse; 69248

(2) Increasing research on elder abuse; 69249

(3) Improving policy, funding, and programming related to 69250  
elder abuse, including estimated funding necessary to implement 69251  
specific recommendations; 69252

(4) Improving the judicial response to elder abuse victims; 69253

(5) Identifying ways to coordinate statewide efforts to 69254  
address elder abuse. 69255

~~(B) The commission shall review current funding of adult 69256  
protective services and shall report on the cost to the state and 69257  
county departments of job and family services of implementing its 69258  
recommendations. 69259~~

~~(C)~~ The commission shall prepare and issue a biennial report 69260  
on a plan of action that may be used by local communities to aid 69261  
in the development of efforts to combat elder abuse. The report 69262  
shall include the commission's ~~findings and~~ recommendations made 69263  
under ~~divisions~~ division (A) ~~and (B)~~ of this section. 69264

~~(D)~~(C) The attorney general may adopt rules as necessary for 69265  
the commission to carry out its duties. The rules shall be adopted 69266  
in accordance with section 111.15 of the Revised Code. 69267

**Sec. 5101.802.** (A) As used in this section: 69268

(1) "Custodian," "guardian," and "minor child" have the same 69269  
meanings as in section 5107.02 of the Revised Code. 69270

(2) "Federal poverty guidelines" has the same meaning as in 69271  
section 5101.46 of the Revised Code. 69272

(3) "Kinship caregiver" has the same meaning as in section 69273  
5101.85 of the Revised Code. 69274

(B) Subject to division (E) of section 5101.801 of the 69275  
Revised Code, there is hereby created the kinship permanency 69276  
incentive program to promote permanency for a minor child in the 69277  
legal and physical custody of a kinship caregiver. The program 69278  
shall provide an initial one-time incentive payment to the kinship 69279  
caregiver to defray the costs of initial placement of the minor 69280  
child in the kinship caregiver's home. The program may provide 69281  
additional permanency incentive payments for the minor child at 69282  
six-month intervals, based on the availability of funds. An 69283  
eligible caregiver may receive a maximum of eight incentive 69284  
payments per minor child. 69285

(C) A kinship caregiver may participate in the program if all 69286  
of the following requirements are met: 69287

(1) The kinship caregiver applies to a public children 69288  
services agency in accordance with the application process 69289  
established in rules authorized by division (E) of this section; 69290

(2) Not earlier than July 1, 2005, a juvenile court issues an 69291  
order granting legal custody to the kinship caregiver, or a 69292  
probate court grants guardianship to the kinship caregiver, except 69293  
that a temporary court order is not sufficient to meet this 69294

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| requirement;                                                                                                                                                                                                                                                                                                                            | 69295                                              |
| (3) The kinship caregiver is either the minor child's custodian or guardian;                                                                                                                                                                                                                                                            | 69296<br>69297                                     |
| (4) The minor child resides with the kinship caregiver pursuant to a placement approval process established in rules authorized by division (E) of this section;                                                                                                                                                                        | 69298<br>69299<br>69300                            |
| (5) Excluding any income excluded under rules adopted under division (E) of this section, the gross income of the kinship caregiver's family, including the minor child, does not exceed three hundred per cent of the federal poverty guidelines.                                                                                      | 69301<br>69302<br>69303<br>69304                   |
| <u>(6) The kinship caregiver is not receiving kinship guardianship assistance under Title IV-E of the "Social Security Act," 42 U.S.C. 673(d), as amended, or the program described in section 5101.1411 of the Revised Code or the program described in section 5153.163 of the Revised Code.</u>                                      | 69305<br>69306<br>69307<br>69308<br>69309          |
| (D) Public children services agencies shall make initial and ongoing eligibility determinations for the kinship permanency incentive program in accordance with rules authorized by division (E) of this section. The director of job and family services shall supervise public children services agencies' duties under this section. | 69310<br>69311<br>69312<br>69313<br>69314<br>69315 |
| (E) The director of job and family services shall adopt rules under division (C) of section 5101.801 of the Revised Code as necessary to implement the kinship permanency incentive program. The rules shall establish all of the following:                                                                                            | 69316<br>69317<br>69318<br>69319                   |
| (1) The application process for the program;                                                                                                                                                                                                                                                                                            | 69320                                              |
| (2) The placement approval process through which a minor child is placed with a kinship caregiver for the kinship caregiver to be eligible for the program;                                                                                                                                                                             | 69321<br>69322<br>69323                            |
| (3) The initial and ongoing eligibility determination process                                                                                                                                                                                                                                                                           | 69324                                              |

for the program, including the computation of income eligibility; 69325

(4) The amount of the incentive payments provided under the 69326  
program; 69327

(5) The method by which the incentive payments are provided 69328  
to a kinship caregiver. 69329

(F) The amendments made to this section by Am. Sub. H.B. 119 69330  
of the 127th general assembly shall not affect the eligibility of 69331  
any kinship caregiver whose eligibility was established before 69332  
June 30, 2007. 69333

Sec. 5101.806. (A) The department of job and family services 69334  
shall prepare and submit to the governor not later than the first 69335  
day of November in each even-numbered year a TANF spending plan 69336  
describing the anticipated spending of temporary assistance for 69337  
needy families block grant funds for the upcoming state fiscal 69338  
biennium. The report shall be prepared in such a manner as to 69339  
facilitate the inclusion of the information contained in the 69340  
report in the governor's budget in accordance with division (D)(7) 69341  
of section 107.03 of the Revised Code. 69342

(B)(1) Not later than thirty days after the end of the first 69343  
state fiscal year of a fiscal biennium, the department shall 69344  
prepare and submit an updated TANF spending plan to the 69345  
chairperson of a standing committee of the house of 69346  
representatives designated by the speaker of the house of 69347  
representatives, the chairperson of a standing committee of the 69348  
senate designated by the president of the senate, and the minority 69349  
leaders of both the house of representatives and the senate. The 69350  
updated TANF spending plan shall, at a minimum, include both of 69351  
the following: 69352

(a) The total amount of temporary assistance for needy 69353  
families block grant funds distributed during the first fiscal 69354

year of the fiscal biennium. 69355

(b) An updated estimate of the total amount of temporary assistance for needy families block grant funds that will be distributed during the second fiscal year of the fiscal biennium. 69356  
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(2) A chairperson of a standing committee designated by the speaker of the house of representatives or president of the senate under division (B)(1) of this section may call the director of job and family services to testify before the committee regarding the TANF spending plan. 69359  
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Sec. 5101.8812. Benefits and services provided under the kinship guardianship assistance program, extended kinship guardianship assistance program, kinship support program, and kinship permanency incentive program are inalienable whether by way of assignment, charge, or otherwise and exempt from execution, attachment, guardianship, and other like processes. 69364  
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Sec. 5101.971. (A) The department of human services shall prepare an annual report on individual development account programs established by county departments of human services based on the information provided pursuant to division (E) of section 329.12 of the Revised Code and file the report with the governor, president and minority leader of the senate, and speaker and minority leader of the house of representatives. The department shall file the report on the first day of October of each year, beginning in 1998. 69370  
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(B) The department of job and family services shall adopt rules in accordance with Chapter 119. of the Revised Code to govern the implementation of individual development account programs under sections 329.11 to 329.14 of the Revised Code by county departments of human job and family services, which shall include rules covering ~~all~~ both of the following: 69379  
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| <del>(1) (A) Imposing a penalty for unauthorized use of matching contributions;</del>                                                                                                                                                                                                                                                                                                              | 69385<br>69386                                              |
| <del>(2) Specifying the information that must be included in the county department's report to the department under section 329.12 of the Revised Code;</del>                                                                                                                                                                                                                                      | 69387<br>69388<br>69389                                     |
| <del>(3) (B) Specifying the responsibilities of a fiduciary organization under an individual development account program established under section 329.12 of the Revised Code. The rules shall be consistent with section 404(h) of the "Social Security Act" as amended by the "Personal Responsibility and Work Opportunity Reconciliation Act of 1996," 110 Stat. 2105, 42 U.S.C. 604(h).</del> | 69390<br>69391<br>69392<br>69393<br>69394<br>69395<br>69396 |
| The responsibilities of a fiduciary organization may include marketing; soliciting matching contributions; counseling account holders; conducting verification, compliance, and evaluation activities; and any other responsibilities considered appropriate by the state department.                                                                                                              | 69397<br>69398<br>69399<br>69400<br>69401                   |
| <b>Sec. 5103.02.</b> As used in sections 5103.03 to 5103.181 of the Revised Code:                                                                                                                                                                                                                                                                                                                  | 69402<br>69403                                              |
| (A)(1) "Association" or "institution" includes all of the following:                                                                                                                                                                                                                                                                                                                               | 69404<br>69405                                              |
| (a) Any incorporated or unincorporated organization, society, association, or agency, public or private, that receives or cares for children for two or more consecutive weeks;                                                                                                                                                                                                                    | 69406<br>69407<br>69408                                     |
| (b) Any individual, including the operator of a foster home, who, for hire, gain, or reward, receives or cares for children for two or more consecutive weeks, unless the individual is related to them by blood or marriage;                                                                                                                                                                      | 69409<br>69410<br>69411<br>69412                            |
| (c) Any individual not in the regular employ of a court, or of an institution or association certified in accordance with                                                                                                                                                                                                                                                                          | 69413<br>69414                                              |

section 5103.03 of the Revised Code, who in any manner becomes a party to the placing of children in foster homes, unless the individual is related to such children by blood or marriage or is the appointed guardian of such children.

(2) "Association" or "institution" does not include any of the following:

(a) Any organization, society, association, school, agency, child guidance center, detention or rehabilitation facility, or children's clinic licensed, regulated, approved, operated under the direction of, or otherwise certified by the department of education, a local board of education, the department of youth services, the department of mental health and addiction services, or the department of developmental disabilities;

(b) Any individual who provides care for only a single-family group, placed there by their parents or other relative having custody;

(c) A private, nonprofit therapeutic wilderness camp;

(d) A qualified organization as defined in section 2151.90 of the Revised Code.

(B) "Family foster home" means a foster home that is not a specialized foster home.

(C) "Foster caregiver" means a person holding a valid foster home certificate issued under section 5103.03 of the Revised Code.

(D) "Foster home" means a private residence in which children are received apart from their parents, guardian, or legal custodian, by an individual reimbursed for providing the children nonsecure care, supervision, or training twenty-four hours a day. "Foster home" does not include care provided for a child in the home of a person other than the child's parent, guardian, or legal custodian while the parent, guardian, or legal custodian is

temporarily away. Family foster homes and specialized foster homes 69445  
are types of foster homes. 69446

(E) Kinship caregiver" has the same meaning as in section 69447  
5101.85 of the Revised Code. 69448

(F) "Medically fragile foster home" means a foster home that 69449  
provides specialized medical services designed to meet the needs 69450  
of children with intensive health care needs who meet all of the 69451  
following criteria: 69452

(1) Under rules adopted by the medicaid director governing 69453  
medicaid payments for long-term care services, the children 69454  
require a skilled level of care. 69455

(2) The children require the services of a doctor of medicine 69456  
or osteopathic medicine at least once a week due to the 69457  
instability of their medical conditions. 69458

(3) The children require the services of a registered nurse 69459  
on a daily basis. 69460

(4) The children are at risk of institutionalization in a 69461  
hospital, skilled nursing facility, or intermediate care facility 69462  
for individuals with intellectual disabilities. 69463

~~(F)~~(G) "Private, nonprofit therapeutic wilderness camp" means 69464  
a structured, alternative residential setting for children who are 69465  
experiencing emotional, behavioral, moral, social, or learning 69466  
difficulties at home or school in which all of the following are 69467  
the case: 69468

(1) The children spend the majority of their time, including 69469  
overnight, either outdoors or in a primitive structure. 69470

(2) The children have been placed there by their parents or 69471  
another relative having custody. 69472

(3) The camp accepts no public funds for use in its 69473  
operations. 69474

~~(G)~~(H) "Recommending agency" means a public children services agency, private child placing agency, or private noncustodial agency that recommends that the department of job and family services take any of the following actions under section 5103.03 of the Revised Code regarding a foster home:

- (1) Issue a certificate;
- (2) Deny a certificate;
- (3) Renew a certificate;
- (4) Deny renewal of a certificate;
- (5) Revoke a certificate.

~~(H)~~(I) "Resource caregiver" means a foster caregiver or a kinship caregiver.

(J) "Resource family" means a foster home or the kinship caregiver family.

(K) "Specialized foster home" means a medically fragile foster home or a treatment foster home.

~~(I)~~(L) "Treatment foster home" means a foster home that incorporates special rehabilitative services designed to treat the specific needs of the children received in the foster home and that receives and cares for children who are emotionally or behaviorally disturbed, who are chemically dependent, who have developmental disabilities, or who otherwise have exceptional needs.

**Sec. 5103.031.** Except as provided in section 5103.033 of the Revised Code, the department of job and family services may not issue a certificate under section 5103.03 of the Revised Code to a foster home unless the prospective foster caregiver successfully completes preplacement training through a preplacement training program approved by the department of job and family services

under section 5103.038 of the Revised Code or preplacement 69504  
training provided under division (B) of section 5103.30 of the 69505  
Revised Code. ~~Up to twenty per cent of the required preplacement~~ 69506  
~~training may be provided online.~~ 69507

**Sec. 5103.0310.** (A) Prior to employing a person or engaging a 69508  
subcontractor, intern, or volunteer, an institution or 69509  
association, as defined in division (A)(1)(a) of section 5103.02 69510  
of the Revised Code, that is a residential facility, as defined in 69511  
division (A)(6) of section 5103.05 of the Revised Code, shall do 69512  
the following regarding the person, subcontractor, intern, or 69513  
volunteer: 69514

(1) ~~Conduct~~ Obtain a search of the United States department 69515  
of justice national sex offender public web site regarding the 69516  
person; 69517

(2) ~~Request~~ Obtain a summary report of a search of the 69518  
uniform statewide automated child welfare information system in 69519  
accordance with divisions (A) and (B) of section 5103.18 of the 69520  
Revised Code. 69521

(B) An institution or association, as defined in division 69522  
(A)(1)(a) of section 5103.02 of the Revised Code, that is not a 69523  
residential facility, as defined in division (A)(6) of section 69524  
5103.05 of the Revised Code, shall obtain the search and summary 69525  
report described in division (A) of this section before hiring a 69526  
person, or engaging a subcontractor, intern, or volunteer, who 69527  
will have access to children. 69528

(C) If, at the time of the effective date of this amendment, 69529  
the institution or association has not obtained a report required 69530  
under division (A) or (B) of this section for the person, 69531  
subcontractor, intern, or volunteer, the institution or 69532  
association shall obtain the report. 69533

(D) The institution or association may refuse to ~~hire~~ employ 69534  
the person or engage the subcontractor, intern, or volunteer based 69535  
solely on the results of the search described in division (A)(1) 69536  
or (B) of this section or the findings of the summary report 69537  
described in division (B)(1)(a) of section 5103.18 of the Revised 69538  
Code. 69539

~~(C)~~(E) The director of job and family services shall adopt 69540  
rules in accordance with Chapter 119. of the Revised Code 69541  
necessary for the implementation and execution of this section. 69542

**Sec. 5103.0316.** The department of job and family services 69543  
shall adopt rules in accordance with Chapter 119. of the Revised 69544  
Code as necessary for the efficient administration of sections 69545  
5103.031 to 5103.0316 of the Revised Code. The rules shall provide 69546  
for all of the following: 69547

(A) For the purpose of section 5103.038 of the Revised Code, 69548  
the date by which a private child placing agency or private 69549  
noncustodial agency that seeks to operate a preplacement training 69550  
program or continuing training program under section 5103.034 of 69551  
the Revised Code must submit to the department a proposal 69552  
outlining the program; 69553

(B) Requirements governing the department's compensation of 69554  
private child placing agencies and private noncustodial agencies 69555  
under sections 5103.0312 and 5103.0313 of the Revised Code, 69556  
including the allowance to reimburse the agencies for the cost of 69557  
providing the training under sections 5103.031, 5103.032, and 69558  
5103.033 of the Revised Code; 69559

(C) Requirements governing the continuing training required 69560  
by sections 5103.032 and 5103.033 of the Revised Code; 69561

(D) The amount of training hours necessary for preplacement 69562  
training and continuing training for purposes of sections 69563

5103.031, 5103.032, and 5103.033 of the Revised Code; 69564

(E) Courses necessary to meet the preplacement and continuing 69565  
training requirements for foster homes under sections 5103.031, 69566  
5103.032, and 5103.033 of the Revised Code; 69567

(F) Criteria used to create a written needs assessment and 69568  
continuing training plan for each foster caregiver as required by 69569  
section 5103.035 of the Revised Code; 69570

(G) The amount of preplacement and continuing training hours 69571  
that may be completed online; 69572

(H) Any other matter the department considers appropriate. 69573

**Sec. 5103.163.** (A) The department of job and family services 69574  
shall adopt rules in accordance with Chapter 119. of the Revised 69575  
Code to establish and enforce a resource family bill of rights for 69576  
resource families providing care for individuals who are in the 69577  
custody or care and placement of an agency that provides Title 69578  
IV-E reimbursable services pursuant to sections 5103.03 to 69579  
5103.181 of the Revised Code. 69580

(B) If the rights of the resource family conflict with the 69581  
rights of the individual established by section 2151.316 of the 69582  
Revised Code, division (B) of section 2151.316 of the Revised Code 69583  
shall apply. 69584

(C) The rights established by rules under this section shall 69585  
not create grounds for a civil action against the department, the 69586  
recommending agency, or the custodial agency. 69587

**Sec. 5104.01.** As used in this chapter: 69588

(A) "Administrator" means the person responsible for the 69589  
daily operation of a center, type A home, or approved child day 69590  
camp. The administrator and the owner may be the same person. 69591

(B) "Approved child day camp" means a child day camp approved 69592

pursuant to section 5104.22 of the Revised Code. 69593

(C) "Authorized representative" means an individual employed 69594  
by a center, type A home, or approved child day camp that is owned 69595  
by a person other than an individual and who is authorized by the 69596  
owner to do all of the following: 69597

(1) Communicate on the owner's behalf; 69598

(2) Submit on the owner's behalf applications for licensure 69599  
or approval; 69600

(3) Enter into on the owner's behalf provider agreements for 69601  
publicly funded child care. 69602

(D) "Border state child care provider" means a child care 69603  
provider that is located in a state bordering Ohio and that is 69604  
licensed, certified, or otherwise approved by that state to 69605  
provide child care funded by the child care block grant act. 69606

(E) "Career pathways model" means an alternative pathway to 69607  
meeting the requirements to be a child-care staff member or 69608  
administrator that does both of the following: 69609

(1) Uses a framework approved by the director of job and 69610  
family services to document formal education, training, 69611  
experience, and specialized credentials and certifications; 69612

(2) Allows the child-care staff member or administrator to 69613  
achieve a designation as an early childhood professional level 69614  
one, two, three, four, five, or six. 69615

(F) "Caretaker parent" means the father or mother of a child 69616  
whose presence in the home is needed as the caretaker of the 69617  
child, a person who has legal custody of a child and whose 69618  
presence in the home is needed as the caretaker of the child, a 69619  
guardian of a child whose presence in the home is needed as the 69620  
caretaker of the child, and any other person who stands in loco 69621  
parentis with respect to the child and whose presence in the home 69622

is needed as the caretaker of the child. 69623

(G) "Chartered nonpublic school" means a school that meets 69624  
standards for nonpublic schools prescribed by the state board of 69625  
education for nonpublic schools pursuant to section 3301.07 of the 69626  
Revised Code. 69627

(H) "Child" includes an infant, toddler, preschool-age child, 69628  
or school-age child. 69629

(I) "Child care block grant act" means the "Child Care and 69630  
Development Block Grant Act of 2014," 128 Stat. 1971 (2014), 42 69631  
U.S.C. 9858, as amended. 69632

(J) "Child day camp" means a program in which only school-age 69633  
children attend or participate, that operates for no more than 69634  
twelve hours per day and no more than fifteen weeks during the 69635  
summer. For purposes of this division, the maximum twelve hours of 69636  
operation time does not include transportation time from a child's 69637  
home to a child day camp and from a child day camp to a child's 69638  
home. 69639

(K) "Child care" means all of the following: 69640

(1) Administering to the needs of infants, toddlers, 69641  
preschool-age children, and school-age children outside of school 69642  
hours; 69643

(2) By persons other than their parents, guardians, or 69644  
custodians; 69645

(3) For part of the twenty-four-hour day; 69646

(4) In a place other than a child's own home, except that an 69647  
in-home aide provides child care in the child's own home; 69648

(5) By a provider required by this chapter to be licensed or 69649  
approved by the department of job and family services, certified 69650  
by a county department of job and family services, or under 69651  
contract with the department to provide publicly funded child care 69652

as described in section 5104.32 of the Revised Code. 69653

(L) "Child day-care center" and "center" mean any place that 69654  
is not the permanent residence of the licensee or administrator in 69655  
which child care or publicly funded child care is provided for 69656  
seven or more children at one time. "Child day-care center" and 69657  
"center" do not include any of the following: 69658

(1) A place located in and operated by a hospital, as defined 69659  
in section 3727.01 of the Revised Code, in which the needs of 69660  
children are administered to, if all the children whose needs are 69661  
being administered to are monitored under the on-site supervision 69662  
of a physician licensed under Chapter 4731. of the Revised Code or 69663  
a registered nurse licensed under Chapter 4723. of the Revised 69664  
Code, and the services are provided only for children who, in the 69665  
opinion of the child's parent, guardian, or custodian, are 69666  
exhibiting symptoms of a communicable disease or other illness or 69667  
are injured; 69668

(2) A child day camp; 69669

(3) A place that provides care, if all of the following 69670  
apply: 69671

(a) An organized religious body provides the care; 69672

(b) A parent, custodian, or guardian of at least one child 69673  
receiving care is on the premises and readily accessible at all 69674  
times; 69675

(c) The care is not provided for more than thirty days a 69676  
year; 69677

(d) The care is provided only for preschool-age and 69678  
school-age children. 69679

(M) "Child care resource and referral service organization" 69680  
means a community-based nonprofit organization that provides child 69681  
care resource and referral services but not child care. 69682

|                                                                                                                                                                                                                                                              |                                  |
|--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|----------------------------------|
| (N) "Child care resource and referral services" means all of the following services:                                                                                                                                                                         | 69683<br>69684                   |
| (1) Maintenance of a uniform data base of all child care providers in the community that are in compliance with this chapter, including current occupancy and vacancy data;                                                                                  | 69685<br>69686<br>69687          |
| (2) Provision of individualized consumer education to families seeking child care;                                                                                                                                                                           | 69688<br>69689                   |
| (3) Provision of timely referrals of available child care providers to families seeking child care;                                                                                                                                                          | 69690<br>69691                   |
| (4) Recruitment of child care providers;                                                                                                                                                                                                                     | 69692                            |
| (5) Assistance in developing, conducting, and disseminating training for child care professionals and provision of technical assistance to current and potential child care providers, employers, and the community;                                         | 69693<br>69694<br>69695<br>69696 |
| (6) Collection and analysis of data on the supply of and demand for child care in the community;                                                                                                                                                             | 69697<br>69698                   |
| (7) Technical assistance concerning locally, state, and federally funded child care and early childhood education programs;                                                                                                                                  | 69699<br>69700<br>69701          |
| (8) Stimulation of employer involvement in making child care more affordable, more available, safer, and of higher quality for their employees and for the community;                                                                                        | 69702<br>69703<br>69704          |
| (9) Provision of written educational materials to caretaker parents and informational resources to child care providers;                                                                                                                                     | 69705<br>69706                   |
| (10) Coordination of services among child care resource and referral service organizations to assist in developing and maintaining a statewide system of child care resource and referral services if required by the department of job and family services; | 69707<br>69708<br>69709<br>69710 |
| (11) Cooperation with the county department of job and family services in encouraging the establishment of parent cooperative                                                                                                                                | 69711<br>69712                   |

child care centers and parent cooperative type A family day-care homes. 69713  
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(O) "Child-care staff member" means an employee of a child day-care center, type A family day-care home, licensed type B family day-care home, or approved child day camp who is primarily responsible for the care and supervision of children. The administrator, authorized representative, or owner may be a child-care staff member when not involved in other duties. 69715  
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(P) "Drop-in child day-care center," "drop-in center," "drop-in type A family day-care home," and "drop-in type A home" mean a center or type A home that provides child care or publicly funded child care for children on a temporary, irregular basis. 69721  
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(Q) "Employee" means a person who either: 69725

(1) Receives compensation for duties performed in a child day-care center, type A family day-care home, licensed type B family day-care home, or approved child day camp; 69726  
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(2) Is assigned specific working hours or duties in a child day-care center, type A family day-care home, licensed type B family day-care home, or approved child day camp. 69729  
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(R) "Employer" means a person, firm, institution, organization, or agency that operates a child day-care center, type A family day-care home, licensed type B family day-care home, or approved child day camp subject to licensure or approval under this chapter. 69732  
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(S) "Federal poverty line" means the official poverty guideline as revised annually in accordance with section 673(2) of the "Omnibus Budget Reconciliation Act of 1981," 95 Stat. 511, 42 U.S.C. 9902, as amended, for a family size equal to the size of the family of the person whose income is being determined. 69737  
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(T) "Head start program" means a ~~comprehensive child~~ 69742

development school-readiness program serving birth to three years 69743  
old and preschool age children that receives satisfies all of the 69744  
following: 69745

(1) Is for children from birth to age five who are from 69746  
low-income families; 69747

(2) Receives funds distributed under the "Improving Head 69748  
Start for School-Readiness Act of 2007," ~~95 Stat. 499 (1981)~~, 42 69749  
U.S.C.A. 9831, as amended, ~~and is;~~ 69750

(3) Is licensed as a child care program. 69751

(U) "Homeless child care" means child care provided to a 69752  
child who satisfies any of the following: 69753

(1) Is homeless as defined in 42 U.S.C. 11302; 69754

(2) Is a homeless child or youth as defined in 42 U.S.C. 69755  
11434a; 69756

(3) Resides temporarily with a caretaker in a facility 69757  
providing emergency shelter for homeless families or is determined 69758  
by a county department of job and family services to be homeless. 69759

(V) "Income" means gross income, as defined in section 69760  
5107.10 of the Revised Code, less any amounts required by federal 69761  
statutes or regulations to be disregarded. 69762

(W) "Indicator checklist" means an inspection tool, used in 69763  
conjunction with an instrument-based program monitoring 69764  
information system, that contains selected licensing requirements 69765  
that are statistically reliable indicators or predictors of a 69766  
child day-care center's type A family day-care home's, or licensed 69767  
type B family day-care home's compliance with licensing 69768  
requirements. 69769

(X) "Infant" means a child who is less than eighteen months 69770  
of age. 69771

(Y) "In-home aide" means a person who does not reside with 69772

the child but provides care in the child's home and is certified 69773  
by a county director of job and family services pursuant to 69774  
section 5104.12 of the Revised Code to provide publicly funded 69775  
child care to a child in a child's own home pursuant to this 69776  
chapter and any rules adopted under it. 69777

(Z) "Instrument-based program monitoring information system" 69778  
means a method to assess compliance with licensing requirements 69779  
for child day-care centers, type A family day-care homes, and 69780  
licensed type B family day-care homes in which each licensing 69781  
requirement is assigned a weight indicative of the relative 69782  
importance of the requirement to the health, growth, and safety of 69783  
the children that is used to develop an indicator checklist. 69784

(AA) "License capacity" means the maximum number in each age 69785  
category of children who may be cared for in a child day-care 69786  
center, type A family day-care home, or licensed type B family 69787  
day-care home at one time as determined by the director of job and 69788  
family services considering building occupancy limits established 69789  
by the department of commerce, amount of available indoor floor 69790  
space and outdoor play space, and amount of available play 69791  
equipment, materials, and supplies. 69792

(BB) "Licensed child care program" means any of the 69793  
following: 69794

(1) A child day-care center licensed by the department of job 69795  
and family services pursuant to this chapter; 69796

(2) A type A family day-care home or type B family day-care 69797  
home licensed by the department of job and family services 69798  
pursuant to this chapter; 69799

(3) A licensed preschool program or licensed school child 69800  
program. 69801

(CC) "Licensed preschool program" or "licensed school child 69802  
program" means a preschool program or school child program, as 69803

defined in section 3301.52 of the Revised Code, that is licensed 69804  
by the department of education pursuant to sections 3301.52 to 69805  
3301.59 of the Revised Code. 69806

(DD) "Licensed type B family day-care home" and "licensed 69807  
type B home" mean a type B family day-care home for which there is 69808  
a valid license issued by the director of job and family services 69809  
pursuant to section 5104.03 of the Revised Code. 69810

(EE) "Licensee" means the owner of a child day-care center, 69811  
type A family day-care home, or type B family day-care home that 69812  
is licensed pursuant to this chapter and who is responsible for 69813  
ensuring compliance with this chapter and rules adopted pursuant 69814  
to this chapter. 69815

(FF) "Operate a child day camp" means to operate, establish, 69816  
manage, conduct, or maintain a child day camp. 69817

(GG) "Owner" includes a person, as defined in section 1.59 of 69818  
the Revised Code, or government entity. 69819

(HH) "Parent cooperative child day-care center," "parent 69820  
cooperative center," "parent cooperative type A family day-care 69821  
home," and "parent cooperative type A home" mean a corporation or 69822  
association organized for providing educational services to the 69823  
children of members of the corporation or association, without 69824  
gain to the corporation or association as an entity, in which the 69825  
services of the corporation or association are provided only to 69826  
children of the members of the corporation or association, 69827  
ownership and control of the corporation or association rests 69828  
solely with the members of the corporation or association, and at 69829  
least one parent-member of the corporation or association is on 69830  
the premises of the center or type A home during its hours of 69831  
operation. 69832

(II) "Part-time child day-care center," "part-time center," 69833  
"part-time type A family day-care home," and "part-time type A 69834

home" mean a center or type A home that provides child care or 69835  
publicly funded child care for not more than four hours a day for 69836  
any child or not more than fifteen consecutive weeks per year, 69837  
regardless of the number of hours per day. 69838

(JJ) "Place of worship" means a building where activities of 69839  
an organized religious group are conducted and includes the 69840  
grounds and any other buildings on the grounds used for such 69841  
activities. 69842

(KK) "Preschool-age child" means a child who is three years 69843  
old or older but is not a school-age child. 69844

(LL) "Protective child care" means publicly funded child care 69845  
for the direct care and protection of a child to whom all of the 69846  
following apply: 69847

(1) A case plan has been prepared and maintained for the 69848  
child pursuant to section 2151.412 of the Revised Code. 69849

(2) The case plan indicates a need for protective care. 69850

(3) The child resides with a parent, stepparent, guardian, or 69851  
another person who stands in loco parentis as defined in rules 69852  
adopted under section 5104.38 of the Revised Code. 69853

(MM) "Publicly funded child care" means administering to the 69854  
needs of infants, toddlers, preschool-age children, and school-age 69855  
children under age thirteen during any part of the 69856  
twenty-four-hour day by persons other than their caretaker parents 69857  
for remuneration wholly or in part with federal or state funds, 69858  
including funds available under the child care block grant act, 69859  
Title IV-A, and Title XX, distributed by the department of job and 69860  
family services. 69861

(NN) "Religious activities" means any of the following: 69862  
worship or other religious services; religious instruction; Sunday 69863  
school classes or other religious classes conducted during or 69864

prior to worship or other religious services; youth or adult fellowship activities; choir or other musical group practices or programs; meals; festivals; or meetings conducted by an organized religious group.

(OO) "School-age child" means a child who is enrolled in or is eligible to be enrolled in a grade of kindergarten or above but is less than fifteen years old or, in the case of a child who is receiving special needs child care, is less than eighteen years old.

(PP) "Serious risk noncompliance" means a licensure or certification rule violation that leads to a great risk of harm to, or death of, a child, and is observable, not inferable.

(QQ) "Special needs child care" means child care provided to a child who is less than eighteen years of age and either has one or more chronic health conditions or does not meet age appropriate expectations in one or more areas of development, including social, emotional, cognitive, communicative, perceptual, motor, physical, and behavioral development and that may include on a regular basis such services, adaptations, modifications, or adjustments needed to assist in the child's function or development.

(RR) "Title IV-A" means Title IV-A of the "Social Security Act," 110 Stat. 2113 (1996), 42 U.S.C. 601, as amended.

(SS) "Title XX" means Title XX of the "Social Security Act," 88 Stat. 2337 (1974), 42 U.S.C. 1397, as amended.

(TT) "Toddler" means a child who is at least eighteen months of age but less than three years of age.

(UU) "Type A family day-care home" and "type A home" mean the permanent residence of the administrator in which child care or publicly funded child care is provided for seven to twelve children at one time or a permanent residence of the administrator

in which child care is provided for four to twelve children at one 69896  
time if four or more children at one time are under two years of 69897  
age. In counting children for the purposes of this division, any 69898  
children under six years of age who are related to a licensee, 69899  
administrator, or employee and who are on the premises of the type 69900  
A home shall be counted. "Type A family day-care home" and "type A 69901  
home" do not include any child day camp. 69902

(VV) "Type B family day-care home" and "type B home" mean a 69903  
permanent residence of the provider in which care is provided for 69904  
one to six children at one time and in which no more than three 69905  
children are under two years of age at one time. In counting 69906  
children for the purposes of this division, any children under six 69907  
years of age who are related to the provider and who are on the 69908  
premises of the type B home shall be counted. "Type B family 69909  
day-care home" and "type B home" do not include any child day 69910  
camp. 69911

**Sec. 5104.017.** The director of job and family services shall 69912  
adopt rules pursuant to Chapter 119. of the Revised Code governing 69913  
the operation of type A family day-care homes, including parent 69914  
cooperative type A homes, part-time type A homes, and drop-in type 69915  
A homes, ~~and school-age child type A homes~~. The rules shall 69916  
reflect the various forms of child care and the needs of children 69917  
receiving child care. The rules shall include the following: 69918

(A) Submission of a site plan and descriptive plan of 69919  
operation to demonstrate how the type A home proposes to meet the 69920  
requirements of this chapter and rules adopted pursuant to this 69921  
chapter for the initial license application; 69922

(B) Standards for ensuring that the physical surroundings of 69923  
the type A home are safe and sanitary, including the physical 69924  
environment, the physical plant, and the equipment of the type A 69925  
home; 69926

|                                                                                                                                                                                                                                                                                                                                                                   |                                                    |
|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|----------------------------------------------------|
| (C) Standards for the supervision, care, and discipline of children receiving child care or publicly funded child care in the type A home;                                                                                                                                                                                                                        | 69927<br>69928<br>69929                            |
| (D) Standards for a program of activities, and for play equipment, materials, and supplies, to enhance the development of each child; however, any educational curricula, philosophies, and methodologies that are developmentally appropriate and that enhance the social, emotional, intellectual, and physical development of each child shall be permissible; | 69930<br>69931<br>69932<br>69933<br>69934<br>69935 |
| (E) Admissions policies and procedures;                                                                                                                                                                                                                                                                                                                           | 69936                                              |
| (F) Health care policies and procedures, including procedures for the isolation of children with communicable diseases;                                                                                                                                                                                                                                           | 69937<br>69938                                     |
| (G) First aid and emergency procedures;                                                                                                                                                                                                                                                                                                                           | 69939                                              |
| (H) Procedures for discipline and supervision of children;                                                                                                                                                                                                                                                                                                        | 69940                                              |
| (I) Standards for the provision of nutritious meals and snacks;                                                                                                                                                                                                                                                                                                   | 69941<br>69942                                     |
| (J) Procedures for screening children, including any necessary physical examinations and the immunizations required pursuant to section 5104.014 of the Revised Code;                                                                                                                                                                                             | 69943<br>69944<br>69945                            |
| (K) Procedures for screening employees, including any necessary physical examinations and immunizations;                                                                                                                                                                                                                                                          | 69946<br>69947                                     |
| (L) Methods for encouraging parental participation in the type A home and methods for ensuring that the rights of children, parents, and employees are protected and that the responsibilities of parents and employees are met;                                                                                                                                  | 69948<br>69949<br>69950<br>69951                   |
| (M) Procedures for ensuring the safety and adequate supervision of children traveling off the premises of the type A home while under the care of a type A home employee;                                                                                                                                                                                         | 69952<br>69953<br>69954                            |
| (N) Procedures for record keeping, organization, and administration;                                                                                                                                                                                                                                                                                              | 69955<br>69956                                     |

|                                                                                                                                                                                                                                                                                        |                                           |
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| (O) Procedures for issuing, denying, and revoking a license that are not otherwise provided for in Chapter 119. of the Revised Code;                                                                                                                                                   | 69957<br>69958<br>69959                   |
| (P) Inspection procedures;                                                                                                                                                                                                                                                             | 69960                                     |
| (Q) Procedures and standards for setting initial license application fees;                                                                                                                                                                                                             | 69961<br>69962                            |
| (R) Procedures for receiving, recording, and responding to complaints about type A homes;                                                                                                                                                                                              | 69963<br>69964                            |
| (S) Procedures for enforcing section 5104.04 of the Revised Code;                                                                                                                                                                                                                      | 69965<br>69966                            |
| (T) A standard requiring the inclusion of a current department of job and family services toll-free telephone number on each type A home license that any person may use to report a suspected violation by the type A home of this chapter or rules adopted pursuant to this chapter; | 69967<br>69968<br>69969<br>69970<br>69971 |
| (U) Requirements for the training of administrators and child-care staff members in first aid, in prevention, recognition, and management of communicable diseases, and in child abuse recognition and prevention;                                                                     | 69972<br>69973<br>69974<br>69975          |
| (V) Standards providing for the special needs of children who are handicapped or who require treatment for health conditions while the child is receiving child care or publicly funded child care in the type A home;                                                                 | 69976<br>69977<br>69978<br>69979          |
| (W) Standards for the maximum number of children per child-care staff member;                                                                                                                                                                                                          | 69980<br>69981                            |
| (X) Requirements for the amount of usable indoor floor space for each child;                                                                                                                                                                                                           | 69982<br>69983                            |
| (Y) Requirements for safe outdoor play space;                                                                                                                                                                                                                                          | 69984                                     |
| (Z) Qualifications and training requirements for administrators and for child-care staff members;                                                                                                                                                                                      | 69985<br>69986                            |

(AA) Procedures for granting a parent who is the residential parent and legal custodian, or a custodian or guardian access to the type A home during its hours of operation;

~~(BB) Standards for the preparation and distribution of a roster of parents, custodians, and guardians;~~

~~(CC)~~ Minimum requirements for instructional time for type A homes rated through the step up to quality program established pursuant to section 5104.29 of the Revised Code;

~~(DD)~~(CC) Any other procedures and standards necessary to carry out the provisions of this chapter regarding type A homes.

**Sec. 5104.07.** (A) The director of job and family services may prescribe additional requirements for licensing child day-care centers or type A family day-care homes that provide publicly funded child care pursuant to this chapter and any rules adopted under it. The director shall develop standards as required by federal laws and regulations for child care programs supported by federal funds.

(B)(1) On or before February 28, 1992, the department of job and family services shall develop a statewide plan for child care resource and referral services. The plan shall be based upon the experiences of other states with respect to child care resource and referral services, the experiences of communities in this state that have child care resource and referral service organizations, and the needs of communities in this state that do not have child care resource and referral service organizations. The plan shall be designed to ensure that child care resource and referral services are available in each county in the state to families who need child care. The department shall consider the special needs of migrant workers when it develops the plan and shall include in the plan procedures designed to accommodate the needs of migrant workers.

(2) ~~The director of job and family services shall adopt rules for funding child care resource and referral service organizations. The rules~~ In addition to the requirements described in division (B)(1) of this section, the plan shall include all of the following: 70018  
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(a) A description of the services that a child care resource and referral service organization is required to provide to families who need child care; 70023  
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(b) The qualifications for a child care resource and referral service organization; 70026  
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(c) A description of the procedures for providing federal and state funding for county or multicounty child care resource and referral service organizations; 70028  
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(d) A timetable for providing child care resource and referral services to all communities in the state; 70031  
70032

(e) Uniform information gathering and reporting procedures that are designed to be used in compatible computer systems; 70033  
70034

(f) Procedures for establishing statewide nonprofit technical assistance services to coordinate uniform data collection and to publish reports on child care supply, demand, and cost and to provide technical assistance to communities that do not have child care resource and referral service organizations and to existing child care resource and referral service organizations; 70035  
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(g) Requirements governing contracts entered into under division (C) of this section, which may include limits on the percentage of funds distributed by the department that may be used for the contracts. 70041  
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(C) Child care resource and referral service organizations receiving funds distributed by the department may, ~~in accordance with rules adopted under division (B)(2) of this section,~~ enter 70045  
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into contracts with local governmental entities, nonprofit 70048  
organizations including nonprofit organizations that provide child 70049  
care, and individuals under which the entities, organizations, or 70050  
individuals may provide child care resource and referral services 70051  
in the community with those funds, if the contracts are submitted 70052  
to and approved by the department prior to execution. 70053

**Sec. 5104.29.** (A) As used in this section, "early learning 70054  
and development program" has the same meaning as "licensed child 70055  
care program" as defined in section 5104.01 of the Revised Code. 70056

(B) There is hereby created in the department of job and 70057  
family services the step up to quality program, under which the 70058  
department of job and family services, in cooperation with the 70059  
department of education, shall develop a tiered quality rating and 70060  
improvement system for all early learning and development programs 70061  
in this state. The step up to quality program shall include all of 70062  
the following components: 70063

(1) Quality program standards for early learning and 70064  
development programs; 70065

(2) Accountability measures that include tiered ratings 70066  
representing each program's level of quality; 70067

(3) Program and provider outreach and support to help 70068  
programs meet higher standards and promote participation in the 70069  
step up to quality program; 70070

(4) Financial incentives for early learning and development 70071  
programs that provide publicly funded child care and are linked to 70072  
achieving and maintaining quality standards; 70073

(5) Parent and consumer education to help parents learn about 70074  
program quality and ratings so they can make informed choices on 70075  
behalf of their children. 70076

(C) The step up to quality program shall have the following 70077

|                                                                                                                                                                                                                                                                             |                                           |
|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-------------------------------------------|
| goals:                                                                                                                                                                                                                                                                      | 70078                                     |
| (1) Increasing the number of low-income children, special needs children, and children with limited English proficiency participating in quality early learning and development programs;                                                                                   | 70079<br>70080<br>70081                   |
| (2) Providing families with an easy-to-use tool for evaluating the quality of early learning and development programs;                                                                                                                                                      | 70082<br>70083                            |
| (3) Recognizing and supporting early learning and development programs that achieve higher levels of quality;                                                                                                                                                               | 70084<br>70085                            |
| (4) Providing incentives and supports to help early learning and development programs implement continuous quality improvement systems.                                                                                                                                     | 70086<br>70087<br>70088                   |
| (D) Under the step up to quality program, participating early learning and development programs may be eligible for grants, technical assistance, training, and other assistance. Programs that maintain a quality rating may be eligible for unrestricted monetary awards. | 70089<br>70090<br>70091<br>70092<br>70093 |
| (E) The tiered ratings developed pursuant to this section shall be based on an early learning and development program's performance in meeting program standards in the following four domains:                                                                             | 70094<br>70095<br>70096<br>70097          |
| (1) Learning and development;                                                                                                                                                                                                                                               | 70098                                     |
| (2) Administration and leadership practices;                                                                                                                                                                                                                                | 70099                                     |
| (3) Staff quality and professional development;                                                                                                                                                                                                                             | 70100                                     |
| (4) Family and community partnerships.                                                                                                                                                                                                                                      | 70101                                     |
| (F) The director of job and family services, in collaboration with the superintendent of public instruction, shall adopt rules in accordance with Chapter 119. of the Revised Code to implement the step up to quality program described in this section.                   | 70102<br>70103<br>70104<br>70105          |
| <del>(G)(1) The department of job and family services shall ensure</del>                                                                                                                                                                                                    | 70106                                     |

~~that the following percentages of early learning and development programs that provide publicly funded child care are rated in the third highest tier or above in the step up to quality program:~~ 70107  
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~~(a) By June 30, 2017, twenty five per cent;~~ 70110

~~(b) By June 30, 2019, forty per cent;~~ 70111

~~(c) By June 30, 2021, sixty per cent;~~ 70112

~~(d) By June 30, 2023, eighty per cent;~~ 70113

~~(e) By June 30, 2025, one hundred per cent.~~ 70114

~~(2) This division does not apply to early learning and development programs that are either of the following:~~ 70115  
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~~(a) Licensed type B family day care homes;~~ 70117

~~(b) Providers described in division (C)(2) of section 5104.31 of the Revised Code.~~ 70118  
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**Sec. 5104.31.** (A) Publicly funded child care may be provided 70120  
only by the following: 70121

(1) Any of the following licensed by the department of job and family services pursuant to section 5104.03 of the Revised Code or pursuant to rules adopted under section 5104.018 of the Revised Code: 70122  
70123  
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(a) A child day-care center, including a parent cooperative child day-care center; 70126  
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(b) A type A family day-care home, including a parent cooperative type A family day-care home; 70128  
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(c) A licensed type B family day-care home. 70130

(2) An in-home aide who has been certified by the county department of job and family services pursuant to section 5104.12 of the Revised Code; 70131  
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(3) A child day camp approved pursuant to section 5104.22 of 70134

|                                                                                                                                                                                                                                                                                                                                           |                                           |
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| the Revised Code;                                                                                                                                                                                                                                                                                                                         | 70135                                     |
| (4) A licensed preschool program;                                                                                                                                                                                                                                                                                                         | 70136                                     |
| (5) A licensed school child program;                                                                                                                                                                                                                                                                                                      | 70137                                     |
| (6) A border state child care provider, except that a border<br>state child care provider may provide publicly funded child care<br>only to an individual who resides in an Ohio county that borders<br>the state in which the provider is located.                                                                                       | 70138<br>70139<br>70140<br>70141          |
| (B) Publicly funded child day-care may be provided in a<br>child's own home only by an in-home aide.                                                                                                                                                                                                                                      | 70142<br>70143                            |
| (C)(1) <del>Beginning September 1, 2020, and except</del> <u>Except</u> as<br>provided in division (C)(2) of this section, a licensed child care<br>program may provide publicly funded child care only if the program<br>is rated through the step up to quality program established<br>pursuant to section 5104.29 of the Revised Code. | 70144<br>70145<br>70146<br>70147<br>70148 |
| (2) A licensed child care program that is any of the<br>following may provide publicly funded child care without being<br>rated through the step up to quality program:                                                                                                                                                                   | 70149<br>70150<br>70151                   |
| (a) A program that operates only during the summer and for<br>not more than fifteen consecutive weeks;                                                                                                                                                                                                                                    | 70152<br>70153                            |
| (b) A program that operates only during school breaks;                                                                                                                                                                                                                                                                                    | 70154                                     |
| (c) A program that operates only on weekday evenings,<br>weekends, or both;                                                                                                                                                                                                                                                               | 70155<br>70156                            |
| (d) A program that holds a provisional license issued under<br>section 5104.03 of the Revised Code;                                                                                                                                                                                                                                       | 70157<br>70158                            |
| (e) A program that had its step up to quality program rating<br>removed by the department of job and family services within the<br>previous twelve months;                                                                                                                                                                                | 70159<br>70160<br>70161                   |
| (f) A program that is the subject of a revocation action<br>initiated by the department, but the license has not yet been                                                                                                                                                                                                                 | 70162<br>70163                            |

revoked. 70164

**Sec. 5104.34.** (A)(1) Each county department of job and family 70165  
services shall implement procedures for making determinations of 70166  
eligibility for publicly funded child care. Under those 70167  
procedures, the eligibility determination for each applicant shall 70168  
be made no later than thirty calendar days from the date the 70169  
county department receives a completed application for publicly 70170  
funded child care. Each applicant shall be notified promptly of 70171  
the results of the eligibility determination. An applicant 70172  
aggrieved by a decision or delay in making an eligibility 70173  
determination may appeal the decision or delay to the department 70174  
of job and family services in accordance with section 5101.35 of 70175  
the Revised Code. The due process rights of applicants shall be 70176  
protected. 70177

To the extent permitted by federal law, the county department 70178  
may make all determinations of eligibility for publicly funded 70179  
child care, may contract with child care providers or child care 70180  
resource and referral service organizations for the providers or 70181  
resource and referral service organizations to make all or any 70182  
part of the determinations, and may contract with child care 70183  
providers or child care resource and referral service 70184  
organizations for the providers or resource and referral service 70185  
organizations to collect specified information for use by the 70186  
county department in making determinations. If a county department 70187  
contracts with a child care provider or a child care resource and 70188  
referral service organization for eligibility determinations or 70189  
for the collection of information, the contract shall require the 70190  
provider or resource and referral service organization to make 70191  
each eligibility determination no later than thirty calendar days 70192  
from the date the provider or resource and referral organization 70193  
receives a completed application that is the basis of the 70194  
determination and to collect and transmit all necessary 70195

information to the county department within a period of time that 70196  
enables the county department to make each eligibility 70197  
determination no later than thirty days after the filing of the 70198  
application that is the basis of the determination. 70199

The county department may station employees of the department 70200  
in various locations throughout the county to collect information 70201  
relevant to applications for publicly funded child care and to 70202  
make eligibility determinations. The county department, child care 70203  
provider, and child care resource and referral service 70204  
organization shall make each determination of eligibility for 70205  
publicly funded child care no later than thirty days after the 70206  
filing of the application that is the basis of the determination, 70207  
shall make each determination in accordance with any relevant 70208  
rules adopted pursuant to section 5104.38 of the Revised Code, and 70209  
shall notify promptly each applicant for publicly funded child 70210  
care of the results of the determination of the applicant's 70211  
eligibility. 70212

The director of job and family services shall adopt rules in 70213  
accordance with Chapter 119. of the Revised Code for monitoring 70214  
the eligibility determination process. In accordance with those 70215  
rules, the state department shall monitor eligibility 70216  
determinations made by county departments of job and family 70217  
services and shall direct any entity that is not in compliance 70218  
with this division or any rule adopted under this division to 70219  
implement corrective action specified by the department. 70220

(2)(a) All eligibility determinations for publicly funded 70221  
child care shall be made in accordance with rules adopted pursuant 70222  
to division (A) of section 5104.38 of the Revised Code. Except as 70223  
otherwise provided in this section, ~~both~~ all of the following 70224  
apply: 70225

(i) Publicly funded child care may be provided only to 70226  
eligible infants, toddlers, preschool-age children, school-age 70227

children under age thirteen, or children receiving special needs child care. 70228  
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(ii) For an applicant to be eligible for publicly funded child care, the caretaker parent must be employed or participating in a program of education or training for an amount of time reasonably related to the time that the parent's children are receiving publicly funded child care. This restriction does not apply to families whose children are eligible for protective child care. 70230  
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(iii) The eligibility period for publicly funded child care shall be at least twelve months. 70237  
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(b) In accordance with rules adopted under division (B) of section 5104.38 of the Revised Code, an applicant may receive publicly funded child care while the county department determines eligibility. An applicant may receive publicly funded child care while a county department determines eligibility only once during a twelve-month period. If the county department determines that an applicant is not eligible for publicly funded child care, the child care provider shall be paid for providing publicly funded child care for up to five days after that determination if the county department received a completed application with all required documentation. A program may appeal a denial of payment under this division. 70239  
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(c) If a caretaker parent who has been determined eligible to receive publicly funded child care no longer meets the requirements of division (A)(2)(a)(ii) of this section, the caretaker parent may continue to receive publicly funded child care for a period of ~~up to thirteen weeks~~ at least three but not more than four months not to extend beyond the caretaker parent's ~~twelve-month~~ eligibility period. 70251  
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(d) If a child turns thirteen, or if a child receiving 70258

special needs child care turns eighteen, during the ~~twelve-month~~ 70259  
eligibility period, the caretaker parent may continue to receive 70260  
publicly funded child care until the end of that ~~twelve-month~~ 70261  
eligibility period. 70262

Subject to available funds, the department of job and family 70263  
services shall allow a family to receive publicly funded child 70264  
care unless the family's income exceeds the maximum income 70265  
eligibility limit. Initial and continued eligibility for publicly 70266  
funded child care is subject to available funds unless the family 70267  
is receiving child care pursuant to division (A)(1), (2), (3), or 70268  
(4) of section 5104.30 of the Revised Code. If the department must 70269  
limit eligibility due to lack of available funds, it shall give 70270  
first priority for publicly funded child care to an assistance 70271  
group whose income is not more than the maximum income eligibility 70272  
limit that received transitional child care in the previous month 70273  
but is no longer eligible because the ~~twelve-month~~ eligibility 70274  
period has expired. Such an assistance group shall continue to 70275  
receive priority for publicly funded child care until its income 70276  
exceeds the maximum income eligibility limit. 70277

(3) An assistance group that ceases to participate in the 70278  
Ohio works first program established under Chapter 5107. of the 70279  
Revised Code is eligible for transitional child care at any time 70280  
during the immediately following twelve-month period that both of 70281  
the following apply: 70282

(a) The assistance group requires child care due to 70283  
employment; 70284

(b) The assistance group's income is not more than one 70285  
hundred fifty per cent of the federal poverty line. 70286

An assistance group ineligible to participate in the Ohio 70287  
works first program pursuant to section 5101.83 or section 5107.16 70288  
of the Revised Code is not eligible for transitional child care. 70289

(B) To the extent permitted by federal law, the department of 70290  
job and family services may require a caretaker parent determined 70291  
to be eligible for publicly funded child care to pay a fee 70292  
according to the schedule of fees established in rules adopted 70293  
under section 5104.38 of the Revised Code. The department shall 70294  
make protective child care services and homeless child care 70295  
services available to children without regard to the income or 70296  
assets of the caretaker parent of the child. 70297

(C) A caretaker parent receiving publicly funded child care 70298  
shall report to the entity that determined eligibility any changes 70299  
in status with respect to employment or participation in a program 70300  
of education or training not later than ten calendar days after 70301  
the change occurs. 70302

(D) If the department of job and family services determines 70303  
that available resources are not sufficient to provide publicly 70304  
funded child care to all eligible families who request it, the 70305  
department may establish a waiting list. The department may 70306  
establish separate waiting lists within the waiting list based on 70307  
income. 70308

(E) A caretaker parent shall not receive publicly funded 70309  
child care from more than one child care provider per child during 70310  
a week, unless a county department grants the family an exemption 70311  
for one of the following reasons: 70312

(1) The child needs additional care during non-traditional 70313  
hours; 70314

(2) The child needs to change providers in the middle of the 70315  
week and the hours of care provided by the providers do not 70316  
overlap; 70317

(3) The child's provider is closed on scheduled school days 70318  
off or on calamity days; 70319

~~(4) The child is enrolled in a part time program 70320~~

~~participating in the tiered quality rating and improvement system 70321  
established under section 5104.29 of the Revised Code and needs 70322  
care from an additional part time provider. 70323~~

(F) As used in this section, "maximum income eligibility 70324  
limit" means the amount of income specified in rules adopted under 70325  
division (A) of section 5104.38 of the Revised Code. 70326

**Sec. 5107.10.** (A) As used in this section: 70327

(1) "Countable income," "gross earned income," and "gross 70328  
unearned income" have the meanings established in rules adopted 70329  
under section 5107.05 of the Revised Code. 70330

(2) "Federal poverty guidelines" has the same meaning as in 70331  
section 5101.46 of the Revised Code, except that references to a 70332  
person's family in the definition shall be deemed to be references 70333  
to the person's assistance group. 70334

(3) "Gross income" means gross earned income and gross 70335  
unearned income. 70336

(4) "Strike" means continuous concerted action in failing to 70337  
report to duty; willful absence from one's position; or stoppage 70338  
of work in whole from the full, faithful, and proper performance 70339  
of the duties of employment, for the purpose of inducing, 70340  
influencing, or coercing a change in wages, hours, terms, and 70341  
other conditions of employment. "Strike" does not include a 70342  
stoppage of work by employees in good faith because of dangerous 70343  
or unhealthful working conditions at the place of employment that 70344  
are abnormal to the place of employment. 70345

(B) Under the Ohio works first program, an assistance group 70346  
shall receive, except as otherwise provided by this chapter, 70347  
time-limited cash assistance. In the case of an assistance group 70348  
that includes a minor head of household or adult, assistance shall 70349  
be provided in accordance with the self-sufficiency contract 70350

entered into under section 5107.14 of the Revised Code. 70351

(C)(1) To be eligible to participate in Ohio works first, an 70352  
assistance group must meet all of the following requirements: 70353

(a) The assistance group, except as provided in division (E) 70354  
of this section, must include at least one of the following: 70355

(i) A minor child who, except as provided in section 5107.24 70356  
of the Revised Code, resides with a parent, or specified relative 70357  
caring for the child, or, to the extent permitted by Title IV-A 70358  
and federal regulations adopted until Title IV-A, resides with a 70359  
guardian or custodian caring for the child; 70360

(ii) A parent residing with and caring for the parent's minor 70361  
child who receives supplemental security income under Title XVI of 70362  
the "Social Security Act," 86 Stat. 1475 (1972), 42 U.S.C.A. 1383, 70363  
as amended, or federal, state, or local adoption assistance; 70364

(iii) A specified relative residing with and caring for a 70365  
minor child who is related to the specified relative in a manner 70366  
that makes the specified relative a specified relative and 70367  
receives supplemental security income or federal, state, or local 70368  
foster care assistance, kinship guardianship assistance, kinship 70369  
support program payments, or adoption assistance; 70370

(iv) A woman at least six months pregnant. 70371

(b) The assistance group must meet the income requirements 70372  
established by division (D) of this section. 70373

(c) No member of the assistance group may be involved in a 70374  
strike. 70375

(d) The assistance group must satisfy the requirements for 70376  
Ohio works first established by this chapter and section 5101.83 70377  
of the Revised Code. 70378

(e) The assistance group must meet requirements for Ohio 70379  
works first established by rules adopted under section 5107.05 of 70380

the Revised Code. 70381

(2) In addition to meeting the requirements specified in 70382  
division (C)(1) of this section, a member of an assistance group 70383  
who is required by section 5116.10 of the Revised Code to 70384  
participate in the comprehensive case management and employment 70385  
program must participate in that program to be eligible to 70386  
participate in Ohio works first. 70387

(D)(1) Except as provided in division (D)(4) of this section, 70388  
to determine whether an assistance group is initially eligible to 70389  
participate in Ohio works first, a county department of job and 70390  
family services shall do the following: 70391

(a) Determine whether the assistance group's gross income 70392  
exceeds fifty per cent of the federal poverty guidelines. In 70393  
making this determination, the county department shall disregard 70394  
amounts that federal statutes or regulations and sections 5101.17 70395  
and 5117.10 of the Revised Code require be disregarded. The 70396  
assistance group is ineligible to participate in Ohio works first 70397  
if the assistance group's gross income, less the amounts 70398  
disregarded, exceeds fifty per cent of the federal poverty 70399  
guidelines. 70400

(b) If the assistance group's gross income, less the amounts 70401  
disregarded pursuant to division (D)(1)(a) of this section, does 70402  
not exceed fifty per cent of the federal poverty guidelines, 70403  
determine whether the assistance group's countable income is less 70404  
than the payment standard. The assistance group is ineligible to 70405  
participate in Ohio works first if the assistance group's 70406  
countable income equals or exceeds the payment standard. 70407

(2) For the purpose of determining whether an assistance 70408  
group meets the income requirement established by division 70409  
(D)(1)(a) of this section, the annual revision that the United 70410  
States department of health and human services makes to the 70411

federal poverty guidelines shall go into effect on the first day 70412  
of July of the year for which the revision is made. 70413

(3) To determine whether an assistance group participating in 70414  
Ohio works first continues to be eligible to participate, a county 70415  
department of job and family services shall determine whether the 70416  
assistance group's countable income continues to be less than the 70417  
payment standard. In making this determination, the county 70418  
department shall disregard an amount specified in rules adopted 70419  
under section 5107.05 of the Revised Code and fifty per cent of 70420  
the remainder of the assistance group's gross earned income. No 70421  
amounts shall be disregarded from the assistance group's gross 70422  
unearned income. The assistance group ceases to be eligible to 70423  
participate in Ohio works first if its countable income, less the 70424  
amounts disregarded, equals or exceeds the payment standard. 70425

(4) If an assistance group reapplies to participate in Ohio 70426  
works first not more than four months after ceasing to 70427  
participate, a county department of job and family services shall 70428  
use the income requirement established by division (D)(3) of this 70429  
section to determine eligibility for resumed participation rather 70430  
than the income requirement established by division (D)(1) of this 70431  
section. 70432

(E)(1) An assistance group may continue to participate in 70433  
Ohio works first even though a public children services agency 70434  
removes the assistance group's minor children from the assistance 70435  
group's home due to abuse, neglect, or dependency if the agency 70436  
does both of the following: 70437

(a) Notifies the county department of job and family services 70438  
at the time the agency removes the children that it believes the 70439  
children will be able to return to the assistance group within six 70440  
months; 70441

(b) Informs the county department at the end of each of the 70442

first five months after the agency removes the children that the 70443  
parent, guardian, custodian, or specified relative of the children 70444  
is cooperating with the case plans prepared for the children under 70445  
section 2151.412 of the Revised Code and that the agency is making 70446  
reasonable efforts to return the children to the assistance group. 70447

(2) An assistance group may continue to participate in Ohio 70448  
works first pursuant to division (E)(1) of this section for not 70449  
more than six payment months. This division does not affect the 70450  
eligibility of an assistance group that includes a woman at least 70451  
six months pregnant. 70452

Sec. 5119.191. (A) As used in this section: 70453

(1) "Drug used in medication-assisted treatment" means a drug 70454  
approved by the United States food and drug administration for use 70455  
in medication-assisted treatment, regardless of the method the 70456  
drug is administered or the form in which it is dispensed, 70457  
including an oral drug, an injectable drug, or a long-acting or 70458  
extended-release drug. "Drug used in medication-assisted 70459  
treatment" includes all of the following: 70460

(a) A full agonist; 70461

(b) A partial agonist; 70462

(c) An antagonist. 70463

(2) "Drug used in withdrawal management or detoxification" 70464  
means a drug approved by the United States food and drug 70465  
administration for use in, or a drug in standard use for, 70466  
mitigating opioid or alcohol withdrawal symptoms or assisting with 70467  
detoxification, regardless of the method the drug is administered 70468  
or the form in which it is dispensed, including an oral drug, an 70469  
injectable drug, or a long-acting or extended-release drug. "Drug 70470  
used in withdrawal management or detoxification" includes all of 70471  
the following: 70472

(a) A full agonist; 70473

(b) A partial agonist; 70474

(c) An antagonist; 70475

(d) An alpha-2 adrenergic agonist. 70476

(3) "Medication-assisted treatment" has the same meaning as 70477  
in section 340.01 of the Revised Code. 70478

(4) "Prescribed drug" has the same meaning as in section 70479  
5164.01 of the Revised Code. 70480

(5) "Withdrawal management or detoxification" means a set of 70481  
medical interventions aimed at managing the acute physical 70482  
symptoms of intoxication and withdrawal. Detoxification denotes a 70483  
clearing of toxins from the body of the patient who is acutely 70484  
intoxicated, dependent on a substance of abuse, or both. 70485  
Withdrawal management seeks to minimize the physical harm caused 70486  
by the intoxication and withdrawal from a substance of abuse. 70487  
Withdrawal management or detoxification occurs when the patient 70488  
has a substance use disorder and either evidence of the 70489  
characteristic withdrawal syndrome produced by withdrawal from 70490  
that substance or evidence that supports the expectation that such 70491  
a syndrome would develop without the provision of detoxification 70492  
services. Withdrawal management alone does not constitute 70493  
substance abuse treatment or rehabilitation. 70494

(B) There is hereby created a reimbursement program for drugs 70495  
used in medication-assisted treatment or drugs used in withdrawal 70496  
management or detoxification. The program shall be administered by 70497  
the department of mental health and addiction services. 70498

The purpose of the program is to provide state reimbursement 70499  
to counties for the cost of drugs used in medication-assisted 70500  
treatment or drugs used in withdrawal management or detoxification 70501  
and administered or dispensed to inmates of county jails in this 70502

state. Each county shall ensure that inmates have access to drugs used in medication-assisted treatment or drugs used in withdrawal management or detoxification that are prescribed drugs covered by the fee-for-service component of the medicaid program. 70503  
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The department, based on factors it considers appropriate, shall allocate an amount to each county for reimbursement of such drug costs incurred by the county. 70507  
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(C) The director of mental health and addiction services may adopt rules to implement this section. The rules, if adopted, shall be adopted in accordance with Chapter 119. of the Revised Code. 70510  
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**Sec. 5119.27.** (A) Records As used in this section: 70514

(1) "Community control sanction" has the same meaning as in section 2929.01 of the Revised Code. 70515  
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(2) "Federally assisted," "program," and "substance use disorder" have the same meanings as in 42 C.F.R. 2.11 and as further described in 42 C.F.R. 2.12(b). 70517  
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(3) "Post-release control sanction" has the same meaning as in section 2967.01 of the Revised Code. 70520  
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(B) In accordance with 42 U.S.C. 290dd-2, records or information, other than court journal entries or court docket entries, pertaining to the identity, diagnosis, or treatment of any person seeking or receiving services that are maintained in connection with the performance of any drug treatment program or services licensed by, or certified by, the director of mental health and addiction services under this chapter created or maintained by a federally assisted program for the treatment of substance use disorders shall be kept confidential, and may be disclosed only for the purposes and under the circumstances expressly authorized under this section, and may not otherwise be 70522  
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~~divulged in any civil, criminal, administrative, or legislative proceeding 42 C.F.R. Part 2.~~ 70533  
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~~(B)(C)~~ When the person, with respect to whom any record or information referred to in division ~~(A)(B)~~ of this section is maintained, gives consent in the form of a written release signed by the person, the content of the record or information may be disclosed if the written release conforms to all of the ~~following:~~ 70535  
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~~(1) Specifically identifies the person, official, or entity to whom the information is to be provided;~~ 70540  
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~~(2) Describes with reasonable specificity the record, records, or information to be disclosed; and~~ 70542  
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~~(3) Describes with reasonable specificity the purposes of the disclosure and the intended use of the disclosed information requirements set forth in 42 C.F.R. 2.31.~~ 70544  
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~~(C) A (D) In accordance with 42 C.F.R. 2.35, a person who is subject to a community control sanction, ~~parole,~~ or a post-release control sanction, is on parole, or ~~who~~ is ordered to ~~rehabilitation intervention~~ in lieu of conviction, and who has agreed to participate in a ~~drug treatment or rehabilitation program~~ federally assisted program for the treatment of substance use disorders as a condition of the community control sanction, post-release control sanction, parole, or intervention order ~~to rehabilitation,~~ shall ~~be considered to have consented~~ consent to the release of records and information relating to the progress of treatment, frequency of treatment, adherence to treatment requirements, and probable outcome of treatment. Release of information and records under this division shall be limited to the court or governmental personnel having the responsibility for supervising the person's community control sanction, post-release control sanction, parole, or intervention order ~~to rehabilitation.~~ A person, described in this division, who refuses to allow~~

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disclosure may be considered in violation of the conditions of the 70564  
person's community control sanction, post-release control 70565  
sanction, parole, or intervention order ~~to rehabilitation~~. 70566

~~(D) Disclosure~~ (E) In accordance with 42 C.F.R. 2.52 and 70567  
2.53, disclosure of a person's record may be made without the 70568  
person's consent to qualified personnel for the purpose of 70569  
conducting scientific research, management, financial audits, or 70570  
program evaluation, but these personnel may not identify, directly 70571  
or indirectly, any ~~individual~~ particular person in any report of 70572  
the research, audit, or evaluation, or otherwise disclose a 70573  
person's identity in any manner. 70574

~~(E) Upon~~ (F) In accordance with 42 C.F.R. 2.66, upon the 70575  
request of a prosecuting attorney or the director of mental health 70576  
and addiction services, a court of competent jurisdiction may 70577  
order the disclosure of records or information referred to in 70578  
division ~~(A)~~(B) of this section if the court has reason to believe 70579  
that a ~~treatment program or facility~~ federally assisted program 70580  
for the treatment of substance use disorders is being operated or 70581  
used in a manner contrary to law. The use of any information or 70582  
record so disclosed shall be limited to the prosecution of persons 70583  
who are or may be charged with any offense related to the illegal 70584  
operation or use of the ~~drug treatment program or facility~~, or to 70585  
the decision to withdraw the authority of a ~~drug treatment~~ the 70586  
~~program or facility~~ to continue operation. For purposes of this 70587  
division the court shall do all of the following: 70588

(1) Limit disclosure to those parts of the person's record 70589  
considered essential to fulfill the objective for which the order 70590  
was granted; 70591

(2) Require, where appropriate, that all information be 70592  
disclosed in chambers; 70593

(3) Include any other appropriate measures to keep disclosure 70594

to a minimum, consistent with the protection of the persons 70595  
seeking or receiving services, the ~~physician-patient~~ 70596  
~~provider-client~~ relationship, and the administration of the ~~drug~~ 70597  
~~treatment and rehabilitation~~ program. 70598

~~(F) As used in this section:~~ 70599

~~(1) "Community control sanction" has the same meaning as in 70600  
section 2929.01 of the Revised Code. 70601~~

~~(2) "Post release control sanction" has the same meaning as 70602  
in section 2967.01 of the Revised Code. 70603~~

**Sec. 5119.33.** (A)(1) The department of mental health and 70604  
addiction services shall inspect and license all hospitals that 70605  
receive mentally ill persons, except those hospitals managed by 70606  
the department. No hospital may receive for care or treatment, 70607  
either at public or private expense, any person who is or appears 70608  
to be mentally ill, whether or not so adjudicated, unless the 70609  
hospital has received a license from the department authorizing it 70610  
to receive for care or treatment persons who are mentally ill or 70611  
the hospital is managed by the department. 70612

(2) No such license shall be granted to a hospital for the 70613  
treatment of mentally ill persons unless the department is 70614  
satisfied, after investigation, that the hospital is managed and 70615  
operated by qualified persons and has on its staff one or more 70616  
qualified physicians responsible for the medical care of the 70617  
patients confined there. At least one such physician shall be a 70618  
psychiatrist. 70619

(B) The department shall adopt rules under Chapter 119. of 70620  
the Revised Code prescribing minimum standards for the operation 70621  
of hospitals for the care and treatment of mentally ill persons 70622  
and establishing standards and procedures for the issuance, 70623  
renewal, or revocation of full, probationary, and interim 70624

licenses. No license shall be granted to any hospital established 70625  
or used for the care of mentally ill persons unless such hospital 70626  
is operating in accordance with this section and rules adopted 70627  
pursuant to this section. A full license shall expire one year 70628  
after the date of issuance, a probationary license shall expire at 70629  
the time prescribed by rule adopted pursuant to Chapter 119. of 70630  
the Revised Code by the director of mental health and addiction 70631  
services, and an interim license shall expire ninety days after 70632  
the date of issuance. A full, probationary, or interim license may 70633  
be renewed, except that an interim license may be renewed only 70634  
twice. The department may fix reasonable fees for licenses and for 70635  
license renewals. Such hospitals are subject to inspection and 70636  
on-site review by the department. 70637

(C) Except as otherwise provided in Chapter 5122. of the 70638  
Revised Code, neither the director of mental health and addiction 70639  
services; an employee of the department; a board of alcohol, drug 70640  
addiction, and mental health services or employee of a community 70641  
mental health services provider; nor any other public official 70642  
shall hospitalize any mentally ill person for care or treatment in 70643  
any hospital that is not licensed in accordance with this section. 70644

(D)(1) The department may issue an order suspending the 70645  
admission of patients who are mentally ill to a hospital for care 70646  
or treatment if it finds either of the following: 70647

~~(1)~~(a) The hospital is not in compliance with rules adopted 70648  
by the director pursuant to this section. 70649

~~(2)~~(b) The hospital has been cited for more than one 70650  
violation of statutes or rules during any previous period of time 70651  
during which the hospital is licensed pursuant to this section. 70652

(2)(a) Except as provided in division (D)(2)(b) of this 70653  
section, proceedings initiated to suspend the admission of 70654  
patients are governed by Chapter 119. of the Revised Code. 70655

(b) If a suspension of admissions is proposed because the director has determined that the licensee has demonstrated a pattern of serious noncompliance or that a violation creates a substantial risk to the health and safety of patients, the director may issue an order imposing the suspension of admissions before providing an opportunity for an adjudication under Chapter 119. of the Revised Code. The director shall lift the order for the suspension of admissions if the director determines that the violation that formed the basis for the order has been corrected.

(3) Appeals from proceedings initiated to order the suspension of admissions shall be conducted in accordance with Chapter 119. of the Revised Code, unless the order was issued before providing an opportunity for an adjudication, in which case all of the following apply:

(a) The licensee may request a hearing not later than ten days after receiving the notice specified in section 119.07 of the Revised Code.

(b) If a timely request for a hearing that includes the licensee's current address is made, the hearing shall commence not later than thirty days after the department receives the request.

(c) After commencing, the hearing shall continue uninterrupted, except for Saturdays, Sundays, and legal holidays, unless other interruptions are agreed to by the licensee and the director.

(d) If the hearing is conducted by a hearing examiner, the hearing examiner shall file a report and recommendations with the department not later than ten days after the last of the following:

(i) The close of the hearing;

(ii) If a transcript of the proceedings is ordered, the hearing examiner receives the transcript;

(iii) If post-hearing briefs are timely filed, the hearing examiner receives the briefs. 70687  
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(e) The hearing examiner shall send a written copy of the report and recommendations, by certified mail, to the licensee, or the licensee's attorney, if applicable, not later than five days after the report is filed with the department. 70689  
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(f) Not later than five days after receiving the report and recommendations, the licensee may file objections with the department. 70693  
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(g) Not later than fifteen days after the hearing examiner files the report and recommendations, the department shall issue an order approving, modifying, or disapproving the report and recommendations. 70696  
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(h) Notwithstanding the pendency of the hearing, the department shall lift the order for the suspension of admissions if the department determines the violation that formed the basis for the order has been corrected. 70700  
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(E)(1) Any license issued by the department under this section may be revoked or not renewed by the department for any of the following reasons: 70704  
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~~(1)~~(a) The hospital is no longer a suitable place for the care or treatment of mentally ill persons. 70707  
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~~(2)~~(b) The hospital refuses to be subject to inspection or on-site review by the department. 70709  
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~~(3)~~(c) The hospital has failed to furnish humane, kind, and adequate treatment and care. 70711  
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~~(4)~~(d) The hospital fails to comply with the licensure rules of the department. 70713  
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(2) Proceedings initiated to deny applications for full or probationary licenses, to refuse to renew full or probationary 70715  
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licenses, or to revoke full or probationary licenses are governed 70717  
by Chapter 119. of the Revised Code. If an order has been issued 70718  
suspending the admission of patients, the order remains in effect 70719  
during the pendency of those proceedings. 70720

(F)(1) In a proceeding initiated to suspend the admission of 70721  
patients, to deny an application for a full or probationary 70722  
license, to refuse to renew a full or probationary license, or to 70723  
revoke a full or probationary license, the department may order 70724  
the suspension, denial, refusal, or revocation regardless of 70725  
whether some or all of the deficiencies that prompted the 70726  
proceedings have been corrected at the time of the hearing. 70727

(2) When the department issues an order suspending the 70728  
admission of patients, denies an application for a full or 70729  
probationary license, refuses to renew a full or probationary 70730  
license, or revokes a full or probationary license, the department 70731  
shall not grant an opportunity for submitting a plan of 70732  
correction. 70733

(G) The department may inspect, conduct an on-site review, 70734  
and review the records of any hospital that the department has 70735  
reason to believe is operating without a license. 70736

**Sec. 5119.34.** (A) As used in this section and sections 70737  
5119.341 and 5119.342 of the Revised Code: 70738

(1) "Accommodations" means housing, daily meal preparation, 70739  
laundry, housekeeping, arranging for transportation, social and 70740  
recreational activities, maintenance, security, and other services 70741  
that do not constitute personal care services or skilled nursing 70742  
care. 70743

(2) "ADAMHS board" means a board of alcohol, drug addiction, 70744  
and mental health services. 70745

(3) "Adult" means a person who is eighteen years of age or 70746

older, other than a person described in division (A)(4) of this section who is between eighteen and twenty-one years of age.

(4) "Child" means a person who is under eighteen years of age or a person with a mental disability who is under twenty-one years of age.

(5) "Community mental health services provider" means a community mental health services provider as defined in section 5119.01 of the Revised Code.

(6) "Community mental health services" means any mental health services certified by the department pursuant to section 5119.36 of the Revised Code.

(7) "Operator" means the person or persons, firm, partnership, agency, governing body, association, corporation, or other entity that is responsible for the administration and management of a residential facility and that is the applicant for a residential facility license.

(8) "Personal care services" means services including, but not limited to, the following:

(a) Assisting residents with activities of daily living;

(b) Assisting residents with self-administration of medication in accordance with rules adopted under this section;

(c) Preparing special diets, other than complex therapeutic diets, for residents pursuant to the instructions of a physician or a licensed dietitian, in accordance with rules adopted under this section.

"Personal care services" does not include "skilled nursing care" as defined in section 3721.01 of the Revised Code. A facility need not provide more than one of the services listed in division (A)(8) of this section to be considered to be providing personal care services.

(9) "Room and board" means the provision of sleeping and 70777  
living space, meals or meal preparation, laundry services, 70778  
housekeeping services, or any combination thereof. 70779

(10) "Residential state supplement program" means the program 70780  
established under section 5119.41 of the Revised Code. 70781

(11) "Supervision" means any of the following: 70782

(a) Observing a resident to ensure the resident's health, 70783  
safety, and welfare while the resident engages in activities of 70784  
daily living or other activities; 70785

(b) Reminding a resident to perform or complete an activity, 70786  
such as reminding a resident to engage in personal hygiene or 70787  
other self-care activities; 70788

(c) Assisting a resident in making or keeping an appointment. 70789

(12) "Unrelated" means that a resident is not related to the 70790  
owner or operator of a residential facility or to the owner's or 70791  
operator's spouse as a parent, grandparent, child, stepchild, 70792  
grandchild, brother, sister, niece, nephew, aunt, or uncle, or as 70793  
the child of an aunt or uncle. 70794

(B)(1) A "residential facility" is a publicly or privately 70795  
operated home or facility that falls into one of the following 70796  
categories: 70797

(a) Class one facilities provide accommodations, supervision, 70798  
personal care services, and mental health services for one or more 70799  
unrelated adults with mental illness or one or more unrelated 70800  
children or adolescents with severe emotional disturbances; 70801

(b) Class two facilities provide accommodations, supervision, 70802  
and personal care services to any of the following: 70803

(i) One or two unrelated persons with mental illness; 70804

(ii) One or two unrelated adults who are receiving payments 70805  
under the residential state supplement program; 70806

- (iii) Three to sixteen unrelated adults. 70807
- (c) Class three facilities provide room and board for five or more unrelated adults with mental illness. 70808  
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- (2) "Residential facility" does not include any of the following: 70810  
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- (a) A hospital subject to licensure under section 5119.33 of the Revised Code or an institution maintained, operated, managed, and governed by the department of mental health and addiction services for the hospitalization of mentally ill persons pursuant to section 5119.14 of the Revised Code; 70812  
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- (b) A residential facility licensed under section 5123.19 of the Revised Code or otherwise regulated by the department of developmental disabilities; 70817  
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- (c) An institution or association subject to certification under section 5103.03 of the Revised Code; 70820  
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- (d) A facility operated by a hospice care program licensed under section 3712.04 of the Revised Code that is used exclusively for care of hospice patients; 70822  
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- (e) A nursing home, residential care facility, or home for the aging as defined in section 3721.02 of the Revised Code; 70825  
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- (f) A facility licensed under section 5119.37 of the Revised Code to operate an opioid treatment program; 70827  
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- (g) Any facility that receives funding for operating costs from the department of development ~~services agency~~ under any program established to provide emergency shelter housing or transitional housing for the homeless; 70829  
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- (h) A terminal care facility for the homeless that has entered into an agreement with a hospice care program under section 3712.07 of the Revised Code; 70833  
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- (i) A facility approved by the veterans administration under 70836

section 104(a) of the "Veterans Health Care Amendments of 1983," 70837  
97 Stat. 993, 38 U.S.C. 630, as amended, and used exclusively for 70838  
the placement and care of veterans; 70839

(j) The residence of a relative or guardian of a person with 70840  
mental illness. 70841

(C) Nothing in division (B) of this section shall be 70842  
construed to permit personal care services to be imposed on a 70843  
resident who is capable of performing the activity in question 70844  
without assistance. 70845

(D) Except in the case of a residential facility described in 70846  
division (B)(1)(a) of this section, members of the staff of a 70847  
residential facility shall not administer medication to the 70848  
facility's residents, but may do any of the following: 70849

(1) Remind a resident when to take medication and watch to 70850  
ensure that the resident follows the directions on the container; 70851

(2) Assist a resident in the self-administration of 70852  
medication by taking the medication from the locked area where it 70853  
is stored, in accordance with rules adopted pursuant to this 70854  
section, and handing it to the resident. If the resident is 70855  
physically unable to open the container, a staff member may open 70856  
the container for the resident. 70857

(3) Assist a physically impaired but mentally alert resident, 70858  
such as a resident with arthritis, cerebral palsy, or Parkinson's 70859  
disease, in removing oral or topical medication from containers 70860  
and in consuming or applying the medication, upon request by or 70861  
with the consent of the resident. If a resident is physically 70862  
unable to place a dose of medicine to the resident's mouth without 70863  
spilling it, a staff member may place the dose in a container and 70864  
place the container to the mouth of the resident. 70865

(E)(1) Except as provided in division (E)(2) of this section, 70866  
a person operating or seeking to operate a residential facility 70867

shall apply for licensure of the facility to the department of 70868  
mental health and addiction services. The application shall be 70869  
submitted by the operator. When applying for the license, the 70870  
applicant shall pay to the department the application fee 70871  
specified in rules adopted under division ~~(L)~~(N) of this section. 70872  
The fee is nonrefundable. 70873

The department shall send a copy of an application to the 70874  
ADAMHS board serving the county in which the person operates or 70875  
seeks to operate the facility. The ADAMHS board shall review the 70876  
application and provide to the department any information about 70877  
the applicant or the facility that the board would like the 70878  
department to consider in reviewing the application. 70879

(2) A person may not apply for a license to operate a 70880  
residential facility if the person is or has been the owner, 70881  
operator, or manager of a residential facility for which a license 70882  
to operate was revoked or for which renewal of a license was 70883  
refused for any reason other than nonpayment of the license 70884  
renewal fee, unless both of the following conditions are met: 70885

(a) A period of not less than two years has elapsed since the 70886  
date the director of mental health and addiction services issued 70887  
the order revoking or refusing to renew the facility's license. 70888

(b) The director's revocation or refusal to renew the license 70889  
was not based on an act or omission at the facility that violated 70890  
a resident's right to be free from abuse, neglect, or 70891  
exploitation. 70892

~~(F)~~~~(1)~~(F) The department of mental health and addiction 70893  
services shall inspect and license the operation of residential 70894  
facilities. The department shall consider the past record of the 70895  
facility and the applicant or licensee in arriving at its 70896  
licensure decision. 70897

The department may issue full, probationary, and interim 70898

licenses. A full license shall expire up to three years after the 70899  
date of issuance, a probationary license shall expire in a shorter 70900  
period of time as specified in rules adopted by the director of 70901  
mental health and addiction services under division ~~(L)~~(N) of this 70902  
section, and an interim license shall expire ninety days after the 70903  
date of issuance. A license may be renewed in accordance with 70904  
rules adopted by the director under division ~~(L)~~(N) of this 70905  
section. The renewal application shall be submitted by the 70906  
operator. When applying for renewal of a license, the applicant 70907  
shall pay to the department the renewal fee specified in rules 70908  
adopted under division ~~(L)~~(N) of this section. The fee is 70909  
nonrefundable. 70910

~~(2) The (G)(1) If the department finds any of the following 70911  
with respect to a residential facility, the department may issue 70912  
an order suspending the admission of residents to the facility or, 70913  
refuse to issue or renew and may a license for the facility, or 70914  
revoke a the facility's license if it finds any of the following:~~ 70915

(a) The facility is not in compliance with rules adopted by 70916  
the director pursuant to division ~~(L)~~(N) of this section; 70917

(b) Any facility operated by the applicant or licensee has 70918  
been cited for a pattern of serious noncompliance or repeated 70919  
violations of statutes or rules during the period of current or 70920  
previous licenses; 70921

(c) The applicant or licensee submits false or misleading 70922  
information as part of a license application, renewal, or 70923  
investigation. 70924

(2) Proceedings initiated to deny applications for full or 70925  
probationary licenses, to refuse to renew full or probationary 70926  
licenses, or to revoke such full or probationary licenses are 70927  
governed by Chapter 119. of the Revised Code. An If an order has 70928  
been issued pursuant to this division suspending the admission of 70929

residents to the facility, the order remains in effect during the 70930  
pendency of those proceedings. 70931

Proceedings initiated to suspend the admission of residents 70932  
to a facility are governed by Chapter 119. of the Revised Code, 70933  
except as provided in division (H) of this section. 70934

(3) In a proceeding initiated to suspend the admission of 70935  
residents to a facility, to deny an application for a full or 70936  
probationary license, to refuse to renew a full or probationary 70937  
license, or to revoke a full or probationary license, the 70938  
department may order the suspension, denial, refusal, or 70939  
revocation regardless of whether some or all of the deficiencies 70940  
that prompted the proceedings have been corrected at the time of 70941  
the hearing. 70942

(4) When the department issues an order suspending the 70943  
admission of residents to a facility, denies an application for a 70944  
full or probationary license, refuses to renew a full or 70945  
probationary license, or revokes a full or probationary license, 70946  
the department shall not grant an opportunity for submitting a 70947  
plan of correction. 70948

(H)(1) If a suspension of admissions of residents to a 70949  
facility is proposed because the director has determined that the 70950  
licensee has demonstrated a pattern of serious noncompliance or 70951  
that a violation creates a substantial risk to the health and 70952  
safety of residents, the director may issue an order imposing the 70953  
suspension of admissions before providing an opportunity for an 70954  
adjudication under Chapter 119. of the Revised Code. The director 70955  
shall lift the order for the suspension of admissions if the 70956  
director determines that the violation that formed the basis for 70957  
the order has been corrected. 70958

(2) Appeals from proceedings initiated to order the 70959  
suspension of admissions to a facility shall be conducted in 70960

accordance with Chapter 119. of the Revised Code, unless the order 70961  
was issued before providing an opportunity for an adjudication, in 70962  
which case all of the following apply: 70963

(a) The licensee may request a hearing not later than ten 70964  
days after receiving the notice specified in section 119.07 of the 70965  
Revised Code. 70966

(b) If a timely request for a hearing that includes the 70967  
licensee's current address is made, the hearing shall commence not 70968  
later than thirty days after the department receives the request. 70969

(c) After commencing, the hearing shall continue 70970  
uninterrupted, except for Saturdays, Sundays, and legal holidays, 70971  
unless other interruptions are agreed to by the licensee and the 70972  
director. 70973

(d) If the hearing is conducted by a hearing examiner, the 70974  
hearing examiner shall file a report and recommendations with the 70975  
department not later than ten days after the last of the 70976  
following: 70977

(i) The close of the hearing; 70978

(ii) If a transcript of the proceedings is ordered, the 70979  
hearing examiner receives the transcript; 70980

(iii) If post-hearing briefs are timely filed, the hearing 70981  
examiner receives the briefs. 70982

(e) The hearing examiner shall send a written copy of the 70983  
report and recommendations, by certified mail, to the licensee, or 70984  
the licensee's attorney, if applicable, not later than five days 70985  
after the report is filed with the department. 70986

(f) Not later than five days after receiving the report and 70987  
recommendations, the licensee may file objections with the 70988  
department. 70989

(g) Not later than fifteen days after the hearing examiner 70990

files the report and recommendations, the department shall issue 70991  
an order approving, modifying, or disapproving the report and 70992  
recommendations. 70993

(h) Notwithstanding the pendency of the hearing, the 70994  
department shall lift the order for the suspension of admissions 70995  
if the department determines the violation that formed the basis 70996  
for the order has been corrected. 70997

~~(G)~~(I) The department may issue an interim license to operate 70998  
a residential facility if both of the following conditions are 70999  
met: 71000

(1) The department determines that the closing of or the need 71001  
to remove residents from another residential facility has created 71002  
an emergency situation requiring immediate removal of residents 71003  
and an insufficient number of licensed beds are available. 71004

(2) The residential facility applying for an interim license 71005  
meets standards established for interim licenses in rules adopted 71006  
by the director under division ~~(L)~~(N) of this section. 71007

An interim license shall be valid for ninety days and may be 71008  
renewed by the director no more than twice. Proceedings initiated 71009  
to deny applications for or to revoke interim licenses under this 71010  
division are not subject to Chapter 119. of the Revised Code. 71011

~~(H)~~(1)~~(J)~~(1) The department of mental health and addiction 71012  
services may conduct an inspection of a residential facility as 71013  
follows: 71014

(a) Prior to issuance of a license for the facility; 71015

(b) Prior to renewal of the license; 71016

(c) To determine whether the facility has completed a plan of 71017  
correction required pursuant to division ~~(H)~~(2)~~(J)~~(2) of this 71018  
section and corrected deficiencies to the satisfaction of the 71019  
department and in compliance with this section and rules adopted 71020

pursuant to it; 71021

(d) Upon complaint by any individual or agency; 71022

(e) At any time the director considers an inspection to be 71023  
necessary in order to determine whether the facility is in 71024  
compliance with this section and rules adopted pursuant to this 71025  
section. 71026

(2) In conducting inspections the department may conduct an 71027  
on-site examination and evaluation of the residential facility and 71028  
its personnel, activities, and services. The department shall have 71029  
access to examine and copy all records, accounts, and any other 71030  
documents relating to the operation of the residential facility, 71031  
including records pertaining to residents, and shall have access 71032  
to the facility in order to conduct interviews with the operator, 71033  
staff, and residents. Following each inspection and review, the 71034  
department shall complete a report listing any deficiencies, and 71035  
including, when appropriate, a time table within which the 71036  
operator shall correct the deficiencies. The department may 71037  
require the operator to submit a plan of correction describing how 71038  
the deficiencies will be corrected. 71039

~~(I)~~(K) No person shall do any of the following: 71040

(1) Operate a residential facility unless the facility holds 71041  
a valid license; 71042

(2) Violate any of the conditions of licensure after having 71043  
been granted a license; 71044

(3) Interfere with a state or local official's inspection or 71045  
investigation of a residential facility; 71046

(4) Violate any of the provisions of this section or any 71047  
rules adopted pursuant to this section. 71048

~~(J)~~(L) The following may enter a residential facility at any 71049  
time: 71050

|                                                                                                                                                                                                                                                                                                                                                                           |                                                    |
|---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|----------------------------------------------------|
| (1) Employees designated by the director of mental health and addiction services;                                                                                                                                                                                                                                                                                         | 71051<br>71052                                     |
| (2) Employees of an ADAMHS board under either of the following circumstances:                                                                                                                                                                                                                                                                                             | 71053<br>71054                                     |
| (a) When a resident of the facility is receiving services from a community mental health services provider under contract with that ADAMHS board or another ADAMHS board;                                                                                                                                                                                                 | 71055<br>71056<br>71057                            |
| (b) When authorized by section 340.05 of the Revised Code.                                                                                                                                                                                                                                                                                                                | 71058                                              |
| (3) Employees of a community mental health services provider under either of the following circumstances:                                                                                                                                                                                                                                                                 | 71059<br>71060                                     |
| (a) When the provider has a person receiving services residing in the facility;                                                                                                                                                                                                                                                                                           | 71061<br>71062                                     |
| (b) When the provider is acting as an agent of an ADAMHS board other than the board with which it is under contract.                                                                                                                                                                                                                                                      | 71063<br>71064                                     |
| (4) Representatives of the state long-term care ombudsman program when the facility provides accommodations, supervision, and personal care services for three to sixteen unrelated adults or to one or two unrelated adults who are receiving payments under the residential state supplement program.                                                                   | 71065<br>71066<br>71067<br>71068<br>71069          |
| The persons specified in division <del>(J)</del> <u>(L)</u> of this section shall be afforded access to examine and copy all records, accounts, and any other documents relating to the operation of the residential facility, including records pertaining to residents.                                                                                                 | 71070<br>71071<br>71072<br>71073                   |
| <del>(K)</del> <u>(M)</u> Employees of the department of mental health and addiction services may enter, for the purpose of investigation, any institution, residence, facility, or other structure which has been reported to the department as, or that the department has reasonable cause to believe is, operating as a residential facility without a valid license. | 71074<br>71075<br>71076<br>71077<br>71078<br>71079 |
| <del>(L)</del> <u>(N)</u> The director shall adopt and may amend and rescind                                                                                                                                                                                                                                                                                              | 71080                                              |

rules pursuant to Chapter 119. of the Revised Code governing the 71081  
licensing and operation of residential facilities. The rules shall 71082  
establish all of the following: 71083

(1) Minimum standards for the health, safety, adequacy, and 71084  
cultural competency of treatment of and services for persons in 71085  
residential facilities; 71086

(2) Procedures for the issuance, renewal, or revocation of 71087  
the licenses of residential facilities; 71088

(3) Procedures for conducting background investigations for 71089  
prospective or current operators, employees, volunteers, and other 71090  
non-resident occupants who may have direct access to facility 71091  
residents; 71092

(4) The fee to be paid when applying for a new residential 71093  
facility license or renewing the license; 71094

(5) Procedures for the operator of a residential facility to 71095  
follow when notifying the ADAMHS board serving the county in which 71096  
the facility is located when the facility is serving residents 71097  
with mental illness or severe mental disability, including the 71098  
circumstances under which the operator is required to make such a 71099  
notification; 71100

(6) Procedures for the issuance and termination of orders of 71101  
suspension of admission of residents to a residential facility; 71102

(7) Measures to be taken by residential facilities relative 71103  
to residents' medication; 71104

(8) Requirements relating to preparation of special diets; 71105

(9) The maximum number of residents who may be served in a 71106  
residential facility; 71107

(10) The rights of residents of residential facilities and 71108  
procedures to protect such rights; 71109

(11) Standards and procedures under which the director may 71110

waive the requirements of any of the rules adopted. 71111

~~(M)(1)(O)(1)~~ The department may withhold the source of any 71112  
complaint reported as a violation of this section when the 71113  
department determines that disclosure could be detrimental to the 71114  
department's purposes or could jeopardize the investigation. The 71115  
department may disclose the source of any complaint if the 71116  
complainant agrees in writing to such disclosure and shall 71117  
disclose the source upon order by a court of competent 71118  
jurisdiction. 71119

(2) Any person who makes a complaint under division 71120  
~~(M)(1)(O)(1)~~ of this section, or any person who participates in an 71121  
administrative or judicial proceeding resulting from such a 71122  
complaint, is immune from civil liability and is not subject to 71123  
criminal prosecution, other than for perjury, unless the person 71124  
has acted in bad faith or with malicious purpose. 71125

~~(N)(1)(P)(1)~~ The director of mental health and addiction 71126  
services may petition the court of common pleas of the county in 71127  
which a residential facility is located for an order enjoining any 71128  
person from operating a residential facility without a license or 71129  
from operating a licensed facility when, in the director's 71130  
judgment, there is a present danger to the health or safety of any 71131  
of the occupants of the facility. The court shall have 71132  
jurisdiction to grant such injunctive relief upon a showing that 71133  
the respondent named in the petition is operating a facility 71134  
without a license or there is a present danger to the health or 71135  
safety of any residents of the facility. 71136

(2) When the court grants injunctive relief in the case of a 71137  
facility operating without a license, the court shall issue, at a 71138  
minimum, an order enjoining the facility from admitting new 71139  
residents to the facility and an order requiring the facility to 71140  
assist with the safe and orderly relocation of the facility's 71141  
residents. 71142

(3) If injunctive relief is granted against a facility for 71143  
operating without a license and the facility continues to operate 71144  
without a license, the director shall refer the case to the 71145  
attorney general for further action. 71146

~~(I)~~(Q) The director may fine a person for violating division 71147  
~~(I)~~(K) of this section. The fine shall be five hundred dollars for 71148  
a first offense; for each subsequent offense, the fine shall be 71149  
one thousand dollars. The director's actions in imposing a fine 71150  
shall be taken in accordance with Chapter 119. of the Revised 71151  
Code. 71152

**Sec. 5119.36.** (A) A community mental health services provider 71153  
applicant or community addiction services provider applicant that 71154  
seeks certification of its certifiable services and supports shall 71155  
submit an application to the director of mental health and 71156  
addiction services. On receipt of the application, the director 71157  
may conduct an on-site review and shall evaluate the applicant to 71158  
determine whether its certifiable services and supports satisfy 71159  
the standards established by rules adopted under this section. The 71160  
director shall make the evaluation, and, if the director conducts 71161  
an on-site review of the applicant, may make the review, in 71162  
cooperation with a board of alcohol, drug addiction, and mental 71163  
health services that seeks to contract with the applicant under 71164  
section 340.036 of the Revised Code. 71165

(B) Subject to section 5119.361 of the Revised Code, the 71166  
director shall determine whether the certifiable services and 71167  
supports of a community mental health services provider applicant 71168  
or community addiction services provider applicant satisfy the 71169  
standards for certification. If the director determines that an 71170  
applicant's certifiable services and supports satisfy the 71171  
standards for certification and the applicant has paid the fee 71172  
required by this section, the director shall certify the 71173

certifiable services and supports. 71174

No community mental health services provider shall be 71175  
eligible to receive for its certifiable services and supports any 71176  
state funds, federal funds, or funds administered by a board of 71177  
alcohol, drug addiction, and mental health services, unless those 71178  
certifiable services and supports have been certified by the 71179  
director. 71180

No person or government entity subject to section 5119.35 of 71181  
the Revised Code or any other community addiction services 71182  
provider shall be eligible to receive for its services described 71183  
in that section or its other certifiable services and supports any 71184  
state funds, federal funds, or funds administered by a board of 71185  
alcohol, drug addiction, and mental health services, unless those 71186  
services or other certifiable services and supports have been 71187  
certified by the director. 71188

(C) The director may refuse to certify certifiable services 71189  
and supports, refuse to renew certification, or revoke 71190  
certification if any of the following apply to an applicant for 71191  
certification or the holder of the certification: 71192

(1) The applicant or holder is not in compliance with rules 71193  
adopted under this section. 71194

(2) The applicant or holder has been cited for a pattern of 71195  
serious noncompliance or repeated violations of statutes or rules 71196  
during the current certification period or any previous 71197  
certification period. 71198

(3) The applicant or holder submits false or misleading 71199  
information as part of a certification application, renewal, or 71200  
investigation. 71201

(D) Proceedings initiated to deny applications to certify 71202  
certifiable services and supports, to refuse to renew 71203  
certification, or to revoke certification are governed by Chapter 71204

119. of the Revised Code. If an order has been issued suspending admissions to a community addiction services provider that provides overnight accommodations, as provided in division (H) of this section, the order remains in effect during the pendency of those proceedings.

~~(E)~~ If the director determines that a community mental health services provider applicant's or a community addiction services provider applicant's certifiable services and supports do not satisfy the standards for certification, ~~the director shall identify the areas of noncompliance, specify what action is necessary to satisfy the standards, and may offer technical assistance to the applicant and to a board of alcohol, drug addiction, and mental health services so that the board may assist the applicant in satisfying the standards. The director shall give the applicant a reasonable time within which to demonstrate that its certifiable services and supports satisfy the standards or to bring them into compliance with the standards. If the director concludes that the certifiable services and supports continue to fail to satisfy the standards,~~ the director may request that the appropriate board of alcohol, drug addiction, and mental health services reallocate any funds for the certifiable services and supports the applicant was to provide to another community mental health services provider or community addiction services provider whose certifiable services and supports satisfy the standards. If the board does not reallocate such funds in a reasonable period of time, the director may withhold state and federal funds for the certifiable services and supports and allocate those funds directly to a community mental health services provider or community addiction services provider whose certifiable services and supports satisfy the standards.

~~(D)~~(F) Each community mental health services provider applicant or community addiction services provider applicant

seeking certification of its certifiable services and supports 71237  
under this section shall pay a fee for the certification required 71238  
by this section, unless the applicant is exempt under rules 71239  
adopted under this section. Fees shall be paid into the state 71240  
treasury to the credit of the sale of goods and services fund 71241  
created pursuant to section 5119.45 of the Revised Code. 71242

~~(E)~~(G) The director shall adopt rules in accordance with 71243  
Chapter 119. of the Revised Code to implement this section. The 71244  
rules shall do all of the following: 71245

(1) Subject to section 340.034 of the Revised Code, specify 71246  
the types of recovery supports that are required to be certified 71247  
under this section; 71248

(2) Establish certification standards for certifiable 71249  
services and supports that are consistent with nationally 71250  
recognized applicable standards and facilitate participation in 71251  
federal assistance programs. The rules shall include as 71252  
certification standards only requirements that improve the quality 71253  
of certifiable services and supports or the health and safety of 71254  
persons receiving certifiable services and supports. The standards 71255  
shall address at a minimum all of the following: 71256

(a) Reporting major unusual incidents to the director; 71257

(b) Procedures for applicants for and persons receiving 71258  
certifiable services and supports to file grievances and 71259  
complaints; 71260

(c) Seclusion; 71261

(d) Restraint; 71262

(e) Requirements regarding the physical facilities in which 71263  
certifiable services and supports are provided; 71264

(f) Requirements with regard to health, safety, adequacy, and 71265  
cultural specificity and sensitivity; 71266

|                                                                                                                                                                                                                                                                                                              |                                           |
|--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-------------------------------------------|
| (g) Standards for evaluating certifiable services and supports;                                                                                                                                                                                                                                              | 71267<br>71268                            |
| (h) Standards and procedures for granting full, probationary, and interim certification of the certifiable services and supports of a community mental health services provider applicant or community addiction services provider applicant;                                                                | 71269<br>71270<br>71271<br>71272          |
| (i) Standards and procedures for revoking the certification of a community mental health services provider's or community addiction services provider's certifiable services and supports that do not continue to meet the minimum standards established pursuant to this section;                           | 71273<br>71274<br>71275<br>71276<br>71277 |
| (j) The limitations to be placed on a provider whose certifiable services and supports are granted probationary or interim certification;                                                                                                                                                                    | 71278<br>71279<br>71280                   |
| (k) Development of written policies addressing the rights of persons receiving certifiable services and supports, including all of the following:                                                                                                                                                            | 71281<br>71282<br>71283                   |
| (i) The right to a copy of the written policies addressing the rights of persons receiving certifiable services and supports;                                                                                                                                                                                | 71284<br>71285                            |
| (ii) The right at all times to be treated with consideration and respect for the person's privacy and dignity;                                                                                                                                                                                               | 71286<br>71287                            |
| (iii) The right to have access to the person's own psychiatric, medical, or other treatment records unless access is specifically restricted in the person's treatment plan for clear treatment reasons;                                                                                                     | 71288<br>71289<br>71290<br>71291          |
| (iv) The right to have a client rights officer provided by the provider or board of alcohol, drug addiction, and mental health services advise the person of the person's rights, including the person's rights under Chapter 5122. of the Revised Code if the person is committed to the provider or board. | 71292<br>71293<br>71294<br>71295<br>71296 |

|                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                |                                                                               |
|--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-------------------------------------------------------------------------------|
| (3) Establish the process for certification of certifiable services and supports;                                                                                                                                                                                                                                                                                                                                                                                                                                                                                              | 71297<br>71298                                                                |
| (4) Set the amount of certification review fees;                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                               | 71299                                                                         |
| (5) Specify the type of notice and hearing to be provided prior to a decision on whether to reallocate funds.                                                                                                                                                                                                                                                                                                                                                                                                                                                                  | 71300<br>71301                                                                |
| <del>(F)</del> <u>(H)(1)</u> The director may issue an order suspending admissions to a community addiction services provider that provides overnight accommodations if the director finds either of the following:                                                                                                                                                                                                                                                                                                                                                            | 71302<br>71303<br>71304<br>71305                                              |
| <del>(1)</del> <u>(a)</u> The provider's certifiable services and supports are not in compliance with rules adopted under this section;                                                                                                                                                                                                                                                                                                                                                                                                                                        | 71306<br>71307                                                                |
| <del>(2)</del> <u>(b)</u> The provider has been cited for more than one violation of statutes or rules during any previous certification period of the provider.                                                                                                                                                                                                                                                                                                                                                                                                               | 71308<br>71309<br>71310                                                       |
| <u>(2)(a) Except as provided in division (H)(2)(b) of this section, proceedings initiated to suspend admissions to a community addiction services provider that provides overnight accommodations are governed by Chapter 119. of the Revised Code.</u>                                                                                                                                                                                                                                                                                                                        | 71311<br>71312<br>71313<br>71314                                              |
| <u>(b) If a suspension of admissions is proposed because the director has determined that the provider has demonstrated a pattern of serious noncompliance or that a violation creates a substantial risk to the health and safety of patients, the director may issue an order suspending admissions before providing an opportunity for an adjudication under Chapter 119. of the Revised Code. The director shall lift the order for the suspension of admissions if the director determines that the violation that formed the basis for the order has been corrected.</u> | 71315<br>71316<br>71317<br>71318<br>71319<br>71320<br>71321<br>71322<br>71323 |
| <u>(3) Appeals from proceedings initiated to order the suspension of admissions shall be conducted in accordance with Chapter 119. of the Revised Code, unless the order was issued</u>                                                                                                                                                                                                                                                                                                                                                                                        | 71324<br>71325<br>71326                                                       |

before providing an opportunity for an adjudication, in which case 71327  
all of the following apply: 71328

(a) The provider may request a hearing not later than ten 71329  
days after receiving the notice specified in section 119.07 of the 71330  
Revised Code. 71331

(b) If a timely request for a hearing that includes the 71332  
provider's current address is made, the hearing shall commence not 71333  
later than thirty days after the department receives the request. 71334

(c) After commencing, the hearing shall continue 71335  
uninterrupted, except for Saturdays, Sundays, and legal holidays, 71336  
unless other interruptions are agreed to by the provider and the 71337  
director. 71338

(d) If the hearing is conducted by a hearing examiner, the 71339  
hearing examiner shall file a report and recommendations with the 71340  
department not later than ten days after the last of the 71341  
following: 71342

(i) The close of the hearing; 71343

(ii) If a transcript of the proceedings is ordered, the 71344  
hearing examiner receives the transcript; 71345

(iii) If post-hearing briefs are timely filed, the hearing 71346  
examiner receives the briefs. 71347

(e) The hearing examiner shall send a written copy of the 71348  
report and recommendations, by certified mail, to the provider, or 71349  
the provider's attorney, if applicable, not later than five days 71350  
after the report is filed with the department. 71351

(f) Not later than five days after receiving the report and 71352  
recommendations, the provider may file objections with the 71353  
department. 71354

(g) Not later than fifteen days after the hearing examiner 71355  
files the report and recommendations, the department shall issue 71356

an order approving, modifying, or disapproving the report and recommendations. 71357  
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(h) Notwithstanding the pendency of the hearing, the department shall lift the order for the suspension of admissions if the department determines the violation that formed the basis for the order has been corrected. 71359  
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~~(G)~~(I)(1) In a proceeding initiated to suspend admissions to a community addiction services provider that provides overnight accommodations, to deny an application for certification of certifiable services and supports, to refuse to renew certification, or to revoke certification, the department may order the suspension, denial, refusal, or revocation regardless of whether some or all of the deficiencies that prompted the proceedings have been corrected at the time of the hearing. 71363  
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(2) When the department issues an order suspending admissions to a community addiction services provider that provides overnight accommodations, denies an application for certification of certifiable services and supports, refuses to renew certification, or revokes a certification, the department shall not grant an opportunity for submitting a plan of correction. 71371  
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(J) The department of mental health and addiction services shall maintain a current list of community addiction services providers and shall provide a copy of the list to a judge of a court of common pleas who requests a copy for the use of the judge under division (H) of section 2925.03 of the Revised Code. The list shall identify each provider by its name, its address, and the county in which it is located. 71377  
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~~(H)~~(K) No person shall represent in any manner that a community mental health services provider's or community addiction services provider's certifiable services and supports are certified by the director if the certifiable services and supports 71384  
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are not so certified at the time the representation is made. 71388

**Sec. 5119.37.** (A)(1)(a) Except as provided in division 71389  
(A)(1)(b) of this section, no person or government entity shall 71390  
operate an opioid treatment program requiring certification, as 71391  
certification is defined in 42 C.F.R. 8.2, unless the person or 71392  
government entity is a community addiction services provider and 71393  
the program is licensed under this section. 71394

(b) Division (A)(1)(a) of this section does not apply to a 71395  
program operated by the United States department of veterans 71396  
affairs. 71397

(2) No community addiction services provider licensed under 71398  
this section shall operate an opioid treatment program in a manner 71399  
inconsistent with this section and the rules adopted under it. 71400

(B) A community addiction services provider seeking a license 71401  
to operate an opioid treatment program shall apply to the 71402  
department of mental health and addiction services. The department 71403  
shall review all applications received. 71404

(C) The department may issue a license to operate an opioid 71405  
treatment program to a community addiction services provider only 71406  
if all of the following apply: 71407

(1) During the three-year period immediately preceding the 71408  
date of application, the provider or any owner, sponsor, medical 71409  
director, administrator, or principal of the provider has been in 71410  
good standing to operate an opioid treatment program in all other 71411  
locations where the provider or such other person has been 71412  
operating a similar program, as evidenced by both of the 71413  
following: 71414

(a) Not having been denied a license, certificate, or similar 71415  
approval to operate an opioid treatment program by this state or 71416  
another jurisdiction; 71417

(b) Not having been the subject of any of the following in this state or another jurisdiction: 71418  
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(i) An action that resulted in the suspension or revocation of the license, certificate, or similar approval of the provider or other person; 71420  
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(ii) A voluntary relinquishment, withdrawal, or other action taken by the provider or other person to avoid suspension or revocation of the license, certificate, or similar approval; 71423  
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(iii) A disciplinary action that was based, in whole or in part, on the provider or other person engaging in the inappropriate prescribing, dispensing, administering, personally furnishing, diverting, storing, supplying, compounding, or selling of a controlled substance or other dangerous drug. 71426  
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(2) It affirmatively appears to the department that the provider is adequately staffed and equipped to operate an opioid treatment program. 71431  
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(3) It affirmatively appears to the department that the provider will operate an opioid treatment program in strict compliance with all laws relating to drug abuse and the rules adopted by the department. 71434  
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(4) Except as provided in division (D) of this section and section 5119.371 of the Revised Code, if the provider is seeking an initial license for a particular location, the proposed opioid treatment program is not located on a parcel of real estate that is within a radius of five hundred linear feet of the boundaries of a parcel of real estate having situated on it a public or private school, child day-care center licensed under Chapter 5104. of the Revised Code, or child-serving agency regulated by the department under this chapter. 71438  
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(5) The provider meets any additional requirements established by the department in rules adopted under division (F) 71447  
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of this section. 71449

(D) The department may waive the requirement of division 71450  
(C)(4) of this section if it receives, from each public or private 71451  
school, child day-care center, or child-serving agency that is 71452  
within the five hundred linear feet radius described in that 71453  
division, a letter of support for the location. The department 71454  
shall determine whether a letter of support is satisfactory for 71455  
purposes of waiving the requirement. 71456

~~(E) A~~ (E)(1) Except as provided in division (E)(2) of this 71457  
section, a license to operate an opioid treatment program shall 71458  
expire ~~one year~~ two years from the date of issuance. Licenses may 71459  
be renewed. 71460

(2) In circumstances in which the director of mental health 71461  
and addiction services has concerns regarding compliance of a 71462  
community addiction services provider licensed as an opioid 71463  
treatment program, the department shall notify the provider of 71464  
those concerns and stipulate that the provider's license expires 71465  
annually on a date determined by the department. 71466

(F) The department shall establish procedures and adopt rules 71467  
for licensing, inspection, and supervision of community addiction 71468  
services providers that operate an opioid treatment program. The 71469  
rules shall establish standards for the control, storage, 71470  
furnishing, use, dispensing, and administering of medications used 71471  
in medication-assisted treatment; prescribe minimum standards for 71472  
the operation of the opioid treatment program component of the 71473  
provider's operations; and comply with federal laws and 71474  
regulations. 71475

All rules adopted under this division shall be adopted in 71476  
accordance with Chapter 119. of the Revised Code. All actions 71477  
taken by the department regarding the licensing of providers to 71478  
operate opioid treatment programs shall be conducted in accordance 71479

with Chapter 119. of the Revised Code, except as provided in 71480  
division (L) of this section. 71481

(G)(1) The department shall inspect all community addiction 71482  
services providers licensed to operate an opioid treatment 71483  
program. Inspections shall be conducted at least ~~annually~~ 71484  
biennially and may be conducted more frequently. 71485

In addition, the department may inspect any provider or other 71486  
person that it reasonably believes to be operating an opioid 71487  
treatment program without a license issued under this section. 71488

(2) When conducting an inspection, the department may do both 71489  
of the following: 71490

(a) Examine and copy all records, accounts, and other 71491  
documents relating to the provider's or other person's operations, 71492  
including records pertaining to patients or clients; 71493

(b) Conduct interviews with any individual employed by or 71494  
contracted or otherwise associated with the provider or person, 71495  
including an administrator, staff person, patient, or client. 71496

(3) No person or government entity shall interfere with a 71497  
state or local government official acting on behalf of the 71498  
department while conducting an inspection. 71499

(H) A community addiction services provider shall not 71500  
administer or dispense methadone in a tablet, powder, or 71501  
intravenous form. Methadone shall be administered or dispensed 71502  
only in a liquid form intended for ingestion. 71503

A community addiction services provider shall not administer 71504  
or dispense a medication used in medication-assisted treatment for 71505  
pain or other medical reasons. 71506

(I) As used in this division, "program sponsor" means a 71507  
person who assumes responsibility for the operation and employees 71508  
of the opioid treatment program component of a community addiction 71509

services provider's operations. 71510

~~A community addiction services provider shall not employ an individual who receives a medication used in medication-assisted treatment from that provider.~~ A provider shall not permit an individual to act as a program sponsor, medical director, or director of the provider if the individual is receiving ~~that a~~ medication used in medication-assisted treatment from any community addiction services provider. 71511  
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(J) The department may issue orders to ensure compliance with all laws relating to drug abuse and the rules adopted under this section. Subject to section 5119.27 of the Revised Code, the department may hold hearings, require the production of relevant matter, compel testimony, issue subpoenas, and make adjudications. Upon failure of a person without lawful excuse to obey a subpoena or to produce relevant matter, the department may apply to a court of common pleas for an order compelling compliance. 71518  
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(K) The department may refuse to issue, or may withdraw or revoke, a license to operate an opioid treatment program. A license may be refused if a community addiction services provider does not meet the requirements of division (C) of this section. A license may be withdrawn at any time the department determines that the provider no longer meets the requirements for receiving the license. A license may be revoked in accordance with division (L) of this section. 71526  
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Once a license is issued under this section, the department shall not consider the requirement of division (C)(4) of this section in determining whether to renew, withdraw, or revoke the license or whether to reissue the license as a result of a change in ownership. 71534  
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(L) If the department finds reasonable cause to believe that a community addiction services provider licensed under this 71539  
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section is in violation of any state or federal law or rule 71541  
relating to drug abuse, the department may issue an order 71542  
immediately revoking the license, subject to division (M) of this 71543  
section. The department shall set a date not more than fifteen 71544  
days later than the date of the order of revocation for a hearing 71545  
on the continuation or cancellation of the revocation. For good 71546  
cause, the department may continue the hearing on application of 71547  
any interested party. In conducting hearings, the department has 71548  
all the authority and power set forth in division (J) of this 71549  
section. Following the hearing, the department shall either 71550  
confirm or cancel the revocation. The hearing shall be conducted 71551  
in accordance with Chapter 119. of the Revised Code, except that 71552  
the provider shall not be permitted to operate an opioid treatment 71553  
program pending the hearing or pending any appeal from an 71554  
adjudication made as a result of the hearing. Notwithstanding any 71555  
provision of Chapter 119. of the Revised Code to the contrary, a 71556  
court shall not stay or suspend any order of revocation issued by 71557  
the department under this division pending judicial appeal. 71558

(M) The department shall not revoke a license to operate an 71559  
opioid treatment program unless all clients receiving medication 71560  
used in medication-assisted treatment from the community addiction 71561  
services provider are provided adequate substitute medication or 71562  
treatment. For purposes of this division, the department may 71563  
transfer the clients to other providers licensed to operate opioid 71564  
treatment programs or replace any or all of the administrators and 71565  
staff of the provider with representatives of the department who 71566  
shall continue on a provisional basis the opioid treatment 71567  
component of the provider's operations. 71568

(N) Each time the department receives an application from a 71569  
community addiction services provider for a license to operate an 71570  
opioid treatment program, issues or refuses to issue a license, or 71571  
withdraws or revokes a license, the department shall notify the 71572

board of alcohol, drug addiction, and mental health services of 71573  
each alcohol, drug addiction, and mental health service district 71574  
in which the provider operates. 71575

(O) Whenever it appears to the department from files, upon 71576  
complaint, or otherwise, that a community addiction services 71577  
provider has engaged in any practice declared to be illegal or 71578  
prohibited by section 3719.61 of the Revised Code, or any other 71579  
state or federal laws or regulations relating to drug abuse, or 71580  
when the department believes it to be in the best interest of the 71581  
public and necessary for the protection of the citizens of the 71582  
state, the department may request criminal proceedings by laying 71583  
before the prosecuting attorney of the proper county any evidence 71584  
of criminality which may come to its knowledge. 71585

(P) The department shall maintain a current list of community 71586  
addiction services providers licensed by the department under this 71587  
section and shall provide a copy of the current list to a judge of 71588  
a court of common pleas who requests a copy for the use of the 71589  
judge under division (H) of section 2925.03 of the Revised Code. 71590  
The list of licensed community addiction services providers shall 71591  
identify each licensed provider by its name, its address, and the 71592  
county in which it is located. 71593

**Sec. 5119.43.** (A) The director of mental health and addiction 71594  
services may enter into agreements with any person, political 71595  
subdivision, or state agency for the sale or lease of land or 71596  
facilities under the jurisdiction of the director of mental health 71597  
and addiction services in the following manner: 71598

(1) The director of mental health and addiction services 71599  
shall designate lands and facilities that are not needed by the 71600  
department of mental health and addiction services and are under 71601  
the jurisdiction of the department. 71602

(2) The director of mental health and addiction services 71603

shall have a preliminary appraisal made of any lands or facilities 71604  
designated under division (A)(1) of this section by a 71605  
disinterested professional appraiser from the department of 71606  
administrative services. The appraiser shall deliver to the 71607  
director of mental health and addiction services a signed 71608  
certificate of the probable market value of the lands and 71609  
facilities as determined from the preliminary appraisal. 71610

(3) The director of mental health and addiction services 71611  
shall certify to the clerk of the house of representatives and to 71612  
the clerk of the senate a list of all lands and facilities which 71613  
may be sold or leased, and shall include with the list the results 71614  
of the preliminary appraisals of the lands and facilities, a 71615  
general description of the land and facilities, and a description 71616  
of the current use of the land and facilities. 71617

(4) Every list of lands and facilities certified by the 71618  
director of mental health and addiction services to the clerk of 71619  
the house of representatives and to the clerk of the senate under 71620  
division (A)(3) of this section, shall immediately be transmitted 71621  
by the respective clerks to the committees in the house and the 71622  
senate to which land conveyance bills are usually referred. If 71623  
either committee files in its clerk's office, within sixty 71624  
calendar days of the original certification of the lands and 71625  
facilities by the director of mental health and addiction 71626  
services, a report disapproving the sale or lease of any lands or 71627  
facilities, the sale or lease of the lands or facilities 71628  
disapproved in the report shall not be made under this section. 71629  
With respect to a sale or lease of lands and facilities that has 71630  
not been disapproved under this division, the director of mental 71631  
health and addiction services shall certify those lands and 71632  
facilities to the ~~auditor of state~~ director of administrative 71633  
services. 71634

(5) After certification to the ~~auditor of state~~ director of 71635

administrative services under division (A)(4) of this section, the 71636  
director of mental health and addiction services shall have a 71637  
formal appraisal made of the lands and facilities by a 71638  
disinterested professional appraiser from the department of 71639  
administrative services. The director of mental health and 71640  
addiction services may accept the formal appraisal or may reject 71641  
it and order a new formal appraisal by a disinterested 71642  
professional appraiser who shall not be from the department of 71643  
administrative services. The director of mental health and 71644  
addiction services may then sell or lease the lands or facilities 71645  
in accordance with this division and department of administrative 71646  
services procedures as set forth in Chapter 123. of the Revised 71647  
Code. Any such deed or lease shall be prepared and recorded 71648  
pursuant to section 5301.13 of the Revised Code. The department of 71649  
administrative services shall be the sole agent for the state and 71650  
shall complete the sale or lease of the lands or facilities, up to 71651  
and including the closing thereof, after the director of mental 71652  
health and addiction services approves the sale price. The 71653  
director of mental health and addiction services and the director 71654  
of administrative services may, if it is determined to be in the 71655  
best interests of the state, agree to sell surplus land for an 71656  
amount less than the formal appraised value but shall not sell any 71657  
land for less than two-thirds of the formal appraised value. 71658

(B) Coincident with the certification made under division 71659  
(A)(3) of this section concerning lands which may be sold, the 71660  
director of mental health and addiction services shall give 71661  
written notice of ~~the director's~~ intention to sell the lands by 71662  
certified mail to the executive officer of each county, township, 71663  
municipal corporation, and school district within which the lands 71664  
are situated. In each notice, the director of mental health and 71665  
addiction services shall specify the conditions under which the 71666  
lands shall be sold, including whether the lands will be sold as a 71667  
single unit or sold in specific parcels that the director 71668

designates, and shall solicit from the subdivision offers to 71669  
purchase the lands in accordance with the conditions the director 71670  
of mental health and addiction services has specified and at a 71671  
price equal to the preliminary appraised value determined pursuant 71672  
to division (A)(2) of this section. If, within thirty days of 71673  
having certified the lands to the ~~auditor of state~~ director of 71674  
administrative services under division (A)(4) of this section, the 71675  
director of mental health and addiction services receives from the 71676  
executive officer of a subdivision a written offer to purchase the 71677  
lands at or above the price specified in the ~~director's~~ original 71678  
notice from the director of mental health and addiction services 71679  
to the officer, provided such offer otherwise complies with the 71680  
conditions of purchase specified in the ~~director's~~ original notice 71681  
from the director of mental health and addiction services, the 71682  
director of mental health and addiction services shall forthwith 71683  
enter into an agreement to sell the lands to the subdivision. The 71684  
agreement shall incorporate any and all terms that are acceptable 71685  
to both parties and that are consistent with the terms specified 71686  
in the ~~director's~~ original notice from the director of mental 71687  
health and addiction services. If no offer to purchase is received 71688  
by the director of mental health and addiction services within the 71689  
thirty-day period provided in this division, the ~~director's~~ 71690  
original notice from the director of mental health and addiction 71691  
services shall be considered withdrawn and the director of mental 71692  
health and addiction services shall be under no obligation to sell 71693  
any of the lands specified in the notice to the subdivision. If 71694  
two or more offers to purchase the same parcels of land are 71695  
received by the director of mental health and addiction services 71696  
within the required time period from the executive officers of two 71697  
or more subdivisions, the director of mental health and addiction 71698  
services shall accept the offer or offers to purchase that the 71699  
director considers to be in the best interests of the state and of 71700  
the department of mental health and addiction services and shall 71701

proceed to enter into agreements of sale pursuant to this 71702  
division. If all of the ~~director's~~ original notices from the 71703  
director of mental health and addiction services relating to a 71704  
given parcel of land become withdrawn, the director of mental 71705  
health and addiction services may thereupon proceed to sell the 71706  
parcel as otherwise provided in this section. No subdivision may 71707  
commence an action to enforce the provisions of this division, or 71708  
to seek any other legal or equitable remedy relative to this 71709  
division, with respect to any lands certified to the ~~auditor of~~ 71710  
state director of administrative services under division (A)(4) of 71711  
this section, except within sixty days of the date on which the 71712  
lands were so certified. 71713

(C) Any agreement under this section shall be at such terms 71714  
as will be in the best interests of the state and the department 71715  
of mental health and addiction services. However, the terms of any 71716  
agreement for sale shall include a provision that the purchaser 71717  
will abide by any comprehensive plan for the area that has been 71718  
adopted by the local government in which the property is located 71719  
before the parties enter into the agreement. No lease shall be of 71720  
a duration greater than fifteen years. No agreement, except an 71721  
agreement entered into under division (B) of this section, shall 71722  
be entered into before the proposal to sell or lease the land or 71723  
facilities has been advertised once each week for four weeks in a 71724  
newspaper of general circulation in every county in which the 71725  
lands or facilities are located and if the preliminary appraised 71726  
value of the land to be sold or leased is more than one hundred 71727  
thousand dollars, advertisement shall be made once each week for 71728  
four weeks in at least two newspapers in the state having a daily 71729  
circulation of one hundred thousand or more. If a city in this 71730  
state is served by more than one newspaper having a circulation of 71731  
one hundred thousand or more, advertisement may be made in only 71732  
one of the newspapers serving the city. 71733

(D) Each deed or lease prepared and recorded pursuant to this section shall contain a recital stating that all provisions of this section have been complied with. The recital shall be considered binding and conclusive against all subdivisions of the state provided no action has been commenced pursuant to division (B) of this section. Any deed or lease containing such a recital shall be conclusively presumed to have been executed in compliance with this section insofar as title or other interest of any bona fide purchasers, lessees, or transferees of the property is concerned.

(E) Nothing in this section shall be construed as establishing a precedent for the disposal of state lands and facilities by other departments of the state.

**Sec. 5119.99.** (A) Whoever violates section 5119.333 of the Revised Code is guilty of a misdemeanor of the first degree.

(B) Whoever violates division (B) of section 5119.61 of the Revised Code is guilty of a misdemeanor of the fourth degree.

(C) Whoever violates section 5119.27 or 5119.28, division (A) of section 5119.35, division ~~(H)~~(K) of section 5119.36, or division (A)(1) or (2) of section 5119.37 of the Revised Code is guilty of a felony of the fifth degree.

**Sec. 5120.035.** (A) As used in this section:

(1) "Community treatment provider" means a program that provides substance use disorder assessment and treatment for persons and that satisfies all of the following:

(a) It is located outside of a state correctional institution.

(b) It shall provide the assessment and treatment for qualified prisoners referred and transferred to it under this

section in a suitable facility that is licensed pursuant to 71763  
division (C) of section 2967.14 of the Revised Code. 71764

(c) All qualified prisoners referred and transferred to it 71765  
under this section shall reside initially in the suitable facility 71766  
specified in division (A)(1)(b) of this section while undergoing 71767  
the assessment and treatment. 71768

(2) "Electronic monitoring device" has the same meaning as in 71769  
section 2929.01 of the Revised Code. 71770

(3) "State correctional institution" has the same meaning as 71771  
in section 2967.01 of the Revised Code. 71772

(4) "Qualified prisoner" means a person who satisfies all of 71773  
the following: 71774

(a) The person is confined in a state correctional 71775  
institution under a prison term imposed for a felony of the third, 71776  
fourth, or fifth degree that is not an offense of violence. 71777

~~(b) The person has not previously been convicted of or 71778  
pleaded guilty to a felony offense of violence and, within the 71779  
preceding five years, has not been convicted of or pleaded guilty 71780  
to a misdemeanor offense of violence. 71781~~

~~(c) The department of rehabilitation and correction 71782  
determines, using a standardized assessment tool, that the person 71783  
has a substance use disorder. 71784~~

~~(d)(c) The person has not more than twelve months remaining 71785  
to be served under the prison term described in division (A)(4)(a) 71786  
of this section. 71787~~

~~(e)(d) The person is not serving any prison term other than 71788  
the term described in division (A)(4)(a) of this section. 71789~~

~~(f)(e) The person is eighteen years of age or older. 71790~~

~~(g)(f) The person does not show signs of drug or alcohol 71791  
withdrawal and does not require medical detoxification. 71792~~

~~(h)~~(g) As determined by the department of rehabilitation and 71793  
correction, the person is physically and mentally capable of 71794  
uninterrupted participation in the substance use disorder 71795  
treatment program established under division (B) of this section. 71796

(B) The department of rehabilitation and correction shall 71797  
establish and operate a program for community-based substance use 71798  
disorder treatment for qualified prisoners. The purpose of the 71799  
program shall be to provide substance use disorder assessment and 71800  
treatment through community treatment providers to help reduce 71801  
substance use relapses and recidivism for qualified prisoners 71802  
while preparing them for reentry into the community and improving 71803  
public safety. 71804

(C)(1) The department shall determine which qualified 71805  
prisoners in its custody should be placed in the substance use 71806  
disorder treatment program established under division (B) of this 71807  
section. The department has full discretion in making that 71808  
determination. If the department determines that a qualified 71809  
prisoner should be placed in the program, the department may refer 71810  
the prisoner to a community treatment provider the department has 71811  
approved under division (E) of this section for participation in 71812  
the program and transfer the prisoner from the state correctional 71813  
institution to the provider's approved and licensed facility. 71814  
Except as otherwise provided in division (C)(3) of this section, 71815  
no prisoner shall be placed under the program in any facility 71816  
other than a facility of a community treatment provider that has 71817  
been so approved. If the department places a prisoner in the 71818  
program, the prisoner shall receive credit against the prisoner's 71819  
prison term for all time served in the provider's approved and 71820  
licensed facility and may earn days of credit under section 71821  
2967.193 of the Revised Code, but otherwise neither the placement 71822  
nor the prisoner's participation in or completion of the program 71823  
shall result in any reduction of the prisoner's prison term. 71824

(2) If the department places a prisoner in the substance use disorder treatment program, the prisoner does not satisfactorily participate in the program, and the prisoner has not served the prisoner's entire prison term, the department may remove the prisoner from the program and return the prisoner to a state correctional institution.

(3) If the department places a prisoner in the substance use disorder treatment program and the prisoner is satisfactorily participating in the program, the department may permit the prisoner to reside at a residence approved by the department if the department determines, with input from the community treatment provider, that residing at the approved residence will help the prisoner prepare for reentry into the community and will help reduce substance use relapses and recidivism for the prisoner. If a prisoner is permitted under this division to reside at a residence approved by the department, the prisoner shall be monitored during the period of that residence by an electronic monitoring device.

(D)(1) When a prisoner has been placed in the substance use disorder treatment program established under division (B) of this section, before the prisoner is released from custody of the department upon completion of the prisoner's prison term, the department shall conduct and prepare an evaluation of the prisoner, the prisoner's participation in the program, and the prisoner's needs regarding substance use disorder treatment upon release. Before the prisoner is released from custody of the department upon completion of the prisoner's prison term, the parole board or the court acting pursuant to an agreement under section 2967.29 of the Revised Code shall consider the evaluation, in addition to all other information and materials considered, as follows:

(a) If the prisoner is a prisoner for whom post-release

control is mandatory under section 2967.28 of the Revised Code, 71857  
the board or court shall consider it in determining which 71858  
post-release control sanction or sanctions to impose upon the 71859  
prisoner under that section. 71860

(b) If the prisoner is a prisoner for whom post-release 71861  
control is not mandatory under section 2967.28 of the Revised 71862  
Code, the board or court shall consider it in determining whether 71863  
a post-release control sanction is necessary and, if so, which 71864  
post-release control sanction or sanctions to impose upon the 71865  
prisoner under that section. 71866

(2) If the department determines that a prisoner it placed in 71867  
the substance use disorder treatment program successfully 71868  
completed the program and successfully completed a term of 71869  
post-release control, if applicable, and if the prisoner submits 71870  
an application under section 2953.32 of the Revised Code for 71871  
sealing the record of the conviction, the director may issue a 71872  
letter to the court in support of the application. 71873

(E)(1) The department shall accept applications from 71874  
community treatment providers that satisfy the requirement 71875  
specified in division (E)(2) of this section and that wish to 71876  
participate in the substance use disorder treatment program 71877  
established under division (B) of this section, and shall approve 71878  
for participation in the program at least four and not more than 71879  
eight of the providers that apply. To the extent feasible, the 71880  
department shall approve one or more providers from each 71881  
geographical quadrant of the state. 71882

(2) Each community treatment provider that applies under 71883  
division (E)(1) of this section to participate in the program 71884  
shall have the provider's alcohol and drug addiction services that 71885  
provide substance use disorder treatment certified by the 71886  
department of mental health and addiction services under section 71887  
5119.36 of the Revised Code. A community treatment provider is not 71888

required to have the provider's halfway house or residential  
treatment certified by the department of mental health and  
addiction services.

(F) The department of rehabilitation and correction shall  
adopt rules for the operation of the substance use disorder  
treatment program it establishes under division (B) of this  
section and shall operate the program in accordance with this  
section and those rules. The rules shall establish, at a minimum,  
all of the following:

(1) Criteria that establish which qualified prisoners are  
eligible for the program;

(2) Criteria that must be satisfied to transfer a qualified  
prisoner to a residence pursuant to division (C)(3) of this  
section;

(3) Criteria for the removal of a prisoner from the program  
pursuant to division (C)(2) of this section;

(4) Criteria for determining when an offender has  
successfully completed the program for purposes of division (D)(2)  
of this section;

(5) Criteria for community treatment providers to provide  
assessment and treatment, including minimum standards for  
treatment.

Sec. 5120.212. Notwithstanding division (A) of section  
5120.21 of the Revised Code, the department of rehabilitation and  
correction shall share the records described in that division with  
the director of job and family services to the extent necessary to  
effectuate the data matching agreement required under section  
5101.041 of the Revised Code.

**Sec. 5120.62.** The director ~~or~~ of rehabilitation and

correction shall adopt rules under Chapter 119. of the Revised 71918  
Code that govern the establishment and operation of a system that 71919  
provides limited and monitored access to the internet for 71920  
prisoners ~~who are participating in an approved educational program~~ 71921  
~~with direct supervision that requires the use of the internet for~~ 71922  
~~training or research purposes~~ solely for a use or purpose approved 71923  
by the managing officer of that prisoner's institution or by the 71924  
managing officer's designee. The rules shall include all of the 71925  
following: 71926

(A) Criteria by which inmates may be screened and approved 71927  
for access or training involving the internet; 71928

(B) Designation of the authority to approve internet sites 71929  
for authorized use; 71930

(C) A requirement that only pre-approved sites will be 71931  
accessible ~~on the computers used by prisoners in the educational~~ 71932  
~~program;~~ 71933

(D) A process for the periodic review of the operation of the 71934  
system, including users of the system and the sites accessed by 71935  
the system; 71936

(E) Sanctions that must be imposed against prisoners and 71937  
staff members who violate department rules governing prisoner 71938  
access to the internet. 71939

Sec. 5123.025. It is hereby declared to be the policy of this 71940  
state that individuals with developmental disabilities shall have 71941  
access to innovative technology solutions. Technology can ensure 71942  
that people with developmental disabilities have increased 71943  
opportunities to live, work, and thrive in their homes, 71944  
communities, and places of employment through state of the art 71945  
planning, innovative technology, and supports that focus on their 71946  
talents, interests, and skills. 71947

The departments of developmental disabilities, education, medicaid, aging, job and family services, mental health and addiction services, and transportation; the opportunities for Ohioans with disabilities agency; and each other state agency that provides technology services to individuals with developmental disabilities shall implement the policy of this state and ensure that it is followed whenever technology services are provided to individuals with developmental disabilities. 71948  
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The department of developmental disabilities, in partnership with the office of innovateohio, shall coordinate the actions taken by state agencies to comply with the state's policy. Agencies shall collaborate within their divisions and with each other to ensure that state programs, policies, procedures, and funding support the development of access to technology for individuals with developmental disabilities. State agencies shall share information with the department, and the department shall track progress toward full implementation of the policy. The department, in coordination with the technology first task force established under section 5123.026 of Revised Code, shall compile data and annually submit to the governor and lieutenant governor a report on implementation of the policy. 71956  
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The department and state agencies may adopt rules to implement the state's policy. 71969  
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**Sec. 5123.026.** (A) The director of developmental disabilities shall establish a technology first task force consisting of representatives from the office of innovateohio; the departments of developmental disabilities, education, medicaid, aging, job and family services, mental health and addiction services, and transportation; and the opportunities for Ohioans with disabilities agency. 71971  
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(B) The task force shall do all of the following: 71978

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| <u>(1) Expand innovative technology solutions within the operation and delivery of services to individuals with developmental disabilities;</u>                                                                              | 71979<br>71980<br>71981          |
| <u>(2) Use technology to reduce the barriers individuals with developmental disabilities experience;</u>                                                                                                                     | 71982<br>71983                   |
| <u>(3) Align policies for all state agencies on the task force.</u>                                                                                                                                                          | 71984                            |
| <u>(C) The department of developmental disabilities may enter into interagency agreements with any of the government entities on the task force. The interagency agreements may specify either or both of the following:</u> | 71985<br>71986<br>71987<br>71988 |
| <u>(1) The roles and responsibilities of the government entities that are members of the task force, including any money to be contributed by those entities;</u>                                                            | 71989<br>71990<br>71991          |
| <u>(2) The projects and activities of the task force.</u>                                                                                                                                                                    | 71992                            |
| <u>(D) The department and state agencies may adopt rules to implement the task force.</u>                                                                                                                                    | 71993<br>71994                   |
| <b><u>Sec. 5123.034.</u></b> (A) <u>As used in this section, "developmental center" has the same meaning as in section 5123.032 of the Revised Code.</u>                                                                     | 71995<br>71996<br>71997          |
| <u>(B) A developmental center of the department of developmental disabilities may provide services to both of the following:</u>                                                                                             | 71998<br>71999                   |
| <u>(1) Individuals with developmental disabilities who reside in the community in which the developmental center is located;</u>                                                                                             | 72000<br>72001                   |
| <u>(2) Providers who provide services to individuals with developmental disabilities who reside in the community in which the developmental center is located.</u>                                                           | 72002<br>72003<br>72004          |
| <u>(C) The department may develop a method for recovering the costs associated with providing these services.</u>                                                                                                            | 72005<br>72006                   |

Sec. 5123.19. (A) As used in sections 5123.19 to 5123.20 of the Revised Code:

(1) "Independent living arrangement" means an arrangement in which an individual with a developmental disability resides in an individualized setting chosen by the individual or the individual's guardian, which is not dedicated principally to the provision of residential services for individuals with developmental disabilities, and for which no financial support is received for rendering such service from any governmental agency by a provider of residential services.

(2) "Licensee" means the person or government agency that has applied for a license to operate a residential facility and to which the license was issued under this section.

(3) "Political subdivision" means a municipal corporation, county, or township.

(4) "Related party" has the same meaning as in section 5123.16 of the Revised Code except that "provider" as used in the definition of "related party" means a person or government entity that held or applied for a license to operate a residential facility, rather than a person or government entity certified to provide supported living.

(5)(a) Except as provided in division (A)(5)(b) of this section, "residential facility" means a home or facility, including an ICF/IID, in which an individual with a developmental disability resides.

(b) "Residential facility" does not mean any of the following:

(i) The home of a relative or legal guardian in which an individual with a developmental disability resides;

(ii) A respite care home certified under section 5126.05 of

the Revised Code; 72037

(iii) A county home or district home operated pursuant to 72038  
Chapter 5155. of the Revised Code; 72039

(iv) A dwelling in which the only residents with 72040  
developmental disabilities are in independent living arrangements 72041  
or are being provided supported living. 72042

(B) Every person or government agency desiring to operate a 72043  
residential facility shall apply for licensure of the facility to 72044  
the director of developmental disabilities unless the residential 72045  
facility is subject to section 3721.02, 5103.03, 5119.33, or 72046  
division (B)(1)(b) of section 5119.34 of the Revised Code. 72047

(C)(1) Subject to section 5123.196 of the Revised Code, the 72048  
director of developmental disabilities shall license the operation 72049  
of residential facilities. An initial license shall be issued for 72050  
a period that does not exceed one year, unless the director denies 72051  
the license under division (D) of this section. A license shall be 72052  
renewed for a period that does not exceed three years, unless the 72053  
director refuses to renew the license under division (D) of this 72054  
section. The director, when issuing or renewing a license, shall 72055  
specify the period for which the license is being issued or 72056  
renewed. A license remains valid for the length of the licensing 72057  
period specified by the director, unless the license is 72058  
terminated, revoked, or voluntarily surrendered. 72059

(2) Notwithstanding sections 5123.043, 5123.196, and 5123.197 72060  
of the Revised Code and rules adopted under section 5123.04 of the 72061  
Revised Code, the director shall issue a new license for a 72062  
residential facility if the facility meets the following 72063  
conditions: 72064

(a) The residential facility will be certified as an ICF/IID; 72065

(b) The building in which the residential facility will be 72066  
operated was operated as a residential facility under a lease for 72067

not fewer than twenty years before the date of application for a 72068  
new license; 72069

(c) The former operator of the residential facility relocated 72070  
the beds previously in the facility to another site that will be 72071  
licensed as a residential facility; 72072

(d) The residential facility will be located in Preble, 72073  
Clermont, or Warren county; 72074

(e) The residential facility will contain eight beds; 72075

(f) The licensee will make a good faith effort to serve 72076  
multi-system youth or adults with severe behavioral challenges at 72077  
the residential facility or at one or more other residential 72078  
facilities for which licenses are issued under division (C) of 72079  
this section. 72080

(3) The director shall issue not more than five licenses 72081  
under division (C)(2) of this section. 72082

(D) If it is determined that an applicant or licensee is not 72083  
in compliance with a provision of this chapter that applies to 72084  
residential facilities or the rules adopted under such a 72085  
provision, the director may deny issuance of a license, refuse to 72086  
renew a license, terminate a license, revoke a license, issue an 72087  
order for the suspension of admissions to a facility, issue an 72088  
order for the placement of a monitor at a facility, issue an order 72089  
for the immediate removal of residents, or take any other action 72090  
the director considers necessary consistent with the director's 72091  
authority under this chapter regarding residential facilities. In 72092  
the director's selection and administration of the sanction to be 72093  
imposed, all of the following apply: 72094

(1) The director may deny, refuse to renew, or revoke a 72095  
license, if the director determines that the applicant or licensee 72096  
has demonstrated a pattern of serious noncompliance or that a 72097  
violation creates a substantial risk to the health and safety of 72098

residents of a residential facility. 72099

(2) The director may terminate a license if more than twelve 72100  
consecutive months have elapsed since the residential facility was 72101  
last occupied by a resident or a notice required by division (J) 72102  
of this section is not given. 72103

(3) The director may issue an order for the suspension of 72104  
admissions to a facility for any violation that may result in 72105  
sanctions under division (D)(1) of this section and for any other 72106  
violation specified in rules adopted under division (G)(2) of this 72107  
section. If the suspension of admissions is imposed for a 72108  
violation that may result in sanctions under division (D)(1) of 72109  
this section, the director may impose the suspension before 72110  
providing an opportunity for an adjudication under Chapter 119. of 72111  
the Revised Code. The director shall lift an order for the 72112  
suspension of admissions when the director determines that the 72113  
violation that formed the basis for the order has been corrected. 72114

(4) The director may order the placement of a monitor at a 72115  
residential facility for any violation specified in rules adopted 72116  
under division (G)(2) of this section. The director shall lift the 72117  
order when the director determines that the violation that formed 72118  
the basis for the order has been corrected. 72119

(5) When the director initiates license revocation 72120  
proceedings, no opportunity for submitting a plan of correction 72121  
shall be given. The director shall notify the licensee by letter 72122  
of the initiation of the proceedings. The letter shall list the 72123  
deficiencies of the residential facility and inform the licensee 72124  
that no plan of correction will be accepted. The director shall 72125  
also send a copy of the letter to the county board of 72126  
developmental disabilities. Except in the case of a licensee that 72127  
is an ICF/IID, the county board shall send a copy of the letter to 72128  
each of the following: 72129

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|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|----------------------------------------------------------------------|
| (a) Each resident who receives services from the licensee;                                                                                                                                                                                                                                                                                                                                                                                                           | 72130                                                                |
| (b) The guardian of each resident who receives services from the licensee if the resident has a guardian;                                                                                                                                                                                                                                                                                                                                                            | 72131<br>72132                                                       |
| (c) The parent or guardian of each resident who receives services from the licensee if the resident is a minor.                                                                                                                                                                                                                                                                                                                                                      | 72133<br>72134                                                       |
| (6) Pursuant to rules which shall be adopted in accordance with Chapter 119. of the Revised Code, the director may order the immediate removal of residents from a residential facility whenever conditions at the facility present an immediate danger of physical or psychological harm to the residents.                                                                                                                                                          | 72135<br>72136<br>72137<br>72138<br>72139                            |
| (7) In determining whether a residential facility is being operated in compliance with a provision of this chapter that applies to residential facilities or the rules adopted under such a provision, or whether conditions at a residential facility present an immediate danger of physical or psychological harm to the residents, the director may rely on information obtained by a county board of developmental disabilities or other governmental agencies. | 72140<br>72141<br>72142<br>72143<br>72144<br>72145<br>72146<br>72147 |
| (8) In proceedings initiated to deny, refuse to renew, or revoke licenses, the director may deny, refuse to renew, or revoke a license regardless of whether some or all of the deficiencies that prompted the proceedings have been corrected at the time of the hearing.                                                                                                                                                                                           | 72148<br>72149<br>72150<br>72151<br>72152                            |
| (E)(1) Except as provided in division (E)(2) of this section, appeals from proceedings initiated to impose a sanction under division (D) of this section shall be conducted in accordance with Chapter 119. of the Revised Code.                                                                                                                                                                                                                                     | 72153<br>72154<br>72155<br>72156                                     |
| (2) Appeals from proceedings initiated to order the suspension of admissions to a facility shall be conducted in accordance with Chapter 119. of the Revised Code, unless the order was issued before providing an opportunity for an adjudication, in                                                                                                                                                                                                               | 72157<br>72158<br>72159<br>72160                                     |

which case all of the following apply: 72161

(a) The licensee may request a hearing not later than ten 72162  
days after receiving the notice specified in section 119.07 of the 72163  
Revised Code. 72164

(b) If a timely request for a hearing that includes the 72165  
licensee's current address is made, the hearing shall commence not 72166  
later than thirty days after the department receives the request. 72167

(c) After commencing, the hearing shall continue 72168  
uninterrupted, except for Saturdays, Sundays, and legal holidays, 72169  
unless other interruptions are agreed to by the licensee and the 72170  
director. 72171

(d) If the hearing is conducted by a hearing examiner, the 72172  
hearing examiner shall file a report and recommendations not later 72173  
than ten days after the last of the following: 72174

(i) The close of the hearing; 72175

(ii) If a transcript of the proceedings is ordered, the 72176  
hearing examiner receives the transcript; 72177

(iii) If post-hearing briefs are timely filed, the hearing 72178  
examiner receives the briefs. 72179

(e) A copy of the written report and recommendation of the 72180  
hearing examiner shall be sent, by certified mail, to the licensee 72181  
and the licensee's attorney, if applicable, not later than five 72182  
days after the report is filed. 72183

(f) Not later than five days after the hearing examiner files 72184  
the report and recommendations, the licensee may file objections 72185  
to the report and recommendations. 72186

(g) Not later than fifteen days after the hearing examiner 72187  
files the report and recommendations, the director shall issue an 72188  
order approving, modifying, or disapproving the report and 72189  
recommendations. 72190

(h) Notwithstanding the pendency of the hearing, the director shall lift the order for the suspension of admissions when the director determines that the violation that formed the basis for the order has been corrected.

(F) Neither a person or government agency whose application for a license to operate a residential facility is denied nor a related party of the person or government agency may apply for a license to operate a residential facility before the date that is five years after the date of the denial. Neither a licensee whose residential facility license is revoked nor a related party of the licensee may apply for a residential facility license before the date that is five years after the date of the revocation.

(G) In accordance with Chapter 119. of the Revised Code, the director shall adopt and may amend and rescind rules for licensing and regulating the operation of residential facilities. The rules for residential facilities that are ICFs/IID may differ from those for other residential facilities. The rules shall establish and specify the following:

(1) Procedures and criteria for issuing and renewing licenses, including procedures and criteria for determining the length of the licensing period that the director must specify for each license when it is issued or renewed;

(2) Procedures and criteria for denying, refusing to renew, terminating, and revoking licenses and for ordering the suspension of admissions to a facility, placement of a monitor at a facility, and the immediate removal of residents from a facility;

(3) Fees for issuing and renewing licenses, which shall be deposited into the program fee fund created under section 5123.033 of the Revised Code;

(4) Procedures for surveying residential facilities;

(5) Classifications for the various types of residential

facilities; 72222

(6) The maximum number of individuals who may be served in a particular type of residential facility; 72223  
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(7) Uniform procedures for admission of individuals to and transfers and discharges of individuals from residential facilities; 72225  
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(8) Other standards for the operation of residential facilities and the services provided at residential facilities; 72228  
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(9) Procedures for waiving any provision of any rule adopted under this section. 72230  
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(H)(1) Before issuing a license, the director shall conduct a survey of the residential facility for which application is made. 72232  
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The director shall conduct a survey of each licensed residential facility at least once during the period the license is valid and may conduct additional inspections as needed. A survey includes but is not limited to an on-site examination and evaluation of the residential facility, its personnel, and the services provided there. The director may assign to a county board of developmental disabilities or the department of health the responsibility to conduct any survey or inspection under this section. 72234  
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(2) In conducting surveys, the director shall be given access to the residential facility; all records, accounts, and any other documents related to the operation of the facility; the licensee; the residents of the facility; and all persons acting on behalf of, under the control of, or in connection with the licensee. The licensee and all persons on behalf of, under the control of, or in connection with the licensee shall cooperate with the director in conducting the survey. 72242  
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(3) Following each survey, the director shall provide the licensee with a report listing the date of the survey, any citations issued as a result of the survey, and the statutes or 72250  
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rules that purportedly have been violated and are the bases of the 72253  
citations. The director shall also do both of the following: 72254

(a) Specify a date by which the licensee may appeal any of 72255  
the citations; 72256

(b) When appropriate, specify a timetable within which the 72257  
licensee must submit a plan of correction describing how the 72258  
problems specified in the citations will be corrected and, the 72259  
date by which the licensee anticipates the problems will be 72260  
corrected. 72261

(4) If the director initiates a proceeding to revoke a 72262  
license, the director shall include the report required by 72263  
division (H)(3) of this section with the notice of the proposed 72264  
revocation the director sends to the licensee. In this 72265  
circumstance, the licensee may not submit a plan of correction. 72266

(5) After a plan of correction is submitted, the director 72267  
shall approve or disapprove the plan. If the plan of correction is 72268  
approved, a copy of the approved plan shall be provided, not later 72269  
than five business days after it is approved, to any person or 72270  
government entity who requests it and made available on the 72271  
internet web site maintained by the department of developmental 72272  
disabilities. If the plan of correction is not approved and the 72273  
director initiates a proceeding to revoke the license, a copy of 72274  
the survey report shall be provided to any person or government 72275  
entity that requests it and shall be made available on the 72276  
internet web site maintained by the department. 72277

(6) The director shall initiate disciplinary action against 72278  
any department employee who notifies or causes the notification to 72279  
any unauthorized person of an unannounced survey of a residential 72280  
facility by an authorized representative of the department. 72281

(I) In addition to any other information which may be 72282  
required of applicants for a license pursuant to this section, the 72283

director shall require each applicant to provide a copy of an 72284  
approved plan for a proposed residential facility pursuant to 72285  
section 5123.042 of the Revised Code. This division does not apply 72286  
to renewal of a license or to an applicant for an initial or 72287  
modified license who meets the requirements of section 5123.197 of 72288  
the Revised Code. 72289

(J)(1) A licensee shall notify the owner of the building in 72290  
which the licensee's residential facility is located of any 72291  
significant change in the identity of the licensee or management 72292  
contractor before the effective date of the change if the licensee 72293  
is not the owner of the building. 72294

(2) Pursuant to rules, which shall be adopted in accordance 72295  
with Chapter 119. of the Revised Code, the director may require 72296  
notification to the department of any significant change in the 72297  
ownership of a residential facility or in the identity of the 72298  
licensee or management contractor. If the director determines that 72299  
a significant change of ownership is proposed, the director shall 72300  
consider the proposed change to be an application for development 72301  
by a new operator pursuant to section 5123.042 of the Revised Code 72302  
and shall advise the applicant within sixty days of the 72303  
notification that the current license shall continue in effect or 72304  
a new license will be required pursuant to this section. If the 72305  
director requires a new license, the director shall permit the 72306  
facility to continue to operate under the current license until 72307  
the new license is issued, unless the current license is revoked, 72308  
refused to be renewed, or terminated in accordance with Chapter 72309  
119. of the Revised Code. 72310

(3) A licensee shall transfer to the new licensee or 72311  
management contractor all records related to the residents of the 72312  
facility following any significant change in the identity of the 72313  
licensee or management contractor. 72314

(K) A county board of developmental disabilities and any 72315

interested person may file complaints alleging violations of 72316  
statute or department rule relating to residential facilities with 72317  
the department. All complaints shall state the facts constituting 72318  
the basis of the allegation. The department shall not reveal the 72319  
source of any complaint unless the complainant agrees in writing 72320  
to waive the right to confidentiality or until so ordered by a 72321  
court of competent jurisdiction. 72322

The department shall adopt rules in accordance with Chapter 72323  
119. of the Revised Code establishing procedures for the receipt, 72324  
referral, investigation, and disposition of complaints filed with 72325  
the department under this division. 72326

(L) Before issuing a license under this section to a 72327  
residential facility that will accommodate at any time more than 72328  
one individual with a developmental disability, the director 72329  
shall, by first class mail, notify the following: 72330

(1) If the facility will be located in a municipal 72331  
corporation, the clerk of the legislative authority of the 72332  
municipal corporation; 72333

(2) If the facility will be located in unincorporated 72334  
territory, the clerk of the appropriate board of county 72335  
commissioners and the fiscal officer of the appropriate board of 72336  
township trustees. 72337

The director shall not issue the license for ten days after 72338  
mailing the notice, excluding Saturdays, Sundays, and legal 72339  
holidays, in order to give the notified local officials time in 72340  
which to comment on the proposed issuance. 72341

Any legislative authority of a municipal corporation, board 72342  
of county commissioners, or board of township trustees that 72343  
receives notice under this division of the proposed issuance of a 72344  
license for a residential facility may comment on it in writing to 72345  
the director within ten days after the director mailed the notice, 72346

excluding Saturdays, Sundays, and legal holidays. If the director 72347  
receives written comments from any notified officials within the 72348  
specified time, the director shall make written findings 72349  
concerning the comments and the director's decision on the 72350  
issuance of the license. If the director does not receive written 72351  
comments from any notified local officials within the specified 72352  
time, the director shall continue the process for issuance of the 72353  
license. 72354

(M) Any person may operate a licensed residential facility 72355  
that provides room and board, personal care, habilitation 72356  
services, and supervision in a family setting for at least six but 72357  
not more than eight individuals with developmental disabilities as 72358  
a permitted use in any residential district or zone, including any 72359  
single-family residential district or zone, of any political 72360  
subdivision. These residential facilities may be required to 72361  
comply with area, height, yard, and architectural compatibility 72362  
requirements that are uniformly imposed upon all single-family 72363  
residences within the district or zone. 72364

(N) Any person may operate a licensed residential facility 72365  
that provides room and board, personal care, habilitation 72366  
services, and supervision in a family setting for at least nine 72367  
but not more than sixteen individuals with developmental 72368  
disabilities as a permitted use in any multiple-family residential 72369  
district or zone of any political subdivision, except that a 72370  
political subdivision that has enacted a zoning ordinance or 72371  
resolution establishing planned unit development districts may 72372  
exclude these residential facilities from those districts, and a 72373  
political subdivision that has enacted a zoning ordinance or 72374  
resolution may regulate these residential facilities in 72375  
multiple-family residential districts or zones as a conditionally 72376  
permitted use or special exception, in either case, under 72377  
reasonable and specific standards and conditions set out in the 72378

|                                                                                                                                                                                                                                                                                                                                                                             |                                                    |
|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|----------------------------------------------------|
| zoning ordinance or resolution to:                                                                                                                                                                                                                                                                                                                                          | 72379                                              |
| (1) Require the architectural design and site layout of the residential facility and the location, nature, and height of any walls, screens, and fences to be compatible with adjoining land uses and the residential character of the neighborhood;                                                                                                                        | 72380<br>72381<br>72382<br>72383                   |
| (2) Require compliance with yard, parking, and sign regulation;                                                                                                                                                                                                                                                                                                             | 72384<br>72385                                     |
| (3) Limit excessive concentration of these residential facilities.                                                                                                                                                                                                                                                                                                          | 72386<br>72387                                     |
| (O) This section does not prohibit a political subdivision from applying to residential facilities nondiscriminatory regulations requiring compliance with health, fire, and safety regulations and building standards and regulations.                                                                                                                                     | 72388<br>72389<br>72390<br>72391                   |
| (P) Divisions (M) and (N) of this section are not applicable to municipal corporations that had in effect on June 15, 1977, an ordinance specifically permitting in residential zones licensed residential facilities by means of permitted uses, conditional uses, or special exception, so long as such ordinance remains in effect without any substantive modification. | 72392<br>72393<br>72394<br>72395<br>72396<br>72397 |
| (Q)(1) The director may issue an interim license to operate a residential facility to an applicant for a license under this section if either of the following is the case:                                                                                                                                                                                                 | 72398<br>72399<br>72400                            |
| (a) The director determines that an emergency exists requiring immediate placement of individuals in a residential facility, that insufficient licensed beds are available, and that the residential facility is likely to receive a permanent license under this section within thirty days after issuance of the interim license.                                         | 72401<br>72402<br>72403<br>72404<br>72405<br>72406 |
| (b) The director determines that the issuance of an interim license is necessary to meet a temporary need for a residential                                                                                                                                                                                                                                                 | 72407<br>72408                                     |

facility. 72409

(2) To be eligible to receive an interim license, an 72410  
applicant must meet the same criteria that must be met to receive 72411  
a permanent license under this section, except for any differing 72412  
procedures and time frames that may apply to issuance of a 72413  
permanent license. 72414

(3) An interim license shall be valid for thirty days and may 72415  
be renewed by the director for a period not to exceed one hundred 72416  
eighty days. 72417

(4) The director shall adopt rules in accordance with Chapter 72418  
119. of the Revised Code as the director considers necessary to 72419  
administer the issuance of interim licenses. 72420

(R) Notwithstanding rules adopted pursuant to this section 72421  
establishing the maximum number of individuals who may be served 72422  
in a particular type of residential facility, a residential 72423  
facility shall be permitted to serve the same number of 72424  
individuals being served by the facility on the effective date of 72425  
the rules or the number of individuals for which the facility is 72426  
authorized pursuant to a current application for a certificate of 72427  
need with a letter of support from the department of developmental 72428  
disabilities and which is in the review process prior to April 4, 72429  
1986. 72430

This division does not preclude the department from 72431  
suspending new admissions to a residential facility pursuant to a 72432  
written order issued under section 5124.70 of the Revised Code. 72433

(S) The director may enter at any time, for purposes of 72434  
investigation, any home, facility, or other structure that has 72435  
been reported to the director or that the director has reasonable 72436  
cause to believe is being operated as a residential facility 72437  
without a license issued under this section. 72438

The director may petition the court of common pleas of the 72439

county in which an unlicensed residential facility is located for 72440  
an order enjoining the person or governmental agency operating the 72441  
facility from continuing to operate without a license. The court 72442  
may grant the injunction on a showing that the person or 72443  
governmental agency named in the petition is operating a 72444  
residential facility without a license. The court may grant the 72445  
injunction, regardless of whether the residential facility meets 72446  
the requirements for receiving a license under this section. 72447

**Sec. 5123.35.** (A) There is hereby created the Ohio 72448  
developmental disabilities council, which shall serve as an 72449  
advocate for all persons with developmental disabilities. The 72450  
council shall act in accordance with the "Developmental 72451  
Disabilities Assistance and Bill of Rights Act of 2000," ~~98 Stat.~~ 72452  
~~2662 (1984)~~, 42 U.S.C. ~~6001, as amended~~ 15001. The governor shall 72453  
appoint the members of the council in accordance with 42 U.S.C. 72454  
~~6024~~ 15025. 72455

(B) The council shall develop the state plan required by 72456  
federal law as a condition of receiving federal assistance under 72457  
42 U.S.C. ~~6021 to 6030~~ 15021 to 15029. The department of 72458  
developmental disabilities, as the state agency selected by the 72459  
governor for purposes of receiving the federal assistance, shall 72460  
receive, account for, and disburse funds based on the state plan 72461  
and shall provide assurances and other administrative support 72462  
services required as a condition of receiving the federal 72463  
assistance. 72464

(C) The federal funds may be disbursed through grants to or 72465  
contracts with persons and government agencies for the provision 72466  
of necessary or useful goods and services for persons with 72467  
developmental disabilities. The council may award the grants or 72468  
enter into the contracts. 72469

(D) The council may award grants to or enter into contracts 72470

with a member of the council or an entity that the member represents if all of the following apply:

(1) The member serves on the council as a representative of one of the principal state agencies concerned with services for persons with developmental disabilities as specified in 42 U.S.C. ~~6024(b)(3)~~ 15025(b)(4), a representative of a university affiliated program as defined in 42 U.S.C. ~~6001(18)~~ 15002(5), or a representative of the Ohio protection and advocacy system, as defined in section 5123.60 of the Revised Code.

(2) The council determines that the member or the entity the member represents is capable of providing the goods or services specified under the terms of the grant or contract.

(3) The member has not taken part in any discussion or vote of the council related to awarding the grant or entering into the contract, including service as a member of a review panel established by the council to award grants or enter into contracts or to make recommendations with regard to awarding grants or entering into contracts.

(E) A member of the council is not in violation of Chapter 102. or section 2921.42 of the Revised Code with regard to receiving a grant or entering into a contract under this section if the requirements of division (D) of this section have been met.

(F)(1) Notwithstanding division (C) of section 121.22 of the Revised Code, the requirement for a member's presence in person at a meeting in order to be part of a quorum or to vote does not apply if the council holds a meeting by interactive video conference and all of the following apply:

(a) A primary meeting location that is open and accessible to the public is established for the meeting of the council;

(b) A clear video and audio connection is established that enables all meeting participants at the primary meeting location

to witness the participation of each member; 72502

(c) A roll call vote is recorded for each vote taken; 72503

(d) The minutes of the council identify which members 72504  
participated by interactive video conference. 72505

(2) Notwithstanding division (C) of section 121.22 of the 72506  
Revised Code, the requirement for a member's presence in person at 72507  
a meeting in order to be part of a quorum or to vote does not 72508  
apply if the council holds a meeting by teleconference and all of 72509  
the following apply: 72510

(a) The council has determined its membership does not have 72511  
access to and the council cannot provide access to the equipment 72512  
needed to conduct interactive video conferencing; 72513

(b) A primary meeting location that is open and accessible to 72514  
the public is established for the meeting of the council; 72515

(c) A clear audio connection is established that enables all 72516  
meeting participants at the primary meeting location to hear the 72517  
participation of each member; 72518

(d) A roll call vote is recorded for each vote taken; 72519

(e) The minutes of the council identify which members 72520  
participated by teleconference. 72521

(3) The council shall adopt any rules the council considers 72522  
necessary to implement this section. The rules shall be adopted in 72523  
accordance with Chapter 119. of the Revised Code. At a minimum, 72524  
the rules shall do all of the following: 72525

(a) Authorize council members to remotely attend a council 72526  
meeting by interactive video conference or teleconference in lieu 72527  
of attending the meeting in person; 72528

(b) Establish a minimum number of members required to be 72529  
physically present in person at the primary meeting location if 72530  
the council conducts a meeting by interactive video conference or 72531

teleconference; 72532

(c) Establish geographic restrictions for participation in 72533  
meetings by interactive video conference or teleconference; 72534

(d) Establish a policy for distributing and circulating 72535  
necessary documents to council members, the public, and the media 72536  
in advance of a meeting at which members are permitted to attend 72537  
by interactive video conference or teleconference; 72538

(e) Establish a method for verifying the identity of a member 72539  
who remotely attends a meeting by teleconference. 72540

Sec. 5123.603. (A) Every two years, the president of the 72541  
senate and speaker of the house of representative shall establish 72542  
a joint committee to examine the activities of the state's 72543  
protection and advocacy system and client assistance program. 72544

(B)(1) The joint committee shall consist of three members of 72545  
the senate appointed by the senate president, two from the 72546  
majority party and one from the minority party, and three members 72547  
of the house of representatives, two from the majority party and 72548  
one from the minority party, appointed by the speaker of the house 72549  
of representatives. The senate president and speaker of the house 72550  
of representatives also shall determine the dates on which 72551  
members' terms on the joint committee are to begin and end. 72552  
Vacancies shall be filled in the manner of the original 72553  
appointments. In odd-numbered years, the senate president shall 72554  
designate a member of the senate as the chairperson of the 72555  
committee and in even-numbered years, the speaker of the house of 72556  
representatives shall designate a member of the house of 72557  
representatives as the chairperson of the joint committee. 72558

(2) In its sole discretion, the current entity serving as the 72559  
state's protection and advocacy system and client assistance 72560  
program may appear before, and offer testimony to, the joint 72561

committee. 72562

(C) Every two years, the senate president and speaker of the 72563  
house of representatives shall specify a deadline for the joint 72564  
committee to complete a new report containing the joint 72565  
committee's recommendations, if any. The joint committee shall 72566  
submit the report to the senate president, speaker of the house of 72567  
representatives, governor, and joint medicaid oversight committee 72568  
by the deadline. 72569

**Sec. 5123.89.** (A) As used in this section: 72570

(1) "Family" means a parent, brother, sister, spouse, son, 72571  
daughter, grandparent, aunt, uncle, or cousin. 72572

(2) "Payment" means activities undertaken by a service 72573  
provider or government entity to obtain or provide reimbursement 72574  
for services provided to a person. 72575

(3) "Treatment" means the provision of services to a person, 72576  
including the coordination or management of services provided to 72577  
the person. 72578

(B) All certificates, applications, records, and reports made 72579  
for the purpose of this chapter, other than court journal entries 72580  
or court docket entries, that directly or indirectly identify a 72581  
resident or former resident of an institution for persons with 72582  
intellectual disabilities or person whose institutionalization has 72583  
been sought under this chapter shall be kept confidential and 72584  
shall not be disclosed by any person except in the following 72585  
situations: 72586

(1) It is the judgment of the court for judicial records, and 72587  
the managing officer for institution records, that disclosure is 72588  
in the best interest of the person identified, and that person or 72589  
that person's guardian or, if that person is a minor, that 72590  
person's parent or guardian consents. 72591

(2) Disclosure is provided for in other sections of this chapter. 72592  
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(3) Disclosure is of a record deposited with the Ohio history connection pursuant to division (C) of section 5123.31 of the Revised Code and the disclosure is made to the closest living relative of the person identified, on the relative's request. 72594  
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(4) Disclosure is needed for the treatment of a person who is a resident or former resident of an institution for persons with intellectual disabilities or a person whose institutionalization has been sought under this chapter or is needed for the payment of services provided to the person. 72598  
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(5) Disclosure is needed for a guardianship proceeding under Chapter 2111. of the Revised Code. 72603  
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(C) The department of developmental disabilities shall adopt rules with respect to the systematic and periodic destruction of residents' records. 72605  
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72607

(D) Upon the death of a resident or former resident of an institution for persons with intellectual disabilities or a person whose institutionalization was sought under this chapter, the managing officer of an institution shall provide access to the certificates, applications, records, and reports made for the purposes of this chapter to the resident's, former resident's, or person's guardian if the guardian makes a written request. If a deceased resident, former resident, or person whose institutionalization was sought under this chapter did not have a guardian at the time of death, the managing officer shall provide access to the certificates, applications, records, and reports made for purposes of this chapter to a member of the person's family, upon that family member's written request. 72608  
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(E) No person shall reveal the contents of a record of a resident except as authorized by this chapter. 72621  
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|                                                                                                                                                                                                                                                                 |                                           |
|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-------------------------------------------|
| Sec. 5124.01. As used in this chapter:                                                                                                                                                                                                                          | 72623                                     |
| (A) "Addition" means an increase in an ICF/IID's square footage.                                                                                                                                                                                                | 72624<br>72625                            |
| (B) "Affiliated operator" means an operator affiliated with either of the following:                                                                                                                                                                            | 72626<br>72627                            |
| (1) The exiting operator for whom the affiliated operator is to assume liability for the entire amount of the exiting operator's debt under the medicaid program or the portion of the debt that represents the franchise permit fee the exiting operator owes; | 72628<br>72629<br>72630<br>72631<br>72632 |
| (2) The entering operator involved in the change of operator with the exiting operator specified in division (B)(1) of this section.                                                                                                                            | 72633<br>72634<br>72635                   |
| (C) "Allowable costs" means an ICF/IID's costs that the department of developmental disabilities determines are reasonable. Fines paid under section 5124.99 of the Revised Code are not allowable costs.                                                       | 72636<br>72637<br>72638<br>72639          |
| (D) "Capital costs" means an ICF/IID's costs of ownership and costs of nonextensive renovation.                                                                                                                                                                 | 72640<br>72641                            |
| (E) "Case-mix score" means the measure determined under section 5124.192, <u>or</u> 5124.193, <del>or 5124.197</del> of the Revised Code of the relative direct-care resources needed to provide care and habilitation to an ICF/IID resident.                  | 72642<br>72643<br>72644<br>72645          |
| (F) "Change of operator" means an entering operator becoming the operator of an ICF/IID in the place of the exiting operator.                                                                                                                                   | 72646<br>72647                            |
| (1) Actions that constitute a change of operator include the following:                                                                                                                                                                                         | 72648<br>72649                            |
| (a) A change in an exiting operator's form of legal organization, including the formation of a partnership or                                                                                                                                                   | 72650<br>72651                            |

corporation from a sole proprietorship; 72652

(b) A transfer of all the exiting operator's ownership 72653  
interest in the operation of the ICF/IID to the entering operator, 72654  
regardless of whether ownership of any or all of the real property 72655  
or personal property associated with the ICF/IID is also 72656  
transferred; 72657

(c) A lease of the ICF/IID to the entering operator or the 72658  
exiting operator's termination of the exiting operator's lease; 72659

(d) If the exiting operator is a partnership, dissolution of 72660  
the partnership; 72661

(e) If the exiting operator is a partnership, a change in 72662  
composition of the partnership unless both of the following apply: 72663

(i) The change in composition does not cause the 72664  
partnership's dissolution under state law. 72665

(ii) The partners agree that the change in composition does 72666  
not constitute a change in operator. 72667

(f) If the operator is a corporation, dissolution of the 72668  
corporation, a merger of the corporation into another corporation 72669  
that is the survivor of the merger, or a consolidation of one or 72670  
more other corporations to form a new corporation. 72671

(2) The following, alone, do not constitute a change of 72672  
operator: 72673

(a) A contract for an entity to manage an ICF/IID as the 72674  
operator's agent, subject to the operator's approval of daily 72675  
operating and management decisions; 72676

(b) A change of ownership, lease, or termination of a lease 72677  
of real property or personal property associated with an ICF/IID 72678  
if an entering operator does not become the operator in place of 72679  
an exiting operator; 72680

(c) If the operator is a corporation, a change of one or more 72681

members of the corporation's governing body or transfer of 72682  
ownership of one or more shares of the corporation's stock, if the 72683  
same corporation continues to be the operator. 72684

(G) "Cost center" means the following: 72685

(1) Capital costs; 72686

(2) Direct care costs; 72687

(3) Indirect care costs; 72688

(4) Other protected costs. 72689

(H)(1) Except as provided in division (H)(2) of this section, 72690  
"cost report year" means the calendar year immediately preceding 72691  
the calendar year in which a fiscal year for which a medicaid 72692  
payment rate determination is made begins. 72693

(2) When a cost report the department of developmental 72694  
disabilities accepts under division (A) or (C)(1)(b) of section 72695  
5124.101 of the Revised Code is used in determining an ICF/IID's 72696  
medicaid payment rate, "cost report year" means the period that 72697  
the cost report covers. 72698

(I) "Costs of nonextensive renovations" means ~~the following:~~ 72699

~~(1) For the purpose of determining an ICF/IID's per medicaid 72700  
day capital component rate under section 5124.17 of the Revised 72701  
Code, the actual expense incurred by the an ICF/IID for 72702  
depreciation or amortization and interest on renovations approved 72703  
by the department of developmental disabilities as nonextensive 72704  
renovations:~~ 72705

~~(2) For the purpose of determining an ICF/IID's per medicaid 72706  
day payment rate for reasonable capital costs under section 72707  
5124.171 of the Revised Code, the actual expense incurred by the 72708  
ICF/IID for depreciation or amortization and interest on 72709  
renovations that are not extensive renovations. 72710~~

(J)(1) "Costs of ownership" means the actual expenses 72711

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|---------------------------------------------------------------------------------|-------|
| incurred by an ICF/IID for all of the following:                                | 72712 |
| (a) Subject to division (J)(2) of this section, depreciation                    | 72713 |
| and interest on any capital assets that cost five hundred dollars               | 72714 |
| or more per item, including the following:                                      | 72715 |
| (i) Buildings;                                                                  | 72716 |
| (ii) Building improvements that are not approved as                             | 72717 |
| nonextensive renovations for the purpose of section 5124.17 <del>or</del>       | 72718 |
| <del>5124.171</del> of the Revised Code;                                        | 72719 |
| (iii) Equipment;                                                                | 72720 |
| (iv) Transportation equipment;                                                  | 72721 |
| <del>(v) For the purpose of determining an ICF/IID's per medicaid</del>         | 72722 |
| <del>day payment rate for reasonable capital costs under section</del>          | 72723 |
| <del>5124.171 of the Revised Code, extensive renovations.</del>                 | 72724 |
| (b) Amortization and interest on land improvements and                          | 72725 |
| leasehold improvements;                                                         | 72726 |
| (c) Amortization of financing costs;                                            | 72727 |
| (d) Except as provided in division <del>(BB)</del> <u>(AA)</u> of this section, | 72728 |
| lease and rent of land, building, and equipment.                                | 72729 |
| (2) The costs of capital assets of less than five hundred                       | 72730 |
| dollars per item may be considered costs of ownership in                        | 72731 |
| accordance with an ICF/IID provider's practice.                                 | 72732 |
| (K)(1) "Date of licensure" means the following:                                 | 72733 |
| (a) In the case of an ICF/IID that was originally licensed as                   | 72734 |
| a nursing home under Chapter 3721. of the Revised Code, the date                | 72735 |
| that it was originally so licensed, regardless that it was                      | 72736 |
| subsequently licensed as a residential facility under section                   | 72737 |
| 5123.19 of the Revised Code;                                                    | 72738 |
| (b) In the case of an ICF/IID that was originally licensed as                   | 72739 |
| a residential facility under section 5123.19 of the Revised Code,               | 72740 |

the date it was originally so licensed; 72741

(c) In the case of an ICF/IID that was not required by law to 72742  
be licensed as a nursing home or residential facility when it was 72743  
originally operated as a residential facility, the date it first 72744  
was operated as a residential facility, regardless of the date the 72745  
ICF/IID was first licensed as a nursing home or residential 72746  
facility. 72747

(2) If, after an ICF/IID's original date of licensure, more 72748  
residential facility beds are added to the ICF/IID or all or part 72749  
of the ICF/IID undergoes an extensive renovation, the ICF/IID has 72750  
a different date of licensure for the additional beds or 72751  
extensively renovated portion of the ICF/IID. This does not apply, 72752  
however, to additional beds when both of the following apply: 72753

(a) The additional beds are located in a part of the ICF/IID 72754  
that was constructed at the same time as the continuing beds 72755  
already located in that part of the ICF/IID. 72756

(b) The part of the ICF/IID in which the additional beds are 72757  
located was constructed as part of the ICF/IID at a time when the 72758  
ICF/IID was not required by law to be licensed as a nursing home 72759  
or residential facility. 72760

(3) The definition of "date of licensure" in this section 72761  
applies in determinations of ICFs/IID's medicaid payment rates but 72762  
does not apply in determinations of ICFs/IID's franchise permit 72763  
fees under sections 5168.60 to 5168.71 of the Revised Code. 72764

(L) "Desk-reviewed" means that an ICF/IID's costs as reported 72765  
on a cost report filed under section 5124.10 or 5124.101 of the 72766  
Revised Code have been subjected to a desk review under section 72767  
5124.108 of the Revised Code and preliminarily determined to be 72768  
allowable costs. 72769

(M) "Developmental center" means a residential facility that 72770  
is maintained and operated by the department of developmental 72771

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| disabilities.                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                        | 72772 |
| (N) "Direct care costs" means all of the following costs incurred by an ICF/IID:                                                                                                                                                                                                                                                                                                                                                                                                                                                                                     | 72773 |
| (1) Costs for registered nurses, licensed practical nurses, and nurse aides employed by the ICF/IID;                                                                                                                                                                                                                                                                                                                                                                                                                                                                 | 72774 |
| (2) Costs for direct care staff, administrative nursing staff, medical directors, respiratory therapists, physical therapists, physical therapy assistants, occupational therapists, occupational therapy assistants, speech therapists, audiologists, habilitation staff (including habilitation supervisors), qualified intellectual disability professionals, program directors, social services staff, activities staff, psychologists, psychology assistants, social workers, counselors, and other persons holding degrees qualifying them to provide therapy; | 72775 |
| (3) Costs of purchased nursing services;                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                             | 72776 |
| (4) Costs of training and staff development, employee benefits, payroll taxes, and workers' compensation premiums or costs for self-insurance claims and related costs as specified in rules adopted under section 5124.03 of the Revised Code, for personnel listed in divisions (N)(1), (2), and (3) of this section;                                                                                                                                                                                                                                              | 72777 |
| (5) Costs of quality assurance;                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                      | 72778 |
| (6) Costs of consulting and management fees related to direct care;                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                  | 72779 |
| (7) Allocated direct care home office costs;                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                         | 72780 |
| (8) Costs of off-site day programming, including day programming that is provided in an area that is not certified by the director of health as an ICF/IID under Title XIX and regardless of either of the following:                                                                                                                                                                                                                                                                                                                                                | 72781 |
| (a) Whether or not the area in which the day programming is                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                          | 72782 |
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provided is less than two hundred feet away from the ICF/IID; 72802

(b) Whether or not the day programming is provided by an 72803  
individual or organization that is a related party to the ICF/IID 72804  
provider. 72805

(9) Costs of other direct-care resources that are specified 72806  
as direct care costs in rules adopted under section 5124.03 of the 72807  
Revised Code. 72808

(O) "Downsized ICF/IID" means an ICF/IID that permanently 72809  
reduced its medicaid-certified capacity pursuant to a plan 72810  
approved by the department of developmental disabilities under 72811  
section 5123.042 of the Revised Code. 72812

(P) "Effective date of a change of operator" means the day 72813  
the entering operator becomes the operator of the ICF/IID. 72814

(Q) "Effective date of a facility closure" means the last day 72815  
that the last of the residents of the ICF/IID resides in the 72816  
ICF/IID. 72817

(R) "Effective date of an involuntary termination" means the 72818  
date the department of medicaid terminates the operator's provider 72819  
agreement for the ICF/IID or the last day that such a provider 72820  
agreement is in effect when the department cancels or refuses to 72821  
revalidate it. 72822

(S) "Effective date of a voluntary termination" means the day 72823  
the ICF/IID ceases to accept medicaid recipients. 72824

(T) "Entering operator" means the person or government entity 72825  
that will become the operator of an ICF/IID when a change of 72826  
operator occurs or following an involuntary termination. 72827

(U) "Exiting operator" means any of the following: 72828

(1) An operator that will cease to be the operator of an 72829  
ICF/IID on the effective date of a change of operator; 72830

(2) An operator that will cease to be the operator of an 72831

ICF/IID on the effective date of a facility closure; 72832

(3) An operator of an ICF/IID that is undergoing or has 72833  
undergone a voluntary termination; 72834

(4) An operator of an ICF/IID that is undergoing or has 72835  
undergone an involuntary termination. 72836

~~(V)(1) For the purpose of determining an ICF/IID's per 72837  
medicaid day payment rate for reasonable capital costs under 72838  
section 5124.171 of the Revised Code, "extensive renovation" means 72839  
the following: 72840~~

~~(a) An ICF/IID's betterment, improvement, or restoration to 72841  
which both of the following apply: 72842~~

~~(i) It was started before July 1, 1993. 72843~~

~~(ii) It meets the definition of "extensive renovation" 72844  
established in rules that were adopted by the director of job and 72845  
family services and in effect on December 22, 1992. 72846~~

~~(b) An ICF/IID's betterment, improvement, or restoration to 72847  
which all of the following apply: 72848~~

~~(i) It was started on or after July 1, 1993. 72849~~

~~(ii) Except as provided in division (V)(2) of this section, 72850  
it costs more than sixty five per cent and not more than 72851  
eighty five per cent of the cost of constructing a new bed. 72852~~

~~(iii) It extends the useful life of the assets for at least 72853  
ten years. 72854~~

~~(2) The department of developmental disabilities may treat a 72855  
renovation that costs more than eighty five per cent of the cost 72856  
of constructing new beds as an extensive renovation if the 72857  
department determines that the renovation is more prudent than 72858  
construction of new beds. 72859~~

~~(3) For the purpose of division (V)(1)(b)(ii) of this 72860~~

~~section, the cost of constructing a new bed shall be considered to 72861  
be forty thousand dollars, adjusted for the estimated rate of 72862  
inflation from January 1, 1993, to the end of the calendar year 72863  
during which the extensive renovation is completed, using the 72864  
consumer price index for shelter costs for all urban consumers for 72865  
the north central region, as published by the United States bureau 72866  
of labor statistics. 72867~~

~~(W)(1)~~ Subject to divisions ~~(W)(2)~~ (V)(2) and (3) of this 72868  
section, "facility closure" means either of the following: 72869

(a) Discontinuance of the use of the building, or part of the 72870  
building, that houses the facility as an ICF/IID that results in 72871  
the relocation of all of the facility's residents; 72872

(b) Conversion of the building, or part of the building, that 72873  
houses an ICF/IID to a different use with any necessary license or 72874  
other approval needed for that use being obtained and one or more 72875  
of the facility's residents remaining in the facility to receive 72876  
services under the new use. 72877

(2) A facility closure occurs regardless of any of the 72878  
following: 72879

(a) The operator completely or partially replacing the 72880  
ICF/IID by constructing a new ICF/IID or transferring the 72881  
ICF/IID's license to another ICF/IID; 72882

(b) The ICF/IID's residents relocating to another of the 72883  
operator's ICFs/IID; 72884

(c) Any action the department of health takes regarding the 72885  
ICF/IID's medicaid certification that may result in the transfer 72886  
of part of the ICF/IID's survey findings to another of the 72887  
operator's ICFs/IID; 72888

(d) Any action the department of developmental disabilities 72889  
takes regarding the ICF/IID's license under section 5123.19 of the 72890

Revised Code. 72891

(3) A facility closure does not occur if all of the ICF/IID's 72892  
residents are relocated due to an emergency evacuation and one or 72893  
more of the residents return to a medicaid-certified bed in the 72894  
ICF/IID not later than thirty days after the evacuation occurs. 72895

~~(X)~~(W) "Fiscal year" means the fiscal year of this state, as 72896  
specified in section 9.34 of the Revised Code. 72897

~~(Y)~~(X) "Franchise permit fee" means the fee imposed by 72898  
sections 5168.60 to 5168.71 of the Revised Code. 72899

~~(Z)~~(Y) "Home and community-based services" has the same 72900  
meaning as in section 5123.01 of the Revised Code. 72901

~~(AA)~~(Z) "ICF/IID services" has the same meaning as in 42 72902  
C.F.R. 440.150. 72903

~~(BB)~~(1)~~(AA)~~(1) "Indirect care costs" means all reasonable 72904  
costs incurred by an ICF/IID other than capital costs, direct care 72905  
costs, and other protected costs. "Indirect care costs" includes 72906  
costs of habilitation supplies, pharmacy consultants, medical and 72907  
habilitation records, program supplies, incontinence supplies, 72908  
food, enterals, dietary supplies and personnel, laundry, 72909  
housekeeping, security, administration, liability insurance, 72910  
bookkeeping, purchasing department, human resources, 72911  
communications, travel, dues, license fees, subscriptions, home 72912  
office costs not otherwise allocated, legal services, accounting 72913  
services, minor equipment, maintenance and repair expenses, 72914  
help-wanted advertising, informational advertising, start-up 72915  
costs, organizational expenses, other interest, property 72916  
insurance, employee training and staff development, employee 72917  
benefits, payroll taxes, and workers' compensation premiums or 72918  
costs for self-insurance claims and related costs, as specified in 72919  
rules adopted under section 5124.03 of the Revised Code, for 72920  
personnel listed in this division. Notwithstanding division (J) of 72921

this section, "indirect care costs" also means the cost of 72922  
equipment, including vehicles, acquired by operating lease 72923  
executed before December 1, 1992, if the costs are reported as 72924  
administrative and general costs on the ICF/IID's cost report for 72925  
the cost reporting period ending December 31, 1992. 72926

(2) For the purpose of division ~~(BB)~~(1)~~(AA)~~(1) of this 72927  
section, an operating lease shall be construed in accordance with 72928  
generally accepted accounting principles. 72929

~~(CC)~~(BB) "Inpatient days" means both of the following: 72930

(1) All days during which a resident, regardless of payment 72931  
source, occupies a bed in an ICF/IID that is included in the 72932  
ICF/IID's medicaid-certified capacity; 72933

(2) All days for which payment is made under section 5124.34 72934  
of the Revised Code. 72935

~~(DD)~~(CC) "Intermediate care facility for individuals with 72936  
intellectual disabilities" and "ICF/IID" mean an intermediate care 72937  
facility for the mentally retarded as defined in the "Social 72938  
Security Act," section 1905(d), 42 U.S.C. 1396d(d). 72939

~~(EE)~~(DD) "Involuntary termination" means the department of 72940  
medicaid's termination of, cancellation of, or refusal to 72941  
revalidate the operator's provider agreement for the ICF/IID when 72942  
such action is not taken at the operator's request. 72943

~~(FF)~~(EE) "Maintenance and repair expenses" means, ~~except as~~ 72944  
~~provided in division (XX)(2)(b) of this section,~~ expenditures that 72945  
are necessary and proper to maintain an asset in a normally 72946  
efficient working condition and that do not extend the useful life 72947  
of the asset two years or more. "Maintenance and repair expenses" 72948  
includes the costs of ordinary repairs such as painting and 72949  
wallpapering. 72950

~~(GG)~~(FF) "Medicaid-certified capacity" means the number of an 72951

ICF/IID's beds that are certified for participation in medicaid as 72952  
ICF/IID beds. 72953

~~(HH)~~(GG) "Medicaid days" means both of the following: 72954

(1) All days during which a resident who is a medicaid 72955  
recipient eligible for ICF/IID services occupies a bed in an 72956  
ICF/IID that is included in the ICF/IID's medicaid-certified 72957  
capacity; 72958

(2) All days for which payment is made under section 5124.34 72959  
of the Revised Code. 72960

~~(II)~~(1)~~(HH)~~(1) "New ICF/IID" means an ICF/IID for which the 72961  
provider obtains an initial provider agreement following the 72962  
director of health's medicaid certification of the ICF/IID, 72963  
including such an ICF/IID that replaces one or more ICFs/IID for 72964  
which a provider previously held a provider agreement. 72965

(2) "New ICF/IID" does not mean either of the following: 72966

(a) An ICF/IID for which the entering operator seeks a 72967  
provider agreement pursuant to section 5124.511 or 5124.512 or 72968  
(pursuant to section 5124.515) section 5124.07 of the Revised 72969  
Code; 72970

(b) A downsized ICF/IID or partially converted ICF/IID. 72971

~~(JJ)~~(II) "Nursing home" has the same meaning as in section 72972  
3721.01 of the Revised Code. 72973

~~(KK)~~(JJ) "Operator" means the person or government entity 72974  
responsible for the daily operating and management decisions for 72975  
an ICF/IID. 72976

~~(LL)~~(KK) "Other protected costs" means costs incurred by an 72977  
ICF/IID for medical supplies; real estate, franchise, and property 72978  
taxes; natural gas, fuel oil, water, electricity, sewage, and 72979  
refuse and hazardous medical waste collection; allocated other 72980  
protected home office costs; and any additional costs defined as 72981

other protected costs in rules adopted under section 5124.03 of the Revised Code. 72982  
72983

~~(MM)~~(1)~~(LL)~~(1) "Owner" means any person or government entity 72984  
that has at least five per cent ownership or interest, either 72985  
directly, indirectly, or in any combination, in any of the 72986  
following regarding an ICF/IID: 72987

(a) The land on which the ICF/IID is located; 72988

(b) The structure in which the ICF/IID is located; 72989

(c) Any mortgage, contract for deed, or other obligation 72990  
secured in whole or in part by the land or structure on or in 72991  
which the ICF/IID is located; 72992

(d) Any lease or sublease of the land or structure on or in 72993  
which the ICF/IID is located. 72994

(2) "Owner" does not mean a holder of a debenture or bond 72995  
related to an ICF/IID and purchased at public issue or a regulated 72996  
lender that has made a loan related to the ICF/IID unless the 72997  
holder or lender operates the ICF/IID directly or through a 72998  
subsidiary. 72999

~~(NN)~~(MM) "Partially converted ICF/IID" means an ICF/IID that 73000  
converted some, but not all, of its beds to providing home and 73001  
community-based services under the individual options waiver 73002  
pursuant to section 5124.60 or 5124.61 of the Revised Code. 73003

~~(OO)~~(1)~~(NN)~~ For the purpose of the total per medicaid day 73004  
payment rate determined for an ICF/IID under division ~~(B)~~(A) of 73005  
section 5124.15 of the Revised Code and the initial total per 73006  
medicaid day payment rate determined for a new ICF/IID under 73007  
section 5124.151 of the Revised Code: 73008

~~(a)~~(1) "Peer group ~~1-A1~~" means each ICF/IID with a 73009  
medicaid-certified capacity exceeding sixteen. 73010

~~(b)~~(2) "Peer group ~~2-A2~~" means each ICF/IID with a 73011

medicaid-certified capacity exceeding eight but not exceeding  
sixteen. 73012  
73013

~~(e)(3)~~ "Peer group ~~3-A3~~" means each ICF/IID with a 73014  
medicaid-certified capacity of seven or eight. 73015

~~(d)(4)~~ "Peer group ~~4-A4~~" means each ICF/IID with a 73016  
medicaid-certified capacity not exceeding six, other than an 73017  
ICF/IID that is in peer group 5-A. 73018

~~(e)(5)~~ "Peer group ~~5-A5~~" means each ICF/IID to which all of 73019  
the following apply: 73020

~~(i)(a)~~ The ICF/IID is first certified as an ICF/IID after 73021  
July 1, 2014. 73022

~~(ii)(b)~~ The ICF/IID has a medicaid-certified capacity not 73023  
exceeding six. 73024

~~(iii)(c)~~ The ICF/IID has a contract with the department of 73025  
developmental disabilities that is for fifteen years and includes 73026  
a provision for the department to approve all admissions to, and 73027  
discharges from, the ICF/IID. 73028

~~(iv)(d)~~ The ICF/IID's residents are admitted to the ICF/IID 73029  
directly from a developmental center or have been determined by 73030  
the department to be at risk of admission to a developmental 73031  
center. 73032

~~(2) For the purpose of the total per medicaid day payment~~ 73033  
~~rate determined for an ICF/IID under division (C) of section~~ 73034  
~~5124.15 of the Revised Code:~~ 73035

~~(a) "Peer group 1-B" means each ICF/IID with a~~ 73036  
~~medicaid certified capacity exceeding eight.~~ 73037

~~(b) "Peer group 2-B" means each ICF/IID with a~~ 73038  
~~medicaid certified capacity not exceeding eight, other than an~~ 73039  
~~ICF/IID that is in peer group 3.~~ 73040

~~(c) "Peer group 3-B" means each ICF/IID to which all of the~~ 73041

~~following apply:~~ 73042

~~(i) The ICF/IID is first certified as an ICF/IID after July 1, 2014;~~ 73043  
73044

~~(ii) The ICF/IID has a medicaid certified capacity not exceeding six;~~ 73045  
73046

~~(iii) The ICF/IID has a contract with the department of developmental disabilities that is for fifteen years and includes a provision for the department to approve all admissions to, and discharges from, the ICF/IID;~~ 73047  
73048  
73049  
73050

~~(iv) The ICF/IID's residents are admitted to the ICF/IID directly from a developmental center or have been determined by the department to be at risk of admission to a developmental center.~~ 73051  
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~~(PP)(1)(OO)(1) Except as provided in divisions (PP)(2) and (3) division (OO)(2) of this section, "per diem" means an ICF/IID's desk-reviewed, actual, allowable costs in a given cost center in a cost reporting period, divided by the facility's inpatient days for that cost reporting period.~~ 73055  
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~~(2) When determining capital costs for the purpose of section 5124.171 of the Revised Code, "per diem" means an ICF/IID's actual, allowable capital costs in a cost reporting period divided by the greater of the facility's inpatient days for that period or the number of inpatient days the ICF/IID would have had during that period if its occupancy rate had been ninety five per cent.~~ 73060  
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~~(3) When determining indirect care costs for the purpose of section 5124.21 or 5124.211 of the Revised Code, "per diem" means an ICF/IID's actual, allowable indirect care costs in a cost reporting period divided by the greater of the ICF/IID's inpatient days for that period or the number of inpatient days the ICF/IID would have had during that period if its occupancy rate had been eighty-five per cent.~~ 73066  
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~~(QQ)~~(PP) "Provider" means an operator with a valid provider agreement. 73073  
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~~(RR)~~(OO) "Provider agreement" means a provider agreement, as defined in section 5164.01 of the Revised Code, that is between the department of medicaid and the operator of an ICF/IID for the provision of ICF/IID services under the medicaid program. 73075  
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~~(SS)~~(RR) "Purchased nursing services" means services that are provided in an ICF/IID by registered nurses, licensed practical nurses, or nurse aides who are not employees of the ICF/IID. 73079  
73080  
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~~(TT)~~(SS) "Reasonable" means that a cost is an actual cost that is appropriate and helpful to develop and maintain the operation of resident care facilities and activities, including normal standby costs, and that does not exceed what a prudent buyer pays for a given item or services. Reasonable costs may vary from provider to provider and from time to time for the same provider. 73082  
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~~(UU)~~(TT) "Related party" means an individual or organization that, to a significant extent, has common ownership with, is associated or affiliated with, has control of, or is controlled by, a provider. 73089  
73090  
73091  
73092

(1) An individual who is a relative of an owner is a related party. 73093  
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(2) Common ownership exists when an individual or individuals possess significant ownership or equity in both the provider and the other organization. Significant ownership or equity exists when an individual or individuals possess five per cent ownership or equity in both the provider and a supplier. Significant ownership or equity is presumed to exist when an individual or individuals possess ten per cent ownership or equity in both the provider and another organization from which the provider purchases or leases real property. 73095  
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(3) Control exists when an individual or organization has the power, directly or indirectly, to significantly influence or direct the actions or policies of an organization.

(4) An individual or organization that supplies goods or services to a provider shall not be considered a related party if all of the following conditions are met:

(a) The supplier is a separate bona fide organization.

(b) A substantial part of the supplier's business activity of the type carried on with the provider is transacted with others than the provider and there is an open, competitive market for the types of goods or services the supplier furnishes.

(c) The types of goods or services are commonly obtained by other ICFs/IID from outside organizations and are not a basic element of resident care ordinarily furnished directly to residents by the ICFs/IID.

(d) The charge to the provider is in line with the charge for the goods or services in the open market and no more than the charge made under comparable circumstances to others by the supplier.

~~(VV)~~(UU) "Relative of owner" means an individual who is related to an owner of an ICF/IID by one of the following relationships:

(1) Spouse;

(2) Natural parent, child, or sibling;

(3) Adopted parent, child, or sibling;

(4) Stepparent, stepchild, stepbrother, or stepsister;

(5) Father-in-law, mother-in-law, son-in-law, daughter-in-law, brother-in-law, or sister-in-law;

(6) Grandparent or grandchild;

(7) Foster caregiver, foster child, foster brother, or foster sister. 73133  
73134

~~(WW)(VV)~~ For the purpose of determining an ICF/IID's per 73135  
medicaid day capital component rate under section 5124.17 of the 73136  
Revised Code, "renovation" means an ICF/IID's betterment, 73137  
improvement, or restoration, other than an addition, through a 73138  
capital expenditure. 73139

~~(XX)(1)~~ For the purpose of determining an ICF/IID's per 73140  
medicaid day payment rate for reasonable capital costs under 73141  
section 5124.171 of the Revised Code, "renovation" means the 73142  
following: 73143

~~(a)~~ An ICF/IID's betterment, improvement, or restoration to 73144  
which both of the following apply: 73145

~~(i)~~ It was started before July 1, 1993. 73146

~~(ii)~~ It meets the definition of "renovation" established in 73147  
rules that were adopted by the director of job and family services 73148  
and in effect on December 22, 1992. 73149

~~(b)~~ An ICF/IID's betterment, improvement, or restoration to 73150  
which both of the following apply: 73151

~~(i)~~ It was started on or after July 1, 1993. 73152

~~(ii)~~ It betters, improves, or restores the ICF/IID beyond its 73153  
current functional capacity through a structural change that costs 73154  
at least five hundred dollars per bed. 73155

~~(2)~~ For the purpose of division ~~(XX)(1)~~ of this section, a 73156  
renovation started on or after July 1, 1993, may include both of 73157  
the following: 73158

~~(a)~~ A betterment, improvement, restoration, or replacement of 73159  
assets that are affixed to a building and have a useful life of at 73160  
least five years: 73161

~~(b)~~ Costs that otherwise would be considered maintenance and 73162

~~repair expenses if they are an integral part of the structural change that makes up the renovation project.~~ 73163  
73164

~~(3) For the purpose of division (XX)(1) of this section, "renovation" does not mean construction of additional space for beds that will be added to an ICF/IID's licensed capacity or medicaid certified capacity.~~ 73165  
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73168

~~(YY)(WW)~~ "Residential facility" has the same meaning as in section 5123.19 of the Revised Code. 73169  
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~~(ZZ)(XX)~~ "Secondary building" means a building or part of a building, other than an ICF/IID, in which the owner of one or more ICFs/IID has administrative work regarding the ICFs/IID performed or records regarding the ICFs/IID stored. 73171  
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~~(AAA)(YY)~~ "Sponsor" means an adult relative, friend, or guardian of an ICF/IID resident who has an interest or responsibility in the resident's welfare. 73175  
73176  
73177

~~(BBB)(ZZ)~~ "Title XIX" means Title XIX of the "Social Security Act," 42 U.S.C. 1396, et seq. 73178  
73179

~~(CCC)(AAA)~~ "Title XVIII" means Title XVIII of the "Social Security Act," 42 U.S.C. 1395, et seq. 73180  
73181

~~(DDD)(BBB)~~ "Voluntary termination" means an operator's voluntary election to terminate the participation of an ICF/IID in the medicaid program but to continue to provide service of the type provided by a residential facility as defined in section 5123.19 of the Revised Code. 73182  
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**Sec. 5124.101.** (A) The provider of an ICF/IID in peer group ~~1-A1~~, peer group ~~2-A2~~, peer group ~~3-A3~~, or peer group ~~4-A~~, ~~peer group 1-B~~, ~~or peer group 2-B~~ 4 that becomes a downsized ICF/IID or partially converted ICF/IID on or after July 1, 2013, or becomes a new ICF/IID on or after that date, may file with the department of developmental disabilities a cost report covering the period 73187  
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specified in division (B) of this section if the following applies 73193  
to the ICF/IID: 73194

(1) In the case of an ICF/IID that becomes a downsized 73195  
ICF/IID or partially converted ICF/IID, the ICF/IID has either of 73196  
the following on the day it becomes a downsized ICF/IID or 73197  
partially converted ICF/IID: 73198

(a) A medicaid-certified capacity that is at least ten per 73199  
cent less than its medicaid-certified capacity on the day 73200  
immediately preceding the day it becomes a downsized ICF/IID or 73201  
partially converted ICF/IID; 73202

(b) At least five fewer beds certified as ICF/IID beds than 73203  
it has on the day immediately preceding the day it becomes a 73204  
downsized ICF/IID or partially converted ICF/IID. 73205

(2) In the case of a new ICF/IID, the ICF/IID's beds are from 73206  
a downsized ICF/IID and the downsized ICF/IID has either of the 73207  
following on the day it becomes a downsized ICF/IID: 73208

(a) A medicaid-certified capacity that is at least ten per 73209  
cent less than its medicaid-certified capacity on the day 73210  
immediately preceding the day it becomes a downsized ICF/IID; 73211

(b) At least five fewer beds certified as ICF/IID beds than 73212  
it has on the day immediately preceding the day it becomes a 73213  
downsized ICF/IID. 73214

(B) A cost report filed under division (A) of this section 73215  
shall cover the period that begins and ends as follows: 73216

(1) In the case of an ICF/IID that becomes a downsized 73217  
ICF/IID or partially converted ICF/IID: 73218

(a) The period begins with the day that the ICF/IID becomes a 73219  
downsized ICF/IID or partially converted ICF/IID. 73220

(b) The period ends on the last day of the last month of the 73221

first three full months of operation as a downsized ICF/IID or 73222  
partially converted ICF/IID. 73223

(2) In the case of a new ICF/IID: 73224

(a) The period begins with the day that the provider 73225  
agreement for the ICF/IID takes effect. 73226

(b) The period ends on the last day of the last month of the 73227  
first three full months that the provider agreement is in effect. 73228

(C)(1) If the department accepts a cost report filed under 73229  
division (A) of this section for an ICF/IID that becomes a 73230  
downsized ICF/IID or partially converted ICF/IID on or before the 73231  
first day of October of a calendar year, the provider also shall 73232  
do both of the following: 73233

(a) File with the department a cost report for the ICF/IID in 73234  
accordance with division (A) of section 5124.10 of the Revised 73235  
Code; 73236

(b) File with the department another cost report for the 73237  
ICF/IID that covers the portion of the initial calendar year that 73238  
the ICF/IID operated as a downsized ICF/IID or partially converted 73239  
ICF/IID. 73240

(2) If the department accepts a cost report filed under 73241  
division (A) of this section for an ICF/IID that becomes a 73242  
downsized ICF/IID or partially converted ICF/IID after the first 73243  
day of October of a calendar year, the provider is not required to 73244  
file a cost report that covers that calendar year in accordance 73245  
with division (A) of section 5124.10 of the Revised Code. Instead, 73246  
the provider shall file a cost report for the ICF/IID in 73247  
accordance with division (A) of section 5124.10 of the Revised 73248  
Code covering the immediately following calendar year. 73249

(3) If the department accepts a cost report filed under 73250  
division (A) of this section for a new ICF/IID that has a provider 73251

agreement that takes effect on or before the first day of October 73252  
of a calendar year, the provider also shall file a cost report for 73253  
the ICF/IID in accordance with division (A) of section 5124.10 of 73254  
the Revised Code covering the portion of that calendar year that 73255  
the provider agreement was in effect. 73256

(4) If the department accepts a cost report filed under 73257  
division (A) of this section for a new ICF/IID that has a provider 73258  
agreement that takes effect after the first day of October of a 73259  
calendar year, the provider is not required to file a cost report 73260  
that covers that calendar year in accordance with division (A) of 73261  
section 5124.10 of the Revised Code. The provider shall file a 73262  
cost report for the ICF/IID in accordance with division (A) of 73263  
section 5124.10 of the Revised Code covering the immediately 73264  
following calendar year. 73265

(D) The department shall refuse to accept a cost report filed 73266  
under division (A) or (C)(1)(b) of this section if either of the 73267  
following apply: 73268

(1) Except as provided in division (E) of section 5124.10 of 73269  
the Revised Code, the provider fails to file the cost report with 73270  
the department not later than ninety days after the last day of 73271  
the period the cost report covers; 73272

(2) The cost report is incomplete or inadequate. 73273

(E) If the department accepts a cost report filed under 73274  
division (A) or (C)(1)(b) of this section, the department shall 73275  
use that cost report, rather than the cost report that otherwise 73276  
would be used pursuant to section 5124.17, ~~5124.171~~, 5124.19, 73277  
~~5124.195~~, 5124.21, ~~5124.211~~, or 5124.23, ~~or 5124.231~~ of the 73278  
Revised Code, to determine the ICF/IID's medicaid payment rate in 73279  
accordance with this chapter for ICF/IID services the ICF/IID 73280  
provides during the period that begins and ends as follows: 73281

(1) For a cost report filed under division (A) of this 73282

|                                                                                                                                                                                                                                                                                                                                                                                                                        |       |
|------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-------|
| section, the period begins on the following:                                                                                                                                                                                                                                                                                                                                                                           | 73283 |
| (a) In the case of an ICF/IID that becomes a downsized ICF/IID or partially converted ICF/IID:                                                                                                                                                                                                                                                                                                                         | 73284 |
| (i) The day that the ICF/IID becomes a downsized ICF/IID or partially converted ICF/IID if that day is the first day of a month;                                                                                                                                                                                                                                                                                       | 73285 |
| (ii) The first day of the month immediately following the month that the ICF/IID becomes a downsized ICF/IID or partially converted ICF/IID if division (E)(1)(a)(i) of this section does not apply.                                                                                                                                                                                                                   | 73286 |
| (b) In the case of a new ICF/IID, the day that the ICF/IID's provider agreement takes effect.                                                                                                                                                                                                                                                                                                                          | 73287 |
| (2) For a cost report filed under division (A) of this section, the period ends on the following:                                                                                                                                                                                                                                                                                                                      | 73288 |
| (a) In the case of an ICF/IID that becomes a downsized ICF/IID or partially converted ICF/IID:                                                                                                                                                                                                                                                                                                                         | 73289 |
| (i) The last day of the fiscal year that immediately precedes the fiscal year for which the ICF/IID is paid a rate determined using a cost report filed under division (C)(1)(b) of this section if the ICF/IID became a downsized ICF/IID or partially converted ICF/IID on or before the first day of October of a calendar year;                                                                                    | 73290 |
| (ii) The last day of the fiscal year that immediately precedes the fiscal year for which the ICF/IID begins to be paid a rate determined using a cost report that division (C)(2) of this section requires be filed in accordance with division (A) of section 5124.10 of the Revised Code if the ICF/IID became a downsized ICF/IID or partially converted ICF/IID after the first day of October of a calendar year. | 73291 |
| (b) In the case of a new ICF/IID, the last day of the fiscal year that immediately precedes the fiscal year for which the                                                                                                                                                                                                                                                                                              | 73292 |

ICF/IID begins to be paid a rate determined using a cost report 73313  
that division (C)(3) or (4) of this section requires be filed in 73314  
accordance with division (A) of section 5124.10 of the Revised 73315  
Code. 73316

(3) For a cost report filed under division (C)(1)(b) of this 73317  
section, the period begins on the day immediately following the 73318  
day specified in division (E)(2)(a)(i) of this section. 73319

(4) For a cost report filed under division (C)(1)(b) of this 73320  
section, the period ends on the last day of the fiscal year that 73321  
immediately precedes the fiscal year for which the ICF/IID begins 73322  
to be paid a rate determined using the cost report filed with the 73323  
department in accordance with division (A) of section 5124.10 of 73324  
the Revised Code that covers the calendar year that immediately 73325  
follows the initial calendar year that the ICF/IID operated as a 73326  
downsized ICF/IID or partially converted ICF/IID. 73327

~~(F) If the department accepts a cost report filed under 73328  
division (A) or (C)(1)(b) of this section by the provider of a 73329  
downsized ICF/IID or partially converted ICF/IID, the following 73330  
modifications shall be made for the purpose of determining the 73331  
medicaid payment rate for ICF/IID services the ICF/IID provides 73332  
during the period specified in division (E) of this section:~~ 73333

~~(1) In place of the quarterly case\_mix score otherwise used 73334  
in determining the ICF/IID's per medicaid day direct care costs 73335  
component rate under division (A) of section 5124.19 of the 73336  
Revised Code, the ICF/IID's case\_mix score in effect on the last 73337  
day of the calendar quarter that ends during the period the cost 73338  
report covers (or, if more than one calendar quarter ends during 73339  
that period, the last of those calendar quarters) shall be used to 73340  
determine the ICF/IID's per medicaid day direct care costs 73341  
component rate if the department accepts a cost report filed under 73342  
division (A) or (C)(1)(b) of this section by the provider of a 73343  
downsized ICF/IID or partially converted ICF/IID. 73344~~

~~(2) In place of the annual average casemix score otherwise used in determining the ICF/IID's per medicaid day payment rate for direct care costs under division (A) of section 5124.195 of the Revised Code, the ICF/IID's casemix score in effect on the last day of the calendar quarter that ends during the period the cost report covers (or, if more than one calendar quarter ends during that period, the last of those calendar quarters) shall be used to determine the ICF/IID's per medicaid day payment rate for direct care costs.~~

~~(3) The ICF/IID shall not be subject to the limit on the costs of ownership per diem payment rate specified in divisions (B) and (C) of section 5124.171 of the Revised Code.~~

~~(4) The ICF/IID shall not be subject to the limit on the payment rate for per diem capitalized costs of nonextensive renovations specified in division (E)(1) of section 5124.171 of the Revised Code.~~

~~(5) The ICF/IID shall be subject to the limit on the total payment rate for costs of ownership, capitalized costs of nonextensive renovations, and the efficiency incentive specified in division (H) of section 5124.171 of the Revised Code regardless of whether the ICF/IID is in peer group 1-B or peer group 2-B.~~

**Sec. 5124.15.** (A) Except as otherwise provided by section 5124.101 of the Revised Code, sections 5124.151 to 5124.154 of the Revised Code, and divisions ~~(D)~~(B) and ~~(E)~~(C) of this section, the total per medicaid day payment rate that the department of developmental disabilities shall pay to an ICF/IID provider for ICF/IID services the provider's ICF/IID provides during a fiscal year shall equal the sum of all of the following:

~~(1) Until July 1, 2021, the greater of the total per medicaid day payment rates determined under divisions (B) and (C) of this section;~~

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| <del>(2) Beginning July 1, 2021, the total per medicaid day payment rate determined under division (B) of this section.</del>                                                                                                                 | 73376 |
| <del>(B) The total per medicaid day payment rate determined under this division is the sum of all of the following:</del>                                                                                                                     | 73377 |
| <del>(1) The per medicaid day capital component rate determined for the ICF/IID under section 5124.17 of the Revised Code;</del>                                                                                                              | 73378 |
| <del>(2) The per medicaid day direct care costs component rate determined for the ICF/IID under section 5124.19 of the Revised Code;</del>                                                                                                    | 73379 |
| <del>(3) The per medicaid day indirect care costs component rate determined for the ICF/IID under section 5124.21 of the Revised Code;</del>                                                                                                  | 73380 |
| <del>(4) The per medicaid day other protected costs component rate determined for the ICF/IID under section 5124.23 of the Revised Code;</del>                                                                                                | 73381 |
| <del>(5) Until July 1, 2021, a direct support personnel payment equal to three and four hundredths per cent of the ICF/IID's desk reviewed, actual, allowable, per medicaid day direct care costs from the applicable cost report year;</del> | 73382 |
| <del>(6) Beginning July 1, 2021, the <u>The</u> sum of the following:</del>                                                                                                                                                                   | 73383 |
| <del>(a) The per medicaid day quality incentive payment determined for the ICF/IID under section 5124.24 of the Revised Code;</del>                                                                                                           | 73384 |
| <del>(b) A direct support personnel payment equal to two and four-hundredths per cent of the ICF/IID's desk-reviewed, actual, allowable, per medicaid day direct care costs from the applicable cost report year.</del>                       | 73385 |
| <del>(C) The total per medicaid day payment rate determined under this division is the sum of all of the following:</del>                                                                                                                     | 73386 |
| <del>(1) The per medicaid day payment rate for capital costs determined for the ICF/IID under section 5124.171 of the Revised</del>                                                                                                           | 73387 |
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| Code:                                                                                                                                                                                                                                                                                    | 73406                   |
| <del>(2) The per medicaid day payment rate for direct care costs determined for the ICF/IID under section 5124.195 of the Revised Code:</del>                                                                                                                                            | 73407<br>73408          |
| Code:                                                                                                                                                                                                                                                                                    | 73409                   |
| <del>(3) The per medicaid day payment rate for indirect care costs determined for the ICF/IID under section 5124.211 of the Revised Code:</del>                                                                                                                                          | 73410<br>73411          |
| Code:                                                                                                                                                                                                                                                                                    | 73412                   |
| <del>(4) The per medicaid day payment rate for other protected costs determined for the ICF/IID under section 5124.231 of the Revised Code:</del>                                                                                                                                        | 73413<br>73414          |
| Code:                                                                                                                                                                                                                                                                                    | 73415                   |
| <del>(5) A direct support personnel payment equal to three and four hundredths per cent of the ICF/IID's desk reviewed, actual, allowable, per medicaid day direct care costs from the applicable cost report year.</del>                                                                | 73416<br>73417<br>73418 |
| Code:                                                                                                                                                                                                                                                                                    | 73419                   |
| <del>(D)(B) The total per medicaid day payment rate for the following an ICF/IID that is in peer group 5 shall not exceed the average total per medicaid day payment rate in effect on July 1, 2013, for developmental centers:</del>                                                    | 73420<br>73421          |
| Code:                                                                                                                                                                                                                                                                                    | 73422                   |
| <del>(1) An ICF/IID that is in peer group 5 A for the purpose of the total per medicaid day payment rate determined under division (B) of this section:</del>                                                                                                                            | 73423<br>73424          |
| Code:                                                                                                                                                                                                                                                                                    | 73425                   |
| <del>(2) An ICF/IID that is in peer group 3 B for the purpose of the total per medicaid day payment rate determined under division (C) of this section.</del>                                                                                                                            | 73426<br>73427          |
| Code:                                                                                                                                                                                                                                                                                    | 73428                   |
| <del>(E)(C) The department shall adjust the total per medicaid day payment rate otherwise determined for an ICF/IID under divisions (B) and (C) of this section as directed by the general assembly through the enactment of law governing medicaid payments to ICF/IID providers.</del> | 73429<br>73430<br>73431 |
| Code:                                                                                                                                                                                                                                                                                    | 73432                   |
| <del>(F)(1)(D)(1) In addition to paying an ICF/IID provider the</del>                                                                                                                                                                                                                    | 73433<br>73434          |
| Code:                                                                                                                                                                                                                                                                                    | 73435                   |

total per medicaid day payment rate determined for the provider's 73436  
ICF/IID under divisions (A), (B), and (C), ~~(D)~~, and ~~(E)~~ of this 73437  
section for a fiscal year, the department may do either or both of 73438  
the following: 73439

(a) In accordance with section 5124.25 of the Revised Code, 73440  
pay the provider a rate add-on for ventilator-dependent outlier 73441  
ICF/IID services if the rate add-on is to be paid under that 73442  
section and the department approves the provider's application for 73443  
the rate add-on; 73444

(b) In accordance with section 5124.26 of the Revised Code, 73445  
pay the provider for outlier ICF/IID services the ICF/IID provides 73446  
to residents identified as needing intensive behavioral health 73447  
support services if the rate add-on is to be paid under that 73448  
section and the department approves the provider's application for 73449  
the rate add-on. 73450

(2) The rate add-ons are not to be part of the ICF/IID's 73451  
total per medicaid day payment rate. 73452

**Sec. 5124.151.** (A) The total per medicaid day payment rate 73453  
determined under section 5124.15 of the Revised Code shall not be 73454  
the initial rate for ICF/IID services provided by a new ICF/IID. 73455  
Instead, the initial total per medicaid day payment rate for 73456  
ICF/IID services provided by a new ICF/IID shall be determined in 73457  
accordance with this section. 73458

(B) The initial total per medicaid day payment rate for 73459  
ICF/IID services provided by a new ICF/IID, other than an ICF/IID 73460  
in peer group ~~5-A~~5, shall be determined in the following manner: 73461

(1) The initial per medicaid day capital component rate shall 73462  
be the median per medicaid day capital component rate for the 73463  
ICF/IID's peer group for the fiscal year. 73464

(2) The initial per medicaid day direct care costs component 73465

rate shall be determined as follows: 73466

(a) If there are no cost or resident assessment data for the 73467  
new ICF/IID as necessary to determine a rate under section 5124.19 73468  
of the Revised Code, the rate shall be determined as follows: 73469

(i) Determine the median cost per case-mix unit under 73470  
division (B) of section 5124.19 of the Revised Code for the new 73471  
ICF/IID's peer group for the applicable cost report year; 73472

(ii) Multiply the amount determined under division 73473  
(B)(2)(a)(i) of this section by the median annual average case-mix 73474  
score for the new ICF/IID's peer group for that period; 73475

(iii) Adjust the product determined under division 73476  
(B)(2)(a)(ii) of this section by the rate of inflation estimated 73477  
under division (D) of section 5124.19 of the Revised Code. 73478

(b) If the new ICF/IID is a replacement ICF/IID and the 73479  
ICF/IID or ICFs/IID that are being replaced are in operation 73480  
immediately before the new ICF/IID opens, the rate shall be the 73481  
same as the rate for the replaced ICF/IID or ICFs/IID, 73482  
proportionate to the number of ICF/IID beds in each replaced 73483  
ICF/IID. 73484

(c) If the new ICF/IID is a replacement ICF/IID and the 73485  
ICF/IID or ICFs/IID that are being replaced are not in operation 73486  
immediately before the new ICF/IID opens, the rate shall be 73487  
determined under division (B)(2)(a) of this section. 73488

(3) The initial per medicaid day indirect care costs 73489  
component rate shall be the maximum rate for the new ICF/IID's 73490  
peer group as determined for the fiscal year in accordance with 73491  
division (C) of section 5124.21 of the Revised Code. 73492

(4) The initial per medicaid day other protected costs 73493  
component rate shall be one hundred fifteen per cent of the median 73494  
rate for ICFs/IID determined for the fiscal year under section 73495

5124.23 of the Revised Code. 73496

(C) The initial total medicaid day payment rate for ICF/IID 73497  
services provided by a new ICF/IID in peer group ~~5-A5~~ shall be 73498  
determined in the following manner: 73499

(1) The initial per medicaid day capital component rate shall 73500  
be \$29.61. 73501

(2) The initial per medicaid day direct care costs component 73502  
rate shall be \$264.89. 73503

(3) The initial per medicaid day indirect care costs 73504  
component rate shall be \$59.85. 73505

(4) The initial per medicaid day other protected costs 73506  
component rate shall be \$25.99. 73507

(D)(1) Except as provided in division (D)(2) of this section, 73508  
the department of developmental disabilities shall adjust a new 73509  
ICF/IID's initial total per medicaid day payment rate determined 73510  
under this section effective the first day of July, to reflect new 73511  
rate determinations for all ICFs/IID under this chapter. 73512

(2) If the department accepts, under division (A) of section 73513  
5124.101 of the Revised Code, a cost report filed by the provider 73514  
of a new ICF/IID, the department shall adjust the ICF/IID's 73515  
initial total per medicaid day payment rate in accordance with 73516  
divisions (E) and (F) of that section rather than division (D)(1) 73517  
of this section. 73518

**Sec. 5124.152.** (A) The total per medicaid day payment rate 73519  
determined under section 5124.15 of the Revised Code shall not be 73520  
paid for ICF/IID services provided by an ICF/IID, or discrete unit 73521  
of an ICF/IID, designated by the department of developmental 73522  
disabilities as an outlier ICF/IID or unit. Instead, the provider 73523  
of a designated outlier ICF/IID or unit shall be paid each fiscal 73524  
year a total per medicaid day payment rate that the department 73525

shall prospectively determine in accordance with a methodology 73526  
established in rules authorized by this section. 73527

(B) The department may designate an ICF/IID, or discrete unit 73528  
of an ICF/IID, as an outlier ICF/IID or unit if the ICF/IID or 73529  
unit serves residents who have either of the following: 73530

(1) Diagnoses or special care needs that require direct care 73531  
resources that are not measured adequately by the resident 73532  
assessment instrument specified in rules authorized by ~~sections~~ 73533  
section 5124.191 and ~~5124.196~~ of the Revised Code; 73534

(2) Diagnoses or special care needs that are specified in 73535  
rules authorized by this section as otherwise qualifying for 73536  
consideration under this section. 73537

(C) Notwithstanding any other provision of this chapter, the 73538  
costs incurred by a designated outlier ICF/IID or unit shall not 73539  
be considered in establishing medicaid payment rates for other 73540  
ICFs/IID or units. 73541

(D) The director of developmental disabilities shall adopt 73542  
rules under section 5124.03 of the Revised Code as necessary to 73543  
implement this section. 73544

(1)(a) The rules shall do both of the following: 73545

(i) Specify the criteria and procedures the department will 73546  
apply when designating an ICF/IID, or discrete unit of an ICF/IID, 73547  
as an outlier ICF/IID or unit; 73548

(ii) Establish a methodology for prospectively determining 73549  
the total per medicaid day payment rate that will be paid each 73550  
fiscal year for ICF/IID services provided by a designated outlier 73551  
ICF/IID or unit. 73552

(b) The rules adopted under division (D)(1)(a)(i) of this 73553  
section regarding the criteria for designating outlier ICFs/IID 73554  
and units shall do both of the following: 73555

(i) Provide for consideration of whether all of the allowable costs of an ICF/IID, or discrete unit of an ICF/IID, would be paid by the rate determined under section 5124.15 of the Revised Code;

(ii) Specify the minimum number of ICF/IID beds that an ICF/IID, or discrete unit of an ICF/IID, must have to be designated an outlier ICF/IID or unit.

(c) The rules authorized by division (D)(1)(a)(i) of this section regarding the criteria for designating outlier ICFs/IID and units shall not limit the designation to ICFs/IID, or discrete units of ICFs/IID, located in large cities.

(d) The rules authorized by division (D)(1)(a)(ii) of this section regarding the methodology for prospectively determining the rates of designated outlier ICFs/IID and units shall provide for the methodology to consider the historical costs of providing ICF/IID services to the residents of designated outlier ICFs/IID and units.

(2)(a) The rules may do both of the following:

(i) Include for designation as an outlier ICF/IID or unit, an ICF/IID, or discrete unit of an ICF/IID, that serves residents who have complex medical conditions or severe behavioral problems;

(ii) Require that a designated outlier ICF/IID or unit receive authorization from the department before admitting or retaining a resident.

(b) If the director adopts rules authorized by division (D)(2)(a)(ii) of this section regarding the authorization of a designated outlier ICF/IID or unit to admit or retain a resident, the rules shall specify the criteria and procedures the department will apply when granting the authorization.

**Sec. 5124.17.** (A) For each fiscal year, the department of developmental disabilities shall determine each ICF/IID's per

|                                                                   |       |
|-------------------------------------------------------------------|-------|
| medicaid day capital component rate. An ICF/IID's rate for a      | 73586 |
| fiscal year shall equal the sum of the following:                 | 73587 |
| (1) The lesser of the following:                                  | 73588 |
| (a) The sum of all of the following:                              | 73589 |
| (i) The ICF/IID's per diem fair rental value rate for the         | 73590 |
| fiscal year as determined under division (B) of this section;     | 73591 |
| (ii) The ICF/IID's per diem equipment rate for the fiscal         | 73592 |
| year as determined under division (D) of this section;            | 73593 |
| (iii) The ICF/IID's per diem secondary building rate for the      | 73594 |
| fiscal year as determined under division (E) of this section.     | 73595 |
| (b) The sum determined for the fiscal year under division (G)     | 73596 |
| of this section.                                                  | 73597 |
| (2) The ICF/IID's per diem nonextensive renovation rate for       | 73598 |
| the fiscal year as determined under division (H) of this section. | 73599 |
| (B) An ICF/IID's per diem fair rental value rate for a fiscal     | 73600 |
| year is the quotient of the following:                            | 73601 |
| (1) The ICF/IID's fair rental value as determined under           | 73602 |
| division (C) of this section;                                     | 73603 |
| (2) The greater of the following:                                 | 73604 |
| (a) The number of the ICF/IID's inpatient days for the            | 73605 |
| applicable cost report year;                                      | 73606 |
| (b) The number of inpatient days the ICF/IID would have had       | 73607 |
| during the applicable cost report year if its occupancy rate had  | 73608 |
| been ninety-two per cent that year.                               | 73609 |
| (C)(1) An ICF/IID's fair rental value is the product of the       | 73610 |
| following:                                                        | 73611 |
| (a) The sum of the following:                                     | 73612 |
| (i) The ICF/IID's depreciated current asset value as              | 73613 |

|                                                                                                                                                                                                                    |                                  |
|--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|----------------------------------|
| determined under division (C)(2) of this section;                                                                                                                                                                  | 73614                            |
| (ii) The ICF/IID's land value as determined under division<br>(C)(10) of this section.                                                                                                                             | 73615<br>73616                   |
| (b) Eleven per cent.                                                                                                                                                                                               | 73617                            |
| (2) An ICF/IID's depreciated current asset value is its<br>current asset value, as determined under division (C)(3) of this<br>section, depreciated by the product of the following:                               | 73618<br>73619<br>73620          |
| (a) The ICF/IID's effective age as determined under division<br>(C)(5) of this section;                                                                                                                            | 73621<br>73622                   |
| (b) One and six-tenths per cent.                                                                                                                                                                                   | 73623                            |
| (3) An ICF/IID's current asset value is the product of the<br>following:                                                                                                                                           | 73624<br>73625                   |
| (a) The ICF/IID's value per square foot as determined under<br>division (C)(4) of this section;                                                                                                                    | 73626<br>73627                   |
| (b) The lesser of the ICF/IID's square footage and the<br>following:                                                                                                                                               | 73628<br>73629                   |
| (i) If the ICF/IID is in peer group <del>1-A1</del> and is a downsized<br>ICF/IID, its medicaid-certified capacity on the last day of the<br>applicable cost report year multiplied by one thousand;               | 73630<br>73631<br>73632          |
| (ii) If the ICF/IID is in peer group <del>1-A1</del> and is not a<br>downsized ICF/IID, its medicaid-certified capacity on the last day<br>of the applicable cost report year multiplied by five hundred<br>fifty; | 73633<br>73634<br>73635<br>73636 |
| (iii) If the ICF/IID is in peer group <del>2-A2</del> and is a downsized<br>ICF/IID, its medicaid-certified capacity on the last day of the<br>applicable cost report year multiplied by one thousand;             | 73637<br>73638<br>73639          |
| (iv) If the ICF/IID is in peer group <del>2-A2</del> and is not a<br>downsized ICF/IID, its medicaid-certified capacity on the last day<br>of the applicable cost report year multiplied by seven hundred          | 73640<br>73641<br>73642          |

fifty; 73643

(v) If the ICF/IID is in peer group ~~3-A3~~, its 73644  
medicaid-certified capacity on the last day of the applicable cost 73645  
report year multiplied by eight hundred fifty; 73646

(vi) If the ICF/IID is in peer group ~~4-A4~~ or peer group ~~5-A5~~, 73647  
its medicaid-certified capacity on the last day of the applicable 73648  
cost report year multiplied by nine hundred. 73649

(4)(a) An ICF/IID's value per square foot shall be determined 73650  
by using the version of the following RS means data that was most 73651  
recently published at the time the determination is made: 73652

(i) If the ICF/IID is in peer group ~~1-A1~~ or peer group ~~2-A2~~, 73653  
the RS means data for assisted-senior living facility construction 73654  
costs; 73655

(ii) If the ICF/IID is in peer group ~~3-A3~~, peer group ~~4-A4~~, 73656  
or peer group ~~5-A5~~, the RS means data for nursing home 73657  
construction costs. 73658

(b) Except as provided in division (C)(4)(c) of this section, 73659  
in determining an ICF/IID's value per square foot, the following 73660  
modifier shall be used: 73661

(i) If the ICF/IID is located in Summit county, the modifier 73662  
specified in the applicable RS means data for Akron; 73663

(ii) If the ICF/IID is located in Athens county, the modifier 73664  
specified in the applicable RS means data for Athens; 73665

(iii) If the ICF/IID is located in Ashtabula, Geauga, Lake, 73666  
Medina, Portage, Stark, Trumbull, or Wayne county, the modifier 73667  
specified in the applicable RS means data for Canton; 73668

(iv) If the ICF/IID is located in Ross county, the modifier 73669  
specified in the applicable RS means data for Chillicothe; 73670

(v) If the ICF/IID is located in Hamilton county, the 73671  
modifier specified in the applicable RS means data for Cincinnati; 73672

- (vi) If the ICF/IID is located in Cuyahoga county, the modifier specified in the applicable RS means data for Cleveland; 73673  
73674
- (vii) If the ICF/IID is located in Franklin county, the modifier specified in the applicable RS means data for Columbus; 73675  
73676
- (viii) If the ICF/IID is located in Montgomery county, the modifier specified in the applicable RS means data for Dayton; 73677  
73678
- (ix) If the ICF/IID is located in Brown, Butler, Clermont, Clinton, Champaign, Darke, Greene, Logan, Miami, Preble, Shelby, or Warren county, the modifier specified in the applicable RS means data for Hamilton; 73679  
73680  
73681  
73682
- (x) If the ICF/IID is located in Allen, Auglaize, Defiance, Erie, Fulton, Hancock, Henry, Huron, Mercer, Paulding, Putnam, Ottawa, Sandusky, Seneca, Van Wert, Williams, or Wood county, the modifier specified in the applicable RS means data for Lima; 73683  
73684  
73685  
73686
- (xi) If the ICF/IID is located in Lorain county, the modifier specified in the applicable RS means data for Lorain; 73687  
73688
- (xii) If the ICF/IID is located in Ashland, Crawford, Delaware, Fairfield, Fayette, Hardin, Knox, Licking, Madison, Morrow, Pickaway, Richland, Union, or Wyandot county, the modifier specified in the applicable RS means data for Mansfield; 73689  
73690  
73691  
73692
- (xiii) If the ICF/IID is located in Marion county, the modifier specified in the applicable RS means data for Marion; 73693  
73694
- (xiv) If the ICF/IID is located in Clark county, the modifier specified in the applicable RS means data for Springfield; 73695  
73696
- (xv) If the ICF/IID is located in Jefferson county, the modifier specified in the applicable RS means data for Steubenville; 73697  
73698  
73699
- (xvi) If the ICF/IID is located in Lucas county, the modifier specified in the applicable RS means data for Toledo; 73700  
73701
- (xvii) If the ICF/IID is located in Mahoning county, the 73702

modifier specified in the applicable RS means data for Youngstown; 73703

(xviii) If the ICF/IID is located in Adams, Belmont, Carroll, 73704  
Columbiana, Coshocton, Gallia, Guernsey, Harrison, Highland, 73705  
Hocking, Holmes, Jackson, Lawrence, Meigs, Monroe, Morgan, 73706  
Muskingum, Noble, Perry, Pike, Scioto, Tuscarawas, Vinton, or 73707  
Washington county, the modifier specified in the applicable RS 73708  
means data for Zanesville. 73709

(c) If a modifier ceases to be specified in the applicable RS 73710  
means data for a city listed in division (C)(4)(b) of this 73711  
section, the director of developmental disabilities shall specify 73712  
in rules adopted under section 5124.03 of the Revised Code a 73713  
different modifier for the counties that are affected by the 73714  
change. 73715

(5) An ICF/IID's effective age shall be determined as 73716  
follows: 73717

(a) Determine the sum of the numbers of the ICF/IID's new bed 73718  
equivalents for renovations for the applicable cost report year 73719  
and the immediately preceding thirty-nine calendar years as 73720  
determined for each of those years under division (C)(7)(a) of 73721  
this section; 73722

(b) Determine the sum of the numbers of the ICF/IID's new bed 73723  
equivalents for additions that do not increase the ICF/IID's 73724  
medicaid-certified capacity for the applicable cost report year 73725  
and the immediately preceding thirty-nine calendar years as 73726  
determined for each of those years under division (C)(8)(a) of 73727  
this section; 73728

(c) Determine the sum of the numbers of the ICF/IID's new 73729  
beds resulting from additions that increase the ICF/IID's 73730  
medicaid-certified capacity for the applicable cost report year 73731  
and the immediately preceding thirty-nine calendar years as 73732  
determined for each of those years under division (C)(9)(a) of 73733

|                                                                                                                                                                                                                                                                                                                                 |                                                    |
|---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|----------------------------------------------------|
| this section;                                                                                                                                                                                                                                                                                                                   | 73734                                              |
| (d) Determine the sum of the sums determined under divisions (C)(5)(a), (b), and (c) of this section;                                                                                                                                                                                                                           | 73735<br>73736                                     |
| (e) Determine the difference of the following:                                                                                                                                                                                                                                                                                  | 73737                                              |
| (i) The ICF/IID's medicaid-certified capacity on the last day of the applicable cost report year;                                                                                                                                                                                                                               | 73738<br>73739                                     |
| (ii) The lesser of the amount specified in division (C)(5)(e)(i) of this section and the sum determined under division (C)(5)(d) of this section.                                                                                                                                                                               | 73740<br>73741<br>73742                            |
| (f) For the purpose of determining the weighted age of the ICF/IID's original beds, determine the product of the following:                                                                                                                                                                                                     | 73743<br>73744                                     |
| (i) The difference determined under division (C)(5)(e) of this section;                                                                                                                                                                                                                                                         | 73745<br>73746                                     |
| (ii) The ICF/IID's age as determined under division (C)(6) of this section.                                                                                                                                                                                                                                                     | 73747<br>73748                                     |
| (g) Determine the sum of the weighted ages of the ICF/IID's new bed equivalents for renovations for the applicable cost report year and the immediately preceding thirty-nine calendar years as determined for each of those years under division (C)(7)(c) of this section;                                                    | 73749<br>73750<br>73751<br>73752<br>73753          |
| (h) Determine the sum of the weighted ages of the ICF/IID's new bed equivalents for additions that do not increase its medicaid-certified capacity for the applicable cost report year and the immediately preceding thirty-nine calendar years as determined for each of those years under division (C)(8)(d) of this section; | 73754<br>73755<br>73756<br>73757<br>73758<br>73759 |
| (i) Determine the sum of the weighted ages of the ICF/IID's new beds resulting from additions that increase its medicaid-certified capacity for the applicable cost report year and the immediately preceding thirty-nine calendar years as                                                                                     | 73760<br>73761<br>73762<br>73763                   |

|                                                                   |       |
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| determined for that period and each of those years under division | 73764 |
| (C)(9)(b) of this section;                                        | 73765 |
| (j) Determine the sum of the following:                           | 73766 |
| (i) The product determined under division (C)(5)(f) of this       | 73767 |
| section;                                                          | 73768 |
| (ii) The sum of the sums determined under divisions               | 73769 |
| (C)(5)(g), (h), and (i) of this section.                          | 73770 |
| (k) Determine the quotient of the following:                      | 73771 |
| (i) The sum determined under division (C)(5)(j) of this           | 73772 |
| section;                                                          | 73773 |
| (ii) The ICF/IID's medicaid-certified capacity on the last        | 73774 |
| day of the applicable cost report year.                           | 73775 |
| (6) An ICF/IID's age is the lesser of the following:              | 73776 |
| (a) The difference between the following:                         | 73777 |
| (i) The calendar year in which occurs the last day of the         | 73778 |
| period covered by the cost report being used to determine the     | 73779 |
| ICF/IID's rate under this section;                                | 73780 |
| (ii) The calendar year in which the ICF/IID was initially         | 73781 |
| constructed.                                                      | 73782 |
| (b) Forty.                                                        | 73783 |
| (7)(a) The number, for a year, of an ICF/IID's new bed            | 73784 |
| equivalents for renovations is the quotient of the following:     | 73785 |
| (i) The ICF/IID's desk-reviewed, actual, allowable renovation     | 73786 |
| costs for the year;                                               | 73787 |
| (ii) Seventy thousand dollars.                                    | 73788 |
| (b) The age of an ICF/IID's new bed equivalents for               | 73789 |
| renovations is the difference of the following:                   | 73790 |
| (i) The calendar year in which occurs the last day of the         | 73791 |

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| period covered by the cost report being used to determine the      | 73792 |
| ICF/IID's rate under this section;                                 | 73793 |
| (ii) The calendar year the renovations were completed.             | 73794 |
| (c) The weighted age, for a year, of an ICF/IID's new bed          | 73795 |
| equivalents for renovations is the product of the following:       | 73796 |
| (i) The number, for that year, of the ICF/IID's new bed            | 73797 |
| equivalents for renovations as determined under division (C)(7)(a) | 73798 |
| of this section;                                                   | 73799 |
| (ii) The age of those new bed equivalents as determined under      | 73800 |
| division (C)(7)(b) of this section.                                | 73801 |
| (8)(a) The number, for a year, of an ICF/IID's new bed             | 73802 |
| equivalents for additions that do not increase its                 | 73803 |
| medicaid-certified capacity is the quotient of the following:      | 73804 |
| (i) The value of such additions made to the ICF/IID that year      | 73805 |
| as determined under division (C)(8)(b) of this section;            | 73806 |
| (ii) Seventy thousand dollars.                                     | 73807 |
| (b) The value of additions that do not increase an ICF/IID's       | 73808 |
| medicaid-certified capacity is the product of the following:       | 73809 |
| (i) The total square footage of the additions;                     | 73810 |
| (ii) The ICF/IID's value per square foot as determined under       | 73811 |
| division (C)(4) of this section.                                   | 73812 |
| (c) The age of an ICF/IID's new bed equivalents for additions      | 73813 |
| that do not increase its medicaid-certified capacity is the        | 73814 |
| difference of the following:                                       | 73815 |
| (i) The calendar year in which occurs the last day of the          | 73816 |
| period covered by the cost report being used to determine the      | 73817 |
| ICF/IID's rate under this section;                                 | 73818 |
| (ii) The calendar year the additions were completed.               | 73819 |
| (d) The weighted age, for a year, of an ICF/IID's new bed          | 73820 |

|                                                                  |       |
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| equivalents for additions that do not increase its               | 73821 |
| medicaid-certified capacity is the product of the following:     | 73822 |
| (i) The number, for that year, of the ICF/IID's new bed          | 73823 |
| equivalents for such additions as determined under division      | 73824 |
| (C)(8)(a) of this section;                                       | 73825 |
| (ii) The age of those new bed equivalents as determined under    | 73826 |
| division (C)(8)(c) of this section.                              | 73827 |
| (9)(a) The number, for a year, of new beds resulting from        | 73828 |
| additions that increase an ICF/IID's medicaid-certified capacity | 73829 |
| is the number by which the new beds increased the ICF/IID's      | 73830 |
| medicaid-certified capacity that year.                           | 73831 |
| (b) The weighted age, for a year, of new beds resulting from     | 73832 |
| additions that increase an ICF/IID's medicaid-certified capacity | 73833 |
| is the product of the following:                                 | 73834 |
| (i) The number by which those new beds increased the             | 73835 |
| ICF/IID's medicaid-certified capacity that year;                 | 73836 |
| (ii) The difference of the calendar year in which occurs the     | 73837 |
| last day of the period covered by the cost report being used to  | 73838 |
| determine the ICF/IID's rate under this section and the calendar | 73839 |
| year the ICF/IID's medicaid-certified capacity was so increased. | 73840 |
| (10) An ICF/IID's land value is the product of the following:    | 73841 |
| (a) The ICF/IID's current asset value as determined under        | 73842 |
| division (C)(3) of this section;                                 | 73843 |
| (b) Ten per cent.                                                | 73844 |
| (D) An ICF/IID's per diem equipment rate for a fiscal year       | 73845 |
| shall be the lesser of the following:                            | 73846 |
| (1) The quotient of the following:                               | 73847 |
| (a) The ICF/IID's costs for capital equipment for the            | 73848 |
| applicable cost report year;                                     | 73849 |

|                                                                                                                                                                   |                         |
|-------------------------------------------------------------------------------------------------------------------------------------------------------------------|-------------------------|
| (b) The greater of the following:                                                                                                                                 | 73850                   |
| (i) The number of the ICF/IID's inpatient days for the applicable cost report year;                                                                               | 73851<br>73852          |
| (ii) The number of inpatient days the ICF/IID would have had during the applicable cost report year if its occupancy rate had been ninety-two per cent that year. | 73853<br>73854<br>73855 |
| (2) The following amount:                                                                                                                                         | 73856                   |
| (a) If the ICF/IID is in peer group <del>1-A1</del> , five dollars;                                                                                               | 73857                   |
| (b) If the ICF/IID is in peer group <del>2-A2</del> , six dollars and fifty cents;                                                                                | 73858<br>73859          |
| (c) If the ICF/IID is in peer group <del>3-A3</del> , eight dollars;                                                                                              | 73860                   |
| (d) If the ICF/IID is in peer group <del>4-A 4</del> or peer group <del>5-A5</del> , nine dollars.                                                                | 73861<br>73862          |
| (E) An ICF/IID's per diem secondary building rate for a fiscal year is the quotient of the following:                                                             | 73863<br>73864          |
| (1) The ICF/IID's secondary building value as determined under division (F) of this section;                                                                      | 73865<br>73866          |
| (2) The greater of the following:                                                                                                                                 | 73867                   |
| (a) The number of the ICF/IID's inpatient days for the applicable cost report year;                                                                               | 73868<br>73869          |
| (b) The number of inpatient days the ICF/IID would have had during the applicable cost report year if its occupancy rate had been ninety-two per cent that year.  | 73870<br>73871<br>73872 |
| (F)(1) An ICF/IID's secondary building value is the product of the following:                                                                                     | 73873<br>73874          |
| (a) The sum of the following:                                                                                                                                     | 73875                   |
| (i) The sum of the depreciated current asset values of the ICF/IID's secondary buildings as determined under division (F)(2)                                      | 73876<br>73877          |

of this section; 73878

(ii) The sum of the land values of the ICF/IID's secondary buildings as determined under division (F)(6) of this section. 73879  
73880

(b) A rental rate of eleven per cent. 73881

(2) The depreciated current asset value of an ICF/IID's secondary building is the current asset value of the secondary building, as determined under division (F)(3) of this section, depreciated by the product of the following: 73882  
73883  
73884  
73885

(a) The age of the secondary building as determined under division (F)(5) of this section; 73886  
73887

(b) One and six-tenths per cent. 73888

(3) The current asset value of an ICF/IID's secondary building is the product of the following: 73889  
73890

(a) The part of the secondary building's square footage that is allocated to the ICF/IID; 73891  
73892

(b) The secondary building's value per square foot as determined under division (F)(4) of this section. 73893  
73894

(4) The value per square foot of an ICF/IID's secondary building shall be determined by using the following: 73895  
73896

(a) Except as provided in division (F)(4)(b) of this section, the most recent national average commercial cost estimate for office/warehouse buildings according to information available at buildingjournal.com on the last day of the applicable cost report year; 73897  
73898  
73899  
73900  
73901

(b) If the national average commercial cost estimate for office/warehouse buildings ceases to be available at buildingjournal.com, the most recent comparable cost estimate as specified in rules the director of developmental disabilities shall adopt under section 5124.03 of the Revised Code. 73902  
73903  
73904  
73905  
73906

|                                                                                                                                                                               |                         |
|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-------------------------|
| (5) The age of an ICF/IID's secondary building is the lesser of the following:                                                                                                | 73907<br>73908          |
| (a) The difference of the following:                                                                                                                                          | 73909                   |
| (i) The calendar year in which occurs the last day of the period covered by the cost report being used to determine the ICF/IID's rate under this section;                    | 73910<br>73911<br>73912 |
| (ii) The calendar year the secondary building was initially constructed.                                                                                                      | 73913<br>73914          |
| (b) Forty.                                                                                                                                                                    | 73915                   |
| (6) The land value of an ICF/IID's secondary building is the product of the following:                                                                                        | 73916<br>73917          |
| (a) The current asset value of the ICF/IID's secondary building as determined under division (F)(3) of this section;                                                          | 73918<br>73919          |
| (b) Ten per cent.                                                                                                                                                             | 73920                   |
| (G) For the purposes of divisions (A)(1)(b) and (H)(1)(b)(ii) of this section, the department shall determine the sum of the following for each ICF/IID for each fiscal year: | 73921<br>73922<br>73923 |
| (1) The quotient of the following:                                                                                                                                            | 73924                   |
| (a) The ICF/IID's desk-reviewed, actual, allowable capital costs for the applicable cost report year;                                                                         | 73925<br>73926          |
| (b) The greater of the following:                                                                                                                                             | 73927                   |
| (i) The number of the ICF/IID's inpatient days for the applicable cost report year;                                                                                           | 73928<br>73929          |
| (ii) The number of inpatient days the ICF/IID would have had during the applicable cost report year if its occupancy rate had been ninety-two per cent that year.             | 73930<br>73931<br>73932 |
| (2) The following amount:                                                                                                                                                     | 73933                   |
| (a) If the ICF/IID is in peer group <del>1-A1</del> or peer group <del>2-A2</del> ,                                                                                           | 73934                   |

three dollars; 73935

(b) If the ICF/IID is in peer group ~~3-A3~~, peer group ~~4-A4~~, or 73936  
peer group ~~5-A5~~, five dollars. 73937

(3) The greater of the following: 73938

(a) Ten per cent of the difference of the following: 73939

(i) The sum of the quotient determined for the fiscal year 73940  
under division (G)(1) of this section and the applicable amount 73941  
specified in division (G)(2) of this section; 73942

(ii) The sum determined for the fiscal year under division 73943  
(A)(1)(a) of this section. 73944

(b) Zero. 73945

(H) An ICF/IID's per diem nonextensive renovation rate for a 73946  
fiscal year is the following: 73947

(1) If the sum of the ICF/IID's per diem costs of 73948  
nonextensive renovations for the applicable cost report year as 73949  
determined under division (I) of this section and the ICF/IID's 73950  
per diem costs of ownership for the applicable cost report year as 73951  
determined under division (J) of this section is greater than the 73952  
sum determined for the ICF/IID for the fiscal year under division 73953  
(G) of this section, the lesser of the following: 73954

(a) The ICF/IID's per diem costs of nonextensive renovations 73955  
for the applicable cost report year as determined under division 73956  
(I) of this section; 73957

(b) The difference of the following: 73958

(i) The sum of the ICF/IID's per diem costs of nonextensive 73959  
renovation for the applicable cost report year as determined under 73960  
division (I) of this section and the ICF/IID's per diem costs of 73961  
ownership for the applicable cost report year as determined under 73962  
division (J) of this section; 73963

|                                                                    |       |
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| (ii) The sum determined for the ICF/IID for the fiscal year        | 73964 |
| under division (G) of this section.                                | 73965 |
| (2) If the sum of the ICF/IID's per diem costs of                  | 73966 |
| nonextensive renovation for the applicable cost report year as     | 73967 |
| determined under division (I) of this section and the ICF/IID's    | 73968 |
| per diem costs of ownership for the applicable cost report year as | 73969 |
| determined under division (J) of this section is less than or      | 73970 |
| equal to the sum determined for the ICF/IID for the fiscal year    | 73971 |
| under division (G) of this section, zero.                          | 73972 |
| (I) An ICF/IID's per diem costs of nonextensive renovations        | 73973 |
| for an applicable cost report year are the quotient of the         | 73974 |
| following:                                                         | 73975 |
| (1) The ICF/IID's desk-reviewed, actual, allowable costs of        | 73976 |
| nonextensive renovations for the applicable cost report year;      | 73977 |
| (2) The greater of the following:                                  | 73978 |
| (a) The number of the ICF/IID's inpatient days for the             | 73979 |
| applicable cost report year;                                       | 73980 |
| (b) The number of inpatient days the ICF/IID would have had        | 73981 |
| during the applicable cost report year if its occupancy rate had   | 73982 |
| been ninety-two per cent that year.                                | 73983 |
| (J) An ICF/IID's per diem costs of ownership for an                | 73984 |
| applicable cost report year are the quotient of the following:     | 73985 |
| (1) The ICF/IID's desk-reviewed, actual, allowable costs of        | 73986 |
| ownership for the applicable cost report year;                     | 73987 |
| (2) The greater of the following:                                  | 73988 |
| (a) The number of the ICF/IID's inpatient days for the             | 73989 |
| applicable cost report year;                                       | 73990 |
| (b) The number of inpatient days the ICF/IID would have had        | 73991 |
| during the applicable cost report year if its occupancy rate had   | 73992 |
| been ninety-two per cent that year.                                | 73993 |

**Sec. 5124.19.** (A) For each fiscal year, the department of 73994  
developmental disabilities shall determine each ICF/IID's per 73995  
medicaid day direct care costs component rate. An ICF/IID's rate 73996  
shall be determined as follows: 73997

(1) Determine the product of the following: 73998

(a) The ICF/IID's quarterly case-mix score determined or 73999  
assigned under section 5124.193 of the Revised Code for the 74000  
following calendar quarter: 74001

(i) For the rate determined for fiscal year 2019, the 74002  
calendar quarter ending December 31, 2017; 74003

(ii) For the rate determined for each subsequent fiscal year, 74004  
the calendar quarter ending on the last day of March of the 74005  
calendar year in which the fiscal year begins. 74006

(b) The lesser of the following: 74007

(i) The ICF/IID's cost per case-mix unit for the applicable 74008  
cost report year as determined under division (B) of this section; 74009

(ii) The maximum cost per case-mix unit for the ICF/IID's 74010  
peer group for the fiscal year for which the rate is determined as 74011  
determined under division (C) of this section. 74012

(2) Adjust the product determined under division (A)(1) of 74013  
this section by the inflation rate estimated under division (D) of 74014  
this section. 74015

(B) To determine an ICF/IID's cost per case-mix unit for a 74016  
cost report year, the department shall determine the quotient of 74017  
the following: 74018

(1) The ICF/IID's desk-reviewed, actual, allowable, per diem 74019  
direct care costs for the cost report year; 74020

(2) The ICF/IID's annual average case-mix score as determined 74021  
under section 5124.193 of the Revised Code for the fiscal year for 74022

which the rate is determined. 74023

(C)(1) The maximum cost per case-mix unit for a peer group 74024  
for a fiscal year, other than peer group ~~5-A5~~, is the following 74025  
percentage above the peer group's median cost per case-mix unit 74026  
for that fiscal year: 74027

(a) For peer group ~~1-A1~~, sixteen per cent; 74028

(b) For peer group ~~2-A2~~, fourteen per cent; 74029

(c) For peer group ~~3-A3~~, eighteen per cent; 74030

(d) For peer group ~~4-A4~~, twenty-two per cent. 74031

(2) The maximum cost per case-mix unit for peer group ~~5-A5~~ 74032  
for a fiscal year is the ninety-fifth percentile of all ICFs/IID 74033  
in peer group ~~5-A5~~ for the applicable cost report year. 74034

(3) In determining the maximum cost per case-mix unit for a 74035  
peer group under division (C)(1) of this section, the department 74036  
shall exclude from its determination the cost per case-mix unit of 74037  
any ICF/IID in the peer group that participated in the medicaid 74038  
program under the same provider for less than twelve months during 74039  
the applicable cost report year. 74040

(4) In determining the maximum cost per case-mix unit for a 74041  
peer group under division (C)(1) or (2) of this section, the 74042  
department shall exclude from its determination the cost per 74043  
case-mix unit of any ICF/IID in the peer group that has a case-mix 74044  
score that was assigned by the department to the ICF/IID under 74045  
division (B) of section 5124.193 of the Revised Code. 74046

(5) The department shall not reset a peer group's maximum 74047  
cost per case-mix unit for a fiscal year under division (C)(1) or 74048  
(2) of this section based on additional information that the 74049  
department receives after it sets the maximum for that fiscal 74050  
year. The department shall reset a peer group's maximum cost per 74051  
case-mix unit for a fiscal year only if it made an error in 74052

setting the maximum for that fiscal year based on information 74053  
available to the department at the time it originally sets the 74054  
maximum for that fiscal year. 74055

(D) The department shall estimate the rate of inflation for 74056  
the eighteen-month period beginning on the first day of July of 74057  
the applicable cost report year and ending on the last day of 74058  
December of the fiscal year for which the rate is determined, 74059  
using the following: 74060

(1) Subject to division (D)(2) of this section, the 74061  
employment cost index for total compensation, health care and 74062  
social assistance component, published by the United States bureau 74063  
of labor statistics; 74064

(2) If the United States bureau of labor statistics ceases to 74065  
publish the index specified in division (D)(1) of this section, 74066  
the index that is subsequently published by the bureau and covers 74067  
the staff costs of ICFs/IID. 74068

**Sec. 5124.191.** (A) As used in sections 5124.191 to 5124.193 74069  
of the Revised Code, "ICF/IID resident" includes an individual who 74070  
is on hospital or therapeutic leave from an ICF/IID. 74071

(B) In accordance with rules adopted under section 5124.03 of 74072  
the Revised Code, the department of developmental disabilities 74073  
shall assess each ICF/IID resident regardless of payment source 74074  
and compile complete assessment data on the residents. The 74075  
department shall perform the initial assessment of an ICF/IID 74076  
resident. The department may perform a subsequent assessment of an 74077  
ICF/IID resident under any of the following circumstances: 74078

(1) The provider of the ICF/IID in which the resident resides 74079  
or from which the resident is on hospital or therapeutic leave has 74080  
submitted to the department under division (D) of this section 74081  
revised assessment data for the resident or an attestation of no 74082

changes in the resident's assessment data and the department has 74083  
reason to believe that the revised assessment data or attestation 74084  
is inaccurate; 74085

(2) The department has reason to believe that the resident's 74086  
most recent assessment no longer accurately reflects the 74087  
resident's condition; 74088

(3) The department determines that the resident's most recent 74089  
assessment should be updated because of the passage of time since 74090  
that assessment was performed. 74091

(C) If an ICF/IID provider disagrees with the results of an 74092  
assessment performed by the department under this section, the 74093  
provider may request that the department reconsider the results in 74094  
accordance with rules adopted under section 5124.03 of the Revised 74095  
Code. 74096

(D) After the department assesses an ICF/IID resident under 74097  
this section, the provider of the ICF/IID in which the resident 74098  
resides or from which the resident is on hospital or therapeutic 74099  
leave shall submit to the department, not later than fifteen days 74100  
after the end of each subsequent calendar quarter and through the 74101  
medium or media specified in rules adopted under section 5124.03 74102  
of the Revised Code, either of the following: 74103

(1) Revised assessment data for the resident if there are 74104  
changes in the resident's assessment data; 74105

(2) An attestation that there are no changes in the 74106  
resident's assessment data. 74107

(E) A resident assessment instrument specified in rules 74108  
adopted under section 5124.03 of the Revised Code shall be used to 74109  
compile or revise assessment data of ICF/IID residents under this 74110  
section. ~~The resident assessment instrument used for the purpose 74111  
of this section may be different from the resident assessment 74112  
instrument used for the purpose of section 5124.196 of the Revised 74113~~

Code- 74114

**Sec. 5124.21.** (A) For each fiscal year, the department of 74115  
developmental disabilities shall determine each ICF/IID's per 74116  
medicaid day indirect care costs component rate. An ICF/IID's rate 74117  
shall be the lesser of the individual rate determined under 74118  
division (B) of this section and the maximum rate determined for 74119  
the ICF/IID's peer group under division (C) of this section. 74120

(B) An ICF/IID's individual rate is the sum of the following: 74121

(1) The ICF/IID's desk-reviewed, actual, allowable, per diem 74122  
indirect care costs for the applicable cost report year, adjusted 74123  
for the inflation rate estimated under division (E) of this 74124  
section; 74125

(2) Subject to division (D) of this section, an efficiency 74126  
incentive equal to the difference between the amount of the per 74127  
diem indirect care costs for the applicable cost report year 74128  
determined for the ICF/IID under division (B)(1) of this section 74129  
and the maximum rate established for the ICF/IID's peer group 74130  
under division (C) of this section for that year. 74131

(C)(1) The maximum rate for an ICF/IID's peer group shall be 74132  
the following percentage above the peer group's median per diem 74133  
indirect care costs for the applicable cost report year: 74134

(a) For ICFs/IID in peer group ~~1-A1~~, eight per cent; 74135

(b) For ICFs/IID in peer group ~~2-A2~~ or peer group ~~3-A3~~, ten 74136  
per cent; 74137

(c) For ICFs/IID in peer group ~~4-A4~~ or peer group ~~5-A5~~, 74138  
twelve per cent. 74139

(2) The department shall not redetermine a peer group's 74140  
maximum rate under division (C)(1) of this section based on 74141  
additional information that it receives after the maximum rate is 74142  
set. The department shall redetermine a peer group's maximum rate 74143

only if the department made an error in computing the maximum rate 74144  
based on the information available to the department at the time 74145  
of the original calculation. 74146

(D) The efficiency incentive for an ICF/IID shall not exceed 74147  
the following: 74148

(1) If the ICF/IID is in peer group ~~1-A1~~, five per cent of 74149  
the peer group's maximum rate established under division (C)(1)(a) 74150  
of this section; 74151

(2) If the ICF/IID is in peer group ~~2-A2~~, peer group ~~3-A3~~, 74152  
peer group ~~4-A4~~, or peer group ~~5-A5~~, six per cent of the peer 74153  
group's maximum rate established under division (C)(1)(b) or (c) 74154  
of this section. 74155

(E) When adjusting rates for inflation under division (B)(1) 74156  
of this section, the department shall estimate the rate of 74157  
inflation for the eighteen-month period beginning on the first day 74158  
of July of the applicable cost report year and ending on the 74159  
thirty-first day of December of the fiscal year for which the rate 74160  
is determined. To estimate the rate of inflation, the department 74161  
shall use the following: 74162

(1) Subject to division (E)(2) of this section, the consumer 74163  
price index for all items for all urban consumers for the midwest 74164  
region, published by the United States bureau of labor statistics; 74165

(2) If the United States bureau of labor statistics ceases to 74166  
publish the index specified in division (E)(1) of this section, a 74167  
comparable index that the bureau publishes and the department 74168  
determines is appropriate. 74169

**Sec. 5124.23.** For each fiscal year, the department of 74170  
developmental disabilities shall determine each ICF/IID's per 74171  
medicaid day other protected costs component rate. An ICF/IID's 74172  
rate shall be the ICF/IID's desk-reviewed, actual, allowable, per 74173

diem other protected costs from the applicable cost report year, 74174  
adjusted for inflation using the following: 74175

(A) Subject to division (B) of this section, the consumer 74176  
price index for all urban consumers for nonprescription drugs and 74177  
medical supplies, as published by the United States bureau of 74178  
labor statistics; 74179

(B) If the United States bureau of labor statistics ceases to 74180  
publish the index specified in division ~~(B)(1)~~(A) of this section, 74181  
the index that is subsequently published by the bureau and covers 74182  
nonprescription drugs and medical supplies. 74183

**Sec. 5124.29.** Except as otherwise provided in section 5124.30 74184  
of the Revised Code, the department of developmental disabilities, 74185  
in determining whether an ICF/IID's direct care costs and indirect 74186  
care costs are allowable, shall place no limit on specific 74187  
categories of reasonable costs other than compensation of owners, 74188  
compensation of relatives of owners, and compensation of 74189  
administrators. 74190

Compensation cost limits for owners and relatives of owners 74191  
shall be based on compensation costs for individuals who hold 74192  
comparable positions but who are not owners or relatives of 74193  
owners, as reported on ICFs/IID's cost reports. As used in this 74194  
section, "comparable position" means the position that is held by 74195  
the owner or the owner's relative, if that position is listed 74196  
separately on the cost report form, or if the position is not 74197  
listed separately, the group of positions that is listed on the 74198  
cost report form and that includes the position held by the owner 74199  
or the owner's relative. In the case of an owner or owner's 74200  
relative who serves the ICFs/IID in a capacity such as corporate 74201  
officer, proprietor, or partner for which no comparable position 74202  
or group of positions is listed on the cost report form, the 74203

compensation cost limit shall be based on civil service 74204  
equivalents and shall be specified in rules adopted under section 74205  
5124.03 of the Revised Code. 74206

Compensation cost limits for administrators shall be based on 74207  
compensation costs for administrators who are not owners or 74208  
relatives of owners, as reported on ICFs/IID's cost reports. ~~For~~ 74209  
~~the purpose of determining an ICF/IID's total per medicaid day~~ 74210  
~~payment rate under division (C) of section 5124.15 of the Revised~~ 74211  
~~Code, compensation cost limits for administrators of four or more~~ 74212  
~~ICFs/IID shall be the same as the limits for administrators of~~ 74213  
~~ICFs/IID with one hundred fifty or more beds.~~ 74214

**Sec. 5124.30.** Except as provided in ~~sections~~ section 5124.17 74215  
and ~~5124.171~~ of the Revised Code, the costs of goods, services, 74216  
and facilities, furnished to an ICF/IID provider by a related 74217  
party are includable in the allowable costs of the provider at the 74218  
reasonable cost to the related party. 74219

**Sec. 5124.38.** (A) The director of developmental disabilities 74220  
shall establish a process under which an ICF/IID provider, or a 74221  
group or association of ICF/IID providers, may seek 74222  
reconsideration of medicaid payment rates established under this 74223  
chapter, ~~including a rate for direct care costs redetermined~~ 74224  
~~before the effective date of the rate as a result of an exception~~ 74225  
~~review conducted under section 5124.198 of the Revised Code.~~ 74226  
Except as provided in divisions (B) to (E) of this section, the 74227  
only issue that a provider, group, or association may raise in the 74228  
rate reconsideration is whether the rate was calculated in 74229  
accordance with this chapter and the rules adopted under section 74230  
5124.03 of the Revised Code. The provider, group, or association 74231  
may submit written arguments or other materials that support its 74232  
position. The provider, group, or association and department shall 74233  
take actions regarding the rate reconsideration within time frames 74234

specified in rules authorized by this section. 74235

If the department determines, as a result of the rate 74236  
reconsideration, that the rate established for one or more 74237  
ICFs/IID is less than the rate to which the ICF/IID is entitled, 74238  
the department shall increase the rate. If the department has paid 74239  
the incorrect rate for a period of time, the department shall pay 74240  
the provider of the ICF/IID the difference between the amount the 74241  
provider was paid for that period for the ICF/IID and the amount 74242  
the provider should have been paid for the ICF/IID. 74243

(B)(1) The department, through the rate reconsideration 74244  
process, may increase during a fiscal year the medicaid payment 74245  
rate determined for an ICF/IID under this chapter if the provider 74246  
demonstrates that the ICF/IID's actual, allowable costs have 74247  
increased because of any of the following extreme circumstances: 74248

(a) A natural disaster; 74249

(b) ~~A nonextensive renovation approved under division (E) of~~ 74250  
~~section 5124.171 of the Revised Code;~~ 74251

~~(e)~~ If the ICF/IID has an appropriate claims management 74252  
program, an increase in the ICF/IID's workers' compensation 74253  
experience rating of greater than five per cent; 74254

~~(d)~~(c) If the ICF/IID is an inner-city ICF/IID, increased 74255  
security costs; 74256

~~(e)~~(d) A change of ownership that results from bankruptcy, 74257  
foreclosure, or findings by the department of health of violations 74258  
of medicaid certification requirements; 74259

~~(f)~~(e) Other extreme circumstances specified in rules 74260  
authorized by this section. 74261

(2) An ICF/IID may qualify for a rate increase under this 74262  
division only if its per diem, actual, allowable costs have 74263  
increased to a level that exceeds its total rate. An increase 74264

under this division is subject to any rate limitations or maximum 74265  
rates established by this chapter for specific cost centers. Any 74266  
rate increase granted under this division shall take effect on the 74267  
first day of the first month after the department receives the 74268  
request. 74269

(C) The department, through the rate reconsideration process, 74270  
may increase an ICF/IID's rate as determined under this chapter if 74271  
the department, in the department's sole discretion, determines 74272  
that the rate as determined under those sections works an extreme 74273  
hardship on the ICF/IID. 74274

(D)(1) ~~When Subject to any applicable limitation under~~ 74275  
~~section 5124.17 of the Revised Code, when~~ beds certified for the 74276  
medicaid program are added to an existing ICF/IID or replaced at 74277  
the same site, the department, through the rate reconsideration 74278  
process, ~~may do either of the following to account for the costs~~ 74279  
~~of the beds that are added or replaced:~~ 74280

~~(a) Subject to any applicable limitation under section~~ 74281  
~~5124.17 of the Revised Code,~~ proportionately increase the 74282  
ICF/IID's per medicaid day capital component rate determined under 74283  
that section. 74284

~~(b) Subject to any applicable limitation under section~~ 74285  
~~5124.171 of the Revised Code,~~ proportionately increase the 74286  
ICF/IID's per medicaid day payment rate for reasonable capital 74287  
costs ~~determined under that section~~ to account for the costs of 74288  
the beds that are added or replaced. 74289

(2) If the department grants an increase under division 74290  
(D)(1)~~(a) or (b)~~ of this section, the increase shall go into 74291  
effect one month after the first day of the month after the 74292  
department receives sufficient documentation needed to determine 74293  
the amount of the increase. 74294

(3) ~~Any rate increase of an ICF/IID's per medicaid day~~ 74295

~~payment rate for reasonable capital costs determined under section 74296  
5124.171 of the Revised Code that is granted under division 74297  
(D)(1)(b) of this section after June 30, 1993, shall remain in 74298  
effect until the earlier of the following: 74299~~

~~(a) The effective date of a per medicaid day payment rate for 74300  
reasonable capital costs determined under section 5124.171 of the 74301  
Revised Code that includes costs incurred for a full calendar year 74302  
for the bed addition or bed replacement; 74303~~

~~(b) The date the provider of the ICF/IID begins to be paid a 74304  
rate determined under division (B) of section 5124.15 of the 74305  
Revised Code. 74306~~

~~(4) The provider of an ICF/IID that has its per medicaid day 74307  
payment rate for reasonable capital costs increased under division 74308  
(D)(1)(b)(D)(1) of this section shall report double accumulated 74309  
depreciation in an amount equal to the depreciation included in 74310  
the rate adjustment on its cost report for the first year of 74311  
operation. During the term of any loan used to finance a project 74312  
for which the rate increase is granted, the provider, if the 74313  
ICF/IID is operated by the same provider, shall subtract from the 74314  
interest costs it reports on the ICF/IID's cost report an amount 74315  
equal to the difference between the following: 74316~~

~~(a) The actual, allowable interest costs for the loan during 74317  
the calendar year for which the costs are being reported; 74318~~

~~(b) The actual, allowable interest costs attributable to the 74319  
loan that were used to calculate the rates paid to the provider 74320  
for the ICF/IID during the same calendar year. 74321~~

~~(E) If the provider of an ICF/IID submits to the department 74322  
revised assessment data for a resident of the ICF/IID under 74323  
division (D) of section 5124.191 of the Revised Code and the 74324  
revised assessment data results in at least a fifteen per cent 74325  
increase in the ICF/IID's case-mix score determined under section 74326~~

5124.193 of the Revised Code, the provider may request that the department, through the rate reconsideration process, increase the ICF/IID's per medicaid day direct care costs component rate determined under section 5124.19 of the Revised Code to account for the increase in the ICF/IID's case-mix score. If the department determines that the revised assessment data so increases the ICF/IID's case-mix score, the department shall grant the rate increase. The increase shall go into effect one month after the first day of the month after the department receives sufficient documentation needed to determine the amount of the increase.

(F) The department's decision at the conclusion of a rate reconsideration process is not subject to any administrative proceedings under Chapter 119. or any other provision of the Revised Code.

(G) The director of developmental disabilities shall adopt rules under section 5124.03 of the Revised Code as necessary to implement this section.

**Sec. 5124.39.** (A) Except as provided in divisions (B) and (C) of this section, if the provider of an ICF/IID in former peer group 1-B, as that group existed on the date immediately preceding the effective date of this amendment, obtained approval from the department of developmental disabilities to become a downsized ICF/IID not later than July 1, 2018, and the ICF/IID does not become a downsized ICF/IID by that date, the department shall recoup from the provider an amount equal to the sum of the following:

(1) The difference between the amount of the efficiency incentive payments the ICF/IID earned under former sections 5124.171 and 5124.211 of the Revised Code, as those sections existed on the date immediately preceding the effective date of

this amendment, because the provider obtained such approval and 74358  
the amount of the efficiency incentive payments the ICF/IID would 74359  
have earned under those sections had the provider not obtained 74360  
such approval; 74361

(2) An amount of interest on the difference determined under 74362  
division (A)(1) of this section. 74363

(B) The department shall exempt an ICF/IID provider from a 74364  
recoupment otherwise required by this section if the provider 74365  
voluntarily repays the department the difference determined under 74366  
division (A)(1) of this section. No interest shall be charged on 74367  
the amount voluntarily repaid. 74368

(C) The department may exempt an ICF/IID provider from a 74369  
recoupment otherwise required by this section if both of the 74370  
following apply: 74371

(1) The provider, on or before July 1, 2018, demonstrates to 74372  
the department's satisfaction that the provider made a good faith 74373  
effort to complete the downsizing by July 1, 2018, but the ICF/IID 74374  
did not become a downsized ICF/IID by that date for reasons beyond 74375  
the provider's control; 74376

(2) The ICF/IID becomes a downsized ICF/IID within a period 74377  
of time after July 1, 2018, that the department determines is 74378  
reasonable. 74379

(D) An ICF/IID provider subject to a recoupment under 74380  
division (A) of this section or voluntarily making a repayment 74381  
under division (B) of this section shall choose one of the 74382  
following methods by which the recoupment or voluntary repayment 74383  
shall be made: 74384

(1) In a lump sum payment; 74385

(2) Subject to the department's approval, in installment 74386  
payments; 74387

(3) In a single deduction from the next available medicaid payment made to the provider if that payment at least equals the total amount of the recoupment or voluntary repayment;

(4) Subject to the department's approval, in installment deductions from medicaid payments made to the provider.

(E) An ICF/IID provider may request that the director of developmental disabilities reconsider either or both of the following:

(1) A decision that the provider is subject to a recoupment under this section;

(2) A determination under this section of the amount to be recouped from the provider.

(F) The director shall adopt rules under section 5124.03 of the Revised Code as necessary to implement this section, including rules specifying how the amount of interest charged under division (A)(2) of this section is to be determined.

**Sec. 5124.40.** If an ICF/IID provider properly amends a cost report for an ICF/IID under section 5124.107 of the Revised Code and the amended report shows that the provider received a lower medicaid payment rate under the original cost report than the provider was entitled to receive, the department of developmental disabilities shall adjust the provider's rate for the ICF/IID prospectively to reflect the corrected information. The department shall pay the adjusted rate beginning two months after the first day of the month after the provider files the amended cost report.

~~If the department finds, from an exception review of resident assessment data conducted pursuant to section 5124.198 of the Revised Code after the effective date of an ICF/IID's rate for direct care costs that is based on the resident assessment data, that inaccurate resident assessment data resulted in the provider~~

~~receiving a lower rate for the ICF/IID than the provider was 74418  
entitled to receive, the department prospectively shall adjust the 74419  
provider's rate for the ICF/IID accordingly. The department shall 74420  
make payments to the provider using the adjusted rate for the 74421  
remainder of the calendar quarter for which the resident 74422  
assessment data is used to determine the rate, beginning one month 74423  
after the first day of the month after the exception review is 74424  
completed. 74425~~

**Sec. 5124.41.** (A) The department of developmental 74426  
disabilities shall redetermine a provider's medicaid payment rate 74427  
for an ICF/IID using revised information if ~~any~~ either of the 74428  
following results in a determination that the provider received a 74429  
higher medicaid payment rate for the ICF/IID than the provider was 74430  
entitled to receive: 74431

(1) The provider properly amends a cost report for the 74432  
ICF/IID under section 5124.107 of the Revised Code; 74433

(2) The department makes a finding based on an audit under 74434  
section 5124.109 of the Revised Code; 74435

~~(3) The department makes a finding based on an exception 74436  
review of resident assessment data conducted under section 74437  
5124.198 of the Revised Code after the effective date of the 74438  
ICF/IID's rate for direct care costs that is based on the resident 74439  
assessment data. 74440~~

(B) The department shall apply the redetermined rate to the 74441  
periods when the provider received the incorrect rate to determine 74442  
the amount of the overpayment. The provider shall refund the 74443  
amount of the overpayment. The department may charge the provider 74444  
the following amount of interest from the time the overpayment was 74445  
made: 74446

(1) If the overpayment resulted from costs reported for 74447

calendar year 1993, the interest shall be not greater than one and 74448  
one-half times the current average bank prime rate. 74449

(2) If the overpayment resulted from costs reported for a 74450  
subsequent calendar year: 74451

(a) The interest shall be not greater than two times the 74452  
current average bank prime rate if the overpayment was not more 74453  
than one per cent of the total medicaid payments to the provider 74454  
for the fiscal year for which the incorrect information was used 74455  
to determine a rate. 74456

(b) The interest shall be not greater than two and one-half 74457  
times the current average bank prime rate if the overpayment was 74458  
more than one per cent of the total medicaid payments to the 74459  
provider for the fiscal year for which the incorrect information 74460  
was used to determine a rate. 74461

**Sec. 5124.46.** All of the following are subject to an 74462  
adjudication conducted in accordance with Chapter 119. of the 74463  
Revised Code: 74464

(A) Any audit disallowance that the department of 74465  
developmental disabilities makes as the result of an audit under 74466  
section 5124.109 of the Revised Code; 74467

~~(B) Any adverse finding that results from an exception review 74468  
of resident assessment data conducted for an ICF/IID under section 74469  
5124.198 of the Revised Code after the effective date of the 74470  
ICF/IID's medicaid payment rate for direct care costs that is 74471  
based on the resident assessment data; 74472~~

~~(C)~~ Any medicaid payment deemed an overpayment under section 74473  
5124.523 of the Revised Code; 74474

~~(D)~~(C) Any penalty the department imposes under section 74475  
5124.42 of the Revised Code or section 5124.523 of the Revised 74476  
Code. 74477

|                                                                                                                                                                                                                                                                                                                                                                                                     |                                                             |
|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-------------------------------------------------------------|
| Sec. 5126.044. (A) As used in this section:                                                                                                                                                                                                                                                                                                                                                         | 74478                                                       |
| (1) "Eligible person" has the same meaning as in section 5126.03 of the Revised Code.                                                                                                                                                                                                                                                                                                               | 74479<br>74480                                              |
| (2) "Treatment" means the provision, coordination, or management of services provided to an eligible person.                                                                                                                                                                                                                                                                                        | 74481<br>74482                                              |
| (3) "Payment" means activities undertaken by a service provider or governmental entity to obtain or provide reimbursement for services to an eligible person.                                                                                                                                                                                                                                       | 74483<br>74484<br>74485                                     |
| (B) Except as provided in division (C) of this section, no person shall disclose the identity of an individual who requests programs or services under this chapter or release a record or report regarding an eligible person that is maintained by a county board of developmental disabilities or an entity under contract with a county board unless one of the following circumstances exists: | 74486<br>74487<br>74488<br>74489<br>74490<br>74491<br>74492 |
| (1) The individual, eligible person, or the individual's guardian, or, if the individual is a minor, the individual's parent or guardian, makes a written request to the county board or entity for or approves in writing disclosure of the individual's identity or release of the record or report regarding the eligible person.                                                                | 74493<br>74494<br>74495<br>74496<br>74497<br>74498          |
| (2) Disclosure of the identity of an individual is needed for approval of a direct services contract under section 5126.032 or 5126.033 of the Revised Code. The county board shall release only the individual's name and the general nature of the services to be provided.                                                                                                                       | 74499<br>74500<br>74501<br>74502<br>74503                   |
| (3) Disclosure of the identity of the individual is needed to ascertain that the county board's waiting lists for programs or services are being maintained in accordance with section 5126.042 of the Revised Code and the rules adopted under that section. The                                                                                                                                   | 74504<br>74505<br>74506<br>74507                            |

county board shall release only the individual's name, the general 74508  
nature of the programs or services to be provided the individual, 74509  
the individual's rank on each waiting list that includes the 74510  
individual, and any circumstances under which the individual was 74511  
given priority when placed on a waiting list. 74512

(4) Disclosure of the identity of an individual who is an 74513  
eligible person is needed for treatment of or payment for services 74514  
provided to the individual. 74515

(5) Release of a record or report regarding an individual 74516  
that is maintained by the county board or an entity under contract 74517  
with a county board is requested by a probate court pursuant to a 74518  
proceeding under Chapter 2111. of the Revised Code. Any record or 74519  
report released under this division may only, in the court's 74520  
discretion, be released to the parties to the proceeding. 74521

(6) Release of a record or report regarding an individual 74522  
that is maintained by the county board or an entity under contract 74523  
with a county board is requested by the department of 74524  
developmental disabilities for purposes of a proceeding under 74525  
sections 5123.69 to 5123.79 of the Revised Code or for the 74526  
department to comply with any court order issued under sections 74527  
2945.371 to 2945.402 of the Revised Code. 74528

(C)(1) At the request of an eligible person or the person's 74529  
guardian or, if the eligible person is a minor, the person's 74530  
parent or guardian, a county board or entity under contract with a 74531  
county board shall provide the person who made the request access 74532  
to records and reports regarding the eligible person. On written 74533  
request, the county board or entity shall provide copies of the 74534  
records and reports to the eligible person, guardian, or parent. 74535  
The county board or entity may charge a reasonable fee to cover 74536  
the costs of copying. The county board or entity may waive the fee 74537  
in cases of hardship. 74538

(2) A county board shall provide access to any waiting list 74539  
or record or report regarding an eligible person maintained by the 74540  
board to any state agency responsible for monitoring and reviewing 74541  
programs and services provided or arranged by the county board, 74542  
any state agency involved in the coordination of services for an 74543  
eligible person, and any agency under contract with the department 74544  
of developmental disabilities for the provision of protective 74545  
service pursuant to section 5123.56 of the Revised Code. 74546

(3) When an eligible person who requests programs or services 74547  
under this chapter dies, the county board or entity under contract 74548  
with the county board, shall, on written request, provide to both 74549  
of the following persons any reports and records in the board or 74550  
entity's possession concerning the eligible person: 74551

(a) If the report or records are necessary to administer the 74552  
estate of the person who is the subject of the reports or records, 74553  
to the executor or administrator of the person's estate; 74554

(b) To the guardian of the person who is the subject of the 74555  
reports or records or, if the individual had no guardian at the 74556  
time of death, to a person in the first applicable of the 74557  
following categories: 74558

(i) The person's spouse; 74559

(ii) The person's children; 74560

(iii) The person's parents; 74561

(iv) The person's brothers or sisters; 74562

(v) The person's uncles or aunts; 74563

(vi) The person's closest relative by blood or adoption; 74564

(vii) The person's closest relative by marriage. 74565

The county board or entity shall provide the reports and 74566  
records as required by division (C)(3) of this section not later 74567  
than thirty days after receipt of the request. 74568

(D) A county board shall notify an eligible person, the 74569  
person's guardian, or, if the eligible person is a minor, the 74570  
person's parent or guardian, prior to destroying any record or 74571  
report regarding the eligible person. 74572

**Sec. 5126.05.** (A) Subject to the rules established by the 74573  
director of developmental disabilities pursuant to Chapter 119. of 74574  
the Revised Code for programs and services offered pursuant to 74575  
this chapter, and subject to the rules established by the state 74576  
board of education pursuant to Chapter 119. of the Revised Code 74577  
for programs and services offered pursuant to Chapter 3323. of the 74578  
Revised Code, the county board of developmental disabilities 74579  
shall: 74580

(1) Administer and operate facilities, programs, and services 74581  
as provided by this chapter and Chapter 3323. of the Revised Code 74582  
and establish policies for their administration and operation; 74583

(2) Coordinate, monitor, and evaluate existing services and 74584  
facilities available to individuals with developmental 74585  
disabilities; 74586

(3) Provide early childhood services, supportive home 74587  
services, and adult services, according to the plan and priorities 74588  
developed under section 5126.04 of the Revised Code; 74589

(4) Provide or contract for special education services 74590  
pursuant to Chapters 3317. and 3323. of the Revised Code and 74591  
ensure that related services, as defined in section 3323.01 of the 74592  
Revised Code, are available according to the plan and priorities 74593  
developed under section 5126.04 of the Revised Code; 74594

(5) Adopt a budget, authorize expenditures for the purposes 74595  
specified in this chapter and do so in accordance with section 74596  
319.16 of the Revised Code, approve attendance of board members 74597  
and employees at professional meetings and approve expenditures 74598

for attendance, and exercise such powers and duties as are 74599  
prescribed by the director; 74600

(6) Submit annual reports of its work and expenditures, 74601  
pursuant to sections 3323.09 and ~~5126.12~~ 5126.131 of the Revised 74602  
Code, to the director, the superintendent of public instruction, 74603  
and the board of county commissioners at the close of the fiscal 74604  
year and at such other times as may reasonably be requested; 74605

(7) Authorize all positions of employment, establish 74606  
compensation, including but not limited to salary schedules and 74607  
fringe benefits for all board employees, approve contracts of 74608  
employment for management employees that are for a term of more 74609  
than one year, employ legal counsel under section 309.10 of the 74610  
Revised Code, and contract for employee benefits. A county board 74611  
may provide benefits through an individual or joint self-insurance 74612  
program as provided under section 9.833 of the Revised Code. 74613

(8) Provide service and support administration in accordance 74614  
with section 5126.15 of the Revised Code; 74615

(9) Certify respite care homes pursuant to rules adopted 74616  
under section 5123.171 of the Revised Code by the director of 74617  
developmental disabilities; 74618

(10) Implement an employment first policy that clearly 74619  
identifies community employment as the desired outcome for every 74620  
individual of working age who receives services from the board; 74621

(11) Set benchmarks for improving community employment 74622  
outcomes. 74623

(B) To the extent that rules adopted under this section apply 74624  
to the identification and placement of children with disabilities 74625  
under Chapter 3323. of the Revised Code, they shall be consistent 74626  
with the standards and procedures established under sections 74627  
3323.03 to 3323.05 of the Revised Code. 74628

(C) Any county board may enter into contracts with other such boards and with public or private, nonprofit, or profit-making agencies or organizations of the same or another county, to provide the facilities, programs, and services authorized or required, upon such terms as may be agreeable, and in accordance with this chapter and Chapter 3323. of the Revised Code and rules adopted thereunder and in accordance with sections 307.86 and 5126.071 of the Revised Code.

(D) A county board may combine transportation for children and adults enrolled in programs and services offered under Chapter 5126. of the Revised Code with transportation for children enrolled in classes funded under sections 3317.0213 and 3317.20 of the Revised Code.

(E) A county board may purchase all necessary insurance policies, may purchase equipment and supplies through the department of administrative services or from other sources, and may enter into agreements with public agencies or nonprofit organizations for cooperative purchasing arrangements.

(F) A county board may receive by gift, grant, devise, or bequest any moneys, lands, or property for the benefit of the purposes for which the board is established and hold, apply, and dispose of the moneys, lands, and property according to the terms of the gift, grant, devise, or bequest. All money received by gift, grant, bequest, or disposition of lands or property received by gift, grant, devise, or bequest shall be deposited in the county treasury to the credit of such board and shall be available for use by the board for purposes determined or stated by the donor or grantor, but may not be used for personal expenses of the board members. Any interest or earnings accruing from such gift, grant, devise, or bequest shall be treated in the same manner and subject to the same provisions as such gift, grant, devise, or bequest.

(G) The board of county commissioners shall levy taxes and 74661  
make appropriations sufficient to enable the county board of 74662  
developmental disabilities to perform its functions and duties, 74663  
and may utilize any available local, state, and federal funds for 74664  
such purpose. 74665

**Sec. 5126.054.** Annually, on or before the thirty-first day of 74666  
December each year, each county board of developmental 74667  
disabilities shall, ~~by resolution, develop and~~ submit to the 74668  
department of developmental disabilities ~~an annual plan that~~ 74669  
~~includes both of the following components:~~ 74670

~~(A) The number of individuals with developmental disabilities 74671  
residing in the county who are placed on the county board's 74672  
waiting list established for the services pursuant to section 74673  
5126.042 of the Revised Code; the service needs of those 74674  
individuals; and the projected annualized cost for services;~~ 74675

~~(B) The An annual waiver allocation projection that contains 74676  
the projected number of individuals to whom the board intends to 74677  
provide home and community-based services based on available 74678  
funding as projected in the board's annual five-year projection 74679  
report submitted pursuant to section 5126.053 of the Revised Code;~~ 74680

~~(C) How the services are to be phased in over the period the 74681  
plan covers, including how the county board will serve the 74682  
individuals identified in divisions (A)(1) and (2) of this 74683  
section;~~ 74684

~~(D) Any other applicable information or conditions that the 74685  
department requires as a condition of approving the plan under 74686  
section 5123.046 of the Revised Code~~(B) Assurances that the county 74687  
board does both of the following: 74688

(1) Employs or contracts with a business manager, or has 74689  
entered into an agreement with another county board that employs 74690

or contacts with a business manager to have that business manager 74691  
serve both counties. The superintendent of a county board shall 74692  
not serve as the business manager of the county board. 74693

(2) Employs or contracts with a medicaid services manager, or 74694  
has entered into an agreement with another county board that 74695  
employs or contracts with a medicaid services manager to have that 74696  
medicaid services manager serve both counties. The superintendent 74697  
of a county board shall not serve as the medicaid services manager 74698  
of the county board. 74699

**Sec. 5126.055.** (A) Except as provided in section 5126.056 of 74700  
the Revised Code, a county board of developmental disabilities has 74701  
medicaid local administrative authority to, and shall, do all of 74702  
the following for an individual with a developmental disability 74703  
who resides in the county that the county board serves and seeks 74704  
or receives home and community-based services: 74705

(1) Perform assessments and evaluations of the individual. As 74706  
part of the assessment and evaluation process, all of the 74707  
following apply: 74708

(a) The county board shall make a recommendation to the 74709  
department of developmental disabilities on whether the department 74710  
should approve or deny the individual's application for the 74711  
services, including on the basis of whether the individual needs 74712  
the level of care an ICF/IID provides. 74713

(b) If the individual's application is denied because of the 74714  
county board's recommendation and the individual appeals pursuant 74715  
to section 5160.31 of the Revised Code, the county board shall 74716  
present, with the department of developmental disabilities or 74717  
department of medicaid, whichever denies the application, the 74718  
reasons for the recommendation and denial at the hearing. 74719

(c) If the individual's application is approved, the county 74720

board shall recommend to the departments of developmental 74721  
disabilities and medicaid the services that should be included in 74722  
the individual service plan. If either department under section 74723  
5166.21 of the Revised Code approves, reduces, denies, or 74724  
terminates a service included in the plan because of the county 74725  
board's recommendation, the board shall present, with the 74726  
department that made the approval, reduction, denial, or 74727  
termination, the reasons for the recommendation and approval, 74728  
reduction, denial, or termination at a hearing held pursuant to an 74729  
appeal made under section 5160.31 of the Revised Code. 74730

(2) Perform any duties assigned to the county board in rules 74731  
adopted under section 5126.046 of the Revised Code regarding the 74732  
individual's right to choose a qualified and willing provider of 74733  
the services and, at a hearing held pursuant to an appeal made 74734  
under section 5160.31 of the Revised Code, present evidence of the 74735  
process for appropriate assistance in choosing providers; 74736

(3) If the county board is certified under section 5123.161 74737  
of the Revised Code to provide the services and agrees to provide 74738  
the services to the individual and the individual chooses the 74739  
county board to provide the services, furnish, in accordance with 74740  
the county board's medicaid provider agreement and for the 74741  
authorized reimbursement rate, the services the individual 74742  
requires; 74743

(4) Monitor the services provided to the individual and 74744  
ensure the individual's health, safety, and welfare. The 74745  
monitoring shall include quality assurance activities. If the 74746  
county board provides the services, the department of 74747  
developmental disabilities shall also monitor the services. 74748

(5) Develop, with the individual and the provider of the 74749  
individual's services, an effective individual service plan that 74750  
includes coordination of services, recommend that the departments 74751  
of developmental disabilities and medicaid approve the plan, and 74752

implement the plan unless either department disapproves it. The 74753  
plan shall include a summary page, agreed to by the county board, 74754  
provider, and individual receiving services, that clearly outlines 74755  
the amount, duration, and scope of services to be provided under 74756  
the plan. 74757

(6) Have an investigative agent conduct investigations under 74758  
section 5126.313 of the Revised Code that concern the individual; 74759

(7) Have a service and support administrator perform the 74760  
duties under division (B)(8) of section 5126.15 of the Revised 74761  
Code that concern the individual. 74762

(B) A county board shall perform its medicaid local 74763  
administrative authority under this section in accordance with all 74764  
of the following: 74765

~~(1) The county board's plan that the department of 74766  
developmental disabilities approves under section 5123.046 of the 74767  
Revised Code;~~ 74768

~~(2) All applicable federal and state laws;~~ 74769

~~(3) (2) All applicable policies of the departments of 74770  
developmental disabilities and medicaid and the United States 74771  
department of health and human services;~~ 74772

~~(4) (3) The department of medicaid's supervision under its 74773  
authority as the single state medicaid agency;~~ 74774

~~(5) (4) The department of developmental disabilities' 74775  
oversight.~~ 74776

(C) The departments of developmental disabilities and 74777  
medicaid shall communicate with and provide training to county 74778  
boards regarding medicaid local administrative authority granted 74779  
by this section. The communication and training shall include 74780  
issues regarding audit protocols and other standards established 74781  
by the United States department of health and human services that 74782

the departments determine appropriate for communication and 74783  
training. County boards shall participate in the training. The 74784  
departments shall assess the county board's compliance against 74785  
uniform standards that the departments shall establish. 74786

(D) A county board may not delegate its medicaid local 74787  
administrative authority granted under this section but may 74788  
contract with a person or government entity, including a council 74789  
of governments, for assistance with its medicaid local 74790  
administrative authority. A county board that enters into such a 74791  
contract shall notify the director of developmental disabilities. 74792  
The notice shall include the tasks and responsibilities that the 74793  
contract gives to the person or government entity. The person or 74794  
government entity shall comply in full with all requirements to 74795  
which the county board is subject regarding the person or 74796  
government entity's tasks and responsibilities under the contract. 74797  
The county board remains ultimately responsible for the tasks and 74798  
responsibilities. 74799

(E) A county board that has medicaid local administrative 74800  
authority under this section shall, through the departments of 74801  
developmental disabilities and medicaid, reply to, and cooperate 74802  
in arranging compliance with, a program or fiscal audit or program 74803  
violation exception that a state or federal audit or review 74804  
discovers. The department of medicaid shall timely notify the 74805  
department of developmental disabilities and the county board of 74806  
any adverse findings. After receiving the notice, the county 74807  
board, in conjunction with the department of developmental 74808  
disabilities, shall cooperate fully with the department of 74809  
medicaid and timely prepare and send to the department a written 74810  
plan of correction or response to the adverse findings. The county 74811  
board is liable for any adverse findings that result from an 74812  
action it takes or fails to take in its implementation of medicaid 74813  
local administrative authority. 74814

(F) If the department of developmental disabilities or 74815  
department of medicaid determines that a county board's 74816  
implementation of its medicaid local administrative authority 74817  
under this section is deficient, the department that makes the 74818  
determination shall require that county board do the following: 74819

(1) If the deficiency affects the health, safety, or welfare 74820  
of an individual with a developmental disability, correct the 74821  
deficiency within twenty-four hours; 74822

(2) If the deficiency does not affect the health, safety, or 74823  
welfare of an individual with a developmental disability, receive 74824  
technical assistance from the department or submit a plan of 74825  
correction to the department that is acceptable to the department 74826  
within sixty days and correct the deficiency within the time 74827  
required by the plan of correction. 74828

**Sec. 5126.056.** (A) The department of developmental 74829  
disabilities shall take action under division (B) of this section 74830  
against a county board of developmental disabilities if ~~any~~ either 74831  
of the following are the case: 74832

~~(1) The county board fails to submit to the department all 74833  
the components of its annual plan required by section 5126.054 of 74834  
the Revised Code. 74835~~

~~(2) The department disapproves the county board's annual plan 74836  
under section 5123.046 of the Revised Code. 74837~~

~~(3) The county board fails to implement its annual plan 74838  
approved by the department. 74839~~

~~(4) The county board fails to correct a deficiency within the 74840  
time required by division (F) of section 5126.055 of the Revised 74841  
Code to the satisfaction of the department. 74842~~

~~(5) (2) The county board fails to submit an acceptable plan 74843  
of correction to the department within the time required by 74844~~

division (F)(2) of section 5126.055 of the Revised Code. 74845

(B) If required by division (A) of this section to take 74846  
action against a county board, the department shall issue an order 74847  
terminating the county board's medicaid local administrative 74848  
authority over all or part of home and community-based services, 74849  
medicaid case management services, or all or part of both of those 74850  
services. The department shall provide a copy of the order to the 74851  
board of county commissioners, senior probate judge, county 74852  
auditor, and president and superintendent of the county board. The 74853  
department shall specify in the order the medicaid local 74854  
administrative authority that the department is terminating, the 74855  
reason for the termination, and the county board's option and 74856  
responsibilities under this division. 74857

A county board whose medicaid local administrative authority 74858  
is terminated may, not later than thirty days after the department 74859  
issues the termination order, recommend to the department that 74860  
another county board that has not had any of its medicaid local 74861  
administrative authority terminated or another entity the 74862  
department approves administer the services for which the county 74863  
board's medicaid local administrative authority is terminated. The 74864  
department may contract with the other county board or entity to 74865  
administer the services. If the department enters into such a 74866  
contract, the county board shall adopt a resolution giving the 74867  
other county board or entity full medicaid local administrative 74868  
authority over the services that the other county board or entity 74869  
is to administer. The other county board or entity shall be known 74870  
as the contracting authority. 74871

If the department rejects the county board's recommendation 74872  
regarding a contracting authority, the county board may appeal the 74873  
rejection under section 5123.043 of the Revised Code. 74874

If the county board does not submit a recommendation to the 74875  
department regarding a contracting authority within the required 74876

time or the department rejects the county board's recommendation 74877  
and the rejection is upheld pursuant to an appeal, if any, under 74878  
section 5123.043 of the Revised Code, the department shall appoint 74879  
an administrative receiver to administer the services for which 74880  
the county board's medicaid local administrative authority is 74881  
terminated. To the extent necessary for the department to appoint 74882  
an administrative receiver, the department may utilize employees 74883  
of the department, management personnel from another county board, 74884  
or other individuals who are not employed by or affiliated with in 74885  
any manner a person that provides home and community-based 74886  
services or medicaid case management services pursuant to a 74887  
contract with any county board. The administrative receiver shall 74888  
assume full administrative responsibility for the county board's 74889  
services for which the county board's medicaid local 74890  
administrative authority is terminated. 74891

The contracting authority or administrative receiver shall 74892  
develop and submit to the department a plan of correction to 74893  
remediate the problems that caused the department to issue the 74894  
termination order. If, after reviewing the plan, the department 74895  
approves it, the contracting authority or administrative receiver 74896  
shall implement the plan. 74897

The county board shall transfer control of state and federal 74898  
funds it is otherwise eligible to receive for the services for 74899  
which the county board's medicaid local administrative authority 74900  
is terminated and funds the county board may use under division 74901  
(A) of section 5126.0511 of the Revised Code to pay the nonfederal 74902  
share of the services that the county board is required by 74903  
sections 5126.059 and 5126.0510 of the Revised Code to pay. The 74904  
county board shall transfer control of the funds to the 74905  
contracting authority or administrative receiver administering the 74906  
services. The amount the county board shall transfer shall be the 74907  
amount necessary for the contracting authority or administrative 74908

receiver to fulfill its duties in administering the services, 74909  
including its duties to pay its personnel for time worked, travel, 74910  
and related matters. If the county board fails to make the 74911  
transfer, the department may withhold the state and federal funds 74912  
from the county board and bring a mandamus action against the 74913  
county board in the court of common pleas of the county served by 74914  
the county board or in the Franklin county court of common pleas. 74915  
The mandamus action may not require that the county board transfer 74916  
any funds other than the funds the county board is required by 74917  
division (B) of this section to transfer. 74918

The contracting authority or administrative receiver has the 74919  
right to authorize the payment of bills in the same manner that 74920  
the county board may authorize payment of bills under this chapter 74921  
and section 319.16 of the Revised Code. 74922

**Sec. 5126.071.** (A) As used in this section, "minority 74923  
business enterprise" has the meaning given in division (E)(1) of 74924  
section 122.71 of the Revised Code. 74925

(B) Any minority business enterprise that desires to bid on a 74926  
contract under division (C) or (D) of this section shall first 74927  
apply to the ~~equal employment opportunity coordinator in the~~ 74928  
department of ~~administrative services~~development for certification 74929  
as a minority business enterprise. The ~~coordinator~~director of 74930  
development shall approve the application of any minority business 74931  
enterprise that complies with the rules adopted under section 74932  
122.71 of the Revised Code. The ~~coordinator~~director shall prepare 74933  
and maintain a list of minority business enterprises certified 74934  
under this section. 74935

(C) From the contracts to be awarded for the purchases of 74936  
equipment, materials, supplies, insurance, and nonprogram 74937  
services, other than contracts entered into and exempt under 74938  
sections 307.86 and 5126.05 of the Revised Code, each county board 74939

of developmental disabilities shall select a number of contracts 74940  
with an aggregate value of approximately fifteen per cent of the 74941  
total estimated value of such contracts to be awarded in the 74942  
current calendar year. The board shall set aside the contracts so 74943  
selected for bidding by minority business enterprises only. The 74944  
bidding procedures for such contracts shall be the same as for all 74945  
other contracts awarded under section 307.86 of the Revised Code, 74946  
except that only minority business enterprises certified and 74947  
listed under division (B) of this section shall be qualified to 74948  
submit bids. Contracts set aside and awarded under this section 74949  
shall not include contracts for the purchase of services such as 74950  
direct and ancillary services, service and support administration, 74951  
residential services, and family support services. 74952

(D) To the extent that a board is authorized to enter into 74953  
contracts for construction which are not exempt from the 74954  
competitive bidding requirements of section 307.86 of the Revised 74955  
Code, the board shall set aside a number of contracts the 74956  
aggregate value of which equals approximately five per cent of the 74957  
aggregate value of construction contracts for the current calendar 74958  
year for bidding by minority business enterprises only. The 74959  
bidding procedures for the contracts set aside for minority 74960  
business enterprises shall be the same as for all other contracts 74961  
awarded by the board, except that only minority business 74962  
enterprises certified and listed under division (B) of this 74963  
section shall be qualified to submit bids. 74964

Any contractor awarded a construction contract pursuant to 74965  
this section shall make every effort to ensure that certified 74966  
minority business subcontractors and materials suppliers 74967  
participate in the contract. In the case of contracts specified in 74968  
this division, the total value of subcontracts awarded to and 74969  
materials and services purchased from minority businesses shall be 74970  
at least ten per cent of the total value of the contract, wherever 74971

possible and whenever the contractor awards subcontracts or 74972  
purchases materials or services. 74973

(E) In the case of contracts set aside under divisions (C) 74974  
and (D) of this section, if no bid is submitted by a minority 74975  
business enterprise, the contract shall be awarded according to 74976  
normal bidding procedures. The board shall from time to time set 74977  
aside such additional contracts as are necessary to replace those 74978  
contracts previously set aside on which no minority business 74979  
enterprise bid. 74980

(F) This section does not preclude any minority business 74981  
enterprise from bidding on any other contract not specifically set 74982  
aside for minority business enterprises. 74983

(G) Within ninety days after the beginning of each calendar 74984  
year, each county board of developmental disabilities shall file a 74985  
report with the department of developmental disabilities that 74986  
shows for that calendar year the name of each minority business 74987  
enterprise with which the board entered into a contract, the value 74988  
and type of each such contract, the total value of contracts 74989  
awarded under divisions (C) and (D) of this section, the total 74990  
value of contracts awarded for the purchases of equipment, 74991  
materials, supplies, or services, other than contracts entered 74992  
into under the exemptions of sections 307.86 and 5126.05 of the 74993  
Revised Code, and the total value of contracts entered into for 74994  
construction. 74995

(H) Any person who intentionally misrepresents that person as 74996  
owning, controlling, operating, or participating in a minority 74997  
business enterprise for the purpose of obtaining contracts or any 74998  
other benefits under this section shall be guilty of theft by 74999  
deception as provided for in section 2913.02 of the Revised Code. 75000

**Sec. 5126.131.** (A)(1) Each regional council established under 75001  
section 5126.13 of the Revised Code shall file with the department 75002

of developmental disabilities an annual cost report detailing the 75003  
regional council's income and expenditures. 75004

(2) Each county board of developmental disabilities shall 75005  
file with the department an annual cost report detailing the 75006  
board's income and expenditures. 75007

(B)(1)(a) Unless the department establishes a later date for 75008  
all regional council cost reports, each council shall file its 75009  
cost report not later than the last day of April. At the written 75010  
request of a regional council, the department may grant a 75011  
fourteen-day extension for filing the cost report. 75012

(b) Unless the department establishes a later date for all 75013  
county board cost reports, each board shall file its cost report 75014  
not later than the last day of May. At the written request of a 75015  
board, the department may grant a fourteen-day extension for 75016  
filing the board's cost report. 75017

(2) The cost report shall contain information on the previous 75018  
calendar year's income and expenditures. Once filed by a regional 75019  
council or board, no changes may be made to the cost report, 75020  
including the submission of additional documentation, except as 75021  
otherwise provided in this section. 75022

(C) Each cost report filed under this section by a regional 75023  
council or board ~~shall~~ may be audited by the department or an 75024  
entity designated by the department, utilizing methodology 75025  
approved by the United States centers for medicare and medicaid 75026  
services. The department or designated entity shall notify the 75027  
regional council or board of the date on which the audit is to 75028  
begin. The department may permit a regional council or board to 75029  
submit changes to the cost report before the audit begins. 75030

If the department or designated entity determines that a 75031  
filed cost report is not auditable, it shall provide written 75032

notification to the regional council or board of the cost report's 75033  
deficiencies and may request additional documentation. If the 75034  
department or designated entity requests additional documentation, 75035  
the regional council or board shall be given sixty days after the 75036  
request is made to provide the additional documentation. After 75037  
sixty days, the department or designated entity shall determine 75038  
whether the cost report is auditable with any additional 75039  
documentation provided and shall notify the regional council or 75040  
board of its determination. The determination of the department or 75041  
designated entity is final. 75042

(D) The department or designated entity shall certify its 75043  
audit as complete and file a copy of the certified audit in the 75044  
office of the clerk of the governing body, executive officer of 75045  
the governing body, and chief fiscal officer of the audited 75046  
regional council or board. Changes may not be made to a cost 75047  
report once the department or designated entity files the 75048  
certified audit. The cost report is not a public record under 75049  
section 149.43 of the Revised Code until copies of the cost report 75050  
are filed pursuant to this section. 75051

(E) The department may withhold any funds that it distributes 75052  
to a regional council or board as subsidy payments if either of 75053  
the following is the case: 75054

(1) The cost report is not timely filed by the regional 75055  
council or board with the department in accordance with division 75056  
(B) of this section. 75057

(2) The cost report is determined not auditable under 75058  
division (C) of this section after the department or designated 75059  
entity gives the regional council or board sixty days to provide 75060  
additional documentation. 75061

(F) Cost reports shall be retained by regional councils and 75062  
boards for seven years. The department shall provide annual 75063

training to regional council and board employees regarding cost 75064  
reports required by this section. 75065

(G) The department, in accordance with Chapter 119. of the 75066  
Revised Code, may adopt any rules necessary to implement this 75067  
section. 75068

**Sec. 5145.31.** (A) As used in this section, "computer," 75069  
"computer network," "computer system," "computer services," 75070  
"telecommunications service," and "information service" have the 75071  
same meanings as in section 2913.01 of the Revised Code. 75072

(B) No officer or employee of a correctional institution 75073  
under the control or supervision of the department of 75074  
rehabilitation and correction shall provide a prisoner access to 75075  
or permit a prisoner to have access to the internet through the 75076  
use of a computer, computer network, computer system, computer 75077  
services, telecommunications service, or information service 75078  
unless both of the following apply: 75079

(1) The prisoner is ~~participating in an approved educational~~ 75080  
~~program with direct supervision that requires the use of the~~ 75081  
~~internet for training or research purposes~~ accessing the internet 75082  
solely for a use or purpose approved by the managing officer of 75083  
that prisoner's institution or by the managing officer's designee. 75084

(2) The provision of and access to the internet is in 75085  
accordance with rules promulgated by the department of 75086  
rehabilitation and correction pursuant to section 5120.62 of the 75087  
Revised Code. 75088

(C)(1) No prisoner in a correctional institution under the 75089  
control or supervision of the department of rehabilitation and 75090  
correction shall access the internet through the use of a 75091  
computer, computer network, computer system, computer services, 75092  
telecommunications service, or information service unless both of 75093

the following apply: 75094

(a) The prisoner is ~~participating in an approved educational~~ 75095  
~~program with direct supervision that requires the use of the~~ 75096  
~~internet for training or research purposes~~ accessing the internet 75097  
solely for a use or purpose approved by the managing officer of 75098  
that prisoner's institution or by the managing officer's designee. 75099

(b) The provision of and access to the internet is in 75100  
accordance with rules promulgated by the department of 75101  
rehabilitation and correction pursuant to section 5120.62 of the 75102  
Revised Code. 75103

(2) Whoever violates division (C)(1) of this section is 75104  
guilty of improper internet access, a misdemeanor of the first 75105  
degree. 75106

**Sec. 5149.31.** (A) The department of rehabilitation and 75107  
correction shall do all of the following: 75108

(1) Establish and administer a program of subsidies for 75109  
eligible counties and groups of counties for felony offenders and 75110  
a program of subsidies for eligible municipal corporations, 75111  
counties, and groups of counties for misdemeanor offenders for the 75112  
development, implementation, and operation of community 75113  
corrections programs. Department expenditures for administration 75114  
of both programs of subsidies shall not exceed ten per cent of the 75115  
moneys appropriated for each of the purposes of this division. 75116

(2) Adopt and promulgate rules, under Chapter 119. of the 75117  
Revised Code, providing standards for community corrections 75118  
programs. The standards adopted by the department shall specify 75119  
the class of offender whose degree of felony, whose community 75120  
control sanction revocation history, or whose risk level as 75121  
assessed by the single validated risk assessment tool described in 75122  
section 5120.114 of the Revised Code, make the offender suitable 75123

for participation in community corrections programs. The rules 75124  
shall make the level of subsidy provided to every county or group 75125  
of counties contingent upon the number of offenders participating 75126  
in community corrections programs each fiscal year who satisfy the 75127  
participation suitability standards established by the department 75128  
and upon the outcomes of any performance-based standards 75129  
established by the department. The standards shall be designed to 75130  
improve the quality and efficiency of the programs, to support 75131  
evidence-based policies and practices, as defined by the 75132  
department, and to reduce the number of persons committed to state 75133  
correctional institutions and to county, multicounty, municipal, 75134  
municipal-county, or multicounty-municipal jails or workhouses for 75135  
offenses for which community control sanctions are authorized 75136  
under section 2929.13, 2929.15, or 2929.25 of the Revised Code. In 75137  
developing the standards, the department shall consult with, and 75138  
seek the advice of, local corrections agencies, law enforcement 75139  
agencies, and other public and private agencies concerned with 75140  
corrections. The department shall conduct, and permit 75141  
participation by local corrections planning boards established 75142  
under section 5149.34 of the Revised Code and joint county 75143  
corrections planning boards established under section 5149.35 of 75144  
the Revised Code in, an annual review of the standards to measure 75145  
their effectiveness in promoting the purposes specified in this 75146  
division and shall amend or rescind any existing rule providing a 75147  
standard or adopt and promulgate additional rules providing 75148  
standards, under Chapter 119. of the Revised Code, if the review 75149  
indicates that the standards fail to promote the purposes. 75150

(3) Accept and use any funds, goods, or services from the 75151  
federal government or any other public or private source for the 75152  
support of the subsidy programs established under division (A) of 75153  
this section. The department may comply with any conditions and 75154  
enter into any agreements that it considers necessary to obtain 75155  
these funds, goods, or services. 75156

(4) Adopt rules, in accordance with Chapter 119. of the Revised Code, and do all other things necessary to implement sections 5149.30 to 5149.37 of the Revised Code;

(5) Evaluate or provide for the evaluation of community corrections programs funded by the subsidy programs established under division (A)(1) of this section and establish means of measuring their effectiveness;

(6) Prepare an annual report evaluating the subsidy programs established under division (A)(1) of this section. The report shall include, but need not be limited to, analyses of the structure of the programs and their administration by the department, the effectiveness of the programs in the development and implementation of community corrections programs, the specific standards adopted and promulgated under division (A)(2) of this section and their effectiveness in promoting the purposes of the programs, and the findings of the evaluations conducted under division (A)(5) of this section. The director of rehabilitation and correction shall review and certify the accuracy of the report and provide copies of it, upon request, to members of the general assembly.

(7) Provide training or assistance, upon the request of a local corrections planning board or a joint county corrections planning board, to any local unit of government, subject to available resources of the department.

(B)(1) In order to be eligible for the subsidies under this section, counties, groups of counties, and municipal corporations shall satisfy all applicable requirements under sections 2301.27 and 2301.30 of the Revised Code and, except for sentencing decisions made by a court when use of the risk assessment tool is discretionary, shall utilize the single validated risk assessment tool selected by the department under section 5120.114 of the Revised Code.

(2) The department shall give any county, group of counties, 75189  
or municipal corporation found to be noncompliant with the 75190  
requirements described in division (B)(1) of this section a 75191  
reasonable period of time to come into compliance. If the 75192  
noncompliant county, group of counties, or municipal corporation 75193  
does not become compliant after a reasonable period of time, the 75194  
department shall reduce or eliminate the subsidy granted to that 75195  
county, group of counties, or municipal corporation. 75196

**Sec. 5149.38.** (A) In each voluntary county, subject to 75197  
division (B) of this section and not later than ~~October~~ September 75198  
~~29~~, ~~2017~~ 2022, a county commissioner representing the board of 75199  
county commissioners of the county, the administrative judge of 75200  
the general division of the court of common pleas of the county, 75201  
the sheriff of the county, and an official from any municipality 75202  
operating a local correctional facility in the county to which 75203  
courts of the county sentence offenders shall agree to, sign, and 75204  
submit to the department of rehabilitation and correction for its 75205  
approval a memorandum of understanding that does ~~both~~ all of the 75206  
following: 75207

(1) Sets forth the plans by which the county will use grant 75208  
money provided to the county in state fiscal year ~~2018~~ 2023 and 75209  
succeeding state fiscal years under the targeting community 75210  
alternatives to prison (T-CAP) program; 75211

(2) Specifies the manner in which the county will address a 75212  
per diem reimbursement of local correctional facilities for 75213  
prisoners who serve a prison term in the facility pursuant to 75214  
division (B)(3)(c) of section 2929.34 of the Revised Code. The per 75215  
diem reimbursement rate shall be the rate determined in division 75216  
(F)(1) of this section and shall be specified in the memorandum; 75217

(3) Specifies whether the memorandum of understanding will 75218  
apply to prison terms for felonies of the fifth degree or prison 75219

terms for felonies of the fourth and fifth degree pursuant to 75220  
division (B)(3)(c) of section 2929.34 of the Revised Code. 75221

(B) Two or more voluntary counties may join together to 75222  
jointly establish a memorandum of understanding of the type 75223  
described in division (A) of this section. Not later than ~~October~~ 75224  
September 29<sup>1</sup>, 20172022, a county commissioner from each of the 75225  
affiliating voluntary counties representing the county's board of 75226  
county commissioners, the administrative judge of the general 75227  
division of the court of common pleas of each affiliating 75228  
voluntary county, the sheriff of each affiliating voluntary 75229  
county, and an official from any municipality operating a local 75230  
correctional facility in the affiliating voluntary counties to 75231  
which courts of the counties sentence offenders shall agree to, 75232  
sign, and submit to the department of rehabilitation and 75233  
correction for its approval the memorandum of understanding. The 75234  
memorandum of understanding shall set forth the plans by which, 75235  
and specify the manner in which, the affiliating counties will 75236  
complete the tasks identified in divisions (A)(1) ~~and (2)~~ to (3) 75237  
of this section. 75238

(C) The department of rehabilitation and correction shall 75239  
adopt rules establishing standards for approval of memorandums of 75240  
understanding submitted to it under division (A) or (B) of this 75241  
section. The department shall review the memorandums of 75242  
understanding submitted to it and may require the county or 75243  
counties that submit a memorandum to modify the memorandum. The 75244  
director of rehabilitation and correction shall approve 75245  
memorandums of understanding submitted to it under division (A) or 75246  
(B) of this section that the director determines satisfy the 75247  
standards adopted by the department within thirty days after 75248  
receiving each memorandum submitted. 75249

(D) Any person responsible for agreeing to, signing, and 75250  
submitting a memorandum of understanding under division (A) or (B) 75251

of this section may delegate the person's authority to do so to an 75252  
employee of the agency, entity, or office served by the person. 75253

(E) The persons signing a memorandum of understanding under 75254  
division (A) or (B) of this section, or their successors in 75255  
office, may revise the memorandum as they determine necessary. Any 75256  
revision of the memorandum shall be signed by the parties 75257  
specified in division (A) or (B) of this section and submitted to 75258  
the department of rehabilitation and correction for its approval 75259  
under division (C) of this section within thirty days after the 75260  
beginning of the state fiscal year. 75261

(F)(1) In each county, commencing in calendar year ~~2018~~ 2023, 75262  
on or before the first day of February of each calendar year the 75263  
sheriff shall determine the per diem costs for the preceding 75264  
calendar year for each of the local correctional facilities for 75265  
the housing in the facility of prisoners who serve a term in it 75266  
pursuant to division (B)(3)(c) of section 2929.34 of the Revised 75267  
Code. The per diem cost so determined shall apply in the calendar 75268  
year in which the determination is made. 75269

(2) For each county, the per diem cost determined under 75270  
division (F)(1) of this section that applies with respect to a 75271  
facility in a specified calendar year shall be the per diem rate 75272  
of reimbursement in that calendar year, under the targeting 75273  
community alternatives to prison (T-CAP) program, for prisoners 75274  
who serve a term in the facility pursuant to division (B)(3)(c) of 75275  
section 2929.34 of the Revised Code. 75276

(3) The per diem costs of housing determined under division 75277  
(F)(1) of this section for a facility shall be the actual costs of 75278  
housing the specified prisoners in the facility, on a per diem 75279  
basis. 75280

(G) As used in this section: 75281

(1) "Local correctional facility" means a facility of a type 75282

described in division (C) or (D) of section 2929.34 of the Revised Code. 75283  
75284

(2) "Voluntary county" has the same meanings as in section 2929.34 of the Revised Code. 75285  
75286

**Sec. 5153.122.** Each PCSA caseworker hired after January 1, 2007, shall complete at least one hundred two hours of in-service training during the first year of the caseworker's continuous employment as a PCSA caseworker, except that the executive director of the public children services agency may waive the training requirement for a school of social work graduate who participated in the university partnership program described in division (E) of section 5101.141 of the Revised Code and as provided in section 5153.124 of the Revised Code. The training shall consist of courses in all of the following: 75287  
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(A) Recognizing, accepting reports of, and preventing child abuse, neglect, and dependency; 75297  
75298

(B) Assessing child safety; 75299

(C) Assessing risks; 75300

(D) Interviewing persons; 75301

(E) Investigating cases; 75302

(F) Intervening; 75303

(G) Providing services to children and their families; 75304

(H) The importance of and need for accurate data; 75305

(I) Preparation for court; 75306

(J) Maintenance of case record information; 75307

(K) The legal duties of PCSA caseworkers to protect the constitutional and statutory rights of children and families from the initial time of contact during investigation through 75308  
75309  
75310

treatment, including instruction regarding parents' rights and the 75311  
limitations that the Fourth Amendment to the United States 75312  
Constitution places upon caseworkers and their investigations; 75313

(L) Content on other topics relevant to child abuse, neglect, 75314  
and dependency, including permanency strategies, concurrent 75315  
planning, and adoption as an option for unintended pregnancies. 75316

After a PCSA caseworker's first year of continuous employment 75317  
as a PCSA caseworker, the caseworker annually shall complete 75318  
thirty-six hours of training in areas relevant to the caseworker's 75319  
assigned duties. 75320

During the first two years of continuous employment as a PCSA 75321  
caseworker, each PCSA caseworker shall complete at least twelve 75322  
hours of training in recognizing the signs of domestic violence 75323  
and its relationship to child abuse as established in rules the 75324  
director of job and family services shall adopt pursuant to 75325  
Chapter 119. of the Revised Code. The twelve hours may be in 75326  
addition to the training required during the caseworker's first 75327  
year of employment or part of the training required during the 75328  
second year of employment. 75329

**Sec. 5153.124.** ~~(A)~~(A)(1) The director of job and family 75330  
services shall adopt rules as necessary to implement the training 75331  
requirements of sections 5153.122 and 5153.123 of the Revised 75332  
Code. 75333

(2) Not later than nine months after the effective date of 75334  
the amendment to this section by H.B. 110 of the 134th general 75335  
assembly, the director shall adopt rules in accordance with 75336  
Chapter 119. of the Revised Code to establish the circumstances 75337  
under which an executive director of a public children services 75338  
agency may waive portions of in-service training for PCSA 75339  
caseworkers, in addition to the waiver described in section 75340  
5153.122 of the Revised Code. 75341

(B) Notwithstanding sections 5103.33 to 5103.422 and sections 5153.122 to 5153.127 of the Revised Code, the department of job and family services may require additional training for PCSA caseworkers and PCSA caseworker supervisors as necessary to comply with federal requirements.

**Sec. 5153.163.** (A) As used in this section, ~~"adoptive:~~ 75347

(1) "Adoptive parent" means, as the context requires, a prospective adoptive parent or an adoptive parent. 75348

(2) "Relative" has the same meaning as in section 5101.141 of the Revised Code. 75350

(B)(1) Before a child's adoption is finalized, a public children services agency may enter into an agreement with the child's adoptive parent under which the agency, to the extent state funds are available, may make state adoption maintenance subsidy payments as needed on behalf of the child when all of the following apply:

(a) The child is a child with special needs. 75358

(b) The child was placed in the adoptive home by a public children services agency or a private child placing agency and may legally be adopted. 75359

(c) The adoptive parent has the capability of providing the permanent family relationships needed by the child. 75362

(d) The needs of the child are beyond the economic resources of the adoptive parent. 75364

(e) Acceptance of the child as a member of the adoptive parent's family would not be in the child's best interest without payments on the child's behalf under this section. 75366

(f) The gross income of the adoptive parent's family does not exceed one hundred twenty per cent of the median income of a 75369

family of the same size, including the child, as most recently 75371  
determined for this state by the secretary of health and human 75372  
services under Title XX of the "Social Security Act," 88 Stat. 75373  
2337, 42 U.S.C.A. 1397, as amended. 75374

(g) The child is not eligible for adoption assistance 75375  
payments under Title IV-E of the "Social Security Act," 94 Stat. 75376  
501 (1980), 42 U.S.C.A. 671, as amended. 75377

(2) State adoption maintenance subsidy payment agreements 75378  
must be made by either the public children services agency that 75379  
has permanent custody of the child or the public children services 75380  
agency of the county in which the private child placing agency 75381  
that has permanent custody of the child is located. 75382

(3) State adoption maintenance subsidy payments shall be made 75383  
in accordance with the agreement between the public children 75384  
services agency and the adoptive parent and are subject to an 75385  
annual redetermination of need. 75386

(4) Payments under this division may begin either before or 75387  
after issuance of the final adoption decree, except that payments 75388  
made before issuance of the final adoption decree may be made only 75389  
while the child is living in the adoptive parent's home. 75390  
Preadoption payments may be made for not more than twelve months, 75391  
unless the final adoption decree is not issued within that time 75392  
because of a delay in court proceedings. Payments that begin 75393  
before issuance of the final adoption decree may continue after 75394  
its issuance. 75395

~~(C)(1) If, after the child's adoption is finalized, a public 75396  
children services agency considers a child residing in the county 75397  
served by the agency to be in need of public care or protective 75398  
services, the agency may, to the extent state funds are available 75399  
for this purpose, enter into an agreement with the child's 75400  
adoptive parent under which the agency may make post adoption 75401~~

~~special services subsidy payments on behalf of the child as needed~~ 75402  
~~when both of the following apply:~~ 75403

~~(a) The child has a physical or developmental handicap or~~ 75404  
~~mental or emotional condition that either:~~ 75405

~~(i) Existed before the adoption petition was filed; or~~ 75406

~~(ii) Developed after the adoption petition was filed and can~~ 75407  
~~be directly attributed to factors in the child's preadoption~~ 75408  
~~background, medical history, or biological family's background or~~ 75409  
~~medical history.~~ 75410

~~(b) The agency determines the expenses necessitated by the~~ 75411  
~~child's handicap or condition are beyond the adoptive parent's~~ 75412  
~~economic resources.~~ 75413

~~(2) Services for which a public children services agency may~~ 75414  
~~make post adoption special services subsidy payments on behalf of~~ 75415  
~~a child under this division shall include medical, surgical,~~ 75416  
~~psychiatric, psychological, and counseling services, including~~ 75417  
~~residential treatment.~~ 75418

~~(3) The department of job and family services shall establish~~ 75419  
~~clinical standards to evaluate a child's physical or developmental~~ 75420  
~~handicap or mental or emotional condition and assess the child's~~ 75421  
~~need for services.~~ 75422

~~(4) The total dollar value of post adoption special services~~ 75423  
~~subsidy payments made on a child's behalf shall not exceed ten~~ 75424  
~~thousand dollars in any fiscal year, unless the department~~ 75425  
~~determines that extraordinary circumstances exist that necessitate~~ 75426  
~~further funding of services for the child. Under such~~ 75427  
~~extraordinary circumstances, the value of the payments made on the~~ 75428  
~~child's behalf shall not exceed fifteen thousand dollars in any~~ 75429  
~~fiscal year.~~ 75430

~~(5) The adoptive parent or parents of a child who receives~~ 75431

~~post adoption special services subsidy payments shall pay at least 75432  
five per cent of the total cost of all services provided to the 75433  
child; except that a public children services agency may waive 75434  
this requirement if the gross annual income of the child's 75435  
adoptive family is not more than two hundred per cent of the 75436  
federal poverty guideline. 75437~~

~~(6) A public children services agency may use other sources 75438  
of revenue to make post adoption special services subsidy 75439  
payments, in addition to any state funds appropriated for that 75440  
purpose A public children services agency may enter into an 75441  
agreement with a child's relative under which the agency, to the 75442  
extent state funds are available, may provide state kinship 75443  
guardianship assistance as needed on behalf of the child when all 75444  
of the following apply: 75445~~

~~(a) The relative has cared for the eligible child as a foster 75446  
caregiver as defined by section 5103.02 of the Revised Code for at 75447  
least six consecutive months. 75448~~

~~(b) Both of the following apply: 75449~~

~~(i) A juvenile court issued an order granting legal custody 75450  
of the child to the relative, or a probate court issued an order 75451  
granting guardianship of the child to the relative, and the order 75452  
is not a temporary court order. 75453~~

~~(ii) The relative has committed to care for the child on a 75454  
permanent basis. 75455~~

~~(c) The relative signed a state kinship guardianship 75456  
assistance agreement prior to assuming legal guardianship or legal 75457  
custody of the child. 75458~~

~~(d) The child had been removed from home pursuant to a 75459  
voluntary placement agreement or as a result of a judicial 75460  
determination to the effect that continuation in the home would be 75461  
contrary to the welfare of the child. 75462~~

(e) Returning the child home or adoption are not appropriate permanency options for the child. 75463  
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(f) The child demonstrates a strong attachment to the relative and the relative has a strong commitment to caring permanently for the child. 75465  
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(g) With respect to a child who has attained fourteen years of age, the child has been consulted regarding the state kinship guardianship assistance arrangement. 75468  
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(h) The child is not eligible for kinship guardianship assistance payments under Title IV-E of the "Social Security Act," 42 U.S.C. 673(d), as amended. 75471  
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(2) The public children services agency that had custody of a child immediately prior to a court granting legal custody or guardianship of the child to a relative of the child described in division (C)(1) of this section is authorized to enter into a state kinship guardianship assistance agreement with that relative. 75474  
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(3) State kinship guardianship assistance for a child shall be provided in accordance with a state kinship guardianship assistance agreement entered into between the public children services agency and relative of the child described in division (C)(1) of this section and is subject to an annual redetermination of need. 75480  
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(4) Not later than fifteen months after the effective date of this section, if the amended state plan submitted under Title IV-E to implement 42 U.S.C. 673(d) as described in section 5101.1416 of the Revised Code is approved, division (C) of this section shall be implemented. 75486  
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(D) No payment shall be made under division (B) or (C) of this section on behalf of any person eighteen years of age or older beyond the end of the school year during which the person 75491  
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attains the age of eighteen or on behalf of a mentally or 75494  
physically handicapped person twenty-one years of age or older. 75495

(E) The director of job and family services shall adopt rules 75496  
in accordance with Chapter 119. of the Revised Code that are 75497  
needed to implement this section. The rules shall establish all of 75498  
the following: 75499

(1) The application process for all forms of assistance 75500  
provided under this section; 75501

(2) The method to determine the amount of assistance payable 75502  
under division (B) of this section; 75503

(3) The definition of "child with special needs" for this 75504  
section; 75505

(4) The process whereby a child's continuing need for 75506  
services provided under division (B) or (C) of this section is 75507  
annually redetermined; 75508

~~(5) The method of determining the amount, duration, and scope 75509  
of services provided to a child under division (C) of this 75510  
section; 75511~~

~~(6) Any other rule, requirement, or procedure the department 75512  
considers appropriate for the implementation of this section. 75513~~

(F) The state adoption special services subsidy program 75514  
ceases to exist on July 1, 2004, except that, subject to the 75515  
findings of the annual redetermination process established under 75516  
division (E) of this section and the child's individual need for 75517  
services, a public children services agency may continue to 75518  
provide state adoption special services subsidy payments on behalf 75519  
of a child for whom payments were being made prior to July 1, 75520  
2004. 75521

~~(G) No public children services agency shall, pursuant to 75522  
either section 2151.353 or 5103.15 of the Revised Code, place or 75523~~

~~maintain a child with special needs who is in the permanent 75524  
custody of an institution or association certified by the 75525  
department of job and family services under section 5103.03 of the 75526  
Revised Code in a setting other than with a person seeking to 75527  
adopt the child, unless the agency has determined and redetermined 75528  
at intervals of not more than six months the impossibility of 75529  
adoption by a person who wishes to adopt children, and is approved 75530  
by an agency so empowered under Chapter 5103. of the Revised Code, 75531  
or by a person who wishes to adopt a child with special needs as 75532  
defined in rules adopted under this section, and who is approved 75533  
by an agency so empowered under Chapter 5103. of the Revised Code, 75534  
including the impossibility of entering into a payment agreement 75535  
with such a person. The agency so maintaining such a child shall 75536  
report its reasons for doing so to the department of job and 75537  
family services. Benefits and services provided under this section 75538  
are inalienable whether by way of assignment, charge, or otherwise 75539  
and exempt from execution, attachment, garnishment, and other like 75540  
processes. 75541~~

~~The department may take any action permitted under section 75542  
5101.24 of the Revised Code for an agency's failure to determine, 75543  
redetermine, and report on a child's status. 75544~~

Sec. 5162.82. Before making any payment rate increases 75545  
greater than ten per cent under the medicaid program, the medicaid 75546  
director shall notify the joint medicaid oversight committee of 75547  
the increase and be available to testify before the joint medicaid 75548  
oversight committee regarding the increase. 75549

**Sec. 5163.06.** The medicaid program shall cover all of the 75550  
following optional eligibility groups: 75551

(A) The group consisting of children placed with adoptive 75552  
parents who are specified in the "Social Security Act," section 75553

1902(a)(10)(A)(ii)(VIII), 42 U.S.C. 1396a(a)(10)(A)(ii)(VIII); 75554

(B) Subject to section 5163.061 of the Revised Code, the 75555  
group consisting of women during pregnancy and the ~~sixty-day~~ 75556  
maximum postpartum period permitted under 42 U.S.C. 1396a(e) 75557  
beginning on the last day of the pregnancy, infants, and children 75558  
who are specified in the "Social Security Act," section 75559  
1902(a)(10)(A)(ii)(IX), 42 U.S.C. 1396a(a)(10)(A)(ii)(IX); 75560

(C) Subject to sections 5163.09 to 5163.098 of the Revised 75561  
Code, the group consisting of employed individuals with 75562  
disabilities who are specified in the "Social Security Act," 75563  
section 1902(a)(10)(A)(ii)(XV), 42 U.S.C. 1396a(a)(10)(A)(ii)(XV); 75564

(D) Subject to sections 5163.09 to 5163.098 of the Revised 75565  
Code, the group consisting of employed individuals with medically 75566  
improved disabilities who are specified in the "Social Security 75567  
Act," section 1902(a)(10)(A)(ii)(XVI), 42 U.S.C. 75568  
1396a(a)(10)(A)(ii)(XVI); 75569

(E) The group consisting of independent foster care 75570  
adolescents who are specified in the "Social Security Act," 75571  
section 1902(a)(10)(A)(ii)(XVII), 42 U.S.C. 75572  
1396a(a)(10)(A)(ii)(XVII); 75573

(F) The group consisting of women in need of treatment for 75574  
breast or cervical cancer who are specified in the "Social 75575  
Security Act," section 1902(a)(10)(A)(ii)(XVIII), 42 U.S.C. 75576  
1396a(a)(10)(A)(ii)(XVIII)+. 75577

**Sec. 5163.061.** The income eligibility threshold is two 75578  
hundred per cent of the federal poverty line for women during 75579  
pregnancy and the ~~sixty-day~~ postpartum period beginning on the 75580  
last day of the pregnancy who are covered by the medicaid program 75581  
under division (B) of section 5163.06 of the Revised Code. 75582

**Sec. 5163.52.** If the department of medicaid receives federal 75583

funding for the medicaid program that is contingent on a temporary 75584  
maintenance of effort restriction or that otherwise limits the 75585  
department's ability to disenroll ineligible medicaid recipients, 75586  
such as the requirements under Section 6008 of the "Families First 75587  
Coronavirus Response Act," Pub. L. No. 116-127, the department 75588  
shall do both of the following: 75589

(A) Continue to conduct eligibility redeterminations under 75590  
the medicaid program and act on those redeterminations to the 75591  
fullest extent permitted under federal law and regulations. 75592

(B) Within sixty days of the expiration of the restriction or 75593  
limitation, complete an audit in which the department does all of 75594  
the following: 75595

(1) Completes and acts on eligibility redeterminations for 75596  
all medicaid recipients for whom a redetermination has not been 75597  
conducted in the past twelve months; 75598

(2) Requests approval from the United States centers for 75599  
medicare and medicaid services to conduct and act on eligibility 75600  
redeterminations on all medicaid recipients who were enrolled for 75601  
three or more months, or other time period consistent with federal 75602  
law or federal guidelines, during the period of restriction or 75603  
limitation; the department shall, within ninety days of any such 75604  
approval, conduct and act on the redeterminations. Any county 75605  
department of job and family services assisting the department of 75606  
medicaid with acting on redeterminations under this section may 75607  
request from the department of job and family services, in 75608  
consultation with the department of medicaid, up to thirty 75609  
additional days to act on redeterminations. 75610

(3) Submits a report summarizing the results of the audit to 75611  
the speaker of the house of representatives and senate president 75612  
in accordance with section 101.68 of the Revised Code. 75613

|                                                                                                                                                                                                                                                                                                                                                                                                |                                                             |
|------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-------------------------------------------------------------|
| <b>Sec. 5164.34.</b> (A) As used in this section:                                                                                                                                                                                                                                                                                                                                              | 75614                                                       |
| (1) "Criminal records check" has the same meaning as in section 109.572 of the Revised Code.                                                                                                                                                                                                                                                                                                   | 75615<br>75616                                              |
| (2) "Disqualifying offense" means any of the offenses listed or described in divisions (A)(3)(a) to (e) of section 109.572 of the Revised Code.                                                                                                                                                                                                                                                | 75617<br>75618<br>75619                                     |
| (3) "Owner" means a person who has an ownership interest in a medicaid provider in an amount designated in rules authorized by this section.                                                                                                                                                                                                                                                   | 75620<br>75621<br>75622                                     |
| (4) "Person subject to the criminal records check requirement" means the following:                                                                                                                                                                                                                                                                                                            | 75623<br>75624                                              |
| (a) A medicaid provider who is notified under division (E)(1) of this section that the provider is subject to a criminal records check;                                                                                                                                                                                                                                                        | 75625<br>75626<br>75627                                     |
| (b) An owner or prospective owner, officer or prospective officer, or board member or prospective board member of a medicaid provider if, pursuant to division (E)(1)(a) of this section, the owner or prospective owner, officer or prospective officer, or board member or prospective board member is specified in information given to the provider under division (E)(1) of this section; | 75628<br>75629<br>75630<br>75631<br>75632<br>75633<br>75634 |
| (c) An employee or prospective employee of a medicaid provider if both of the following apply:                                                                                                                                                                                                                                                                                                 | 75635<br>75636                                              |
| (i) The employee or prospective employee is specified, pursuant to division (E)(1)(b) of this section, in information given to the provider under division (E)(1) of this section.                                                                                                                                                                                                             | 75637<br>75638<br>75639                                     |
| (ii) The provider is not prohibited by division (D)(3)(b) of this section from employing the employee or prospective employee.                                                                                                                                                                                                                                                                 | 75640<br>75641                                              |
| (5) "Responsible entity" means the following:                                                                                                                                                                                                                                                                                                                                                  | 75642                                                       |

(a) With respect to a criminal records check required under this section for a medicaid provider, the department of medicaid or the department's designee; 75643  
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(b) With respect to a criminal records check required under this section for an owner or prospective owner, officer or prospective officer, board member or prospective board member, or employee or prospective employee of a medicaid provider, the provider. 75646  
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(B) This section does not apply to any of the following: 75651

(1) An individual who is subject to a criminal records check under section 3712.09, 3721.121, 5123.081, or 5123.169 of the Revised Code; 75652  
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(2) An individual who is subject to a database review or criminal records check under section 173.38, 173.381, ~~3701.881~~ 3740.11, or 5164.342 of the Revised Code; 75655  
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(3) An individual who is an applicant or independent provider, both as defined in section 5164.341 of the Revised Code. 75658  
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(C) The department of medicaid may do any of the following: 75660

(1) Require that any medicaid provider submit to a criminal records check as a condition of obtaining or maintaining a provider agreement; 75661  
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(2) Require that any medicaid provider require an owner or prospective owner, officer or prospective officer, or board member or prospective board member of the provider submit to a criminal records check as a condition of being an owner, officer, or board member of the provider; 75664  
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(3) Require that any medicaid provider do the following: 75669

(a) If so required by rules authorized by this section, determine pursuant to a database review conducted under division (F)(1)(a) of this section whether any employee or prospective 75670  
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employee of the provider is included in a database; 75673

(b) Unless the provider is prohibited by division (D)(3)(b) 75674  
of this section from employing the employee or prospective 75675  
employee, require the employee or prospective employee to submit 75676  
to a criminal records check as a condition of being an employee of 75677  
the provider. 75678

(D)(1) The department or the department's designee shall deny 75679  
or terminate a medicaid provider's provider agreement if the 75680  
provider is a person subject to the criminal records check 75681  
requirement and either of the following applies: 75682

(a) The provider fails to obtain the criminal records check 75683  
after being given the information specified in division (G)(1) of 75684  
this section. 75685

(b) Except as provided in rules authorized by this section, 75686  
the provider is found by the criminal records check to have been 75687  
convicted of or have pleaded guilty to a disqualifying offense, 75688  
regardless of the date of the conviction or the date of entry of 75689  
the guilty plea. 75690

(2) No medicaid provider shall permit a person to be an 75691  
owner, officer, or board member of the provider if the person is a 75692  
person subject to the criminal records check requirement and 75693  
either of the following applies: 75694

(a) The person fails to obtain the criminal records check 75695  
after being given the information specified in division (G)(1) of 75696  
this section. 75697

(b) Except as provided in rules authorized by this section, 75698  
the person is found by the criminal records check to have been 75699  
convicted of or have pleaded guilty to a disqualifying offense, 75700  
regardless of the date of the conviction or the date of entry of 75701  
the guilty plea. 75702

(3) Except as provided in division (I) of this section, no  
medicaid provider shall employ a person if any of the following  
apply:

(a) The person has been excluded from being a medicaid  
provider, a medicare provider, or provider for any other federal  
health care program.

(b) If the person is subject to a database review conducted  
under division (F)(1)(a) of this section, the person is found by  
the database review to be included in a database and the rules  
authorized by this section regarding the database review prohibit  
the provider from employing a person included in the database.

(c) If the person is a person subject to the criminal records  
check requirement, either of the following applies:

(i) The person fails to obtain the criminal records check  
after being given the information specified in division (G)(1) of  
this section.

(ii) Except as provided in rules authorized by this section,  
the person is found by the criminal records check to have been  
convicted of or have pleaded guilty to a disqualifying offense,  
regardless of the date of the conviction or the date of entry of  
the guilty plea.

(E)(1) The department or the department's designee shall  
inform each medicaid provider whether the provider is subject to a  
criminal records check. For providers with valid provider  
agreements, the information shall be given at times designated in  
rules authorized by this section. For providers applying to be  
medicaid providers, the information shall be given at the time of  
initial application. When the information is given, the department  
or the department's designee shall specify the following:

(a) Which of the provider's owners or prospective owners,  
officers or prospective officers, or board members or prospective

board members are subject to a criminal records check; 75734

(b) Which of the provider's employees or prospective 75735  
employees are subject to division (C)(3) of this section. 75736

(2) At times designated in rules authorized by this section, 75737  
a medicaid provider that is a person subject to the criminal 75738  
records check requirement shall do the following: 75739

(a) Inform each person specified under division (E)(1)(a) of 75740  
this section that the person is required to submit to a criminal 75741  
records check as a condition of being an owner, officer, or board 75742  
member of the provider; 75743

(b) Inform each person specified under division (E)(1)(b) of 75744  
this section that the person is subject to division (C)(3) of this 75745  
section. 75746

(F)(1) If a medicaid provider is a person subject to the 75747  
criminal records check requirement, the department or the 75748  
department's designee shall require the conduct of a criminal 75749  
records check by the superintendent of the bureau of criminal 75750  
identification and investigation. A medicaid provider shall 75751  
require the conduct of a criminal records check by the 75752  
superintendent with respect to each of the persons specified under 75753  
division (E)(1)(a) of this section. With respect to each employee 75754  
and prospective employee specified under division (E)(1)(b) of 75755  
this section, a medicaid provider shall do the following: 75756

(a) If rules authorized by this section require the provider 75757  
to conduct a database review to determine whether the employee or 75758  
prospective employee is included in a database, conduct the 75759  
database review in accordance with the rules; 75760

(b) Unless the provider is prohibited by division (D)(3)(b) 75761  
of this section from employing the employee or prospective 75762  
employee, require the conduct of a criminal records check of the 75763  
employee or prospective employee by the superintendent. 75764

(2) If a person subject to the criminal records check requirement does not present proof of having been a resident of this state for the five-year period immediately prior to the date the criminal records check is requested or provide evidence that within that five-year period the superintendent has requested information about the person from the federal bureau of investigation in a criminal records check, the responsible entity shall require the person to request that the superintendent obtain information from the federal bureau of investigation as part of the criminal records check of the person. Even if the person presents proof of having been a resident of this state for the five-year period, the responsible entity may require that the person request that the superintendent obtain information from the federal bureau of investigation and include it in the criminal records check of the person.

(G) Criminal records checks required by this section shall be obtained as follows:

(1) The responsible entity shall provide each person subject to the criminal records check requirement information about accessing and completing the form prescribed pursuant to division (C)(1) of section 109.572 of the Revised Code and the standard impression sheet prescribed pursuant to division (C)(2) of that section.

(2) The person subject to the criminal records check requirement shall submit the required form and one complete set of the person's fingerprint impressions directly to the superintendent for purposes of conducting the criminal records check using the applicable methods prescribed by division (C) of section 109.572 of the Revised Code. The person shall pay all fees associated with obtaining the criminal records check.

(3) The superintendent shall conduct the criminal records check in accordance with section 109.572 of the Revised Code. The

person subject to the criminal records check requirement shall 75797  
instruct the superintendent to submit the report of the criminal 75798  
records check directly to the responsible entity. If the 75799  
department or the department's designee is not the responsible 75800  
entity, the department or designee may require the responsible 75801  
entity to submit the report to the department or designee. 75802

(H)(1) A medicaid provider may employ conditionally a person 75803  
for whom a criminal records check is required by this section 75804  
prior to obtaining the results of the criminal records check if 75805  
both of the following apply: 75806

(a) The provider is not prohibited by division (D)(3)(b) of 75807  
this section from employing the person. 75808

(b) The person submits a request for the criminal records 75809  
check not later than five business days after the person begins 75810  
conditional employment. 75811

(2) Except as provided in division (I) of this section, a 75812  
medicaid provider that employs a person conditionally under 75813  
division (H)(1) of this section shall terminate the person's 75814  
employment if either of the following apply: 75815

(a) The results of the criminal records check request are not 75816  
obtained within the period ending sixty days after the date the 75817  
request is made. 75818

(b) Regardless of when the results of the criminal records 75819  
check are obtained, the results indicate that the person has been 75820  
convicted of or has pleaded guilty to a disqualifying offense, 75821  
unless circumstances specified in rules authorized by this section 75822  
exist that permit the provider to employ the person and the 75823  
provider chooses to employ the person. 75824

(I) As used in this division, "behavioral health services" 75825  
means alcohol and drug addiction services, mental health services, 75826  
or both. 75827

A medicaid provider of behavioral health services may choose 75828  
to employ a person who the provider would be prohibited by 75829  
division (D)(3) of this section from employing or would be 75830  
required by division (H)(2) of this section to terminate the 75831  
person's employment if both of the following apply: 75832

(1) The person holds a valid health professional license 75833  
issued under the Revised Code granting the person authority to 75834  
provide behavioral health services, holds a valid peer recovery 75835  
supporter certificate issued pursuant to rules adopted by the 75836  
department of mental health and addiction services, or is in the 75837  
process of obtaining such a license or certificate. 75838

(2) The provider does not submit any medicaid claims for any 75839  
services the person provides. 75840

(J) The report of a criminal records check conducted pursuant 75841  
to this section is not a public record for the purposes of section 75842  
149.43 of the Revised Code and shall not be made available to any 75843  
person other than the following: 75844

(1) The person who is the subject of the criminal records 75845  
check or the person's representative; 75846

(2) The medicaid director and the staff of the department who 75847  
are involved in the administration of the medicaid program; 75848

(3) The department's designee; 75849

(4) The medicaid provider who required the person who is the 75850  
subject of the criminal records check to submit to the criminal 75851  
records check; 75852

(5) An individual receiving or deciding whether to receive, 75853  
from the subject of the criminal records check, home and 75854  
community-based services available under the medicaid state plan; 75855

(6) A court, hearing officer, or other necessary individual 75856  
involved in a case dealing with any of the following: 75857

|                                                                                                                                                                                                                                                                                                                       |                                           |
|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-------------------------------------------|
| (a) The denial or termination of a provider agreement;                                                                                                                                                                                                                                                                | 75858                                     |
| (b) A person's denial of employment, termination of employment, or employment or unemployment benefits;                                                                                                                                                                                                               | 75859<br>75860                            |
| (c) A civil or criminal action regarding the medicaid program.                                                                                                                                                                                                                                                        | 75861<br>75862                            |
| (K) The medicaid director may adopt rules under section 5164.02 of the Revised Code to implement this section. If the director adopts such rules, the rules shall designate the times at which a criminal records check must be conducted under this section. The rules may do any of the following:                  | 75863<br>75864<br>75865<br>75866<br>75867 |
| (1) Designate the categories of persons who are subject to a criminal records check under this section;                                                                                                                                                                                                               | 75868<br>75869                            |
| (2) Specify circumstances under which the department or the department's designee may continue a provider agreement or issue a provider agreement when the medicaid provider is found by a criminal records check to have been convicted of or pleaded guilty to a disqualifying offense;                             | 75870<br>75871<br>75872<br>75873<br>75874 |
| (3) Specify circumstances under which a medicaid provider may permit a person to be an employee, owner, officer, or board member of the provider when the person is found by a criminal records check conducted pursuant to this section to have been convicted of or have pleaded guilty to a disqualifying offense; | 75875<br>75876<br>75877<br>75878<br>75879 |
| (4) Specify all of the following:                                                                                                                                                                                                                                                                                     | 75880                                     |
| (a) The circumstances under which a database review must be conducted under division (F)(1)(a) of this section to determine whether an employee or prospective employee of a medicaid provider is included in a database;                                                                                             | 75881<br>75882<br>75883<br>75884          |
| (b) The procedures for conducting the database review;                                                                                                                                                                                                                                                                | 75885                                     |
| (c) The databases that are to be checked;                                                                                                                                                                                                                                                                             | 75886                                     |
| (d) The circumstances under which, except as provided in                                                                                                                                                                                                                                                              | 75887                                     |

division (I) of this section, a medicaid provider is prohibited 75888  
from employing a person who is found by the database review to be 75889  
included in a database. 75890

**Sec. 5164.342.** (A) As used in this section: 75891

"Applicant" means a person who is under final consideration 75892  
for employment with a waiver agency in a full-time, part-time, or 75893  
temporary position that involves providing home and 75894  
community-based services. 75895

"Community-based long-term care provider" means a provider as 75896  
defined in section 173.39 of the Revised Code. 75897

"Community-based long-term care subcontractor" means a 75898  
subcontractor as defined in section 173.38 of the Revised Code. 75899

"Criminal records check" has the same meaning as in section 75900  
109.572 of the Revised Code. 75901

"Disqualifying offense" means any of the offenses listed or 75902  
described in divisions (A)(3)(a) to (e) of section 109.572 of the 75903  
Revised Code. 75904

"Employee" means a person employed by a waiver agency in a 75905  
full-time, part-time, or temporary position that involves 75906  
providing home and community-based services. 75907

"Waiver agency" means a person or government entity that 75908  
provides home and community-based services under a home and 75909  
community-based services medicaid waiver component administered by 75910  
the department of medicaid, other than such a person or government 75911  
entity that is certified under the medicare program. "Waiver 75912  
agency" does not mean an independent provider as defined in 75913  
section 5164.341 of the Revised Code. 75914

(B) This section does not apply to any individual who is 75915  
subject to a database review or criminal records check under 75916  
section ~~3701.881~~ 3740.11 of the Revised Code. If a waiver agency 75917

also is a community-based long-term care provider or 75918  
community-based long-term care subcontractor, the waiver agency 75919  
may provide for any of its applicants and employees who are not 75920  
subject to database reviews and criminal records checks under 75921  
section 173.38 of the Revised Code to undergo database reviews and 75922  
criminal records checks in accordance with that section rather 75923  
than this section. 75924

(C) No waiver agency shall employ an applicant or continue to 75925  
employ an employee in a position that involves providing home and 75926  
community-based services if any of the following apply: 75927

(1) A review of the databases listed in division (E) of this 75928  
section reveals any of the following: 75929

(a) That the applicant or employee is included in one or more 75930  
of the databases listed in divisions (E)(1) to (5) of this 75931  
section; 75932

(b) That there is in the state nurse aide registry 75933  
established under section 3721.32 of the Revised Code a statement 75934  
detailing findings by the director of health that the applicant or 75935  
employee abused, neglected, or exploited a long-term care facility 75936  
or residential care facility resident or misappropriated property 75937  
of such a resident; 75938

(c) That the applicant or employee is included in one or more 75939  
of the databases, if any, specified in rules authorized by this 75940  
section and the rules prohibit the waiver agency from employing an 75941  
applicant or continuing to employ an employee included in such a 75942  
database in a position that involves providing home and 75943  
community-based services. 75944

(2) After the applicant or employee is given the information 75945  
and notification required by divisions (F)(2)(a) and (b) of this 75946  
section, the applicant or employee fails to do either of the 75947  
following: 75948

(a) Access, complete, or forward to the superintendent of the bureau of criminal identification and investigation the form prescribed to division (C)(1) of section 109.572 of the Revised Code or the standard impression sheet prescribed pursuant to division (C)(2) of that section;

(b) Instruct the superintendent to submit the completed report of the criminal records check required by this section directly to the chief administrator of the waiver agency.

(3) Except as provided in rules authorized by this section, the applicant or employee is found by a criminal records check required by this section to have been convicted of or have pleaded guilty to a disqualifying offense, regardless of the date of the conviction or date of entry of the guilty plea.

(D) At the time of each applicant's initial application for employment in a position that involves providing home and community-based services, the chief administrator of a waiver agency shall inform the applicant of both of the following:

(1) That a review of the databases listed in division (E) of this section will be conducted to determine whether the waiver agency is prohibited by division (C)(1) of this section from employing the applicant in the position;

(2) That, unless the database review reveals that the applicant may not be employed in the position, a criminal records check of the applicant will be conducted and the applicant is required to provide a set of the applicant's fingerprint impressions as part of the criminal records check.

(E) As a condition of employing any applicant in a position that involves providing home and community-based services, the chief administrator of a waiver agency shall conduct a database review of the applicant in accordance with rules authorized by this section. If rules authorized by this section so require, the

chief administrator of a waiver agency shall conduct a database 75980  
review of an employee in accordance with the rules as a condition 75981  
of continuing to employ the employee in a position that involves 75982  
providing home and community-based services. A database review 75983  
shall determine whether the applicant or employee is included in 75984  
any of the following: 75985

(1) The excluded parties list system that is maintained by 75986  
the United States general services administration pursuant to 75987  
subpart 9.4 of the federal acquisition regulation and available at 75988  
the federal web site known as the system for award management; 75989

(2) The list of excluded individuals and entities maintained 75990  
by the office of inspector general in the United States department 75991  
of health and human services pursuant to the "Social Security 75992  
Act," sections 1128 and 1156, 42 U.S.C. 1320a-7 and 1320c-5; 75993

(3) The registry of developmental disabilities employees 75994  
established under section 5123.52 of the Revised Code; 75995

(4) The internet-based sex offender and child-victim offender 75996  
database established under division (A)(11) of section 2950.13 of 75997  
the Revised Code; 75998

(5) The internet-based database of inmates established under 75999  
section 5120.66 of the Revised Code; 76000

(6) The state nurse aide registry established under section 76001  
3721.32 of the Revised Code; 76002

(7) Any other database, if any, specified in rules authorized 76003  
by this section. 76004

(F)(1) As a condition of employing any applicant in a 76005  
position that involves providing home and community-based 76006  
services, the chief administrator of a waiver agency shall require 76007  
the applicant to request that the superintendent of the bureau of 76008  
criminal identification and investigation conduct a criminal 76009

records check of the applicant. If rules authorized by this 76010  
section so require, the chief administrator of a waiver agency 76011  
shall require an employee to request that the superintendent 76012  
conduct a criminal records check of the employee at times 76013  
specified in the rules as a condition of continuing to employ the 76014  
employee in a position that involves providing home and 76015  
community-based services. However, a criminal records check is not 76016  
required for an applicant or employee if the waiver agency is 76017  
prohibited by division (C)(1) of this section from employing the 76018  
applicant or continuing to employ the employee in a position that 76019  
involves providing home and community-based services. If an 76020  
applicant or employee for whom a criminal records check request is 76021  
required by this section does not present proof of having been a 76022  
resident of this state for the five-year period immediately prior 76023  
to the date the criminal records check is requested or provide 76024  
evidence that within that five-year period the superintendent has 76025  
requested information about the applicant or employee from the 76026  
federal bureau of investigation in a criminal records check, the 76027  
chief administrator shall require the applicant or employee to 76028  
request that the superintendent obtain information from the 76029  
federal bureau of investigation as part of the criminal records 76030  
check. Even if an applicant or employee for whom a criminal 76031  
records check request is required by this section presents proof 76032  
of having been a resident of this state for the five-year period, 76033  
the chief administrator may require the applicant or employee to 76034  
request that the superintendent include information from the 76035  
federal bureau of investigation in the criminal records check. 76036

(2) The chief administrator shall provide the following to 76037  
each applicant and employee for whom a criminal records check is 76038  
required by this section: 76039

(a) Information about accessing, completing, and forwarding 76040  
to the superintendent of the bureau of criminal identification and 76041

investigation the form prescribed pursuant to division (C)(1) of 76042  
section 109.572 of the Revised Code and the standard impression 76043  
sheet prescribed pursuant to division (C)(2) of that section; 76044

(b) Written notification that the applicant or employee is to 76045  
instruct the superintendent to submit the completed report of the 76046  
criminal records check directly to the chief administrator. 76047

(3) A waiver agency shall pay to the bureau of criminal 76048  
identification and investigation the fee prescribed pursuant to 76049  
division (C)(3) of section 109.572 of the Revised Code for any 76050  
criminal records check required by this section. However, a waiver 76051  
agency may require an applicant to pay to the bureau the fee for a 76052  
criminal records check of the applicant. If the waiver agency pays 76053  
the fee for an applicant, it may charge the applicant a fee not 76054  
exceeding the amount the waiver agency pays to the bureau under 76055  
this section if the waiver agency notifies the applicant at the 76056  
time of initial application for employment of the amount of the 76057  
fee and that, unless the fee is paid, the applicant will not be 76058  
considered for employment. 76059

(G)(1) A waiver agency may employ conditionally an applicant 76060  
for whom a criminal records check is required by this section 76061  
prior to obtaining the results of the criminal records check if 76062  
both of the following apply: 76063

(a) The waiver agency is not prohibited by division (C)(1) of 76064  
this section from employing the applicant in a position that 76065  
involves providing home and community-based services. 76066

(b) The chief administrator of the waiver agency requires the 76067  
applicant to request a criminal records check regarding the 76068  
applicant in accordance with division (F)(1) of this section not 76069  
later than five business days after the applicant begins 76070  
conditional employment. 76071

(2) A waiver agency that employs an applicant conditionally 76072

under division (G)(1) of this section shall terminate the 76073  
applicant's employment if the results of the criminal records 76074  
check, other than the results of any request for information from 76075  
the federal bureau of investigation, are not obtained within the 76076  
period ending sixty days after the date the request for the 76077  
criminal records check is made. Regardless of when the results of 76078  
the criminal records check are obtained, if the results indicate 76079  
that the applicant has been convicted of or has pleaded guilty to 76080  
a disqualifying offense, the waiver agency shall terminate the 76081  
applicant's employment unless circumstances specified in rules 76082  
authorized by this section exist that permit the waiver agency to 76083  
employ the applicant and the waiver agency chooses to employ the 76084  
applicant. 76085

(H) The report of any criminal records check conducted 76086  
pursuant to a request made under this section is not a public 76087  
record for the purposes of section 149.43 of the Revised Code and 76088  
shall not be made available to any person other than the 76089  
following: 76090

(1) The applicant or employee who is the subject of the 76091  
criminal records check or the representative of the applicant or 76092  
employee; 76093

(2) The chief administrator of the waiver agency that 76094  
requires the applicant or employee to request the criminal records 76095  
check or the administrator's representative; 76096

(3) The medicaid director and the staff of the department who 76097  
are involved in the administration of the medicaid program; 76098

(4) The director of aging or the director's designee if the 76099  
waiver agency also is a community-based long-term care provider or 76100  
community-based long-term care subcontractor; 76101

(5) An individual receiving or deciding whether to receive 76102  
home and community-based services from the subject of the criminal 76103

|                                                                                                                                                                                                         |                                  |
|---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|----------------------------------|
| records check;                                                                                                                                                                                          | 76104                            |
| (6) A court, hearing officer, or other necessary individual involved in a case dealing with any of the following:                                                                                       | 76105<br>76106                   |
| (a) A denial of employment of the applicant or employee;                                                                                                                                                | 76107                            |
| (b) Employment or unemployment benefits of the applicant or employee;                                                                                                                                   | 76108<br>76109                   |
| (c) A civil or criminal action regarding the medicaid program.                                                                                                                                          | 76110<br>76111                   |
| (I) The medicaid director shall adopt rules under section 5164.02 of the Revised Code to implement this section.                                                                                        | 76112<br>76113                   |
| (1) The rules may do the following:                                                                                                                                                                     | 76114                            |
| (a) Require employees to undergo database reviews and criminal records checks under this section;                                                                                                       | 76115<br>76116                   |
| (b) If the rules require employees to undergo database reviews and criminal records checks under this section, exempt one or more classes of employees from the requirements;                           | 76117<br>76118<br>76119          |
| (c) For the purpose of division (E)(7) of this section, specify other databases that are to be checked as part of a database review conducted under this section.                                       | 76120<br>76121<br>76122          |
| (2) The rules shall specify all of the following:                                                                                                                                                       | 76123                            |
| (a) The procedures for conducting a database review under this section;                                                                                                                                 | 76124<br>76125                   |
| (b) If the rules require employees to undergo database reviews and criminal records checks under this section, the times at which the database reviews and criminal records checks are to be conducted; | 76126<br>76127<br>76128<br>76129 |
| (c) If the rules specify other databases to be checked as part of a database review, the circumstances under which a waiver agency is prohibited from employing an applicant or continuing to           | 76130<br>76131<br>76132          |

employ an employee who is found by the database review to be 76133  
included in one or more of those databases; 76134

(d) The circumstances under which a waiver agency may employ 76135  
an applicant or employee who is found by a criminal records check 76136  
required by this section to have been convicted of or have pleaded 76137  
guilty to a disqualifying offense. 76138

(J) The amendments made by H.B. 487 of the 129th general 76139  
assembly to this section do not preclude the department of 76140  
medicaid from taking action against a person for failure to comply 76141  
with former division (H) of this section as that division existed 76142  
on the day preceding January 1, 2013. 76143

**Sec. 5165.01.** As used in this chapter: 76144

(A) "Affiliated operator" means an operator affiliated with 76145  
either of the following: 76146

(1) The exiting operator for whom the affiliated operator is 76147  
to assume liability for the entire amount of the exiting 76148  
operator's debt under the medicaid program or the portion of the 76149  
debt that represents the franchise permit fee the exiting operator 76150  
owes; 76151

(2) The entering operator involved in the change of operator 76152  
with the exiting operator specified in division (A)(1) of this 76153  
section. 76154

(B) "Allowable costs" are a nursing facility's costs that the 76155  
department of medicaid determines are reasonable. Fines paid under 76156  
sections 5165.60 to 5165.89 and section 5165.99 of the Revised 76157  
Code are not allowable costs. 76158

(C) "Ancillary and support costs" means all reasonable costs 76159  
incurred by a nursing facility other than direct care costs, tax 76160  
costs, or capital costs. "Ancillary and support costs" includes, 76161  
but is not limited to, costs of activities, social services, 76162

pharmacy consultants, habilitation supervisors, qualified 76163  
intellectual disability professionals, program directors, medical 76164  
and habilitation records, program supplies, incontinence supplies, 76165  
food, enterals, dietary supplies and personnel, laundry, 76166  
housekeeping, security, administration, medical equipment, 76167  
utilities, liability insurance, bookkeeping, purchasing 76168  
department, human resources, communications, travel, dues, license 76169  
fees, subscriptions, home office costs not otherwise allocated, 76170  
legal services, accounting services, minor equipment, maintenance 76171  
and repairs, help-wanted advertising, informational advertising, 76172  
start-up costs, organizational expenses, other interest, property 76173  
insurance, employee training and staff development, employee 76174  
benefits, payroll taxes, and workers' compensation premiums or 76175  
costs for self-insurance claims and related costs as specified in 76176  
rules adopted under section 5165.02 of the Revised Code, for 76177  
personnel listed in this division. "Ancillary and support costs" 76178  
also means the cost of equipment, including vehicles, acquired by 76179  
operating lease executed before December 1, 1992, if the costs are 76180  
reported as administrative and general costs on the nursing 76181  
facility's cost report for the cost reporting period ending 76182  
December 31, 1992. 76183

(D) "Applicable calendar year" means the calendar year 76184  
immediately preceding the calendar year that precedes the first of 76185  
the state fiscal years for which a rebasing is conducted. 76186

~~(E)(1)~~(E) For purposes of calculating a critical access 76187  
nursing facility's occupancy rate and utilization rate under this 76188  
chapter, "as of the last day of the calendar year" refers to the 76189  
occupancy and utilization rates during the calendar year 76190  
identified in the cost report filed under section 5165.10 of the 76191  
Revised Code. 76192

(F)(1) "Capital costs" means the actual expense incurred by a 76193  
nursing facility for all of the following: 76194

|                                                                                                                                                                                                                                |                                  |
|--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|----------------------------------|
| (a) Depreciation and interest on any capital assets that cost five hundred dollars or more per item, including the following:                                                                                                  | 76195<br>76196                   |
| (i) Buildings;                                                                                                                                                                                                                 | 76197                            |
| (ii) Building improvements;                                                                                                                                                                                                    | 76198                            |
| (iii) Except as provided in division <del>(C)</del> <u>(D)</u> of this section, equipment;                                                                                                                                     | 76199<br>76200                   |
| (iv) Transportation equipment.                                                                                                                                                                                                 | 76201                            |
| (b) Amortization and interest on land improvements and leasehold improvements;                                                                                                                                                 | 76202<br>76203                   |
| (c) Amortization of financing costs;                                                                                                                                                                                           | 76204                            |
| (d) Lease and rent of land, buildings, and equipment.                                                                                                                                                                          | 76205                            |
| (2) The costs of capital assets of less than five hundred dollars per item may be considered capital costs in accordance with a provider's practice.                                                                           | 76206<br>76207<br>76208          |
| <del>(F)</del> <u>(G)</u> "Capital lease" and "operating lease" shall be construed in accordance with generally accepted accounting principles.                                                                                | 76209<br>76210<br>76211          |
| <del>(G)</del> <u>(H)</u> "Case-mix score" means a measure determined under section 5165.192 of the Revised Code of the relative direct-care resources needed to provide care and habilitation to a nursing facility resident. | 76212<br>76213<br>76214<br>76215 |
| <del>(H)</del> <u>(I)</u> "Change of operator" means an entering operator becoming the operator of a nursing facility in the place of the exiting operator.                                                                    | 76216<br>76217<br>76218          |
| (1) Actions that constitute a change of operator include the following:                                                                                                                                                        | 76219<br>76220                   |
| (a) A change in an exiting operator's form of legal organization, including the formation of a partnership or corporation from a sole proprietorship;                                                                          | 76221<br>76222<br>76223          |

|                                                                                                                                                                                                                                                                                      |                                           |
|--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-------------------------------------------|
| (b) A transfer of all the exiting operator's ownership interest in the operation of the nursing facility to the entering operator, regardless of whether ownership of any or all of the real property or personal property associated with the nursing facility is also transferred; | 76224<br>76225<br>76226<br>76227<br>76228 |
| (c) A lease of the nursing facility to the entering operator or the exiting operator's termination of the exiting operator's lease;                                                                                                                                                  | 76229<br>76230<br>76231                   |
| (d) If the exiting operator is a partnership, dissolution of the partnership;                                                                                                                                                                                                        | 76232<br>76233                            |
| (e) If the exiting operator is a partnership, a change in composition of the partnership unless both of the following apply:                                                                                                                                                         | 76234<br>76235                            |
| (i) The change in composition does not cause the partnership's dissolution under state law.                                                                                                                                                                                          | 76236<br>76237                            |
| (ii) The partners agree that the change in composition does not constitute a change in operator.                                                                                                                                                                                     | 76238<br>76239                            |
| (f) If the operator is a corporation, dissolution of the corporation, a merger of the corporation into another corporation that is the survivor of the merger, or a consolidation of one or more other corporations to form a new corporation.                                       | 76240<br>76241<br>76242<br>76243          |
| (2) The following, alone, do not constitute a change of operator:                                                                                                                                                                                                                    | 76244<br>76245                            |
| (a) A contract for an entity to manage a nursing facility as the operator's agent, subject to the operator's approval of daily operating and management decisions;                                                                                                                   | 76246<br>76247<br>76248                   |
| (b) A change of ownership, lease, or termination of a lease of real property or personal property associated with a nursing facility if an entering operator does not become the operator in place of an exiting operator;                                                           | 76249<br>76250<br>76251<br>76252          |
| (c) If the operator is a corporation, a change of one or more                                                                                                                                                                                                                        | 76253                                     |

members of the corporation's governing body or transfer of 76254  
ownership of one or more shares of the corporation's stock, if the 76255  
same corporation continues to be the operator. 76256

~~(I)~~(J) "Cost center" means the following: 76257

(1) Ancillary and support costs; 76258

(2) Capital costs; 76259

(3) Direct care costs; 76260

(4) Tax costs. 76261

~~(J)~~(K) "Custom wheelchair" means a wheelchair to which both 76262  
of the following apply: 76263

(1) It has been measured, fitted, or adapted in consideration 76264  
of either of the following: 76265

(a) The body size or disability of the individual who is to 76266  
use the wheelchair; 76267

(b) The individual's period of need for, or intended use of, 76268  
the wheelchair. 76269

(2) It has customized features, modifications, or components, 76270  
such as adaptive seating and positioning systems, that the 76271  
supplier who assembled the wheelchair, or the manufacturer from 76272  
which the wheelchair was ordered, added or made in accordance with 76273  
the instructions of the physician of the individual who is to use 76274  
the wheelchair. 76275

~~(K)~~~~(1)~~(L)(1) "Date of licensure" means the following: 76276

(a) In the case of a nursing facility that was required by 76277  
law to be licensed as a nursing home under Chapter 3721. of the 76278  
Revised Code when it originally began to be operated as a nursing 76279  
home, the date the nursing facility was originally so licensed; 76280

(b) In the case of a nursing facility that was not required 76281  
by law to be licensed as a nursing home when it originally began 76282

to be operated as a nursing home, the date it first began to be 76283  
operated as a nursing home, regardless of the date the nursing 76284  
facility was first licensed as a nursing home. 76285

(2) If, after a nursing facility's original date of 76286  
licensure, more nursing home beds are added to the nursing 76287  
facility, the nursing facility has a different date of licensure 76288  
for the additional beds. This does not apply, however, to 76289  
additional beds when both of the following apply: 76290

(a) The additional beds are located in a part of the nursing 76291  
facility that was constructed at the same time as the continuing 76292  
beds already located in that part of the nursing facility; 76293

(b) The part of the nursing facility in which the additional 76294  
beds are located was constructed as part of the nursing facility 76295  
at a time when the nursing facility was not required by law to be 76296  
licensed as a nursing home. 76297

(3) The definition of "date of licensure" in this section 76298  
applies in determinations of nursing facilities' medicaid payment 76299  
rates but does not apply in determinations of nursing facilities' 76300  
franchise permit fees. 76301

~~(L)~~(M) "Desk-reviewed" means that a nursing facility's costs 76302  
as reported on a cost report submitted under section 5165.10 of 76303  
the Revised Code have been subjected to a desk review under 76304  
section 5165.108 of the Revised Code and preliminarily determined 76305  
to be allowable costs. 76306

~~(M)~~(N) "Direct care costs" means all of the following costs 76307  
incurred by a nursing facility: 76308

(1) Costs for registered nurses, licensed practical nurses, 76309  
and nurse aides employed by the nursing facility; 76310

(2) Costs for direct care staff, administrative nursing 76311  
staff, medical directors, respiratory therapists, and except as 76312

|                                                                                      |       |
|--------------------------------------------------------------------------------------|-------|
| provided in division <del>(M)(8)</del> <u>(N)(8)</u> of this section, other persons  | 76313 |
| holding degrees qualifying them to provide therapy;                                  | 76314 |
| (3) Costs of purchased nursing services;                                             | 76315 |
| (4) Costs of quality assurance;                                                      | 76316 |
| (5) Costs of training and staff development, employee                                | 76317 |
| benefits, payroll taxes, and workers' compensation premiums or                       | 76318 |
| costs for self-insurance claims and related costs as specified in                    | 76319 |
| rules adopted under section 5165.02 of the Revised Code, for                         | 76320 |
| personnel listed in divisions <del>(M)(1)</del> <u>(N)(1)</u> , (2), (4), and (8) of | 76321 |
| this section;                                                                        | 76322 |
| (6) Costs of consulting and management fees related to direct                        | 76323 |
| care;                                                                                | 76324 |
| (7) Allocated direct care home office costs;                                         | 76325 |
| (8) Costs of habilitation staff (other than habilitation                             | 76326 |
| supervisors), medical supplies, emergency oxygen, over-the-counter                   | 76327 |
| pharmacy products, physical therapists, physical therapy                             | 76328 |
| assistants, occupational therapists, occupational therapy                            | 76329 |
| assistants, speech therapists, audiologists, habilitation                            | 76330 |
| supplies, and universal precautions supplies;                                        | 76331 |
| (9) Costs of wheelchairs other than the following:                                   | 76332 |
| (a) Custom wheelchairs;                                                              | 76333 |
| (b) Repairs to and replacements of custom wheelchairs and                            | 76334 |
| parts that are made in accordance with the instructions of the                       | 76335 |
| physician of the individual who uses the custom wheelchair.                          | 76336 |
| (10) Costs of other direct-care resources that are specified                         | 76337 |
| as direct care costs in rules adopted under section 5165.02 of the                   | 76338 |
| Revised Code.                                                                        | 76339 |
| <del>(N)(O)</del> "Dual eligible individual" has the same meaning as in              | 76340 |
| section 5160.01 of the Revised Code.                                                 | 76341 |

~~(O)~~(P) "Effective date of a change of operator" means the day the entering operator becomes the operator of the nursing facility. 76342  
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~~(P)~~(O) "Effective date of a facility closure" means the last day that the last of the residents of the nursing facility resides in the nursing facility. 76345  
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~~(Q)~~(R) "Effective date of an involuntary termination" means the date the department of medicaid terminates the operator's provider agreement for the nursing facility. 76348  
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~~(R)~~(S) "Effective date of a voluntary withdrawal of participation" means the day the nursing facility ceases to accept new medicaid residents other than the individuals who reside in the nursing facility on the day before the effective date of the voluntary withdrawal of participation. 76351  
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~~(S)~~(T) "Entering operator" means the person or government entity that will become the operator of a nursing facility when a change of operator occurs or following an involuntary termination. 76356  
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~~(T)~~(U) "Exiting operator" means any of the following: 76359

(1) An operator that will cease to be the operator of a nursing facility on the effective date of a change of operator; 76360  
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(2) An operator that will cease to be the operator of a nursing facility on the effective date of a facility closure; 76362  
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(3) An operator of a nursing facility that is undergoing or has undergone a voluntary withdrawal of participation; 76364  
76365

(4) An operator of a nursing facility that is undergoing or has undergone an involuntary termination. 76366  
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~~(U)~~~~(1)~~(V)~~(1)~~ Subject to divisions ~~(U)~~~~(2)~~(V)~~(2)~~ and (3) of this section, "facility closure" means either of the following: 76368  
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(a) Discontinuance of the use of the building, or part of the building, that houses the facility as a nursing facility that 76370  
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results in the relocation of all of the nursing facility's residents; 76372  
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(b) Conversion of the building, or part of the building, that houses a nursing facility to a different use with any necessary license or other approval needed for that use being obtained and one or more of the nursing facility's residents remaining in the building, or part of the building, to receive services under the new use. 76374  
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(2) A facility closure occurs regardless of any of the following: 76380  
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(a) The operator completely or partially replacing the nursing facility by constructing a new nursing facility or transferring the nursing facility's license to another nursing facility; 76382  
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(b) The nursing facility's residents relocating to another of the operator's nursing facilities; 76386  
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(c) Any action the department of health takes regarding the nursing facility's medicaid certification that may result in the transfer of part of the nursing facility's survey findings to another of the operator's nursing facilities; 76388  
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(d) Any action the department of health takes regarding the nursing facility's license under Chapter 3721. of the Revised Code. 76392  
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(3) A facility closure does not occur if all of the nursing facility's residents are relocated due to an emergency evacuation and one or more of the residents return to a medicaid-certified bed in the nursing facility not later than thirty days after the evacuation occurs. 76395  
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~~(V)~~(W) "Franchise permit fee" means the fee imposed by sections 5168.40 to 5168.56 of the Revised Code. 76400  
76401

~~(W)~~(X) "Inpatient days" means both of the following: 76402

(1) All days during which a resident, regardless of payment 76403  
source, occupies a licensed bed in a nursing facility ~~that is~~ 76404  
~~included in the nursing facility's medicaid-certified capacity;~~ 76405

(2) Fifty per cent of the days for which payment is made 76406  
under section 5165.34 of the Revised Code. 76407

~~(X)~~(Y) "Involuntary termination" means the department of 76408  
medicaid's termination of the operator's provider agreement for 76409  
the nursing facility when the termination is not taken at the 76410  
operator's request. 76411

~~(Y)~~(Z) "Low resource utilization resident" means a medicaid 76412  
recipient residing in a nursing facility who, for purposes of 76413  
calculating the nursing facility's medicaid payment rate for 76414  
direct care costs, is placed in either of the two lowest resource 76415  
utilization groups, excluding any resource utilization group that 76416  
is a default group used for residents with incomplete assessment 76417  
data. 76418

~~(Z)~~(AA) "Maintenance and repair expenses" means a nursing 76419  
facility's expenditures that are necessary and proper to maintain 76420  
an asset in a normally efficient working condition and that do not 76421  
extend the useful life of the asset two years or more. 76422  
"Maintenance and repair expenses" includes but is not limited to 76423  
the costs of ordinary repairs such as painting and wallpapering. 76424

~~(AA)~~(BB) "Medicaid-certified capacity" means the number of a 76425  
nursing facility's beds that are certified for participation in 76426  
medicaid as nursing facility beds. 76427

~~(BB)~~(CC) "Medicaid days" means both of the following: 76428

(1) All days during which a resident who is a medicaid 76429  
recipient eligible for nursing facility services occupies a bed in 76430  
a nursing facility that is included in the nursing facility's 76431

medicaid-certified capacity; 76432

(2) Fifty per cent of the days for which payment is made 76433  
under section 5165.34 of the Revised Code. 76434

~~(CC)~~~~(1)~~(DD)(1) "New nursing facility" means a nursing 76435  
facility for which the provider obtains an initial provider 76436  
agreement following medicaid certification of the nursing facility 76437  
by the director of health, including such a nursing facility that 76438  
replaces one or more nursing facilities for which a provider 76439  
previously held a provider agreement. 76440

(2) "New nursing facility" does not mean a nursing facility 76441  
for which the entering operator seeks a provider agreement 76442  
pursuant to section 5165.511 or 5165.512 or (pursuant to section 76443  
5165.515) section 5165.07 of the Revised Code. 76444

~~(DD)~~(EE) "Nursing facility" has the same meaning as in the 76445  
"Social Security Act," section 1919(a), 42 U.S.C. 1396r(a). 76446

~~(EE)~~(FF) "Nursing facility services" has the same meaning as 76447  
in the "Social Security Act," section 1905(f), 42 U.S.C. 1396d(f). 76448

~~(FF)~~(GG) "Nursing home" has the same meaning as in section 76449  
3721.01 of the Revised Code. 76450

~~(GG)~~(HH) "Occupancy rate" means the percentage of licensed 76451  
beds that, regardless of payer source, are either of the 76452  
following: 76453

(1) Reserved for use under section 5165.34 of the Revised 76454  
Code; 76455

(2) Actually being used. 76456

(II) "Operator" means the person or government entity 76457  
responsible for the daily operating and management decisions for a 76458  
nursing facility. 76459

~~(HH)~~~~(1)~~(JJ)(1) "Owner" means any person or government entity 76460  
that has at least five per cent ownership or interest, either 76461

directly, indirectly, or in any combination, in any of the 76462  
following regarding a nursing facility: 76463

(a) The land on which the nursing facility is located; 76464

(b) The structure in which the nursing facility is located; 76465

(c) Any mortgage, contract for deed, or other obligation 76466  
secured in whole or in part by the land or structure on or in 76467  
which the nursing facility is located; 76468

(d) Any lease or sublease of the land or structure on or in 76469  
which the nursing facility is located. 76470

(2) "Owner" does not mean a holder of a debenture or bond 76471  
related to the nursing facility and purchased at public issue or a 76472  
regulated lender that has made a loan related to the nursing 76473  
facility unless the holder or lender operates the nursing facility 76474  
directly or through a subsidiary. 76475

~~(II)~~(KK) "Per diem" means a nursing facility's actual, 76476  
allowable costs in a given cost center in a cost reporting period, 76477  
divided by the nursing facility's inpatient days for that cost 76478  
reporting period. 76479

~~(JJ)~~(LL) "Provider" means an operator with a provider 76480  
agreement. 76481

~~(KK)~~(MM) "Provider agreement" means a provider agreement, as 76482  
defined in section 5164.01 of the Revised Code, that is between 76483  
the department of medicaid and the operator of a nursing facility 76484  
for the provision of nursing facility services under the medicaid 76485  
program. 76486

~~(LL)~~(NN) "Purchased nursing services" means services that are 76487  
provided in a nursing facility by registered nurses, licensed 76488  
practical nurses, or nurse aides who are not employees of the 76489  
nursing facility. 76490

~~(MM)~~(OO) "Reasonable" means that a cost is an actual cost 76491

that is appropriate and helpful to develop and maintain the 76492  
operation of patient care facilities and activities, including 76493  
normal standby costs, and that does not exceed what a prudent 76494  
buyer pays for a given item or services. Reasonable costs may vary 76495  
from provider to provider and from time to time for the same 76496  
provider. 76497

~~(NN)~~(PP) "Rebasing" means a redetermination of each of the 76498  
following using information from cost reports for an applicable 76499  
calendar year that is later than the applicable calendar year used 76500  
for the previous rebasing: 76501

(1) Each peer group's rate for ancillary and support costs as 76502  
determined pursuant to division (C) of section 5165.16 of the 76503  
Revised Code; 76504

(2) Each peer group's rate for capital costs as determined 76505  
pursuant to division (C) of section 5165.17 of the Revised Code; 76506

(3) Each peer group's cost per case-mix unit as determined 76507  
pursuant to division (C) of section 5165.19 of the Revised Code; 76508

(4) Each nursing facility's rate for tax costs as determined 76509  
pursuant to section 5165.21 of the Revised Code. 76510

~~(OO)~~(OO) "Related party" means an individual or organization 76511  
that, to a significant extent, has common ownership with, is 76512  
associated or affiliated with, has control of, or is controlled 76513  
by, the provider. 76514

(1) An individual who is a relative of an owner is a related 76515  
party. 76516

(2) Common ownership exists when an individual or individuals 76517  
possess significant ownership or equity in both the provider and 76518  
the other organization. Significant ownership or equity exists 76519  
when an individual or individuals possess five per cent ownership 76520  
or equity in both the provider and a supplier. Significant 76521

ownership or equity is presumed to exist when an individual or 76522  
individuals possess ten per cent ownership or equity in both the 76523  
provider and another organization from which the provider 76524  
purchases or leases real property. 76525

(3) Control exists when an individual or organization has the 76526  
power, directly or indirectly, to significantly influence or 76527  
direct the actions or policies of an organization. 76528

(4) An individual or organization that supplies goods or 76529  
services to a provider shall not be considered a related party if 76530  
all of the following conditions are met: 76531

(a) The supplier is a separate bona fide organization. 76532

(b) A substantial part of the supplier's business activity of 76533  
the type carried on with the provider is transacted with others 76534  
than the provider and there is an open, competitive market for the 76535  
types of goods or services the supplier furnishes. 76536

(c) The types of goods or services are commonly obtained by 76537  
other nursing facilities from outside organizations and are not a 76538  
basic element of patient care ordinarily furnished directly to 76539  
patients by nursing facilities. 76540

(d) The charge to the provider is in line with the charge for 76541  
the goods or services in the open market and no more than the 76542  
charge made under comparable circumstances to others by the 76543  
supplier. 76544

~~(PP)~~ (RR) "Relative of owner" means an individual who is 76545  
related to an owner of a nursing facility by one of the following 76546  
relationships: 76547

(1) Spouse; 76548

(2) Natural parent, child, or sibling; 76549

(3) Adopted parent, child, or sibling; 76550

(4) Stepparent, stepchild, stepbrother, or stepsister; 76551

(5) Father-in-law, mother-in-law, son-in-law, 76552  
daughter-in-law, brother-in-law, or sister-in-law; 76553

(6) Grandparent or grandchild; 76554

(7) Foster caregiver, foster child, foster brother, or foster 76555  
sister. 76556

~~(QQ)~~(SS) "Residents' rights advocate" has the same meaning as 76557  
in section 3721.10 of the Revised Code. 76558

~~(RR)~~(TT) "Skilled nursing facility" has the same meaning as 76559  
in the "Social Security Act," section 1819(a), 42 U.S.C. 76560  
1395i-3(a). 76561

~~(SS)~~(UU) "State fiscal year" means the fiscal year of this 76562  
state, as specified in section 9.34 of the Revised Code. 76563

~~(TT)~~(VV) "Sponsor" has the same meaning as in section 3721.10 76564  
of the Revised Code. 76565

~~(UU)~~(WW) "Tax costs" means the costs of taxes imposed under 76566  
Chapter 5751. of the Revised Code, real estate taxes, personal 76567  
property taxes, and corporate franchise taxes. 76568

~~(VV)~~(XX) "Title XIX" means Title XIX of the "Social Security 76569  
Act," 42 U.S.C. 1396 et seq. 76570

~~(WW)~~(YY) "Title XVIII" means Title XVIII of the "Social 76571  
Security Act," 42 U.S.C. 1395 et seq. 76572

~~(XX)~~ (ZZ) "Voluntary withdrawal of participation" means an 76573  
operator's voluntary election to terminate the participation of a 76574  
nursing facility in the medicaid program but to continue to 76575  
provide service of the type provided by a nursing facility. 76576

**Sec. 5165.15.** Except as otherwise provided by sections 76577  
5165.151 to 5165.157 and 5165.34 of the Revised Code, the total 76578  
per medicaid day payment rate that the department of medicaid 76579  
shall pay a nursing facility provider for nursing facility 76580

services the provider's nursing facility provides during a state 76581  
fiscal year shall be determined as follows: 76582

(A) Determine the sum of all of the following: 76583

(1) The per medicaid day payment rate for ancillary and 76584  
support costs determined for the nursing facility under section 76585  
5165.16 of the Revised Code; 76586

(2) The per medicaid day payment rate for capital costs 76587  
determined for the nursing facility under section 5165.17 of the 76588  
Revised Code; 76589

(3) The per medicaid day payment rate for direct care costs 76590  
determined for the nursing facility under section 5165.19 of the 76591  
Revised Code; 76592

(4) The per medicaid day payment rate for tax costs 76593  
determined for the nursing facility under section 5165.21 of the 76594  
Revised Code; 76595

(5) If the nursing facility qualifies as a critical access 76596  
nursing facility, the nursing facility's critical access incentive 76597  
payment paid under section 5165.23 of the Revised Code. 76598

(B) To the sum determined under division (A) of this section, 76599  
add sixteen dollars and forty-four cents. 76600

(C) From the sum determined under division (B) of this 76601  
section, subtract one dollar and seventy-nine cents. 76602

~~(D) To the difference determined under division (C) of this 76603  
section, add the per medicaid day quality payment rate determined 76604  
for the nursing facility under section 5165.25 of the Revised 76605  
Code. 76606~~

~~(E)~~ To the sum determined under division ~~(D)~~(C) of this 76607  
section, add, for state fiscal year ~~2021~~ 2022 and for state fiscal 76608  
year 2023, the per medicaid day quality incentive payment rate 76609

determined for the nursing facility under section 5165.26 of the Revised Code. 76610  
76611

**Sec. 5165.151.** (A) The total per medicaid day payment rate determined under section 5165.15 of the Revised Code shall not be the initial rate for nursing facility services provided by a new nursing facility. Instead, the initial total per medicaid day payment rate for nursing facility services provided by a new nursing facility shall be determined in the following manner: 76612  
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(1) The initial rate for ancillary and support costs shall be the rate for the new nursing facility's peer group determined under division (C) of section 5165.16 of the Revised Code. 76618  
76619  
76620

(2) The initial rate for capital costs shall be the rate for the new nursing facility's peer group determined under division (C) of section 5165.17 of the Revised Code; 76621  
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76623

(3) The initial rate for direct care costs shall be the product of the cost per case-mix unit determined under division (C) of section 5165.19 of the Revised Code for the new nursing facility's peer group and the new nursing facility's case-mix score determined under division (B) of this section. 76624  
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(4) The initial rate for tax costs shall be the following: 76629

(a) If the provider of the new nursing facility submits to the department of medicaid the nursing facility's projected tax costs for the calendar year in which the provider obtains an initial provider agreement for the new nursing facility, an amount determined by dividing those projected tax costs by the number of inpatient days the nursing facility would have for that calendar year if its occupancy rate were one hundred per cent; 76630  
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(b) If division (A)(4)(a) of this section does not apply, the median rate for tax costs for the new nursing facility's peer group in which the nursing facility is placed under division (B) 76637  
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of section 5165.16 of the Revised Code. 76640

~~(5) The quality payment shall be the mean quality payment  
rate determined for nursing facilities under section 5165.25 of  
the Revised Code.~~ 76641  
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~~(6)~~ Fourteen dollars and sixty-five cents shall be added to 76644  
the sum of the rates and payment specified in divisions (A)(1) to 76645  
~~(5)(4)~~ of this section. 76646

(B) For the purpose of division (A)(3) of this section, a new 76647  
nursing facility's case-mix score shall be the following: 76648

(1) Unless the new nursing facility replaces an existing 76649  
nursing facility that participated in the medicaid program 76650  
immediately before the new nursing facility begins participating 76651  
in the medicaid program, the median annual average case-mix score 76652  
for the new nursing facility's peer group; 76653

(2) If the nursing facility replaces an existing nursing 76654  
facility that participated in the medicaid program immediately 76655  
before the new nursing facility begins participating in the 76656  
medicaid program, the semiannual case-mix score most recently 76657  
determined under section 5165.192 of the Revised Code for the 76658  
replaced nursing facility as adjusted, if necessary, to reflect 76659  
any difference in the number of beds in the replaced and new 76660  
nursing facilities. 76661

(C) Subject to division (D) of this section, the department 76662  
of medicaid shall adjust the rates established under division (A) 76663  
of this section effective the first day of July, to reflect new 76664  
rate calculations for all nursing facilities under this chapter. 76665

(D) If a rate for direct care costs is determined under this 76666  
section for a new nursing facility using the median annual average 76667  
case-mix score for the new nursing facility's peer group, the rate 76668  
shall be redetermined to reflect the new nursing facility's actual 76669  
semiannual average case-mix score determined under section 76670

5165.192 of the Revised Code after the new nursing facility 76671  
submits its first two quarterly assessment data that qualify for 76672  
use in calculating a case-mix score in accordance with rules 76673  
authorized by section 5165.192 of the Revised Code. If the new 76674  
nursing facility's quarterly submissions do not qualify for use in 76675  
calculating a case-mix score, the department shall continue to use 76676  
the median annual average case-mix score for the new nursing 76677  
facility's peer group in lieu of the new nursing facility's 76678  
semiannual case-mix score until the new nursing facility submits 76679  
two consecutive quarterly assessment data that qualify for use in 76680  
calculating a case-mix score. 76681

**Sec. 5165.16.** (A) The department of medicaid shall determine 76682  
each nursing facility's per medicaid day payment rate for 76683  
ancillary and support costs. A nursing facility's rate shall be 76684  
the rate determined under division (C) of this section for the 76685  
nursing facility's peer group. 76686

(B) For the purpose of determining nursing facilities' rates 76687  
for ancillary and support costs, the department shall establish 76688  
six peer groups composed as follows: 76689

(1) Each nursing facility located in any of the following 76690  
counties shall be placed in peer group one or two: Brown, Butler, 76691  
Clermont, Clinton, Hamilton, and Warren. Each nursing facility 76692  
located in any of those counties that has fewer than one hundred 76693  
beds shall be placed in peer group one. Each nursing facility 76694  
located in any of those counties that has one hundred or more beds 76695  
shall be placed in peer group two. 76696

(2) Each nursing facility located in any of the following 76697  
counties shall be placed in peer group three or four: Allen, 76698  
Ashtabula, Champaign, Clark, Cuyahoga, Darke, Delaware, Fairfield, 76699  
Fayette, Franklin, Fulton, Geauga, Greene, Hancock, Knox, Lake, 76700  
Licking, Lorain, Lucas, Madison, Mahoning, Marion, Medina, Miami, 76701

Montgomery, Morrow, Ottawa, Pickaway, Portage, Preble, Ross, 76702  
Sandusky, Seneca, Stark, Summit, Trumbull, Union, and Wood. Each 76703  
nursing facility located in any of those counties that has fewer 76704  
than one hundred beds shall be placed in peer group three. Each 76705  
nursing facility located in any of those counties that has one 76706  
hundred or more beds shall be placed in peer group four. 76707

(3) Each nursing facility located in any of the following 76708  
counties shall be placed in peer group five or six: Adams, 76709  
Ashland, Athens, Auglaize, Belmont, Carroll, Columbiana, 76710  
Coshocton, Crawford, Defiance, Erie, Gallia, Guernsey, Hardin, 76711  
Harrison, Henry, Highland, Hocking, Holmes, Huron, Jackson, 76712  
Jefferson, Lawrence, Logan, Meigs, Mercer, Monroe, Morgan, 76713  
Muskingum, Noble, Paulding, Perry, Pike, Putnam, Richland, Scioto, 76714  
Shelby, Tuscarawas, Van Wert, Vinton, Washington, Wayne, Williams, 76715  
and Wyandot. Each nursing facility located in any of those 76716  
counties that has fewer than one hundred beds shall be placed in 76717  
peer group five. Each nursing facility located in any of those 76718  
counties that has one hundred or more beds shall be placed in peer 76719  
group six. 76720

(C)(1) The department shall determine the rate for ancillary 76721  
and support costs for each peer group established under division 76722  
(B) of this section. The rate for ancillary and support costs 76723  
determined under this division for a peer group shall be used for 76724  
subsequent years until the department conducts a rebasing. To 76725  
determine a peer group's rate for ancillary and support costs, the 76726  
department shall do all of the following: 76727

(a) ~~Subject to division (C)(2) of this section, determine~~ 76728  
Determine the rate for ancillary and support costs for each 76729  
nursing facility in the peer group for the applicable calendar 76730  
year by using the greater of the nursing facility's actual 76731  
inpatient days for the applicable calendar year or the inpatient 76732  
days the nursing facility would have had for the applicable 76733

calendar year if its occupancy rate had been ninety per cent; 76734

(b) Subject to division ~~(C)(3)~~ (C)(2) of this section, 76735  
identify which nursing facility in the peer group is at the 76736  
twenty-fifth percentile of the rate for ancillary and support 76737  
costs for the applicable calendar year determined under division 76738  
(C)(1)(a) of this section; 76739

(c) Multiply the rate for ancillary and support costs 76740  
determined under division (C)(1)(a) of this section for the 76741  
nursing facility identified under division (C)(1)(b) of this 76742  
section by the rate of inflation for the eighteen-month period 76743  
beginning on the first day of July of the applicable calendar year 76744  
and ending the last day of December of the calendar year 76745  
immediately following the applicable calendar year using the 76746  
following: 76747

(i) Except as provided in division (C)(1)(c)(ii) of this 76748  
section, the consumer price index for all items for all urban 76749  
consumers for the midwest region, published by the United States 76750  
bureau of labor statistics; 76751

(ii) If the United States bureau of labor statistics ceases 76752  
to publish the index specified in division (C)(1)(c)(i) of this 76753  
section, the index the bureau subsequently publishes that covers 76754  
urban consumers' prices for items for the region that includes 76755  
this state. 76756

~~(2) For the purpose of determining a nursing facility's 76757  
occupancy rate under division (C)(1)(a) of this section, the 76758  
department shall include any beds that the nursing facility 76759  
removes from its medicaid certified capacity unless the nursing 76760  
facility also removes the beds from its licensed bed capacity. 76761~~

~~(3)~~ In making the identification under division (C)(1)(b) of 76762  
this section, the department shall exclude both of the following: 76763

(a) Nursing facilities that participated in the medicaid 76764

program under the same provider for less than twelve months in the applicable calendar year; 76765  
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(b) Nursing facilities whose ancillary and support costs are more than one standard deviation from the mean desk-reviewed, actual, allowable, per diem ancillary and support cost for all nursing facilities in the nursing facility's peer group for the applicable calendar year. 76767  
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~~(4)~~(3) The department shall not redetermine a peer group's rate for ancillary and support costs under this division based on additional information that it receives after the rate is determined. The department shall redetermine a peer group's rate for ancillary and support costs only if the department made an error in determining the rate based on information available to the department at the time of the original determination. 76772  
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**Sec. 5165.17.** (A) The department of medicaid shall determine each nursing facility's per medicaid day payment rate for capital costs. A nursing facility's rate shall be the rate determined under division (C) of this section for the nursing facility's peer group. 76779  
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(B) For the purpose of determining nursing facilities' rates for capital costs, the department shall establish six peer groups. 76784  
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(1) Each nursing facility located in any of the following counties shall be placed in peer group one or two: Brown, Butler, Clermont, Clinton, Hamilton, and Warren. Each nursing facility located in any of those counties that has fewer than one hundred beds shall be placed in peer group one. Each nursing facility located in any of those counties that has one hundred or more beds shall be placed in peer group two. 76786  
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(2) Each nursing facility located in any of the following counties shall be placed in peer group three or four: Allen, 76793  
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Ashtabula, Champaign, Clark, Cuyahoga, Darke, Delaware, Fairfield, 76795  
Fayette, Franklin, Fulton, Geauga, Greene, Hancock, Knox, Lake, 76796  
Licking, Lorain, Lucas, Madison, Mahoning, Marion, Medina, Miami, 76797  
Montgomery, Morrow, Ottawa, Pickaway, Portage, Preble, Ross, 76798  
Sandusky, Seneca, Stark, Summit, Trumbull, Union, and Wood. Each 76799  
nursing facility located in any of those counties that has fewer 76800  
than one hundred beds shall be placed in peer group three. Each 76801  
nursing facility located in any of those counties that has one 76802  
hundred or more beds shall be placed in peer group four. 76803

(3) Each nursing facility located in any of the following 76804  
counties shall be placed in peer group five or six: Adams, 76805  
Ashland, Athens, Auglaize, Belmont, Carroll, Columbiana, 76806  
Coshocton, Crawford, Defiance, Erie, Gallia, Guernsey, Hardin, 76807  
Harrison, Henry, Highland, Hocking, Holmes, Huron, Jackson, 76808  
Jefferson, Lawrence, Logan, Meigs, Mercer, Monroe, Morgan, 76809  
Muskingum, Noble, Paulding, Perry, Pike, Putnam, Richland, Scioto, 76810  
Shelby, Tuscarawas, Van Wert, Vinton, Washington, Wayne, Williams, 76811  
and Wyandot. Each nursing facility located in any of those 76812  
counties that has fewer than one hundred beds shall be placed in 76813  
peer group five. Each nursing facility located in any of those 76814  
counties that has one hundred or more beds shall be placed in peer 76815  
group six. 76816

(C)(1) The department shall determine the rate for capital 76817  
costs for each peer group established under division (B) of this 76818  
section. The rate for capital costs determined under this division 76819  
for a peer group shall be used for subsequent years until the 76820  
department conducts a rebasing. A peer group's rate for capital 76821  
costs shall be the rate for capital costs for the nursing facility 76822  
in the peer group that is at the twenty-fifth percentile of the 76823  
rate for capital costs for the applicable calendar year. 76824

(2) To identify the nursing facility in a peer group that is 76825  
at the twenty-fifth percentile of the rate for capital costs for 76826

the applicable calendar year, the department shall do both of the following: 76827  
76828

(a) ~~Subject to division (C)(3) of this section, use~~ Use the 76829  
greater of each nursing facility's actual inpatient days for the 76830  
applicable calendar year or the inpatient days the nursing 76831  
facility would have had for the applicable calendar year if its 76832  
occupancy rate had been one hundred per cent; 76833

(b) Exclude both of the following: 76834

(i) Nursing facilities that participated in the medicaid 76835  
program under the same provider for less than twelve months in the 76836  
applicable calendar year; 76837

(ii) Nursing facilities whose capital costs are more than one 76838  
standard deviation from the mean desk-reviewed, actual, allowable, 76839  
per diem capital cost for all nursing facilities in the nursing 76840  
facility's peer group for the applicable calendar year. 76841

(3) ~~For the purpose of determining a nursing facility's~~ 76842  
~~occupancy rate under division (C)(2)(a) of this section, the~~ 76843  
~~department shall include any beds that the nursing facility~~ 76844  
~~removes from its medicaid certified capacity after June 30, 2005,~~ 76845  
~~unless the nursing facility also removes the beds from its~~ 76846  
~~licensed bed capacity.~~ 76847

~~(4)~~ The department shall not redetermine a peer group's rate 76848  
for capital costs under this division based on additional 76849  
information that it receives after the rate is determined. The 76850  
department shall redetermine a peer group's rate for capital costs 76851  
only if the department made an error in determining the rate based 76852  
on information available to the department at the time of the 76853  
original determination. 76854

(D) Buildings shall be depreciated using the straight line 76855  
method over forty years or over a different period approved by the 76856  
department. Components and equipment shall be depreciated using 76857

the straight-line method over a period designated in rules adopted 76858  
under section 5165.02 of the Revised Code, consistent with the 76859  
guidelines of the American hospital association, or over a 76860  
different period approved by the department. Any rules authorized 76861  
by this division that specify useful lives of buildings, 76862  
components, or equipment apply only to assets acquired on or after 76863  
July 1, 1993. Depreciation for costs paid or reimbursed by any 76864  
government agency shall not be included in capital costs unless 76865  
that part of the payment under this chapter is used to reimburse 76866  
the government agency. 76867

(E) The capital cost basis of nursing facility assets shall 76868  
be determined in the following manner: 76869

(1) Except as provided in division (E)(3) of this section, 76870  
for purposes of calculating the rates to be paid for facilities 76871  
with dates of licensure on or before June 30, 1993, the capital 76872  
cost basis of each asset shall be equal to the desk-reviewed, 76873  
actual, allowable, capital cost basis that is listed on the 76874  
facility's cost report for the calendar year preceding the state 76875  
fiscal year during which the rate will be paid. 76876

(2) For facilities with dates of licensure after June 30, 76877  
1993, the capital cost basis shall be determined in accordance 76878  
with the principles of the medicare program, except as otherwise 76879  
provided in this chapter. 76880

(3) Except as provided in division (E)(4) of this section, if 76881  
a provider transfers an interest in a facility to another provider 76882  
after June 30, 1993, there shall be no increase in the capital 76883  
cost basis of the asset if the providers are related parties or 76884  
the provider to which the interest is transferred authorizes the 76885  
provider that transferred the interest to continue to operate the 76886  
facility under a lease, management agreement, or other 76887  
arrangement. If the previous sentence does not prohibit the 76888  
adjustment of the capital cost basis under this division, the 76889

basis of the asset shall be adjusted by one-half of the change in 76890  
the consumer price index for all items for all urban consumers, as 76891  
published by the United States bureau of labor statistics, during 76892  
the time that the transferor held the asset. 76893

(4) If a provider transfers an interest in a facility to 76894  
another provider who is a related party, the capital cost basis of 76895  
the asset shall be adjusted as specified in division (E)(3) of 76896  
this section if all of the following conditions are met: 76897

(a) The related party is a relative of owner; 76898

(b) Except as provided in division (E)(4)(c)(ii) of this 76899  
section, the provider making the transfer retains no ownership 76900  
interest in the facility; 76901

(c) The department determines that the transfer is an arm's 76902  
length transaction pursuant to rules adopted under section 5165.02 76903  
of the Revised Code. The rules shall provide that a transfer is an 76904  
arm's length transaction if all of the following apply: 76905

(i) Once the transfer goes into effect, the provider that 76906  
made the transfer has no direct or indirect interest in the 76907  
provider that acquires the facility or the facility itself, 76908  
including interest as an owner, officer, director, employee, 76909  
independent contractor, or consultant, but excluding interest as a 76910  
creditor. 76911

(ii) The provider that made the transfer does not reacquire 76912  
an interest in the facility except through the exercise of a 76913  
creditor's rights in the event of a default. If the provider 76914  
reacquires an interest in the facility in this manner, the 76915  
department shall treat the facility as if the transfer never 76916  
occurred when the department calculates its reimbursement rates 76917  
for capital costs. 76918

(iii) The transfer satisfies any other criteria specified in 76919  
the rules. 76920

(d) Except in the case of hardship caused by a catastrophic event, as determined by the department, or in the case of a provider making the transfer who is at least sixty-five years of age, not less than twenty years have elapsed since, for the same facility, the capital cost basis was adjusted most recently under division (E)(4) of this section or actual, allowable capital costs was determined most recently under division (F)(9) of this section.

(F) As used in this division:

"Imputed interest" means the lesser of the prime rate plus two per cent or ten per cent.

"Lease expense" means lease payments in the case of an operating lease and depreciation expense and interest expense in the case of a capital lease.

"New lease" means a lease, to a different lessee, of a nursing facility that previously was operated under a lease.

(1) Subject to division (A) of this section, for a lease of a facility that was effective on May 27, 1992, the entire lease expense is an actual, allowable capital cost during the term of the existing lease. The entire lease expense also is an actual, allowable capital cost if a lease in existence on May 27, 1992, is renewed under either of the following circumstances:

(a) The renewal is pursuant to a renewal option that was in existence on May 27, 1992;

(b) The renewal is for the same lease payment amount and between the same parties as the lease in existence on May 27, 1992.

(2) Subject to division (A) of this section, for a lease of a facility that was in existence but not operated under a lease on May 27, 1992, actual, allowable capital costs shall include the

lesser of the annual lease expense or the annual depreciation 76951  
expense and imputed interest expense that would be calculated at 76952  
the inception of the lease using the lessor's entire historical 76953  
capital asset cost basis, adjusted by one-half of the change in 76954  
the consumer price index for all items for all urban consumers, as 76955  
published by the United States bureau of labor statistics, during 76956  
the time the lessor held each asset until the beginning of the 76957  
lease. 76958

(3) Subject to division (A) of this section, for a lease of a 76959  
facility with a date of licensure on or after May 27, 1992, that 76960  
is initially operated under a lease, actual, allowable capital 76961  
costs shall include the annual lease expense if there was a 76962  
substantial commitment of money for construction of the facility 76963  
after December 22, 1992, and before July 1, 1993. If there was not 76964  
a substantial commitment of money after December 22, 1992, and 76965  
before July 1, 1993, actual, allowable capital costs shall include 76966  
the lesser of the annual lease expense or the sum of the 76967  
following: 76968

(a) The annual depreciation expense that would be calculated 76969  
at the inception of the lease using the lessor's entire historical 76970  
capital asset cost basis; 76971

(b) The greater of the lessor's actual annual amortization of 76972  
financing costs and interest expense at the inception of the lease 76973  
or the imputed interest expense calculated at the inception of the 76974  
lease using seventy per cent of the lessor's historical capital 76975  
asset cost basis. 76976

(4) Subject to division (A) of this section, for a lease of a 76977  
facility with a date of licensure on or after May 27, 1992, that 76978  
was not initially operated under a lease and has been in existence 76979  
for ten years, actual, allowable capital costs shall include the 76980  
lesser of the annual lease expense or the annual depreciation 76981  
expense and imputed interest expense that would be calculated at 76982

the inception of the lease using the entire historical capital 76983  
asset cost basis of one-half of the change in the consumer price 76984  
index for all items for all urban consumers, as published by the 76985  
United States bureau of labor statistics, during the time the 76986  
lessor held each asset until the beginning of the lease. 76987

(5) Subject to division (A) of this section, for a new lease 76988  
of a facility that was operated under a lease on May 27, 1992, 76989  
actual, allowable capital costs shall include the lesser of the 76990  
annual new lease expense or the annual old lease payment. If the 76991  
old lease was in effect for ten years or longer, the old lease 76992  
payment from the beginning of the old lease shall be adjusted by 76993  
one-half of the change in the consumer price index for all items 76994  
for all urban consumers, as published by the United States bureau 76995  
of labor statistics, from the beginning of the old lease to the 76996  
beginning of the new lease. 76997

(6) Subject to division (A) of this section, for a new lease 76998  
of a facility that was not in existence or that was in existence 76999  
but not operated under a lease on May 27, 1992, actual, allowable 77000  
capital costs shall include the lesser of annual new lease expense 77001  
or the annual amount calculated for the old lease under division 77002  
(F)(2), (3), (4), or (6) of this section, as applicable. If the 77003  
old lease was in effect for ten years or longer, the lessor's 77004  
historical capital asset cost basis shall be, for purposes of 77005  
calculating the annual amount under division (F)(2), (3), (4), or 77006  
(6) of this section, adjusted by one-half of the change in the 77007  
consumer price index for all items for all urban consumers, as 77008  
published by the United States bureau of labor statistics, from 77009  
the beginning of the old lease to the beginning of the new lease. 77010

In the case of a lease under division (F)(3) of this section 77011  
of a facility for which a substantial commitment of money was made 77012  
after December 22, 1992, and before July 1, 1993, the old lease 77013  
payment shall be adjusted for the purpose of determining the 77014

annual amount. 77015

(7) For any revision of a lease described in division (F)(1), 77016  
(2), (3), (4), (5), or (6) of this section, or for any subsequent 77017  
lease of a facility operated under such a lease, other than 77018  
execution of a new lease, the portion of actual, allowable capital 77019  
costs attributable to the lease shall be the same as before the 77020  
revision or subsequent lease. 77021

(8) Except as provided in division (F)(9) of this section, if 77022  
a provider leases an interest in a facility to another provider 77023  
who is a related party or previously operated the facility, the 77024  
related party's or previous operator's actual, allowable capital 77025  
costs shall include the lesser of the annual lease expense or the 77026  
reasonable cost to the lessor. 77027

(9) If a provider leases an interest in a facility to another 77028  
provider who is a related party, regardless of the date of the 77029  
lease, the related party's actual, allowable capital costs shall 77030  
include the annual lease expense, subject to the limitations 77031  
specified in divisions (F)(1) to (7) of this section, if all of 77032  
the following conditions are met: 77033

(a) The related party is a relative of owner; 77034

(b) If the lessor retains an ownership interest, it is, 77035  
except as provided in division (F)(9)(c)(ii) of this section, in 77036  
only the real property and any improvements on the real property; 77037

(c) The department determines that the lease is an arm's 77038  
length transaction pursuant to rules adopted under section 5165.02 77039  
of the Revised Code. The rules shall provide that a lease is an 77040  
arm's length transaction if all of the following apply: 77041

(i) Once the lease goes into effect, the lessor has no direct 77042  
or indirect interest in the lessee or, except as provided in 77043  
division (F)(9)(b) of this section, the facility itself, including 77044  
interest as an owner, officer, director, employee, independent 77045

contractor, or consultant, but excluding interest as a lessor. 77046

(ii) The lessor does not reacquire an interest in the 77047  
facility except through the exercise of a lessor's rights in the 77048  
event of a default. If the lessor reacquires an interest in the 77049  
facility in this manner, the department shall treat the facility 77050  
as if the lease never occurred when the department calculates its 77051  
reimbursement rates for capital costs. 77052

(iii) The lease satisfies any other criteria specified in the 77053  
rules. 77054

(d) Except in the case of hardship caused by a catastrophic 77055  
event, as determined by the department, or in the case of a lessor 77056  
who is at least sixty-five years of age, not less than twenty 77057  
years have elapsed since, for the same facility, the capital cost 77058  
basis was adjusted most recently under division (E)(4) of this 77059  
section or actual, allowable capital costs were determined most 77060  
recently under division (F)(9) of this section. 77061

(10) This division does not apply to leases of specific items 77062  
of equipment. 77063

**Sec. 5165.191.** Each calendar quarter, each nursing facility 77064  
provider shall compile complete assessment data for each resident 77065  
of each of the provider's nursing facilities, regardless of 77066  
payment source, who is in the nursing facility, or on hospital or 77067  
therapeutic leave from the nursing facility, on the last day of 77068  
the quarter. A resident assessment instrument specified in rules 77069  
authorized by this section shall be used to compile the resident 77070  
assessment data. Each provider shall submit the resident 77071  
assessment data to the department of health and, if required by 77072  
the rules, the department of medicaid. The resident assessment 77073  
data shall be submitted not later than fifteen days after the end 77074  
of the calendar quarter for which the data is compiled. If the 77075  
resident assessment data is to be submitted to the department of 77076

medicaid, it shall be submitted to the department through the 77077  
medium or media specified in the rules. 77078

Rules adopted under section 5165.02 of the Revised Code shall 77079  
do all of the following: 77080

(A) In a manner consistent with the "Social Security Act," 77081  
section 1919(e)(5), 42 U.S.C. 1396r(e)(5), specify a resident 77082  
assessment instrument to be used by nursing facility providers 77083  
under this section; 77084

(B) Specify whether nursing facility providers must submit 77085  
the resident assessment data to the department of medicaid; 77086

(C) Specify any resident assessment data that is excluded 77087  
from the case mix calculation made under section 5165.192 of the 77088  
Revised Code; 77089

(D) If the rules specify that nursing facility providers must 77090  
submit the resident assessment data to the department, specify the 77091  
medium or media through which the data is to be submitted. 77092

**Sec. 5165.26.** (A) As used in this section: 77093

(1) "Base rate" means the portion of a nursing facility's 77094  
total per medicaid day payment rate determined under divisions (A) 77095  
~~and~~, (B), and (C) of section 5165.15 of the Revised Code. 77096

(2) "CMS" means the United States centers for medicare and 77097  
medicaid services. 77098

(3) "Force majeure event" means an uncontrollable force or 77099  
natural disaster not within the power of a nursing facility's 77100  
operator. 77101

(4) "Long-stay resident" ~~has the same meaning as in section~~ 77102  
~~5165.25 of the Revised Code~~ means an individual who has resided in 77103  
a nursing facility for at least one hundred one days. 77104

(5) "Nursing facilities for which a quality score was determined" includes nursing facilities that are determined to have a quality score of zero. 77105  
77106  
77107

(6) "SFF list" means the list of nursing facilities that the United States department of health and human services creates under the special focus facility program. 77108  
77109  
77110

(7) "Special focus facility program" means the program conducted by the United States secretary of health and human services pursuant to section 1919(f)(10) of the "Social Security Act," 42 U.S.C. 1396r(f)(10). 77111  
77112  
77113  
77114

(8) "Table A" means the table included in the SFF list that identifies nursing facilities that are newly added to the SFF list. 77115  
77116  
77117

(9) "Table B" means the table included in the SFF list that identifies nursing facilities that have not improved. 77118  
77119

(10) "Table C" means the table included in the SFF list that identifies nursing facilities that have recently graduated from the special focus facility program. 77120  
77121  
77122

(B) For state fiscal year ~~2021~~ 2022 and state fiscal year 2023, and subject to divisions (D), (E), and (F), and except as provided in division (G) of this section, the department of medicaid shall determine each nursing facility's per medicaid day quality incentive payment rate as follows: 77123  
77124  
77125  
77126  
77127

(1) Determine the sum of the quality scores determined under division (C) of this section for all nursing facilities. 77128  
77129

(2) Determine the average quality score by dividing the sum determined under division (B)(1) of this section by the number of nursing facilities for which a quality score was determined. 77130  
77131  
77132

(3) ~~For state fiscal year 2021, determine~~ Determine the sum of the total number of medicaid days for all of the calendar year 77133  
77134

|                                                                                         |       |
|-----------------------------------------------------------------------------------------|-------|
| <del>2019</del> <u>preceding the fiscal year for which the rate is determined</u>       | 77135 |
| for all nursing facilities for which a quality score was                                | 77136 |
| determined.                                                                             | 77137 |
| (4) Multiply the average quality score determined under                                 | 77138 |
| division (B)(2) of this section by the sum determined under                             | 77139 |
| division (B)(3) of this section.                                                        | 77140 |
| (5) Determine the value per quality point by determining the                            | 77141 |
| quotient of the following:                                                              | 77142 |
| (a) <del>For state fiscal year 2021, the</del> <u>The</u> sum determined under          | 77143 |
| division (F)(2) of this section.                                                        | 77144 |
| (b) The product determined under division (B)(4) of this                                | 77145 |
| section.                                                                                | 77146 |
| (6) Multiply the value per quality point determined under                               | 77147 |
| division (B)(5) of this section by the nursing facility's quality                       | 77148 |
| score determined under division (C) of this section.                                    | 77149 |
| (C)(1) Except as provided in <del>divisions</del> <u>division</u> (C)(2) <del>and</del> | 77150 |
| <del>(3)</del> of this section, a nursing facility's quality score for state            | 77151 |
| fiscal year <del>2021</del> <u>2022 and state fiscal year 2023</u> shall be the sum     | 77152 |
| of the total number of points that CMS assigned to the nursing                          | 77153 |
| facility under CMS's nursing facility five-star quality rating                          | 77154 |
| system for the following quality metrics based on the most recent                       | 77155 |
| four-quarter average data available in the database maintained by                       | 77156 |
| <del>the United States centers for medicare and medicaid services</del> <u>CMS</u>      | 77157 |
| and known as nursing home compare in <del>May</del> <u>the most recent month</u> of     | 77158 |
| <del>2020</del> <u>the calendar year during which the fiscal year for which the</u>     | 77159 |
| <u>rate is determined begins:</u>                                                       | 77160 |
| (a) The percentage of the nursing facility's long-stay                                  | 77161 |
| residents at high risk for pressure ulcers who had pressure                             | 77162 |
| ulcers;                                                                                 | 77163 |
| (b) The percentage of the nursing facility's long-stay                                  | 77164 |

residents who had a urinary tract infection; 77165

(c) The percentage of the nursing facility's long-stay 77166  
residents whose ability to move independently worsened; 77167

(d) The percentage of the nursing facility's long-stay 77168  
residents who had a catheter inserted and left in their bladder. 77169

(2) In determining a nursing facility's quality score for 77170  
state fiscal year ~~2021~~ 2022 and state fiscal year 2023, the 77171  
department shall make the following adjustment to the number of 77172  
points that CMS assigned to the nursing facility for each of the 77173  
quality metrics specified in division (C)(1) of this section: 77174

(a) Unless division (C)(2)(b) or (c) of this section applies, 77175  
divide the number of the nursing facility's points for the quality 77176  
metric by twenty. 77177

(b) If CMS assigned the nursing facility to the lowest 77178  
percentile for the quality metric, reduce the number of the 77179  
nursing facility's points for the quality metric to zero. 77180

(c) If the nursing facility's total number of points for 77181  
state fiscal year 2022 or for state fiscal year 2023 for all of 77182  
the quality metrics specified in division (C)(1) of this section 77183  
is less than a number of points that is equal to the twenty-fifth 77184  
percentile of all nursing facilities, reduce the nursing 77185  
facility's points to zero for that fiscal year. 77186

(3) A nursing facility's quality score shall be zero for 77187  
state fiscal year 2021 if it is not to receive a quality incentive 77188  
payment for that state fiscal year because of division (D) of this 77189  
section. 77190

(D)(1) Except as provided in division (D)(2) of this section, 77191  
a nursing facility shall not receive a quality incentive payment 77192  
for state fiscal year 2021 if the nursing facility's licensed 77193  
occupancy percentage is less than eighty per cent. 77194

(2) Division (D)(1) of this section does not apply to a nursing facility if any of the following apply:

(a) The nursing facility has a quality score under division (C) of this section for state fiscal year 2021 of at least fifteen points;

(b) The nursing facility was initially certified for participation in the medicaid program on or after January 1, 2019;

(c) Subject to division (D)(4) of this section, one or more of the beds that are part of the nursing facility's licensed capacity could not be used for resident care during calendar year 2019 due to causes beyond the reasonable control of the nursing facility's operator, including a force majeure event;

(d) Subject to division (D)(5) of this section, the nursing facility underwent a renovation during the period beginning January 1, 2018, and ending January 1, 2020, to which both of the following apply:

(i) The renovation involved capital expenditures of at least fifty thousand dollars, excluding expenditures for equipment, staffing, or operational costs.

(ii) The renovation directly impacted the area of the nursing facility in which the beds that are part of the nursing facility's licensed capacity are located.

(3) A nursing facility's licensed occupancy percentage for the purpose of division (D)(1) of this section shall be determined as follows:

(a) Determine the product of the following:

(i) The nursing facility's licensed capacity as of December 31, 2019, as identified on the nursing facility's cost report filed with the department pursuant to section 5165.10 of the Revised Code;

|                                                                                                                                                                                                                                                                                                                                                                                                                                  |                                                             |
|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-------------------------------------------------------------|
| (ii) Three hundred sixty-five.                                                                                                                                                                                                                                                                                                                                                                                                   | 77225                                                       |
| (b) Determine the quotient of the following:                                                                                                                                                                                                                                                                                                                                                                                     | 77226                                                       |
| (i) The total number of the nursing facility's inpatient days for calendar year 2019, as identified on the nursing facility's cost report filed with the department pursuant to section 5165.10 of the Revised Code;                                                                                                                                                                                                             | 77227<br>77228<br>77229<br>77230                            |
| (ii) The product determined under division (D)(3)(a) of this section.                                                                                                                                                                                                                                                                                                                                                            | 77231<br>77232                                              |
| (c) Multiply the quotient determined under division (D)(3)(b) of this section by one hundred.                                                                                                                                                                                                                                                                                                                                    | 77233<br>77234                                              |
| (4) For a nursing facility to be exempt from division (D)(1) of this section on account of division (D)(2)(c) of this section, the nursing facility's operator must provide to the department written documentation of the number of days during calendar year 2019 that one or more of the beds that are part of the nursing facility's licensed capacity could not be used and the specific reason why they could not be used. | 77235<br>77236<br>77237<br>77238<br>77239<br>77240<br>77241 |
| (5) For a nursing facility to be exempt from division (D)(1) of this section on account of division (D)(2)(d) of this section, the nursing facility's operator must provide to the department written documentation that confirms the renovation and capital expenditures.                                                                                                                                                       | 77242<br>77243<br>77244<br>77245<br>77246                   |
| (E) A nursing facility shall not receive a quality incentive payment for state fiscal year <del>2021</del> <u>2022 or state fiscal year 2023</u> if <del>either of the following apply:</del>                                                                                                                                                                                                                                    | 77247<br>77248<br>77249                                     |
| <del>(1) The nursing facility's initial total per medicaid day payment rate for calendar year 2019 or state fiscal year 2021 is determined pursuant to section 5165.151 of the Revised Code.</del>                                                                                                                                                                                                                               | 77250<br>77251<br>77252                                     |
| <del>(2) The nursing facility undergoes a change of operator during calendar year 2019 or state fiscal year 2021</del> <u>the Department</u>                                                                                                                                                                                                                                                                                     | 77253<br>77254                                              |

of Health assigned the nursing facility to the SFF list under the 77255  
special focus facility program and the nursing facility is listed 77256  
in table A, table B, or table C on the first day of May of the 77257  
calendar year for which the rate is being determined. 77258

(F) The total amount to be spent on quality incentive 77259  
payments under division (B) of this section for each fiscal year 77260  
during state fiscal year ~~2021~~ years 2022 and 2023 shall be 77261  
determined as follows: 77262

(1) Determine the following amount for each nursing facility, 77263  
including those that do not receive a quality incentive payment 77264  
because of division (D) of this section: 77265

(a) The amount that is five and two-tenths per cent of the 77266  
nursing facility's base rate for nursing facility services 77267  
provided on the first day of the state fiscal year plus one dollar 77268  
and seventy-nine cents; 77269

(b) Multiply the amount determined under division (F)(1)(a) 77270  
of this section by the number of the nursing facility's medicaid 77271  
days for the calendar year ~~2019~~ preceding the fiscal year for 77272  
which the rate is determined. 77273

(2) Determine the sum of the products determined under 77274  
division (F)(1)(b) of this section for all nursing facilities for 77275  
which the product was determined for the state fiscal year. 77276

(3) To the sum determined under division (F)(2) of this 77277  
section, add twenty-five million dollars for fiscal year 2022 and 77278  
one hundred twenty-five million dollars for fiscal year 2023. 77279

(G) A new nursing facility or a nursing facility that 77280  
undergoes a change of operator during fiscal year 2022 or fiscal 77281  
year 2023 shall not receive a quality incentive payment for the 77282  
fiscal year in which the new facility obtains an initial provider 77283  
agreement or the change of operator occurred, whichever is 77284  
applicable. For the immediately following state fiscal year, the 77285

|                                                                                 |       |
|---------------------------------------------------------------------------------|-------|
| <u>quality incentive payment shall be determined under division (C)</u>         | 77286 |
| <u>of this section.</u>                                                         | 77287 |
| <u>(H) Divisions (C)(3) and (D) of this section are suspended</u>               | 77288 |
| <u>beginning July 1, 2021, and ending June 30, 2023.</u>                        | 77289 |
| <b><u>Sec. 5165.261.</u></b> (A) <u>There is hereby established the nursing</u> | 77290 |
| <u>facility payment commission. The commission shall consist of the</u>         | 77291 |
| <u>following members:</u>                                                       | 77292 |
| <u>(1) Four members appointed by the speaker of the house of</u>                | 77293 |
| <u>representatives, three from the majority party and one from the</u>          | 77294 |
| <u>minority party;</u>                                                          | 77295 |
| <u>(2) Four members appointed by the president of the senate,</u>               | 77296 |
| <u>three from the majority party and one from the minority party.</u>           | 77297 |
| <u>(B) Appointments to the commission shall be made not later</u>               | 77298 |
| <u>than December 31, 2021. In the event of a vacancy, a replacement</u>         | 77299 |
| <u>member shall be appointed in the same manner as initial</u>                  | 77300 |
| <u>appointments. Members shall serve without compensation.</u>                  | 77301 |
| <u>At the initial meeting, commission members shall elect one</u>               | 77302 |
| <u>member from the majority party of the house of representatives and</u>       | 77303 |
| <u>one member from the majority party of the senate to serve as joint</u>       | 77304 |
| <u>co-chairpersons of the commission.</u>                                       | 77305 |
| <u>(C) The commission shall analyze the efficacy of all of the</u>              | 77306 |
| <u>following:</u>                                                               | 77307 |
| <u>(1) The current quality incentive payment formula under</u>                  | 77308 |
| <u>section 5165.26 of the Revised Code for efficacy;</u>                        | 77309 |
| <u>(2) The nursing facility base rate calculation, as defined</u>               | 77310 |
| <u>under section 5165.26 of the Revised Code;</u>                               | 77311 |
| <u>(3) The nursing facility cost centers, which are redetermined</u>            | 77312 |
| <u>as part of the rebasing process under section 5165.36 of the</u>             | 77313 |
| <u>Revised Code;</u>                                                            | 77314 |

(4) Establishing a bed buyback program under which a nursing facility operator can permanently surrender one or more long-term care beds due to a decrease in bed utilization. 77315  
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(D) Not later than August 31, 2022, the commission shall submit a report to the general assembly, in accordance with section 101.68 of the Revised Code, with its recommendations and determinations on the items listed under division (C) of this section. 77318  
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**Sec. 5165.36.** (A) The department of medicaid shall conduct a rebasing at least once every five state fiscal years. ~~When~~ Except as provided in division (B) of this section, when the department conducts a rebasing for a state fiscal year, it shall conduct the rebasing for each only the direct care, ancillary and support, and tax cost center centers. A nursing facility provider shall spend money received from the rebasing conducted in state fiscal year 2022 on the direct care, ancillary and support, and tax cost centers only. 77323  
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(B) A nursing facility provider shall spend seventy per cent of any additional dollars received by the provider as a result of a rebasing on direct care costs, including employee salaries. The department may recover any amounts that are not spent in accordance with this requirement. This requirement applies to the department's rebasing in fiscal year 2022 and all subsequent rebasings. The director shall adopt rules authorized under section 5165.02 of the Revised Code as necessary to implement this division, including to ensure that nursing facility operators spend at least seventy per cent of the additional dollars resulting from a rebasing on direct care costs. 77332  
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**Sec. 5165.771.** (A) As used in this section: 77343

(1) "SFF list" means the list of nursing facilities that the 77344

United States department of health and human services creates 77345  
under the special focus facility program. 77346

(2) "Special focus facility program" means the program 77347  
conducted by the United States secretary of health and human 77348  
services pursuant to the "Social Security Act," section 77349  
1919(f)(10), 42 U.S.C. 1396r(f)(10). 77350

(3) "Table A" means the table included in the SFF list that 77351  
identifies nursing facilities that are newly added to the SFF 77352  
list. 77353

(4) "Table B" means the table included in the SFF list that 77354  
identifies nursing facilities that have not improved. 77355

(5) "Table C" means the table included in the SFF list that 77356  
identifies nursing facilities that have shown improvement. 77357

(6) "Table D" means the table included in the SFF list that 77358  
identifies nursing facilities that have recently graduated from 77359  
the special focus facility program. 77360

(B) The department of medicaid shall issue an order 77361  
terminating a nursing facility's participation in the medicaid 77362  
program if any of the following apply: 77363

(1) The nursing facility is ~~listed~~ placed in table A or table 77364  
~~on the effective date of this section~~ and fails to be placed in 77365  
table C not later than twelve months after ~~the effective date of~~ 77366  
~~this section~~ the facility is placed in table A or table B. 77367

(2) The nursing facility is ~~listed~~ placed in table A, table 77368  
B, or table C ~~on the effective date of this section~~ and fails to 77369  
be placed in table D not later than twenty-four months after ~~the~~ 77370  
~~effective date of this section~~ the facility is placed in table A, 77371  
table B, or table C. 77372

(3) The nursing facility is placed in table A ~~after the~~ 77373  
~~effective date of this section~~ and fails to be placed in table C 77374

not later than twelve months after the nursing facility is placed 77375  
in table A. 77376

(4) The nursing facility is placed in table A ~~after the~~ 77377  
~~effective date of this section~~ and fails to be placed in table D 77378  
not later than twenty-four months after the nursing facility is 77379  
placed in table A. 77380

(C) ~~An order issued under this section is not subject to~~ 77381  
~~appeal~~ A nursing facility may appeal, under Chapter 119. of the 77382  
Revised Code, the length of time the facility is listed in a table 77383  
as described under division (B) of this section. The medicaid 77384  
director shall adopt rules under section 5165.02 of the Revised 77385  
Code as necessary to provide for an appeal under this division. 77386  
Notwithstanding the timeframes listed in section 119.07 of the 77387  
Revised Code, the rules may provide for an expedited appeal under 77388  
this division. 77389

(D) ~~To~~ A nursing facility shall take all steps necessary to 77390  
improve its quality of care to avoid having its participation in 77391  
the medicaid program terminated pursuant to division (B) of this 77392  
section. Technical assistance and quality improvement initiatives 77393  
to help a nursing facility avoid having its participation in the 77394  
medicaid program terminated pursuant to division (B) of this 77395  
section, ~~the department of aging shall provide the nursing~~ 77396  
~~facility technical assistance~~ are available through the nursing 77397  
home quality initiative established under section 173.60 of the 77398  
Revised Code ~~at least four months before the department of~~ 77399  
~~medicaid would be required to terminate the nursing facility's~~ 77400  
~~participation~~ or initiatives offered through a quality improvement 77401  
organization under contract with the United States secretary of 77402  
health and human services to carry out in this state the functions 77403  
described in section 1154 of the "Social Security Act," 42 U.S.C. 77404  
1320c-3. 77405

|                                                                                                                                                                                                                                                                                                                                          |                                                    |
|------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|----------------------------------------------------|
| <b>Sec. 5166.01.</b> As used in this chapter:                                                                                                                                                                                                                                                                                            | 77406                                              |
| "209(b) option" means the option described in section 1902(f) of the "Social Security Act," 42 U.S.C. 1396a(f), under which the medicaid program's eligibility requirements for aged, blind, and disabled individuals are more restrictive than the eligibility requirements for the supplemental security income program.               | 77407<br>77408<br>77409<br>77410<br>77411          |
| "Administrative agency" means, with respect to a home and community-based services medicaid waiver component, the department of medicaid or, if a state agency or political subdivision contracts with the department under section 5162.35 of the Revised Code to administer the component, that state agency or political subdivision. | 77412<br>77413<br>77414<br>77415<br>77416<br>77417 |
| "Care management system" has the same meaning as in section 5167.01 of the Revised Code.                                                                                                                                                                                                                                                 | 77418<br>77419                                     |
| "Dual eligible individual" has the same meaning as in section 5160.01 of the Revised Code.                                                                                                                                                                                                                                               | 77420<br>77421                                     |
| "Enrollee" has the same meaning as in section 5167.01 of the Revised Code.                                                                                                                                                                                                                                                               | 77422<br>77423                                     |
| "Expansion eligibility group" has the same meaning as in section 5163.01 of the Revised Code.                                                                                                                                                                                                                                            | 77424<br>77425                                     |
| "Federal poverty line" has the same meaning as in section 5162.01 of the Revised Code.                                                                                                                                                                                                                                                   | 77426<br>77427                                     |
| "Home and community-based services medicaid waiver component" means a medicaid waiver component under which home and community-based services are provided as an alternative to hospital services, nursing facility services, or ICF/IID services.                                                                                       | 77428<br>77429<br>77430<br>77431                   |
| "Hospital" has the same meaning as in section 3727.01 of the Revised Code.                                                                                                                                                                                                                                                               | 77432<br>77433                                     |
| "Hospital long-term care unit" has the same meaning as in                                                                                                                                                                                                                                                                                | 77434                                              |

section 5168.40 of the Revised Code. 77435

"ICDS participant" has the same meaning as in section 5164.01 77436  
of the Revised Code. 77437

"ICF/IID" and "ICF/IID services" have the same meanings as in 77438  
section 5124.01 of the Revised Code. 77439

"Integrated care delivery system" and "ICDS" have the same 77440  
meanings as in section 5164.01 of the Revised Code. 77441

"Level of care determination" means a determination of 77442  
whether an individual needs the level of care provided by a 77443  
hospital, nursing facility, or ICF/IID and whether the individual, 77444  
if determined to need that level of care, would receive hospital 77445  
services, nursing facility services, or ICF/IID services if not 77446  
for a home and community-based services medicaid waiver component. 77447

"Medicaid buy-in for workers with disabilities program" has 77448  
the same meaning as in section 5163.01 of the Revised Code. 77449

"Medicaid MCO plan" has the same meaning as in section 77450  
5167.01 of the Revised Code. 77451

"Medicaid provider" has the same meaning as in section 77452  
5164.01 of the Revised Code. 77453

"Medicaid services" has the same meaning as in section 77454  
5164.01 of the Revised Code. 77455

"Medicaid waiver component" means a component of the medicaid 77456  
program authorized by a waiver granted by the United States 77457  
department of health and human services under section 1115 or 1915 77458  
of the "Social Security Act," ~~section 1115 or 1915,~~ 42 U.S.C. 1315 77459  
or 1396n. "Medicaid waiver component" does not include the care 77460  
management system or services delivered under a prepaid inpatient 77461  
health plan, as defined in 42 C.F.R. 438.2. 77462

"Medically fragile child" means an individual who is under 77463  
eighteen years of age, has intensive health care needs, and is 77464

considered blind or disabled under section 1614(a)(2) or (3) of 77465  
the "Social Security Act," 42 U.S.C. 1382c(a)(2) or (3). 77466

"Nursing facility" and "nursing facility services" have the 77467  
same meanings as in section 5165.01 of the Revised Code. 77468

"Ohio home care waiver program" means the home and 77469  
community-based services medicaid waiver component that is known 77470  
as Ohio home care and was created pursuant to section 5166.11 of 77471  
the Revised Code. 77472

"Provider agreement" has the same meaning as in section 77473  
5164.01 of the Revised Code. 77474

"Residential treatment facility" means a residential facility 77475  
licensed by the department of mental health and addiction services 77476  
under section 5119.34 of the Revised Code, or an institution 77477  
certified by the department of job and family services under 77478  
section 5103.03 of the Revised Code, that serves children and 77479  
either has more than sixteen beds or is part of a campus of 77480  
multiple facilities or institutions that, combined, have a total 77481  
of more than sixteen beds. 77482

"Skilled nursing facility" has the same meaning as in section 77483  
5165.01 of the Revised Code. 77484

"Unified long-term services and support medicaid waiver 77485  
component" means the medicaid waiver component authorized by 77486  
section 5166.14 of the Revised Code. 77487

**Sec. 5167.10.** (A) The department of medicaid may enter into 77488  
contracts with managed care organizations under which the 77489  
organizations are authorized to provide, or arrange for the 77490  
provision of, health care services to medicaid recipients who are 77491  
required or permitted to participate in the care management 77492  
system. 77493

(B) To the extent permitted under federal law, regulations, 77494

and guidelines, beginning on and after the effective date of the 77495  
amendments to this section, the department shall include contracts 77496  
with organizations under division (A) of this section that meet 77497  
the following requirements: 77498

(a) Are domiciled in this state, including their parent 77499  
entities; 77500

(b) Are currently participating in the care management system 77501  
as medicaid managed care organizations; 77502

(c) Have a proven history of providing quality services and 77503  
customer satisfaction, as reported by the department of medicaid's 77504  
medicaid managed care plans report card and NCOA medicaid health 77505  
insurance plan ratings. 77506

(2) Division (B)(1) of this section does not apply to a 77507  
behavioral health managed care plan selected to assist the state 77508  
to implement the Ohio resilience through integrated systems and 77509  
excellence (OhioRISE) program for children and youth involved in 77510  
multiple state systems or children and youth with other complex 77511  
behavioral health needs. 77512

(C) The organizations included under division (B) of this 77513  
section shall participate, at minimum, in the regions of this 77514  
state where they are providing services as of the effective date 77515  
of this amendment. 77516

(D) The department shall establish an appeals process under 77517  
which managed care organization applicants may appeal the 77518  
department's award of managed care organization contracts under 77519  
division (A) of this section. The appeal process shall permit a 77520  
managed care organization applicant to appeal an adverse decision 77521  
by the department regarding the organization's application up to 77522  
thirty days after the date of the decision. 77523

**Sec. 5167.16.** (A) As used in this section: 77524

(1) "Help me grow program" means the program established by the department of health pursuant to section 3701.61 of the Revised Code.

(2) "Targeted case management" has the same meaning as in 42 C.F.R. 440.169(b).

(B) A medicaid managed care organization shall provide to a medicaid recipient who meets the criteria in division (C) of this section, or arrange for such recipient to receive, both of the following types of services:

(1) Home visits, which shall include depression screenings, for which federal financial participation is available under the targeted case management benefit;

(2) Cognitive behavioral therapy, provided by a community mental health services provider, that is determined to be medically necessary through a depression screening conducted as part of a home visit.

(C) A medicaid recipient qualifies to receive the services specified in division (B) of this section if the medicaid recipient is enrolled in the help me grow program, enrolled in the medicaid managed care organization providing or arranging for the services, and is either pregnant or the birth mother of ~~an infant or toddler~~ a child under ~~three~~ five years of age.

(D) If requested by a medicaid recipient eligible for the cognitive behavioral therapy covered under division (B)(2) of this section, the therapy shall be provided in the recipient's home. The medicaid managed care organization shall inform the medicaid recipient of the right to make the request and how to make it.

**Sec. 5168.60.** As used in sections 5168.60 to 5168.71 of the Revised Code:

(A) ~~"Franchise~~ Unless modified under division (C)(2) of

section 5168.61 of the Revised Code, "franchise permit fee rate" 77555  
means the following: 77556

(1) For fiscal year 2020, twenty-three dollars and 77557  
ninety-five cents; 77558

(2) For fiscal year 2021 and each fiscal year thereafter, 77559  
twenty-four dollars and eighty-nine cents. 77560

(B) "Indirect guarantee percentage" means the percentage 77561  
specified in the "Social Security Act," section 1903(w)(4)(C)(ii), 77562  
42 U.S.C. 1396b(w)(4)(C)(ii), that is to be used in determining 77563  
whether a class of providers is indirectly held harmless for any 77564  
portion of the costs of a broad-based health-care-related tax. If 77565  
the indirect guarantee percentage changes during a fiscal year, 77566  
the indirect guarantee percentage is the following: 77567

(1) For the part of the fiscal year before the change takes 77568  
effect, the percentage in effect before the change; 77569

(2) For the part of the fiscal year beginning with the date 77570  
the indirect guarantee percentage changes, the new percentage. 77571

(C) "ICF/IID" has the same meaning as in section 5124.01 of 77572  
the Revised Code. 77573

(D) Except as provided in division (B) of section 5168.62 of 77574  
the Revised Code, "inpatient days" has the same meaning as in 77575  
section 5124.01 of the Revised Code. 77576

(E) "Medicaid-certified capacity" has the same meaning as in 77577  
section 5124.01 of the Revised Code. 77578

(F) "Provider agreement" has the same meaning as in section 77579  
5124.01 of the Revised Code. 77580

**Sec. 5168.61.** The department of developmental disabilities 77581  
shall do all of the following: 77582

(A) Subject to section 5168.64 of the Revised Code and 77583

divisions (B) and (C) of this section and for the purposes 77584  
specified in section 5168.69 of the Revised Code, quarterly assess 77585  
each ICF/IID a franchise permit fee equal to the product of the 77586  
following: 77587

(1) The franchise permit fee rate; 77588

(2) The number of the ICF/IID's inpatient days for the 77589  
quarter as determined using the monthly reports submitted to the 77590  
department under section 5168.62 of the Revised Code. 77591

(B) If the total amount of the franchise permit fee assessed 77592  
under division (A) of this section for a fiscal year exceeds the 77593  
indirect guarantee percentage of the actual net patient revenue 77594  
for all ICFs/IID for that fiscal year and seventy-five per cent or 77595  
more of the total number of ICFs/IID receive enhanced medicaid 77596  
payments or other state payments equal to seventy-five per cent or 77597  
more of their total franchise permit fee assessments, do both of 77598  
the following: 77599

(1) Recalculate the assessments under division (A) of this 77600  
section using a per inpatient day rate equal to the indirect 77601  
guarantee percentage of actual net patient revenue for all 77602  
ICFs/IID for that fiscal year; 77603

(2) Refund the difference between the total amount of the 77604  
franchise permit fee assessed for that fiscal year under division 77605  
(A) of this section and the amount recalculated under division 77606  
(B)(1) of this section as a credit against the assessments imposed 77607  
under division (A) of this section for the quarters of the 77608  
subsequent fiscal year. 77609

(C)(1) If the United States secretary of health and human 77610  
services determines that the franchise permit fee established by 77611  
sections 5168.60 to 5168.71 of the Revised Code would be an 77612  
impermissible health care-related tax under section 1903(w) of the 77613  
"Social Security Act," 42 U.S.C. 1396b(w), take all necessary 77614

actions to cease implementation of those sections in accordance 77615  
with rules adopted under section 5168.71 of the Revised Code. 77616

(2) If the United States secretary of health and human 77617  
services adjusts the indirect guarantee percentage at any time 77618  
during the fiscal year, adjust the franchise permit fee rate and 77619  
associated ICF/IID invoices so as not to exceed the indirect 77620  
guarantee percentage. 77621

Sec. 5168.90. (A) At least quarterly, the medicaid director 77622  
shall report to the members of the joint medicaid oversight 77623  
committee and the executive director of the joint medicaid 77624  
oversight committee both of the following: 77625

(1) The fee rates and the aggregate total of the fees 77626  
assessed for each of the following: 77627

(a) The hospital assessment established under section 5168.21 77628  
of the Revised Code; 77629

(b) The nursing home and hospital long-term care unit 77630  
franchise permit fee under section 5168.41 of the Revised Code; 77631

(c) The ICF/IID franchise permit fee under section 5168.61 of 77632  
the Revised Code; 77633

(d) The health insuring corporation franchise fee under 77634  
section 5168.76 of the Revised Code. 77635

(2) If there is a rate increase for any of the fee rates 77636  
listed under division (A)(1) of this section pending before the 77637  
centers for medicare and medicaid services. 77638

(B) The director may adopt rules under section 5162.02 of the 77639  
Revised Code to compile and submit the reports required under this 77640  
section, including rules, as authorized under section 5162.021 of 77641  
the Revised Code, that specify the information that must be 77642  
submitted to the director by the department of developmental 77643  
disabilities regarding the ICF/IID franchise permit fee. 77644

Sec. 5301.05. (A) Discriminatory restrictive covenants in deeds limiting the transfer or lease of real property to individuals against whom discrimination is prohibited by division (H)(1) of section 4112.02 of the Revised Code are void. If an attorney, in preparing a deed, discovers a discriminatory covenant that is void under this section, the attorney may omit the discriminatory restrictive covenant from the new deed with immunity from civil liability.

(B) Omission of a discriminatory restrictive covenant from a deed pursuant to division (A) of this section does not affect the validity of the deed. No county recorder shall refuse to record a deed pursuant to division (B) of section 317.13 of the Revised Code due to such omission.

Sec. 5301.13. All conveyances of real estate, or any interest therein, sold on behalf of the state, ~~with the exception of those agreements made pursuant to divisions (A), (B), (C), (D), and (E) of section 123.53 of the Revised Code,~~ shall be drafted by the ~~auditor of state~~ director of administrative services, executed in the name of the state, signed by the governor, countersigned by the secretary of state, and sealed with the great seal of the state. The ~~auditor of state~~ director of administrative services thereupon must record such conveyance in books to be kept by ~~him~~ the director of administrative services for that purpose, deliver them to the persons entitled thereto, and keep a record of such delivery, showing to whom delivered and the date thereof.

Sec. 5301.14. When a title deed, recorded by the ~~auditor of state~~ director of administrative services as required by section 5301.13 of the Revised Code, or recorded in the office of the secretary of state, the record of which is required to be kept in the office of the ~~auditor of state~~ director of administrative

services, has been lost or destroyed by accident, without having 77675  
been recorded in the county recorder's office, on demand and 77676  
tender of the fees therefor, the ~~auditor of state~~ director of 77677  
administrative services shall furnish to any person a copy of such 77678  
deed certified under the ~~auditor of state's~~ director of 77679  
administrative services' official seal, which copy shall be 77680  
received everywhere in this state as prima-facie evidence of the 77681  
existence of the deed, and in all respects shall have the effect 77682  
of certified copies from the official records of the county where 77683  
such lands are situated. 77684

**Sec. 5301.15.** When a deed executed for land purchase from the 77685  
state is lost or destroyed, or when a person who has an interest 77686  
in such land, by the use of diligence cannot find it, and no 77687  
record exists from which a certified copy can be made to supply 77688  
the evidence of such deed, or when a certificate of the purchase 77689  
of land sold at a land office of this state, or any other 77690  
contract, bond, or memorandum evidencing a purchase of land has 77691  
been lost or destroyed, or when from any cause the owner of such 77692  
land, by the use of diligence, cannot find such certificate, 77693  
contract, bond, or memorandum, the governor, when satisfied that 77694  
the original purchase money for such land has been fully paid, 77695  
shall execute a deed therefor in the name of the original 77696  
purchaser which must recite the facts authorizing its making. Such 77697  
deed shall be recorded in the office of the ~~auditor of state~~ 77698  
director of administrative services who shall transmit it to the 77699  
present claimant. 77700

Such deed has the same effect as the original deed, had it 77701  
been preserved and recorded, or as a deed would have had, made to 77702  
the original purchaser upon the date of the full payment of the 77703  
purchase money. 77704

**Sec. 5301.18.** All deeds executed under sections 5301.15, 77705

5301.16, and 5301.17 of the Revised Code must recite the facts, as 77706  
ascertained by the governor and attorney general, upon the proof 77707  
of which they are executed, and shall be recorded in the office of 77708  
the ~~auditor of state~~ director of administrative services. 77709

**Sec. 5301.21.** When the owners of adjoining tracts of land, or 77710  
of lots in a municipal corporation, agree upon the site of a 77711  
corner or line common to such tracts or lots, in a written 77712  
instrument containing a pertinent description thereof, either with 77713  
or without a plat, executed, acknowledged, and recorded as are 77714  
deeds, such corner or line thenceforth shall be established as 77715  
between the parties to such agreement, and all persons 77716  
subsequently deriving title from them. 77717

Such agreement shall be recorded by the county recorder in 77718  
the official records. The original agreement, after being so 77719  
recorded, or a certified copy thereof from the record, is 77720  
competent evidence in any court in this state against a party 77721  
thereto, or person in privity with a party. 77722

When a tract of land is owned by the state, the officer or 77723  
board having administrative control thereof, with the approval of 77724  
the attorney general, may execute said written instrument and 77725  
following recording in the county where the land is situated, said 77726  
instrument shall be filed with the ~~auditor of state~~ director of 77727  
administrative services with the evidence of title to the land 77728  
affected. 77729

**Sec. 5322.01.** As used in sections 5322.01 to 5322.05 of the 77730  
Revised Code: 77731

(A) "Self-service storage facility" means any real property 77732  
that is designed and used only for the purpose of renting or 77733  
leasing individual storage space in the facility under the 77734  
following conditions: 77735

(1) The occupants have access to the storage space only for the purpose of storing and removing personal property. 77736  
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(2) The owner does not issue a warehouse receipt, bill of lading, or other document of title, as defined in section 1301.201 of the Revised Code, for the personal property stored in the storage space. 77738  
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"Self-service storage facility" does not include any garage used principally for parking motor vehicles, any garage or storage area in a private residence, an establishment licensed pursuant to sections 915.14 to 915.24 of the Revised Code, or any property of a bank or savings and loan association that contains vaults, safe deposit boxes, or other receptacles for the uses, purposes, and benefits of the bank's or savings and loan association's customers. 77742  
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(B) "Owner" means a person that is ~~either~~ the owner or operator of a self-service storage facility ~~or~~ the lessor or sublessor of an entire self-service storage facility ~~and that receives , the agent of any of the foregoing, or any other person authorized by any of the foregoing to manage the facility or to receive~~ rent from an occupant pursuant to a rental agreement ~~that the person enters into with the occupant.~~ 77750  
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(C) "Occupant" means a person that rents storage space at a self-service storage facility pursuant to a rental agreement that the person enters into with the owner. 77757  
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(D) "Rental agreement" means any written agreement that is entered into by the owner and the occupant and that establishes the terms and conditions of the occupant's use of storage space at a self-service storage facility. 77760  
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(E) "Personal property" means money and every animate or inanimate tangible thing that is the subject of ownership, except anything forming part of a parcel of real estate, as defined in 77764  
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section 5701.02 of the Revised Code, and except anything that is 77767  
an agricultural commodity, as defined in division (A) of section 77768  
926.01 of the Revised Code. 77769

(F) "Late fee" means any fee or charge assessed for an 77770  
occupant's failure to pay rent when due. "Late fee" does not 77771  
include interest on a debt, reasonable expenses incurred in the 77772  
collection of unpaid rent, or costs associated with the 77773  
enforcement of any other remedy provided by statute or contract. 77774

(G) "Last known address" means either of the following: 77775

(1) The mailing address or electronic mail address provided 77776  
by the occupant in the most recent rental agreement or the mailing 77777  
address or electronic mail address provided by the occupant in a 77778  
subsequent written notice of a change of address; 77779

(2) The mailing address or electronic mail address of any of 77780  
the persons described in division (A) of section 5322.03 of the 77781  
Revised Code that is provided by any of those persons to the owner 77782  
of a self-service storage facility or that is discovered by the 77783  
owner of a self-service storage facility. 77784

**Sec. 5322.02.** (A) The owner of a self-service storage 77785  
facility has a lien against the occupant on the personal property 77786  
stored pursuant to a rental agreement in any storage space at the 77787  
self-service storage facility, or on the proceeds of the personal 77788  
property subject to the defaulting occupant's rental agreement in 77789  
the owner's possession, for rent, labor, late fees, or other 77790  
charges in relation to the personal property that are specified in 77791  
the rental agreement and that have become due and for expenses 77792  
necessary for the preservation of the personal property or 77793  
expenses reasonably incurred in the enforcement of the lien or in 77794  
the sale or other disposition of the personal property pursuant to 77795  
law. The owner's lien provided for in this section is also 77796  
effective against the following persons: 77797

(1) A person who has an unfiled security interest in the personal property, except that the owner's lien is not effective against a person who has a valid security interest in a motor vehicle or a valid security interest in a watercraft, whether or not the security interest in the motor vehicle or watercraft is filed;

(2) A person who meets both of the following requirements:

(a) The person has a legal interest in the personal property, a filed security interest in the personal property, or a valid security interest in the personal property that is a motor vehicle.

(b) The person consents in writing to the storage of the personal property.

(B) The owner's lien created by division (A) of this section attaches as of the date the personal property is brought to the self-service storage facility. An owner loses the owner's lien on any personal property that the owner voluntarily permits to be removed from the self-service storage facility or unjustifiably refuses to permit to be removed from the self-service storage facility.

**Sec. 5322.03.** An owner's lien created by division (A) of section 5322.02 of the Revised Code for a claim that has become due may be enforced only as follows:

(A) The following persons shall be notified in accordance with divisions (B) and (C) of this section:

(1) All persons whom the owner has actual knowledge of and who claim an interest in the personal property;

(2) All persons holding liens on any motor vehicle or watercraft amongst the property;

(3) All persons who have filed security agreements in the

name of the occupant evidencing a security interest in the 77828  
personal property with either the secretary of state or the county 77829  
recorder of the county in which the self-service storage facility 77830  
is located or the Ohio county of the last known address of the 77831  
occupant. 77832

(B)(1) The notice shall be delivered in person, sent by 77833  
certified mail, sent by electronic mail, or sent by first-class 77834  
mail or private delivery service with a certificate or 77835  
verification of mailing to the last known address of each person 77836  
who is required to be notified by division (A) of this section; 77837

(2) If the notice is sent by electronic mail, then the notice 77838  
shall also be sent via either certified or first-class mail to the 77839  
last known address of each person who is required to be notified 77840  
by division (A) of this section. 77841

(C) The notice shall include all of the following: 77842

(1) The name and last known address of the occupant who 77843  
rented the storage space in which the personal property was 77844  
stored; 77845

(2) An itemized statement of the owner's claim showing the 77846  
sum due at the time of the notice and the date when the sum became 77847  
due; 77848

(3) A brief and general description of the personal property 77849  
subject to the lien. The description shall be reasonably adequate 77850  
to permit the person notified to identify it except that any 77851  
container including, but not limited to, a trunk, valise, or box 77852  
that is locked, fastened, sealed, or tied in a manner that deters 77853  
immediate access to its contents and that has not been opened by 77854  
the owner prior to the date on which the notice is given may be 77855  
described as such without describing its contents. 77856

(4) A notice of denial of access to the personal property, if 77857  
a denial of access is permitted under the terms of the rental 77858

agreement, which notice provides the name, street address, and 77859  
telephone number of the person whom the person notified may 77860  
contact to pay the claim and to either obtain the personal 77861  
property or enter into a rental agreement for the storage of the 77862  
personal property; 77863

(5) A demand for payment within a specified time not less 77864  
than ten days after delivery of the notice; 77865

(6) A conspicuous statement that unless the claim is paid 77866  
within that time the personal property will be advertised for sale 77867  
and will be sold by auction ~~at a specified time and place~~ and 77868  
that, if no person purchases the personal property at the auction, 77869  
the personal property may be sold at a private sale or destroyed; 77870

(7) The street or internet address of the place at which the 77871  
sale will be held, if the sale will be held at a place other than 77872  
the self-service storage facility in which the personal property 77873  
was stored. 77874

(D)(1) Any notice given pursuant to this section ~~shall be~~ 77875  
~~presumed delivered, if the notice that~~ is sent by first-class mail 77876  
or private delivery service with a certificate or verification of 77877  
mailing, shall be deemed delivered when it is deposited with the 77878  
United States postal service or private delivery service and 77879  
properly addressed with proper postage prepaid. 77880

(2) Any notice given pursuant to this section that is sent by 77881  
electronic mail shall be deemed delivered when it is properly 77882  
addressed and sent. 77883

(E) The sale of the personal property shall conform to the 77884  
terms of the notice as provided for in this section. 77885

(F) The sale of the personal property ~~shall~~ may be held at 77886  
the self-service storage facility or, if the street or internet 77887  
address of the place was included in the notice as required by 77888  
division (C)(7) of this section, on the internet or at the nearest 77889

suitable place to the self-service storage facility at which the 77890  
personal property is stored. 77891

(G) After the expiration of the time given in the notice, an 77892  
advertisement of the sale shall be published once a week for two 77893  
consecutive weeks in a newspaper of general circulation in the 77894  
county in which the self-service storage facility is located or 77895  
any other commercially reasonable manner. The manner of 77896  
advertisement shall be deemed commercially reasonable if at least 77897  
three independent bidders register for, view, or attend the sale 77898  
~~at the time and place advertised.~~ The advertisement shall include 77899  
all of the following: 77900

(1) A brief and general description of the personal property 77901  
as required by division (C)(3) of this section, except that the 77902  
description shall describe the contents of any trunk, valise, or 77903  
box that is locked, fastened, sealed, or tied in a manner that 77904  
deters immediate access to its contents, if the trunk, valise, or 77905  
box is opened by the owner prior to the date on which the 77906  
advertisement of sale is published; 77907

(2) The name and last known address of the occupant who 77908  
rented the storage space in which the personal property was 77909  
stored; 77910

(3) The street address of the self-service storage facility; 77911

(4) The time, place, and manner of the sale. 77912

The sale shall take place at least fifteen days after the 77913  
first publication. 77914

(H)(1) Any person who has a ~~a~~ security interest in, or who 77915  
holds a lien against, a motor vehicle or watercraft may pay the 77916  
amount necessary to satisfy the lien created by division (A) of 77917  
section 5322.02 of the Revised Code and the reasonable expenses 77918  
incurred under this section. That person, upon payment of the 77919  
amount necessary to satisfy the lien plus expenses, may enter into 77920

a new rental agreement for the storage of the motor vehicle or 77921  
watercraft. Any person who presents proof of a security interest 77922  
in or lien on a motor vehicle or watercraft or a court order 77923  
authorizing the person to take possession of a motor vehicle or 77924  
watercraft may immediately remove the motor vehicle or watercraft 77925  
from the self-service storage facility without satisfying the lien 77926  
or expenses of the owner. 77927

(2) Before any sale of personal property other than a motor 77928  
vehicle or watercraft pursuant to this section, any person who has 77929  
a legal interest or a security interest in, or who holds a lien 77930  
against, any personal property other than a motor vehicle or 77931  
watercraft may pay the amount necessary to satisfy the lien 77932  
created by division (A) of section 5322.02 of the Revised Code and 77933  
the reasonable expenses incurred under this section and remove the 77934  
personal property in which the person has the interest or against 77935  
which the person holds the lien. After removal of all the personal 77936  
property, including any motor vehicle or watercraft, from the 77937  
storage space of the self-service storage facility by any means 77938  
under this section, ~~any person can~~ the owner may enter into a 77939  
rental agreement ~~for the storage of personal property with the~~ 77940  
~~owner~~ with a new occupant for the storage space, and the owner has 77941  
no obligation to the prior occupant of that storage space ~~in the~~ 77942  
~~self-service storage facility. Before entering into a new rental~~ 77943  
~~agreement, the owner must have any motor vehicle or watercraft~~ 77944  
~~towed from that storage space.~~ 77945

(3) Upon receipt of the payment from a person other than the 77946  
occupant, the owner ~~shall~~ may, at the owner's sole discretion, 77947  
enter into a new rental agreement for the storage of the personal 77948  
property or, if the person meets the conditions set forth in 77949  
division (H)(2) of this section, shall permit the person to remove 77950  
the personal property from the self-service storage facility. 77951

(4) If the occupant pays the amount necessary to satisfy the 77952

lien created by division (A) of section 5322.02 of the Revised Code and the reasonable expenses incurred under this section, the occupant shall immediately remove all of the occupant's personal property from the self-service storage facility, unless the owner of the self-service storage facility agrees to enter into a new rental agreement for the storage of the property.

(I)(1) If property on which there is a lien under division (A) of section 5322.02 of the Revised Code is not sold at auction, but is claimed under division (H) of this section and the owner's lien is satisfied, then all legal or security interest in, or any other liens held against, the property shall remain intact.

(2) A purchaser at auction in good faith, except an owner or an owner's agent, of the personal property sold to satisfy an owner's lien created by division (A) of section 5322.02 of the Revised Code takes the property free and clear of any rights of persons against whom the lien was valid, or any persons who had an interest in, or who held, any other lien against the property, despite noncompliance by the owner with the requirements of this section.

(J) The owner may examine any personal property to be sold pursuant to this section. The examination may include, but is not limited to, the opening of any trunk, valise, box, or other container that is locked, fastened, sealed, tied, or otherwise closed in a manner that deters immediate access to its contents.

(K)(1) If the property upon which the lien created under division (A) of this section is claimed is a motor vehicle or a watercraft, the owner shall have the motor vehicle or watercraft towed from the premises if any of the following circumstances applies:

(a) The notice was delivered or sent pursuant to division (B) of this section to all persons holding a lien on the motor vehicle

or watercraft, and thirty days have elapsed since the notice was 77984  
delivered or sent without a response from any of those persons. 77985

(b) Rent and other charges related to the property remain 77986  
unpaid or unsatisfied by the occupant for sixty days, and no lien 77987  
holders have been identified. 77988

(c) The owner is planning to hold a sale at auction of the 77989  
personal property that was stored in the self-service storage unit 77990  
with that motor vehicle or watercraft, in which case the motor 77991  
vehicle or watercraft shall be towed prior to the auction. 77992

(2) The owner shall not be liable for the motor vehicle or 77993  
watercraft or any damages to the motor vehicle or watercraft once 77994  
the tower takes possession of the property. The notice delivered 77995  
or sent pursuant to division (B) of this section to all persons 77996  
holding a lien on the motor vehicle or watercraft shall include 77997  
the name of the towing company. The name and the address of the 77998  
towing company shall also be made available to the occupant or any 77999  
lien holder upon the presentation of a document of title or 78000  
another document that confirms an interest in the motor vehicle or 78001  
watercraft. 78002

(L) The owner may satisfy the owner's lien from the proceeds 78003  
of any sale held pursuant to this section, but shall mail the 78004  
balance, if any, by certified mail, or by first class mail or 78005  
private delivery service with a certificate or verification of 78006  
mailing, to the occupant at the occupant's last known mailing 78007  
address. If the balance is returned to the owner after the owner 78008  
mailed the balance by certified mail, first class mail, or private 78009  
delivery service to the occupant or if the mailing address of the 78010  
occupant is not known, the owner shall hold the balance for two 78011  
years after the date of the sale for delivery on demand to the 78012  
occupant or to any other person who would have been entitled to 78013  
possession of the personal property. After the expiration of the 78014  
two-year period, the balance shall become unclaimed funds, as 78015

defined in division (B) of section 169.01 of the Revised Code, and 78016  
shall be disposed of pursuant to Chapter 169. of the Revised Code. 78017

(M) An owner may buy at any public sale held pursuant to this 78018  
section. 78019

(N) The rights provided by this section shall be in addition 78020  
to all other rights allowed by law to a creditor against a debtor. 78021

(O)(1) If the owner complies with the requirements for sale 78022  
under this section, the owner's liability to persons who have an 78023  
interest in the personal property sold is limited to the balance 78024  
of the proceeds of the sale after the owner has satisfied the 78025  
owner's lien. 78026

(2) The owner is liable for damages caused by the failure to 78027  
comply with the requirements for sale under this section and is 78028  
liable for conversion for willful violation of the requirements 78029  
for sale under this section. 78030

(P) If no person purchases the personal property at the 78031  
auction and if the owner has complied with this section, the owner 78032  
may do any of the following: 78033

(1) Advertise and sell the personal property pursuant to 78034  
divisions (F) to (O) of this section; 78035

(2) Sell the personal property at a private sale; 78036

(3) Dispose of the personal property in any manner considered 78037  
appropriate by the owner including, but not limited to, destroying 78038  
the personal property. 78039

**Sec. 5501.332.** Upon the occurrence of the condition stated in 78040  
a deed pursuant to division (C) of section 5501.331 of the Revised 78041  
Code, the director of transportation shall prepare and issue a 78042  
certification of the occurrence to the grantor or ~~his~~ the 78043  
grantor's successors or assigns, the governor, and the ~~auditor of~~ 78044  
state director of administrative services. 78045

Upon receipt of the certification, the ~~auditor of state~~ 78046  
director of administrative services, with the assistance of the 78047  
attorney general, shall prepare a deed releasing the property 78048  
donated under section 5501.33 of the Revised Code to the grantor 78049  
or ~~his~~ the grantor's successors or assigns. The deed shall declare 78050  
the occurrence of the condition and the consequent reversion. The 78051  
deed shall be executed by the governor, countersigned by the 78052  
secretary of state, recorded in the office of the ~~auditor of state~~ 78053  
director of administrative services, and delivered to the grantor 78054  
or ~~his~~ the grantor's successors or assigns. 78055

**Sec. 5502.30.** (A) The state, any political subdivision, any 78056  
municipal agency, any emergency management volunteer, another 78057  
state, or an emergency management agency thereof or of the federal 78058  
government or of another country or province or subdivision 78059  
thereof performing emergency management services in this state 78060  
pursuant to an arrangement, agreement, or compact for mutual aid 78061  
and assistance, or any agency, member, agent, or representative of 78062  
any of them, or any individual, partnership, corporation, 78063  
association, trustee, or receiver, or any of the agents thereof, 78064  
in good faith carrying out, complying with, or attempting to 78065  
comply with any state or federal law or any arrangement, 78066  
agreement, or compact for mutual aid and assistance, or any order 78067  
issued by federal or state military authorities relating to 78068  
emergency management, is not liable for any injury to or death of 78069  
persons or damage to property as the result thereof during 78070  
training periods, test periods, practice periods, or other 78071  
emergency management operations, or false alerts, as well as 78072  
during any hazard, actual or imminent, and subsequent to the same 78073  
except in cases of willful misconduct. As used in this division, 78074  
"emergency management volunteer" means only an individual who is 78075  
authorized to assist any agency performing emergency management 78076  
during a hazard. 78077

(B) The state, any political subdivision, any individual, partnership, corporation, association, trustee, or receiver, or any agent, agency, representative, officer, or employee of any of them that owns, maintains, occupies, operates, or controls all or part of any building, structure, or premises shall not be liable for any injury or death sustained by any person or damage caused to any property while that person or property is in the building, structure, or premises for duty, training, or shelter purposes during a hazard, drill, test, or false warning, or is entering therein for such purposes or departing therefrom, or for any injury, death, or property damage as the result of any condition in or on the building, structure, or premises or of any act or omission with respect thereto, except a willful act intended to cause injury or damage.

(C) Any employee of a political subdivision of this state that is rendering aid in another state is considered an officer or employee of the state for purposes of the immunity established under Article VI of the emergency management assistance compact enacted under section 5502.40 of the Revised Code. Nothing in this division entitles an employee of a political subdivision to any other right or benefit of a state employee.

(D) This section does not affect the right of any person to receive benefits to which ~~he~~ the person may be entitled under Chapter 4123. of the Revised Code or any pension law, nor the rights of any person to receive any benefits or compensation under any act of congress or under any law of this state.

**Sec. 5540.02.** (A) A transportation improvement district may be created by the board of county commissioners of a county. The board, by resolution, shall determine the structure of the board of trustees of the transportation improvement district it creates by adopting the structure contained either in division (C)(1) or

(2) of this section. 781109

(B) A transportation improvement district is a body both 781110  
corporate and politic, and the exercise by it of the powers 781111  
conferred by this chapter in the financing, construction, 781112  
maintenance, repair, and operation of a project are and shall be 781113  
held to be essential governmental functions. 781114

(C)(1) If the board of county commissioners so elects, a 781115  
transportation improvement district shall be governed by a board 781116  
of trustees consisting of the following members: 781117

(a) Two members appointed by the board of county 781118  
commissioners; 781119

(b) Three members appointed by the legislative authority of 781200  
the most populous municipal corporation in the district; 781201

(c) Two members appointed by the legislative authority of the 781202  
second most populous municipal corporation in the district; 781203

(d) Two members appointed by the board of township trustees 781204  
of the township in the county that is most populous in its 781205  
unincorporated area; 781206

(e) The county engineer; 781207

(f) One member appointed by the legislative authority of any 781208  
township or municipal corporation that cannot otherwise appoint a 781209  
member to the board pursuant to this section, and that is wholly 781210  
or partially within the area of the transportation improvement 781211  
district as the district was originally designated by the board of 781212  
county commissioners; 781213

(g) If the area of a transportation improvement district is 781214  
expanded by the board of county commissioners, the legislative 781215  
authority of any township or municipal corporation that is wholly 781216  
or partially within the area of expansion and that cannot 781217  
otherwise appoint a member to the board pursuant to this section, 781218

with the consent of the board of trustees of the district, may 78139  
appoint one member to the board; 78140

(h) One member appointed by the regional planning commission 78141  
for the county, who shall be a nonvoting member of the board; 78142

(i) One member appointed at the discretion of the speaker of 78143  
the house of representatives, who, if appointed, shall be a 78144  
nonvoting member of the board and who may be a member of the house 78145  
of representatives; 78146

(j) One member appointed at the discretion of the president 78147  
of the senate, who, if appointed, shall be a nonvoting member of 78148  
the board and who may be a member of the senate. 78149

One of each of the appointments made by the board of county 78150  
commissioners, the legislative authority of a municipal 78151  
corporation, and the board of township trustees under divisions 78152  
(C)(1)(a), (b), (c), and (d) of this section, shall be members of 78153  
the chamber of commerce for the respective political subdivision. 78154

Whenever the addition of members to the board of trustees of 78155  
a transportation improvement district pursuant to division 78156  
(C)(1)(f) or (g) of this section results in an even number of 78157  
total voting members on the board, the board of trustees of the 78158  
district may appoint an additional person to its membership to 78159  
maintain an odd number of voting members. 78160

(2) As an alternative to the structure prescribed in division 78161  
(C)(1) of this section, a board of county commissioners, by 78162  
resolution, may elect that the transportation improvement district 78163  
it creates be governed by a board of trustees consisting of ~~five~~ 78164  
the following members: 78165

(a) Five members appointed by the board of county 78166  
commissioners; 78167

(b) One member appointed at the discretion of the speaker of 78168

the house of representatives, who, if appointed, shall be a 78169  
nonvoting member of the board and who may be a member of the house 78170  
of representatives; 78171

(c) One member appointed at the discretion of the president 78172  
of the senate, who, if appointed, shall be a nonvoting member of 78173  
the board and who may be a member of the senate. 78174

(D) Each appointed member of the board shall hold office for 78175  
a term of two years but subject to removal at the pleasure of the 78176  
authority that appointed the member. Members may be reappointed. 78177  
Except as otherwise provided in this division, any vacancy on the 78178  
board shall be filled in the same manner as the original 78179  
appointment. Any vacancy on a board appointed under division 78180  
(C)(1) of this section lasting longer than thirty days due to the 78181  
failure of the legislative authority of a municipal corporation or 78182  
a board of township trustees to make an appointment shall be 78183  
filled by the board of trustees of the transportation improvement 78184  
district. 78185

(E) The voting members of the board shall elect from the 78186  
entire board membership a chairperson, vice-chairperson, and 78187  
secretary-treasurer. A majority of the voting members of the board 78188  
constitutes a quorum, the affirmative vote of which is necessary 78189  
for any action of the district. No vacancy in the membership of 78190  
the board impairs the right of a quorum to exercise all the rights 78191  
and perform all duties of the district. 78192

(F) The board of county commissioners of the county, the 78193  
legislative authority of any municipal corporation, and the board 78194  
of township trustees of any township that is part of the district, 78195  
may make appropriations from moneys available to them and not 78196  
otherwise appropriated, to pay costs incurred by the district in 78197  
the exercise of its functions under this chapter. 78198

(G) An organizational meeting of the board of trustees of a 78199

transportation improvement district created under this section 78200  
shall be held at the time and place designated by the board member 78201  
who has served the most years as a member of the board of county 78202  
commissioners that created the transportation improvement 78203  
district. 78204

**Sec. 5701.11.** The effective date to which this section refers 78205  
is the effective date of this section as amended by S.B. 18 of the 78206  
134th general assembly. 78207

(A)(1) Except as provided under division (A)(2) or (B) of 78208  
this section, any reference in Title LVII or section 3123.90, 78209  
3770.073, or 3772.37 of the Revised Code to the Internal Revenue 78210  
Code, to the Internal Revenue Code "as amended," to other laws of 78211  
the United States, or to other laws of the United States, "as 78212  
amended," means the Internal Revenue Code or other laws of the 78213  
United States as they exist on the effective date. 78214

(2) This section does not apply to any reference in Title 78215  
LVII of the Revised Code to the Internal Revenue Code as of a date 78216  
certain specifying the day, month, and year, or to other laws of 78217  
the United States as of a date certain specifying the day, month, 78218  
and year. 78219

(B)(1) For purposes of applying section 5733.04, 5745.01, or 78220  
5747.01 of the Revised Code to a taxpayer's taxable year ending 78221  
after March 27, 2020, and before the effective date, a taxpayer 78222  
may irrevocably elect to incorporate the provisions of the 78223  
Internal Revenue Code or other laws of the United States that are 78224  
in effect for federal income tax purposes for that taxable year if 78225  
those provisions differ from the provisions that, under division 78226  
(A) of this section, would otherwise apply. The filing by the 78227  
taxpayer for that taxable year of a report or return that 78228  
incorporates the provisions of the Internal Revenue Code or other 78229  
laws of the United States applicable for federal income tax 78230

purposes for that taxable year, and that does not include any 78231  
adjustments to reverse the effects of any differences between 78232  
those provisions and the provisions that would otherwise apply, 78233  
constitutes the making of an irrevocable election under this 78234  
division for that taxable year. 78235

(2) Elections under prior versions of division (B)(1) of this 78236  
section remain in effect for the taxable years to which they 78237  
apply. 78238

**Sec. 5703.21.** (A) Except as provided in divisions (B) and (C) 78239  
of this section, no agent of the department of taxation, except in 78240  
the agent's report to the department or when called on to testify 78241  
in any court or proceeding, shall divulge any information acquired 78242  
by the agent as to the transactions, property, or business of any 78243  
person while acting or claiming to act under orders of the 78244  
department. Whoever violates this provision shall thereafter be 78245  
disqualified from acting as an officer or employee or in any other 78246  
capacity under appointment or employment of the department. 78247

(B)(1) For purposes of an audit pursuant to section 117.15 of 78248  
the Revised Code, or an audit of the department pursuant to 78249  
Chapter 117. of the Revised Code, or an audit, pursuant to that 78250  
chapter, the objective of which is to express an opinion on a 78251  
financial report or statement prepared or issued pursuant to 78252  
division (A)(7) or (9) of section 126.21 of the Revised Code, the 78253  
officers and employees of the auditor of state charged with 78254  
conducting the audit shall have access to and the right to examine 78255  
any state tax returns and state tax return information in the 78256  
possession of the department to the extent that the access and 78257  
examination are necessary for purposes of the audit. Any 78258  
information acquired as the result of that access and examination 78259  
shall not be divulged for any purpose other than as required for 78260  
the audit or unless the officers and employees are required to 78261

testify in a court or proceeding under compulsion of legal 78262  
process. Whoever violates this provision shall thereafter be 78263  
disqualified from acting as an officer or employee or in any other 78264  
capacity under appointment or employment of the auditor of state. 78265

(2) For purposes of an internal audit pursuant to section 78266  
126.45 of the Revised Code, the officers and employees of the 78267  
office of internal audit in the office of budget and management 78268  
charged with directing the internal audit shall have access to and 78269  
the right to examine any state tax returns and state tax return 78270  
information in the possession of the department to the extent that 78271  
the access and examination are necessary for purposes of the 78272  
internal audit. Any information acquired as the result of that 78273  
access and examination shall not be divulged for any purpose other 78274  
than as required for the internal audit or unless the officers and 78275  
employees are required to testify in a court or proceeding under 78276  
compulsion of legal process. Whoever violates this provision shall 78277  
thereafter be disqualified from acting as an officer or employee 78278  
or in any other capacity under appointment or employment of the 78279  
office of internal audit. 78280

(3) As provided by section 6103(d)(2) of the Internal Revenue 78281  
Code, any federal tax returns or federal tax information that the 78282  
department has acquired from the internal revenue service, through 78283  
federal and state statutory authority, may be disclosed to the 78284  
auditor of state or the office of internal audit solely for 78285  
purposes of an audit of the department. 78286

(4) For purposes of Chapter 3739. of the Revised Code, an 78287  
agent of the department of taxation may share information with the 78288  
division of state fire marshal that the agent finds during the 78289  
course of an investigation. 78290

(C) Division (A) of this section does not prohibit any of the 78291  
following: 78292

|                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                             |                                                                      |
|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|----------------------------------------------------------------------|
| (1) Disclosing information contained in applications, complaints, and related documents filed with the department under section 5715.27 of the Revised Code or in applications filed with the department under section 5715.39 of the Revised Code;                                                                                                                                                                                                                                                         | 78293<br>78294<br>78295<br>78296                                     |
| (2) Providing information to the office of child support within the department of job and family services pursuant to section 3125.43 of the Revised Code;                                                                                                                                                                                                                                                                                                                                                  | 78297<br>78298<br>78299                                              |
| (3) Disclosing to the motor vehicle repair board any information in the possession of the department that is necessary for the board to verify the existence of an applicant's valid vendor's license and current state tax identification number under section 4775.07 of the Revised Code;                                                                                                                                                                                                                | 78300<br>78301<br>78302<br>78303<br>78304                            |
| (4) Providing information to the administrator of workers' compensation pursuant to sections 4123.271 and 4123.591 of the Revised Code;                                                                                                                                                                                                                                                                                                                                                                     | 78305<br>78306<br>78307                                              |
| (5) Providing to the attorney general information the department obtains under division (J) of section 1346.01 of the Revised Code;                                                                                                                                                                                                                                                                                                                                                                         | 78308<br>78309<br>78310                                              |
| (6) Permitting properly authorized officers, employees, or agents of a municipal corporation from inspecting reports or information pursuant to section 718.84 of the Revised Code or rules adopted under section 5745.16 of the Revised Code;                                                                                                                                                                                                                                                              | 78311<br>78312<br>78313<br>78314                                     |
| (7) Providing information regarding the name, account number, or business address of a holder of a vendor's license issued pursuant to section 5739.17 of the Revised Code, a holder of a direct payment permit issued pursuant to section 5739.031 of the Revised Code, or a seller having a use tax account maintained pursuant to section 5741.17 of the Revised Code, or information regarding the active or inactive status of a vendor's license, direct payment permit, or seller's use tax account; | 78315<br>78316<br>78317<br>78318<br>78319<br>78320<br>78321<br>78322 |
| (8) Releasing invoices or invoice information furnished under                                                                                                                                                                                                                                                                                                                                                                                                                                               | 78323                                                                |

section 4301.433 of the Revised Code pursuant to that section; 78324

(9) Providing to a county auditor notices or documents 78325  
concerning or affecting the taxable value of property in the 78326  
county auditor's county. Unless authorized by law to disclose 78327  
documents so provided, the county auditor shall not disclose such 78328  
documents; 78329

(10) Providing to a county auditor sales or use tax return or 78330  
audit information under section 333.06 of the Revised Code; 78331

(11) Subject to section 4301.441 of the Revised Code, 78332  
disclosing to the appropriate state agency information in the 78333  
possession of the department of taxation that is necessary to 78334  
verify a permit holder's gallonage or noncompliance with taxes 78335  
levied under Chapter 4301. or 4305. of the Revised Code; 78336

(12) Disclosing to the department of natural resources 78337  
information in the possession of the department of taxation that 78338  
is necessary for the department of taxation to verify the 78339  
taxpayer's compliance with section 5749.02 of the Revised Code or 78340  
to allow the department of natural resources to enforce Chapter 78341  
1509. of the Revised Code; 78342

(13) Disclosing to the department of job and family services, 78343  
industrial commission, and bureau of workers' compensation 78344  
information in the possession of the department of taxation solely 78345  
for the purpose of identifying employers that misclassify 78346  
employees as independent contractors or that fail to properly 78347  
report and pay employer tax liabilities. The department of 78348  
taxation shall disclose only such information that is necessary to 78349  
verify employer compliance with law administered by those 78350  
agencies. 78351

(14) Disclosing to the Ohio casino control commission 78352  
information in the possession of the department of taxation that 78353  
is necessary to verify a casino operator's compliance with section 78354

5747.063 or 5753.02 of the Revised Code and sections related 78355  
thereto; 78356

(15) Disclosing to the state lottery commission information 78357  
in the possession of the department of taxation that is necessary 78358  
to verify a lottery sales agent's compliance with section 5747.064 78359  
of the Revised Code. 78360

(16) Disclosing to the department of development ~~services~~ 78361  
~~agency~~ information in the possession of the department of taxation 78362  
that is necessary to ensure compliance with the laws of this state 78363  
governing taxation and to verify information reported to the 78364  
department of development ~~services~~ ~~agency~~ for the purpose of 78365  
evaluating potential tax credits, tax deductions, grants, or 78366  
loans. Such information shall not include information received 78367  
from the internal revenue service the disclosure of which is 78368  
prohibited by section 6103 of the Internal Revenue Code. No 78369  
officer, employee, or agent of the department of development 78370  
~~services~~ ~~agency~~ shall disclose any information provided to the 78371  
department of development ~~services~~ ~~agency~~ by the department of 78372  
taxation under division (C)(16) of this section except when 78373  
disclosure of the information is necessary for, and made solely 78374  
for the purpose of facilitating, the evaluation of potential tax 78375  
credits, tax deductions, grants, or loans. 78376

(17) Disclosing to the department of insurance information in 78377  
the possession of the department of taxation that is necessary to 78378  
ensure a taxpayer's compliance with the requirements with any tax 78379  
credit administered by the department of development ~~services~~ 78380  
~~agency~~ and claimed by the taxpayer against any tax administered by 78381  
the superintendent of insurance. No officer, employee, or agent of 78382  
the department of insurance shall disclose any information 78383  
provided to the department of insurance by the department of 78384  
taxation under division (C)(17) of this section. 78385

(18) Disclosing to the division of liquor control information 78386

in the possession of the department of taxation that is necessary 78387  
for the division and department to comply with the requirements of 78388  
sections 4303.26 and 4303.271 of the Revised Code. 78389

(19) Disclosing to the department of education, upon that 78390  
department's request, information in the possession of the 78391  
department of taxation that is necessary only to verify whether 78392  
the family income of a student applying for or receiving a 78393  
scholarship under the educational choice scholarship pilot program 78394  
is equal to, less than, or greater than the income thresholds 78395  
prescribed by section ~~3310.02~~ or 3310.032 of the Revised Code. The 78396  
department of education shall provide sufficient information about 78397  
the student and the student's family to enable the department of 78398  
taxation to make the verification. 78399

(20) Disclosing to the Ohio rail development commission 78400  
information in the possession of the department of taxation that 78401  
is necessary to ensure compliance with the laws of this state 78402  
governing taxation and to verify information reported to the 78403  
commission for the purpose of evaluating potential grants or 78404  
loans. Such information shall not include information received 78405  
from the internal revenue service the disclosure of which is 78406  
prohibited by section 6103 of the Internal Revenue Code. No 78407  
member, officer, employee, or agent of the Ohio rail development 78408  
commission shall disclose any information provided to the 78409  
commission by the department of taxation under division (C)(20) of 78410  
this section except when disclosure of the information is 78411  
necessary for, and made solely for the purpose of facilitating, 78412  
the evaluation of potential grants or loans. 78413

(21) Disclosing to the state racing commission information in 78414  
the possession of the department of taxation that is necessary for 78415  
verification of compliance with and for enforcement and 78416  
administration of the taxes levied by Chapter 3769. of the Revised 78417  
Code. Such information shall include information that is necessary 78418

for the state racing commission to verify compliance with Chapter 78419  
3769. of the Revised Code for the purposes of issuance, denial, 78420  
suspension, or revocation of a permit pursuant to section 3769.03 78421  
or 3769.06 of the Revised Code and related sections. Unless 78422  
disclosure is otherwise authorized by law, information provided to 78423  
the state racing commission under this section remains 78424  
confidential and is not subject to public disclosure pursuant to 78425  
section 3769.041 of the Revised Code. 78426

**Sec. 5703.70.** (A) On the filing of an application for refund 78427  
under section 718.91, 3734.905, 4307.05, 4307.07, 5726.30, 78428  
5727.28, 5727.91, 5728.061, 5733.12, 5735.122, 5735.13, 5735.14, 78429  
5735.141, 5735.142, 5735.18, 5736.08, 5739.07, 5739.071, 5739.104, 78430  
5741.10, 5743.05, 5743.53, 5747.11, 5749.08, 5751.08, or 5753.06 78431  
of the Revised Code, or an application for compensation under 78432  
section 5739.061 of the Revised Code, if the tax commissioner 78433  
determines that the amount of the refund or compensation to which 78434  
the applicant is entitled is less than the amount claimed in the 78435  
application, the commissioner shall give the applicant written 78436  
notice by ordinary mail of the amount. The notice shall be sent to 78437  
the address shown on the application unless the applicant notifies 78438  
the commissioner of a different address. The applicant shall have 78439  
sixty days from the date the commissioner mails the notice to 78440  
provide additional information to the commissioner or request a 78441  
hearing, or both. 78442

(B) If the applicant neither requests a hearing nor provides 78443  
additional information to the tax commissioner within the time 78444  
prescribed by division (A) of this section, the commissioner shall 78445  
take no further action, and the refund or compensation amount 78446  
denied becomes final. 78447

(C)(1) If the applicant requests a hearing within the time 78448  
prescribed by division (A) of this section, the tax commissioner 78449

shall assign a time and place for the hearing and notify the 78450  
applicant of such time and place, but the commissioner may 78451  
continue the hearing from time to time, as necessary. After the 78452  
hearing, the commissioner may make such adjustments to the refund 78453  
or compensation as the commissioner finds proper, and shall issue 78454  
a final determination thereon. 78455

(2) If the applicant does not request a hearing, but provides 78456  
additional information, within the time prescribed by division (A) 78457  
of this section, the commissioner shall review the information, 78458  
make such adjustments to the refund or compensation as the 78459  
commissioner finds proper, and issue a final determination 78460  
thereon. The commissioner may review such information and make 78461  
such adjustments as many times as the commissioner finds proper 78462  
before the issuance of a final determination. 78463

(3) If the applicant requests a hearing and provides 78464  
additional information within the time prescribed by division (A) 78465  
of this section, the commissioner may review the information and 78466  
make such adjustments to the refund or compensation as the 78467  
commissioner finds proper. The commissioner may review such 78468  
information and make such adjustments as many times as the 78469  
commissioner finds proper before the issuance of a final 78470  
determination. 78471

The commissioner shall assign a time and place for the 78472  
hearing and notify the applicant of such time and place, but the 78473  
commissioner may continue the hearing from time to time, as 78474  
necessary. After the hearing, the commissioner may make any 78475  
additional adjustments to the refund or compensation as the 78476  
commissioner finds proper and shall issue a final determination 78477  
thereon. 78478

(4) The commissioner shall serve a copy of the final 78479  
determination made under division (C)(1) ~~or~~, (2), or (3) of this 78480  
section on the applicant in the manner provided in section 5703.37 78481

of the Revised Code, and the decision is final, subject to appeal 78482  
under section 5717.02 of the Revised Code. 78483

(D) The tax commissioner shall certify to the director of 78484  
budget and management and treasurer of state for payment from the 78485  
tax refund fund created by section 5703.052 of the Revised Code, 78486  
the amount of the refund to be refunded under division (B) or (C) 78487  
of this section. The commissioner also shall certify to the 78488  
director and treasurer of state for payment from the general 78489  
revenue fund the amount of compensation to be paid under division 78490  
(B) or (C) of this section. 78491

**Sec. 5705.16.** A resolution of the taxing authority of any 78492  
political subdivision shall be passed by a majority of all the 78493  
members thereof, declaring the necessity for the transfer of funds 78494  
authorized by section 5705.15 of the Revised Code, and such taxing 78495  
authority shall submit to the tax commissioner a petition that 78496  
includes the name and amount of the fund, the fund to which it is 78497  
desired to be transferred, a copy of such resolution with a full 78498  
statement of the proceedings pertaining to its passage, and the 78499  
reason or necessity for the transfer. The commissioner shall 78500  
approve the transfer of such funds upon determining each of the 78501  
following: 78502

(A) The petition states sufficient facts; 78503

(B) That there are good reasons, or that a necessity exists, 78504  
for the transfer; 78505

(C) No injury will result from the transfer of such funds. 78506

If the petition is disapproved by the commissioner, it shall 78507  
be returned within ~~ten~~ thirty days of its receipt to the officers 78508  
who submitted it, with a memorandum of the commissioner's 78509  
objections, and the taxing authority shall not transfer the funds 78510  
as requested by the petition. This disapproval shall not prejudice 78511

a later application for approval. If the petition is approved by 78512  
the commissioner, it shall be returned within ~~ten~~ thirty days of 78513  
its receipt to the officers who submitted it, and the taxing 78514  
authority may transfer the funds as requested by the petition. 78515

**Sec. 5705.19.** This section does not apply to school 78516  
districts, county school financing districts, or lake facilities 78517  
authorities. 78518

The taxing authority of any subdivision at any time and in 78519  
any year, by vote of two-thirds of all the members of the taxing 78520  
authority, may declare by resolution and certify the resolution to 78521  
the board of elections not less than ninety days before the 78522  
election upon which it will be voted that the amount of taxes that 78523  
may be raised within the ten-mill limitation will be insufficient 78524  
to provide for the necessary requirements of the subdivision and 78525  
that it is necessary to levy a tax in excess of that limitation 78526  
for any of the following purposes: 78527

(A) For current expenses of the subdivision, except that the 78528  
total levy for current expenses of a detention facility district 78529  
or district organized under section 2151.65 of the Revised Code 78530  
shall not exceed two mills and that the total levy for current 78531  
expenses of a combined district organized under sections 2151.65 78532  
and 2152.41 of the Revised Code shall not exceed four mills; 78533

(B) For the payment of debt charges on certain described 78534  
bonds, notes, or certificates of indebtedness of the subdivision 78535  
issued subsequent to January 1, 1925; 78536

(C) For the debt charges on all bonds, notes, and 78537  
certificates of indebtedness issued and authorized to be issued 78538  
prior to January 1, 1925; 78539

(D) For a public library of, or supported by, the subdivision 78540  
under whatever law organized or authorized to be supported; 78541

(E) For a municipal university, not to exceed two mills over 78542  
the limitation of one mill prescribed in section 3349.13 of the 78543  
Revised Code; 78544

(F) For the construction or acquisition of any specific 78545  
permanent improvement or class of improvements that the taxing 78546  
authority of the subdivision may include in a single bond issue; 78547

(G) For the general construction, reconstruction, 78548  
resurfacing, and repair of streets, roads, and bridges in 78549  
municipal corporations, counties, or townships; 78550

(H) For parks and recreational purposes; 78551

(I) For providing and maintaining fire apparatus, mechanical 78552  
resuscitators, underwater rescue and recovery equipment, or other 78553  
fire equipment and appliances, buildings and sites therefor, or 78554  
sources of water supply and materials therefor, for the 78555  
establishment and maintenance of lines of fire-alarm 78556  
communications, for the payment of firefighting companies or 78557  
permanent, part-time, or volunteer firefighting, emergency medical 78558  
service, administrative, or communications personnel to operate 78559  
the same, including the payment of any employer contributions 78560  
required for such personnel under section 145.48 or 742.34 of the 78561  
Revised Code, for the purchase of ambulance equipment, for the 78562  
provision of ambulance, paramedic, or other emergency medical 78563  
services operated by a fire department or firefighting company, or 78564  
for the payment of other related costs; 78565

(J) For providing and maintaining motor vehicles, 78566  
communications, other equipment, buildings, and sites for such 78567  
buildings used directly in the operation of a police department, 78568  
for the payment of salaries of permanent or part-time police, 78569  
communications, or administrative personnel to operate the same, 78570  
including the payment of any employer contributions required for 78571  
such personnel under section 145.48 or 742.33 of the Revised Code, 78572

for the payment of the costs incurred by townships as a result of 78573  
contracts made with other political subdivisions in order to 78574  
obtain police protection, for the provision of ambulance or 78575  
emergency medical services operated by a police department, or for 78576  
the payment of other related costs; 78577

(K) For the maintenance and operation of a county home or 78578  
detention facility; 78579

(L) For community developmental disabilities programs and 78580  
services pursuant to Chapter 5126. of the Revised Code, except 78581  
that such levies shall be subject to the procedures and 78582  
requirements of section 5705.222 of the Revised Code; 78583

(M) For regional planning; 78584

(N) For a county's share of the cost of maintaining and 78585  
operating schools, district detention facilities, forestry camps, 78586  
or other facilities, or any combination thereof, established under 78587  
section 2151.65 or 2152.41 of the Revised Code or both of those 78588  
sections; 78589

(O) For providing for flood defense, providing and 78590  
maintaining a flood wall or pumps, and other purposes to prevent 78591  
floods; 78592

(P) For maintaining and operating sewage disposal plants and 78593  
facilities; 78594

(Q) For the purpose of purchasing, acquiring, constructing, 78595  
enlarging, improving, equipping, repairing, maintaining, or 78596  
operating, or any combination of the foregoing, a county transit 78597  
system pursuant to sections 306.01 to 306.13 of the Revised Code, 78598  
or of making any payment to a board of county commissioners 78599  
operating a transit system or a county transit board pursuant to 78600  
section 306.06 of the Revised Code; 78601

(R) For the subdivision's share of the cost of acquiring or 78602

constructing any schools, forestry camps, detention facilities, or 78603  
other facilities, or any combination thereof, under section 78604  
2151.65 or 2152.41 of the Revised Code or both of those sections; 78605

(S) For the prevention, control, and abatement of air 78606  
pollution; 78607

(T) For maintaining and operating cemeteries; 78608

(U) For providing ambulance service, emergency medical 78609  
service, or both; 78610

(V) For providing for the collection and disposal of garbage 78611  
or refuse, including yard waste; 78612

(W) For the payment of the police officer employers' 78613  
contribution or the firefighter employers' contribution required 78614  
under sections 742.33 and 742.34 of the Revised Code; 78615

(X) For the construction and maintenance of a drainage 78616  
improvement pursuant to section 6131.52 of the Revised Code; 78617

(Y) For providing or maintaining senior citizens services or 78618  
facilities as authorized by section 307.694, 307.85, 505.70, or 78619  
505.706 or division (EE) of section 717.01 of the Revised Code; 78620

(Z) For the provision and maintenance of zoological park 78621  
services and facilities as authorized under section 307.76 of the 78622  
Revised Code; 78623

(AA) For the maintenance and operation of a free public 78624  
museum of art, science, or history; 78625

(BB) For the establishment and operation of a 9-1-1 system, 78626  
as defined in section 128.01 of the Revised Code; 78627

(CC) For the purpose of acquiring, rehabilitating, or 78628  
developing rail property or rail service. As used in this 78629  
division, "rail property" and "rail service" have the same 78630  
meanings as in section 4981.01 of the Revised Code. This division 78631  
applies only to a county, township, or municipal corporation. 78632

(DD) For the purpose of acquiring property for, constructing, 78633  
operating, and maintaining community centers as provided for in 78634  
section 755.16 of the Revised Code; 78635

(EE) For the creation and operation of an office or joint 78636  
office of economic development, for any economic development 78637  
purpose of the office, and to otherwise provide for the 78638  
establishment and operation of a program of economic development 78639  
pursuant to sections 307.07 and 307.64 of the Revised Code, or to 78640  
the extent that the expenses of a county land reutilization 78641  
corporation organized under Chapter 1724. of the Revised Code are 78642  
found by the board of county commissioners to constitute the 78643  
promotion of economic development, for the payment of such 78644  
operations and expenses; 78645

(FF) For the purpose of acquiring, establishing, 78646  
constructing, improving, equipping, maintaining, or operating, or 78647  
any combination of the foregoing, a township airport, landing 78648  
field, or other air navigation facility pursuant to section 505.15 78649  
of the Revised Code; 78650

(GG) For the payment of costs incurred by a township as a 78651  
result of a contract made with a county pursuant to section 78652  
505.263 of the Revised Code in order to pay all or any part of the 78653  
cost of constructing, maintaining, repairing, or operating a water 78654  
supply improvement; 78655

(HH) For a board of township trustees to acquire, other than 78656  
by appropriation, an ownership interest in land, water, or 78657  
wetlands, or to restore or maintain land, water, or wetlands in 78658  
which the board has an ownership interest, not for purposes of 78659  
recreation, but for the purposes of protecting and preserving the 78660  
natural, scenic, open, or wooded condition of the land, water, or 78661  
wetlands against modification or encroachment resulting from 78662  
occupation, development, or other use, which may be styled as 78663  
protecting or preserving "greenspace" in the resolution, notice of 78664

election, or ballot form. Except as otherwise provided in this 78665  
division, land is not acquired for purposes of recreation, even if 78666  
the land is used for recreational purposes, so long as no 78667  
building, structure, or fixture used for recreational purposes is 78668  
permanently attached or affixed to the land. Except as otherwise 78669  
provided in this division, land that previously has been acquired 78670  
in a township for these greenspace purposes may subsequently be 78671  
used for recreational purposes if the board of township trustees 78672  
adopts a resolution approving that use and no building, structure, 78673  
or fixture used for recreational purposes is permanently attached 78674  
or affixed to the land. The authorization to use greenspace land 78675  
for recreational use does not apply to land located in a township 78676  
that had a population, at the time it passed its first greenspace 78677  
levy, of more than thirty-eight thousand within a county that had 78678  
a population, at that time, of at least eight hundred sixty 78679  
thousand. 78680

(II) For the support by a county of a crime victim assistance 78681  
program that is provided and maintained by a county agency or a 78682  
private, nonprofit corporation or association under section 307.62 78683  
of the Revised Code; 78684

(JJ) For any or all of the purposes set forth in divisions 78685  
(I) and (J) of this section. This division applies only to a 78686  
municipal corporation or a township. 78687

(KK) For a countywide public safety communications system 78688  
under section 307.63 of the Revised Code. This division applies 78689  
only to counties. 78690

(LL) For the support by a county of criminal justice services 78691  
under section 307.45 of the Revised Code; 78692

(MM) For the purpose of maintaining and operating a jail or 78693  
other detention facility as defined in section 2921.01 of the 78694  
Revised Code; 78695

(NN) For purchasing, maintaining, or improving, or any combination of the foregoing, real estate on which to hold, and the operating expenses of, agricultural fairs operated by a county agricultural society or independent agricultural society under Chapter 1711. of the Revised Code. This division applies only to a county.

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(OO) For constructing, rehabilitating, repairing, or maintaining sidewalks, walkways, trails, bicycle pathways, or similar improvements, or acquiring ownership interests in land necessary for the foregoing improvements;

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(PP) For both of the purposes set forth in divisions (G) and (OO) of this section.

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(QQ) For both of the purposes set forth in divisions (H) and (HH) of this section. This division applies only to a township.

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(RR) For the legislative authority of a municipal corporation, board of county commissioners of a county, or board of township trustees of a township to acquire agricultural easements, as defined in section 5301.67 of the Revised Code, and to supervise and enforce the easements.

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(SS) For both of the purposes set forth in divisions (BB) and (KK) of this section. This division applies only to a county.

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(TT) For the maintenance and operation of a facility that is organized in whole or in part to promote the sciences and natural history under section 307.761 of the Revised Code.

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(UU) For the creation and operation of a county land reutilization corporation and for any programs or activities of the corporation found by the board of directors of the corporation to be consistent with the purposes for which the corporation is organized;

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(VV) For construction and maintenance of improvements and

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expenses of soil and water conservation district programs under 78726  
Chapter 940. of the Revised Code; 78727

(WW) For the OSU extension fund created under section 3335.35 78728  
of the Revised Code for the purposes prescribed under section 78729  
3335.36 of the Revised Code for the benefit of the citizens of a 78730  
county. This division applies only to a county. 78731

(XX) For a municipal corporation that withdraws or proposes 78732  
by resolution to withdraw from a regional transit authority under 78733  
section 306.55 of the Revised Code to provide transportation 78734  
services for the movement of persons within, from, or to the 78735  
municipal corporation; 78736

(YY) For any combination of the purposes specified in 78737  
divisions (NN), (VV), and (WW) of this section. This division 78738  
applies only to a county. 78739

(ZZ) For any combination of the following purposes: the 78740  
acquisition, construction, improvement, or maintenance of 78741  
buildings, equipment, and supplies for police, firefighting, or 78742  
emergency medical services; the construction, reconstruction, 78743  
resurfacing, or repair of streets, roads, and bridges; or for 78744  
general infrastructure projects. This division applies only to a 78745  
township or municipal corporation. 78746

(AAA) For any combination of the purposes specified in 78747  
divisions (G), (K), (N), (O), (P), (X), (BB), and (MM) of this 78748  
section, for the acquisition, construction or maintenance of 78749  
county facilities, or for the acquisition of or improvements to 78750  
land. This division applies only to a county. 78751

The resolution shall be confined to the purpose or purposes 78752  
described in one division of this section, to which the revenue 78753  
derived therefrom shall be applied. The existence in any other 78754  
division of this section of authority to levy a tax for any part 78755  
or all of the same purpose or purposes does not preclude the use 78756

of such revenues for any part of the purpose or purposes of the 78757  
division under which the resolution is adopted. 78758

The resolution shall specify the amount of the increase in 78759  
rate that it is necessary to levy, the purpose of that increase in 78760  
rate, and the number of years during which the increase in rate 78761  
shall be in effect, which may or may not include a levy upon the 78762  
duplicate of the current year. The number of years may be any 78763  
number not exceeding five, except as follows: 78764

(1) When the additional rate is for the payment of debt 78765  
charges, the increased rate shall be for the life of the 78766  
indebtedness. 78767

(2) When the additional rate is for any of the following, the 78768  
increased rate shall be for a continuing period of time: 78769

(a) For the current expenses for a detention facility 78770  
district, a district organized under section 2151.65 of the 78771  
Revised Code, or a combined district organized under sections 78772  
2151.65 and 2152.41 of the Revised Code; 78773

(b) For providing a county's share of the cost of maintaining 78774  
and operating schools, district detention facilities, forestry 78775  
camps, or other facilities, or any combination thereof, 78776  
established under section 2151.65 or 2152.41 of the Revised Code 78777  
or under both of those sections. 78778

(3) When the additional rate is for either of the following, 78779  
the increased rate may be for a continuing period of time: 78780

(a) For the purposes set forth in division (I), (J), (U), 78781  
(JJ), or (KK) of this section; 78782

(b) For the maintenance and operation of a joint recreation 78783  
district. 78784

(4) When the increase is for the purpose or purposes set 78785  
forth in division (D), (G), (H), (T), (Z), (CC), or (PP) of this 78786

section, the tax levy may be for any specified number of years or 78787  
for a continuing period of time, as set forth in the resolution. 78788

(5) When the increase is for the purpose set forth in 78789  
division (ZZ) or (AAA) of this section, the tax levy may be for 78790  
any number of years not exceeding ten. 78791

A levy for one of the purposes set forth in division (G), 78792  
(I), (J), ~~or~~ (U), or (JJ) of this section may be reduced pursuant 78793  
to section 5705.261 or 5705.31 of the Revised Code. A levy for one 78794  
of the purposes set forth in division (G), (I), (J), ~~or~~ (U), or 78795  
(JJ) of this section may also be terminated or permanently reduced 78796  
by the taxing authority if it adopts a resolution stating that the 78797  
continuance of the levy is unnecessary and the levy shall be 78798  
terminated or that the millage is excessive and the levy shall be 78799  
decreased by a designated amount. 78800

A resolution of a detention facility district, a district 78801  
organized under section 2151.65 of the Revised Code, or a combined 78802  
district organized under both sections 2151.65 and 2152.41 of the 78803  
Revised Code may include both current expenses and other purposes, 78804  
provided that the resolution shall apportion the annual rate of 78805  
levy between the current expenses and the other purpose or 78806  
purposes. The apportionment need not be the same for each year of 78807  
the levy, but the respective portions of the rate actually levied 78808  
each year for the current expenses and the other purpose or 78809  
purposes shall be limited by the apportionment. 78810

Whenever a board of county commissioners, acting either as 78811  
the taxing authority of its county or as the taxing authority of a 78812  
sewer district or subdistrict created under Chapter 6117. of the 78813  
Revised Code, by resolution declares it necessary to levy a tax in 78814  
excess of the ten-mill limitation for the purpose of constructing, 78815  
improving, or extending sewage disposal plants or sewage systems, 78816  
the tax may be in effect for any number of years not exceeding 78817  
twenty, and the proceeds of the tax, notwithstanding the general 78818

provisions of this section, may be used to pay debt charges on any 78819  
obligations issued and outstanding on behalf of the subdivision 78820  
for the purposes enumerated in this paragraph, provided that any 78821  
such obligations have been specifically described in the 78822  
resolution. 78823

A resolution adopted by the legislative authority of a 78824  
municipal corporation that is for the purpose in division (XX) of 78825  
this section may be combined with the purpose provided in section 78826  
306.55 of the Revised Code, by vote of two-thirds of all members 78827  
of the legislative authority. The legislative authority may 78828  
certify the resolution to the board of elections as a combined 78829  
question. The question appearing on the ballot shall be as 78830  
provided in section 5705.252 of the Revised Code. 78831

A levy for the purpose set forth in division (BB) of this 78832  
section may be imposed in all or a portion of the territory of a 78833  
subdivision. If the 9-1-1 system to be established and operated 78834  
with levy funds excludes territory located within the subdivision, 78835  
the resolution adopted under this section, or a resolution 78836  
proposing to renew such a levy that was imposed in all of the 78837  
territory of the subdivision, may describe the area served or to 78838  
be served by the system and specify that the proposed tax would be 78839  
imposed only in the areas receiving or to receive the service. 78840  
Upon passage of such a resolution, the board of elections shall 78841  
submit the question of the tax levy only to those electors 78842  
residing in the area or areas in which the tax would be imposed. 78843  
If the 9-1-1 system would serve the entire subdivision, the 78844  
resolution shall not exclude territory from the tax levy. 78845

The resolution shall go into immediate effect upon its 78846  
passage, and no publication of the resolution is necessary other 78847  
than that provided for in the notice of election. 78848

When the electors of a subdivision or, in the case of a 78849  
qualifying library levy for the support of a library association 78850

or private corporation, the electors of the association library 78851  
district or, in the case of a 9-1-1 system levy serving only a 78852  
portion of the territory of a subdivision, the electors of the 78853  
portion of the subdivision in which the levy would be imposed have 78854  
approved a tax levy under this section, the taxing authority of 78855  
the subdivision may anticipate a fraction of the proceeds of the 78856  
levy and issue anticipation notes in accordance with section 78857  
5705.191 or 5705.193 of the Revised Code. 78858

**Sec. 5709.121.** (A) Real property and tangible personal 78859  
property belonging to a charitable or educational institution or 78860  
to the state or a political subdivision, shall be considered as 78861  
used exclusively for charitable or public purposes by such 78862  
institution, the state, or political subdivision, if it meets one 78863  
of the following requirements: 78864

(1) It is used by such institution, the state, or political 78865  
subdivision, or by one or more other such institutions, the state, 78866  
or political subdivisions under a lease, sublease, or other 78867  
contractual arrangement: 78868

(a) As a community or area center in which presentations in 78869  
music, dramatics, the arts, and related fields are made in order 78870  
to foster public interest and education therein; 78871

(b) As a children's, science, history, or natural history 78872  
museum that is open to the general public; 78873

(c) For other charitable, educational, or public purposes. 78874

(2) It is made available under the direction or control of 78875  
such institution, the state, or political subdivision for use in 78876  
furtherance of or incidental to its charitable, educational, or 78877  
public purposes and not with the view to profit. 78878

(3) It is used by an organization described in division (D) 78879  
of section 5709.12 of the Revised Code. If the organization is a 78880

corporation that receives a grant under the Thomas Alva Edison 78881  
grant program authorized by division (C) of section 122.33 of the 78882  
Revised Code at any time during the tax year, "used," for the 78883  
purposes of this division, includes holding property for lease or 78884  
resale to others. 78885

(B)(1) Property described in division (A)(1)(a) or (b) of 78886  
this section shall continue to be considered as used exclusively 78887  
for charitable or public purposes even if the property is conveyed 78888  
through one conveyance or a series of conveyances to an entity 78889  
that is not a charitable or educational institution and is not the 78890  
state or a political subdivision, provided that all of the 78891  
following conditions apply with respect to that property: 78892

(a) The property was listed as exempt on the county auditor's 78893  
tax list and duplicate for the county in which it is located for 78894  
the tax year immediately preceding the year in which the property 78895  
is conveyed through one conveyance or a series of conveyances; 78896

(b) The property is conveyed through one conveyance or a 78897  
series of conveyances to an entity that does any of the following: 78898

(i) Leases at least forty-five per cent of the property, 78899  
through one lease or a series of leases, to the entity that owned 78900  
or occupied the property for the tax year immediately preceding 78901  
the year in which the property is conveyed or to an affiliate of 78902  
that entity; 78903

(ii) Contracts, directly or indirectly to have renovations 78904  
performed as described in division (B)(1)(d) of this section and 78905  
is at least partially owned by a nonprofit organization described 78906  
in section 501(c)(3) of the Internal Revenue Code that is exempt 78907  
from taxation under section 501(a) of that code. 78908

(c) The property includes improvements that are at least 78909  
fifty years old; 78910

(d) The property is being renovated in connection with a 78911

claim for historic preservation tax credits available under federal law; 78912  
78913

(e) All or a portion of the property continues to be used for the purposes described in division (A)(1)(a) or (b) of this section after its conveyance; and 78914  
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(f) The property is certified by the United States secretary of the interior as a "certified historic structure" or certified as part of a certified historic structure. 78917  
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(2) Notwithstanding section 5715.27 of the Revised Code, an application for exemption from taxation of property described in division (B)(1) of this section may be filed by either the owner of the property or an occupant. 78920  
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(C) For purposes of this section, an institution that meets all of the following requirements is conclusively presumed to be a charitable institution: 78924  
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(1) The institution is a nonprofit corporation or association, no part of the net earnings of which inures to the benefit of any private shareholder or individual; 78927  
78928  
78929

(2) The institution is exempt from federal income taxation under section 501(a) of the Internal Revenue Code; 78930  
78931

(3) The majority of the institution's board of directors are appointed by the mayor or legislative authority of a municipal corporation or a board of county commissioners, or a combination thereof; 78932  
78933  
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(4) The primary purpose of the institution is to assist in the development and revitalization of downtown urban areas. 78936  
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(D) For purposes of division (A)(1)(b) of this section, the status of a museum as open to the general public shall be conclusive if the museum is accredited by the American alliance of museums or a successor organization. 78938  
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(E)(1) Qualifying real property owned by an institution that 78942  
meets ~~all of~~ the following requirements shall be considered as 78943  
used exclusively for charitable purposes, and the institution 78944  
shall be considered a charitable institution for purposes of this 78945  
section and section 5709.12 of the Revised Code: 78946

(a) The institution is an organization described under 78947  
section 501(c)(3) of the Internal Revenue Code and exempt from 78948  
federal income taxation under section 501(a) of the Internal 78949  
Revenue Code. 78950

(b) The institution's primary purpose is to acquire, develop, 78951  
lease, or otherwise provide suitable housing to individuals with 78952  
developmental disabilities. 78953

(c) ~~The~~ Unless otherwise provided by division (E)(3) of this 78954  
section, the institution receives at least a portion of its 78955  
funding from one or more county boards of developmental 78956  
disabilities to assist in the institution's primary purpose 78957  
described in division (E)(1)(b) of this section. 78958

(2) As used in division (E) of this section, "qualifying real 78959  
property" means real property that is used primarily in one of the 78960  
following manners: 78961

(a) The property is used by the institution described in 78962  
division (E)(1) of this section for the purpose described in 78963  
division (E)(1)(b) of this section. 78964

(b) The property is leased or otherwise provided by the 78965  
institution described in division (E)(1) of this section to 78966  
individuals with developmental disabilities and used by those 78967  
individuals as housing. 78968

(c) The property is leased or otherwise provided by the 78969  
institution described in division (E)(1) of this section to 78970  
another charitable institution, and that charitable institution 78971  
uses the property exclusively for charitable purposes. 78972

(3) The requirement prescribed by division (E)(1)(c) of this section shall be considered to be met if: (a) the institution contracts with an entity that receives at least a portion of its funding from one or more county boards of developmental disabilities; (b) the contracted entity performs services for individuals who lease the property for use as housing; and (c) those services assist in the institution's primary purpose described in division (E)(1)(b) of this section.

If the property owner qualifies as a charitable institution under the alternative requirements prescribed by division (E)(3) of this section, only the portion of the property that, as of the first day of January of the tax year, is either leased for use as housing by residents who are eligible to receive home and community-based services, as that term is defined in section 5123.01 of the Revised Code, or is a common area used by all residents of the property is qualifying real property and only those portions qualify for exemption from taxation.

(F)(1) Qualifying real property owned by an institution that meets all of the following requirements shall be considered as used exclusively for charitable purposes, and the institution shall be considered a charitable institution for purposes of this section and section 5709.12 of the Revised Code:

(a) The institution is either (i) an organization described under section 501(c)(3) of the Internal Revenue Code and exempt from federal income taxation under section 501(a) of the Internal Revenue Code that has as a primary purpose to acquire, develop, lease, or otherwise provide suitable supportive housing to individuals diagnosed with mental illness or substance use disorder and to families residing with such individuals or (ii) a limited liability company or limited partnership whose controlling or managing member or partner either is an organization described in division (F)(1)(a)(i) of this section or is wholly owned by one

or more such organizations. 79005

(b) One or more of the tax-exempt organizations identified in 79006  
division (F)(1)(a) of this section receives at least a portion of 79007  
its funding to assist in the organization's primary purpose 79008  
described in division (F)(1)(a)(i) of this section from the 79009  
department of mental health and addiction services; one or more 79010  
county boards of alcohol, drug addiction, and mental health 79011  
services; or a local continuum of care program governed by 42 79012  
U.S.C. 11381, et seq. and 24 C.F.R. part 578. 79013

(2) As used in division (F) of this section, "qualifying real 79014  
property" means real property that is used primarily in one of the 79015  
following manners: 79016

(a) The property is used by the institution described in 79017  
division (F)(1) of this section for the purpose described in 79018  
division (F)(1)(a)(i) of this section. 79019

(b) The institution (i) leases or otherwise provides the 79020  
property to individuals diagnosed with mental illness or substance 79021  
use disorder and to the families residing with such individuals 79022  
and (ii) makes supportive services available to such individuals 79023  
and families. 79024

(c) The property is leased or otherwise provided by that 79025  
institution to another charitable institution, and that charitable 79026  
institution uses the property exclusively for charitable purposes. 79027

(G)(1) For tax years 2020 to 2024, a qualifying parking 79028  
garage shall be considered as used exclusively for charitable 79029  
purposes for the purpose of section 5709.12 of the Revised Code if 79030  
all taxes, interest, and penalties levied and assessed against any 79031  
property owned by the owner and operator of the qualifying parking 79032  
garage, as described in division (G)(2)(b)(i) or (ii) of this 79033  
section, have been paid in full for all of the tax years preceding 79034  
the tax year for which the application for exemption is filed. 79035

(2) As used in division (G) of this section: 79036

(a) "Nonprofit arts institution" means an institution that is 79037  
exempt from federal income taxation under section 501(a) of the 79038  
Internal Revenue Code and whose primary purpose is to host or 79039  
present performances in music, dramatics, the arts, and related 79040  
fields in order to foster public interest and education therein. 79041

(b) "Qualifying parking garage" means any real property that 79042  
is used primarily for parking motor vehicles within or on a 79043  
structure and that is either (i) owned and operated by a nonprofit 79044  
arts institution or (ii) owned and operated by a limited liability 79045  
company whose sole member is a nonprofit arts institution. 79046

**Sec. 5709.17.** The following property shall be exempted from 79047  
taxation: 79048

(A) Real estate held or occupied by an association or 79049  
corporation, organized or incorporated under the laws of this 79050  
state relative to soldiers' memorial associations or monumental 79051  
building associations and that, in the opinion of the trustees, 79052  
directors, or managers thereof, is necessary and proper to carry 79053  
out the object intended for such association or corporation; 79054

(B) Real estate and tangible personal property held or 79055  
occupied by a qualifying veterans' organization and used primarily 79056  
for meetings and administration of the qualifying veterans' 79057  
organization or for providing, on a not-for-profit basis, programs 79058  
and supportive services to past or present members of the armed 79059  
forces of the United States and their families, except real estate 79060  
held by such an organization for the production of rental income 79061  
in excess of thirty-six thousand dollars in a tax year, before 79062  
accounting for any cost or expense incurred in the production of 79063  
such income. For the purposes of this division, rental income 79064  
includes only income arising directly from renting the real estate 79065  
to others for consideration, but does not include income arising 79066

from renting the real estate to a qualifying veterans' organization. 79067  
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As used in this division, "qualifying veterans' organization" means an organization that is incorporated under the laws of this state or the United States and that meets either of the following requirements: 79069  
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(1) The organization qualifies for exemption from taxation under section 501(c)(19) or 501(c)(23) of the Internal Revenue Code. 79073  
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(2) The organization meets the criteria for exemption under section 501(c)(19) of the Internal Revenue Code and regulations adopted pursuant thereto, but is exempt from taxation under section 501(c)(4) of the Internal Revenue Code. 79076  
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(C) Tangible personal property held by a corporation chartered under 112 Stat. 1335, 36 U.S.C. 40701, described in section 501(c)(3) of the Internal Revenue Code, and exempt from taxation under section 501(a) of the Internal Revenue Code shall be exempt from taxation if it is property obtained as described in 112 Stat. 1335-1341, 36 U.S.C.A. Chapter 407. 79080  
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(D) Real estate held or occupied by a fraternal organization and used primarily for meetings of and the administration of the fraternal organization or for providing, on a not-for-profit basis, educational or health services, except real estate held by such an organization for the production of rental income in excess of thirty-six thousand dollars in a tax year before accounting for any cost or expense incurred in the production of such income. For the purposes of this division, rental income includes only income arising directly from renting the real estate to others for consideration, but does not include income arising from renting the real estate to any fraternal organization for use primarily for meetings of and the administration of such fraternal 79086  
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organization or for providing, on a not-for-profit basis, 79098  
educational or health services. As used in this division, 79099  
"fraternal organization" means a domestic fraternal society, 79100  
order, or association operating under the lodge, council, or 79101  
grange system that qualifies for exemption from taxation under 79102  
section 501(c)(5), 501(c)(8), or 501(c)(10) of the "Internal 79103  
Revenue Code of 1986," 100 Stat. 2085, 26 U.S.C. 1, as amended; 79104  
that provides financial support for charitable purposes, as 79105  
defined in division (B)(12) of section 5739.02 of the Revised 79106  
Code; and that operates under either a state or national governing 79107  
body that has been operating in this state for at least 79108  
eighty-five years. 79109

**Sec. 5709.40.** (A) As used in this section: 79110

(1) "Blighted area" and "impacted city" have the same 79111  
meanings as in section 1728.01 of the Revised Code. 79112

(2) "Business day" means a day of the week excluding 79113  
Saturday, Sunday, and a legal holiday as defined under section 79114  
1.14 of the Revised Code. 79115

(3) "Housing renovation" means a project carried out for 79116  
residential purposes. 79117

(4) "Improvement" means the increase in the assessed value of 79118  
any real property that would first appear on the tax list and 79119  
duplicate of real and public utility property after the effective 79120  
date of an ordinance adopted under this section were it not for 79121  
the exemption granted by that ordinance. 79122

(5) "Incentive district" means an area not more than three 79123  
hundred acres in size enclosed by a continuous boundary in which a 79124  
project is being, or will be, undertaken and having one or more of 79125  
the following distress characteristics: 79126

(a) At least fifty-one per cent of the residents of the 79127

district have incomes of less than eighty per cent of the median 79128  
income of residents of the political subdivision in which the 79129  
district is located, as determined in the same manner specified 79130  
under section 119(b) of the "Housing and Community Development Act 79131  
of 1974," 88 Stat. 633, 42 U.S.C. 5318, as amended; 79132

(b) The average rate of unemployment in the district during 79133  
the most recent twelve-month period for which data are available 79134  
is equal to at least one hundred fifty per cent of the average 79135  
rate of unemployment for this state for the same period. 79136

(c) At least twenty per cent of the people residing in the 79137  
district live at or below the poverty level as defined in the 79138  
federal Housing and Community Development Act of 1974, 42 U.S.C. 79139  
5301, as amended, and regulations adopted pursuant to that act. 79140

(d) The district is a blighted area. 79141

(e) The district is in a situational distress area as 79142  
designated by the director of development ~~services~~ under division 79143  
(F) of section 122.23 of the Revised Code. 79144

(f) As certified by the engineer for the political 79145  
subdivision, the public infrastructure serving the district is 79146  
inadequate to meet the development needs of the district as 79147  
evidenced by a written economic development plan or urban renewal 79148  
plan for the district that has been adopted by the legislative 79149  
authority of the subdivision. 79150

(g) The district is comprised entirely of unimproved land 79151  
that is located in a distressed area as defined in section 122.23 79152  
of the Revised Code. 79153

(6) "Overlay" means an area of not more than three hundred 79154  
acres that is a square, or that is a rectangle having two longer 79155  
sides that are not more than twice the length of the two shorter 79156  
sides, that the legislative authority of a municipal corporation 79157  
delineates on a map of a proposed incentive district. 79158

(7) "Project" means development activities undertaken on one 79159  
or more parcels, including, but not limited to, construction, 79160  
expansion, and alteration of buildings or structures, demolition, 79161  
remediation, and site development, and any building or structure 79162  
that results from those activities. 79163

(8) "Public infrastructure improvement" includes, but is not 79164  
limited to, public roads and highways; water and sewer lines; the 79165  
continued maintenance of those public roads and highways and water 79166  
and sewer lines; environmental remediation; land acquisition, 79167  
including acquisition in aid of industry, commerce, distribution, 79168  
or research; demolition, including demolition on private property 79169  
when determined to be necessary for economic development purposes; 79170  
stormwater and flood remediation projects, including such projects 79171  
on private property when determined to be necessary for public 79172  
health, safety, and welfare; the provision of gas, electric, and 79173  
communications service facilities, including the provision of gas 79174  
or electric service facilities owned by nongovernmental entities 79175  
when such improvements are determined to be necessary for economic 79176  
development purposes; ~~and~~ the enhancement of public waterways 79177  
through improvements that allow for greater public access; and 79178  
off-street parking facilities, including those in which all or a 79179  
portion of the parking spaces are reserved for specific uses when 79180  
determined to be necessary for economic development purposes. 79181

(B) The legislative authority of a municipal corporation, by 79182  
ordinance, may declare improvements to certain parcels of real 79183  
property located in the municipal corporation to be a public 79184  
purpose. Improvements with respect to a parcel that is used or to 79185  
be used for residential purposes may be declared a public purpose 79186  
under this division only if the parcel is located in a blighted 79187  
area of an impacted city. For this purpose, "parcel that is used 79188  
or to be used for residential purposes" means a parcel that, as 79189  
improved, is used or to be used for purposes that would cause the 79190

tax commissioner to classify the parcel as residential property in 79191  
accordance with rules adopted by the commissioner under section 79192  
5713.041 of the Revised Code. Except as otherwise provided under 79193  
division (D) of this section or section 5709.51 of the Revised 79194  
Code, not more than seventy-five per cent of an improvement thus 79195  
declared to be a public purpose may be exempted from real property 79196  
taxation for a period of not more than ten years. The ordinance 79197  
shall specify the percentage of the improvement to be exempted 79198  
from taxation and the life of the exemption. 79199

An ordinance adopted or amended under this division shall 79200  
designate the specific public infrastructure improvements made, to 79201  
be made, or in the process of being made by the municipal 79202  
corporation that directly benefit, or that once made will directly 79203  
benefit, the parcels for which improvements are declared to be a 79204  
public purpose. The service payments provided for in section 79205  
5709.42 of the Revised Code shall be used to finance the public 79206  
infrastructure improvements designated in the ordinance, for the 79207  
purpose described in division (D)(1) of this section or as 79208  
provided in section 5709.43 of the Revised Code. 79209

(C)(1) The legislative authority of a municipal corporation 79210  
may adopt an ordinance creating an incentive district and 79211  
declaring improvements to parcels within the district to be a 79212  
public purpose and, except as provided in division (C)(2) of this 79213  
section, exempt from taxation as provided in this section, but no 79214  
legislative authority of a municipal corporation that has a 79215  
population that exceeds twenty-five thousand, as shown by the most 79216  
recent federal decennial census, shall adopt an ordinance that 79217  
creates an incentive district if the sum of the taxable value of 79218  
real property in the proposed district for the preceding tax year 79219  
and the taxable value of all real property in the municipal 79220  
corporation that would have been taxable in the preceding year 79221  
were it not for the fact that the property was in an existing 79222

incentive district and therefore exempt from taxation exceeds 79223  
twenty-five per cent of the taxable value of real property in the 79224  
municipal corporation for the preceding tax year. The ordinance 79225  
shall delineate the boundary of the proposed district and 79226  
specifically identify each parcel within the district. A proposed 79227  
district may not include any parcel that is or has been exempted 79228  
from taxation under division (B) of this section or that is or has 79229  
been within another district created under this division. An 79230  
ordinance may create more than one such district, and more than 79231  
one ordinance may be adopted under division (C)(1) of this 79232  
section. 79233

(2)(a) Not later than thirty days prior to adopting an 79234  
ordinance under division (C)(1) of this section, if the municipal 79235  
corporation intends to apply for exemptions from taxation under 79236  
section 5709.911 of the Revised Code on behalf of owners of real 79237  
property located within the proposed incentive district, the 79238  
legislative authority of the municipal corporation shall conduct a 79239  
public hearing on the proposed ordinance. Not later than thirty 79240  
days prior to the public hearing, the legislative authority shall 79241  
give notice of the public hearing and the proposed ordinance by 79242  
first class mail to every real property owner whose property is 79243  
located within the boundaries of the proposed incentive district 79244  
that is the subject of the proposed ordinance. The notice shall 79245  
include a map of the proposed incentive district on which the 79246  
legislative authority of the municipal corporation shall have 79247  
delineated an overlay. The notice shall inform the property owner 79248  
of the owner's right to exclude the owner's property from the 79249  
incentive district if the owner's entire parcel of property will 79250  
not be located within the overlay, by submitting a written 79251  
response in accordance with division (C)(2)(b) of this section. 79252  
The notice also shall include information detailing the required 79253  
contents of the response, the address to which the response may be 79254  
mailed, and the deadline for submitting the response. 79255

(b) Any owner of real property located within the boundaries 79256  
of an incentive district proposed under division (C)(1) of this 79257  
section whose entire parcel of property is not located within the 79258  
overlay may exclude the property from the proposed incentive 79259  
district by submitting a written response to the legislative 79260  
authority of the municipal corporation not later than forty-five 79261  
days after the postmark date on the notice required under division 79262  
(C)(2)(a) of this section. The response shall be sent by first 79263  
class mail or delivered in person at a public hearing held by the 79264  
legislative authority under division (C)(2)(a) of this section. 79265  
The response shall conform to any content requirements that may be 79266  
established by the municipal corporation and included in the 79267  
notice provided under division (C)(2)(a) of this section. In the 79268  
response, property owners may identify a parcel by street address, 79269  
by the manner in which it is identified in the ordinance, or by 79270  
other means allowing the identity of the parcel to be ascertained. 79271

(c) Before adopting an ordinance under division (C)(1) of 79272  
this section, the legislative authority of a municipal corporation 79273  
shall amend the ordinance to exclude any parcel located wholly or 79274  
partly outside the overlay for which a written response has been 79275  
submitted under division (C)(2)(b) of this section. A municipal 79276  
corporation shall not apply for exemptions from taxation under 79277  
section 5709.911 of the Revised Code for any such parcel, and 79278  
service payments may not be required from the owner of the parcel. 79279  
Improvements to a parcel excluded from an incentive district under 79280  
this division may be exempted from taxation under division (B) of 79281  
this section pursuant to an ordinance adopted under that division 79282  
or under any other section of the Revised Code under which the 79283  
parcel qualifies. 79284

(3)(a) An ordinance adopted under division (C)(1) of this 79285  
section shall specify the life of the incentive district and the 79286  
percentage of the improvements to be exempted, shall designate the 79287

public infrastructure improvements made, to be made, or in the 79288  
process of being made, that benefit or serve, or, once made, will 79289  
benefit or serve parcels in the district. The ordinance also shall 79290  
identify one or more specific projects being, or to be, undertaken 79291  
in the district that place additional demand on the public 79292  
infrastructure improvements designated in the ordinance. The 79293  
project identified may, but need not be, the project under 79294  
division (C)(3)(b) of this section that places real property in 79295  
use for commercial or industrial purposes. Except as otherwise 79296  
permitted under that division, the service payments provided for 79297  
in section 5709.42 of the Revised Code shall be used to finance 79298  
the designated public infrastructure improvements, for the purpose 79299  
described in division (D)(1), (E), or (F) of this section, or as 79300  
provided in section 5709.43 of the Revised Code. 79301

An ordinance adopted under division (C)(1) of this section on 79302  
or after March 30, 2006, shall not designate police or fire 79303  
equipment as public infrastructure improvements, and no service 79304  
payment provided for in section 5709.42 of the Revised Code and 79305  
received by the municipal corporation under the ordinance shall be 79306  
used for police or fire equipment. 79307

(b) An ordinance adopted under division (C)(1) of this 79308  
section may authorize the use of service payments provided for in 79309  
section 5709.42 of the Revised Code for the purpose of housing 79310  
renovations within the incentive district, provided that the 79311  
ordinance also designates public infrastructure improvements that 79312  
benefit or serve the district, and that a project within the 79313  
district places real property in use for commercial or industrial 79314  
purposes. Service payments may be used to finance or support 79315  
loans, deferred loans, and grants to persons for the purpose of 79316  
housing renovations within the district. The ordinance shall 79317  
designate the parcels within the district that are eligible for 79318  
housing renovation. The ordinance shall state separately the 79319

amounts or the percentages of the expected aggregate service 79320  
payments that are designated for each public infrastructure 79321  
improvement and for the general purpose of housing renovations. 79322

(4) Except with the approval of the board of education of 79323  
each city, local, or exempted village school district within the 79324  
territory of which the incentive district is or will be located, 79325  
and subject to division (E) of this section, the life of an 79326  
incentive district shall not exceed ten years, and the percentage 79327  
of improvements to be exempted shall not exceed seventy-five per 79328  
cent. With approval of the board of education, the life of a 79329  
district may be not more than thirty years, and the percentage of 79330  
improvements to be exempted may be not more than one hundred per 79331  
cent. The approval of a board of education shall be obtained in 79332  
the manner provided in division (D) of this section. 79333

(D)(1) If the ordinance declaring improvements to a parcel to 79334  
be a public purpose or creating an incentive district specifies 79335  
that payments in lieu of taxes provided for in section 5709.42 of 79336  
the Revised Code shall be paid to the city, local, or exempted 79337  
village, and joint vocational school district in which the parcel 79338  
or incentive district is located in the amount of the taxes that 79339  
would have been payable to the school district if the improvements 79340  
had not been exempted from taxation, the percentage of the 79341  
improvement that may be exempted from taxation may exceed 79342  
seventy-five per cent, and the exemption may be granted for up to 79343  
thirty years, without the approval of the board of education as 79344  
otherwise required under division (D)(2) of this section. 79345

(2) Improvements with respect to a parcel may be exempted 79346  
from taxation under division (B) of this section, and improvements 79347  
to parcels within an incentive district may be exempted from 79348  
taxation under division (C) of this section, for up to ten years 79349  
or, with the approval under this paragraph of the board of 79350  
education of the city, local, or exempted village school district 79351

within which the parcel or district is located, for up to thirty 79352  
years. The percentage of the improvement exempted from taxation 79353  
may, with such approval, exceed seventy-five per cent, but shall 79354  
not exceed one hundred per cent. Not later than forty-five 79355  
business days prior to adopting an ordinance under this section 79356  
declaring improvements to be a public purpose that is subject to 79357  
approval by a board of education under this division, the 79358  
legislative authority shall deliver to the board of education a 79359  
notice stating its intent to adopt an ordinance making that 79360  
declaration. The notice regarding improvements with respect to a 79361  
parcel under division (B) of this section shall identify the 79362  
parcels for which improvements are to be exempted from taxation, 79363  
provide an estimate of the true value in money of the 79364  
improvements, specify the period for which the improvements would 79365  
be exempted from taxation and the percentage of the improvement 79366  
that would be exempted, and indicate the date on which the 79367  
legislative authority intends to adopt the ordinance. The notice 79368  
regarding improvements to parcels within an incentive district 79369  
under division (C) of this section shall delineate the boundaries 79370  
of the district, specifically identify each parcel within the 79371  
district, identify each anticipated improvement in the district, 79372  
provide an estimate of the true value in money of each such 79373  
improvement, specify the life of the district and the percentage 79374  
of improvements that would be exempted, and indicate the date on 79375  
which the legislative authority intends to adopt the ordinance. 79376  
The board of education, by resolution adopted by a majority of the 79377  
board, may approve the exemption for the period or for the 79378  
exemption percentage specified in the notice; may disapprove the 79379  
exemption for the number of years in excess of ten, may disapprove 79380  
the exemption for the percentage of the improvement to be exempted 79381  
in excess of seventy-five per cent, or both; or may approve the 79382  
exemption on the condition that the legislative authority and the 79383  
board negotiate an agreement providing for compensation to the 79384

school district equal in value to a percentage of the amount of 79385  
taxes exempted in the eleventh and subsequent years of the 79386  
exemption period or, in the case of exemption percentages in 79387  
excess of seventy-five per cent, compensation equal in value to a 79388  
percentage of the taxes that would be payable on the portion of 79389  
the improvement in excess of seventy-five per cent were that 79390  
portion to be subject to taxation, or other mutually agreeable 79391  
compensation. If an agreement is negotiated between the 79392  
legislative authority and the board to compensate the school 79393  
district for all or part of the taxes exempted, including 79394  
agreements for payments in lieu of taxes under section 5709.42 of 79395  
the Revised Code, the legislative authority shall compensate the 79396  
joint vocational school district within which the parcel or 79397  
district is located at the same rate and under the same terms 79398  
received by the city, local, or exempted village school district. 79399

(3) The board of education shall certify its resolution to 79400  
the legislative authority not later than fourteen days prior to 79401  
the date the legislative authority intends to adopt the ordinance 79402  
as indicated in the notice. If the board of education and the 79403  
legislative authority negotiate a mutually acceptable compensation 79404  
agreement, the ordinance may declare the improvements a public 79405  
purpose for the number of years specified in the ordinance or, in 79406  
the case of exemption percentages in excess of seventy-five per 79407  
cent, for the exemption percentage specified in the ordinance. In 79408  
either case, if the board and the legislative authority fail to 79409  
negotiate a mutually acceptable compensation agreement, the 79410  
ordinance may declare the improvements a public purpose for not 79411  
more than ten years, and shall not exempt more than seventy-five 79412  
per cent of the improvements from taxation. If the board fails to 79413  
certify a resolution to the legislative authority within the time 79414  
prescribed by this division, the legislative authority thereupon 79415  
may adopt the ordinance and may declare the improvements a public 79416  
purpose for up to thirty years, or, in the case of exemption 79417

percentages proposed in excess of seventy-five per cent, for the 79418  
exemption percentage specified in the ordinance. The legislative 79419  
authority may adopt the ordinance at any time after the board of 79420  
education certifies its resolution approving the exemption to the 79421  
legislative authority, or, if the board approves the exemption on 79422  
the condition that a mutually acceptable compensation agreement be 79423  
negotiated, at any time after the compensation agreement is agreed 79424  
to by the board and the legislative authority. 79425

(4) If a board of education has adopted a resolution waiving 79426  
its right to approve exemptions from taxation under this section 79427  
and the resolution remains in effect, approval of exemptions by 79428  
the board is not required under division (D) of this section. If a 79429  
board of education has adopted a resolution allowing a legislative 79430  
authority to deliver the notice required under division (D) of 79431  
this section fewer than forty-five business days prior to the 79432  
legislative authority's adoption of the ordinance, the legislative 79433  
authority shall deliver the notice to the board not later than the 79434  
number of days prior to such adoption as prescribed by the board 79435  
in its resolution. If a board of education adopts a resolution 79436  
waiving its right to approve agreements or shortening the 79437  
notification period, the board shall certify a copy of the 79438  
resolution to the legislative authority. If the board of education 79439  
rescinds such a resolution, it shall certify notice of the 79440  
rescission to the legislative authority. 79441

(5) If the legislative authority is not required by division 79442  
(D) of this section to notify the board of education of the 79443  
legislative authority's intent to declare improvements to be a 79444  
public purpose, the legislative authority shall comply with the 79445  
notice requirements imposed under section 5709.83 of the Revised 79446  
Code, unless the board has adopted a resolution under that section 79447  
waiving its right to receive such a notice. 79448

(6) Nothing in division (D) of this section prohibits the 79449

legislative authority of a municipal corporation from amending the 79450  
ordinance or resolution under section 5709.51 of the Revised Code 79451  
to extend the term of the exemption. 79452

(E)(1) If a proposed ordinance under division (C)(1) of this 79453  
section exempts improvements with respect to a parcel within an 79454  
incentive district for more than ten years, or the percentage of 79455  
the improvement exempted from taxation exceeds seventy-five per 79456  
cent, not later than forty-five business days prior to adopting 79457  
the ordinance the legislative authority of the municipal 79458  
corporation shall deliver to the board of county commissioners of 79459  
the county within which the incentive district will be located a 79460  
notice that states its intent to adopt an ordinance creating an 79461  
incentive district. The notice shall include a copy of the 79462  
proposed ordinance, identify the parcels for which improvements 79463  
are to be exempted from taxation, provide an estimate of the true 79464  
value in money of the improvements, specify the period of time for 79465  
which the improvements would be exempted from taxation, specify 79466  
the percentage of the improvements that would be exempted from 79467  
taxation, and indicate the date on which the legislative authority 79468  
intends to adopt the ordinance. 79469

(2) The board of county commissioners, by resolution adopted 79470  
by a majority of the board, may object to the exemption for the 79471  
number of years in excess of ten, may object to the exemption for 79472  
the percentage of the improvement to be exempted in excess of 79473  
seventy-five per cent, or both. If the board of county 79474  
commissioners objects, the board may negotiate a mutually 79475  
acceptable compensation agreement with the legislative authority. 79476  
In no case shall the compensation provided to the board exceed the 79477  
property taxes forgone due to the exemption. If the board of 79478  
county commissioners objects, and the board and legislative 79479  
authority fail to negotiate a mutually acceptable compensation 79480  
agreement, the ordinance adopted under division (C)(1) of this 79481

section shall provide to the board compensation in the eleventh 79482  
and subsequent years of the exemption period equal in value to not 79483  
more than fifty per cent of the taxes that would be payable to the 79484  
county or, if the board's objection includes an objection to an 79485  
exemption percentage in excess of seventy-five per cent, 79486  
compensation equal in value to not more than fifty per cent of the 79487  
taxes that would be payable to the county, on the portion of the 79488  
improvement in excess of seventy-five per cent, were that portion 79489  
to be subject to taxation. The board of county commissioners shall 79490  
certify its resolution to the legislative authority not later than 79491  
thirty days after receipt of the notice. 79492

(3) If the board of county commissioners does not object or 79493  
fails to certify its resolution objecting to an exemption within 79494  
thirty days after receipt of the notice, the legislative authority 79495  
may adopt the ordinance, and no compensation shall be provided to 79496  
the board of county commissioners. If the board timely certifies 79497  
its resolution objecting to the ordinance, the legislative 79498  
authority may adopt the ordinance at any time after a mutually 79499  
acceptable compensation agreement is agreed to by the board and 79500  
the legislative authority, or, if no compensation agreement is 79501  
negotiated, at any time after the legislative authority agrees in 79502  
the proposed ordinance to provide compensation to the board of 79503  
fifty per cent of the taxes that would be payable to the county in 79504  
the eleventh and subsequent years of the exemption period or on 79505  
the portion of the improvement in excess of seventy-five per cent, 79506  
were that portion to be subject to taxation. 79507

(F) Service payments in lieu of taxes that are attributable 79508  
to any amount by which the effective tax rate of either a renewal 79509  
levy with an increase or a replacement levy exceeds the effective 79510  
tax rate of the levy renewed or replaced, or that are attributable 79511  
to an additional levy, for a levy authorized by the voters for any 79512  
of the following purposes on or after January 1, 2006, and which 79513

are provided pursuant to an ordinance creating an incentive 79514  
district under division (C)(1) of this section that is adopted on 79515  
or after January 1, 2006, or a later date as specified in this 79516  
division, shall be distributed to the appropriate taxing authority 79517  
as required under division (C) of section 5709.42 of the Revised 79518  
Code in an amount equal to the amount of taxes from that 79519  
additional levy or from the increase in the effective tax rate of 79520  
such renewal or replacement levy that would have been payable to 79521  
that taxing authority from the following levies were it not for 79522  
the exemption authorized under division (C) of this section: 79523

(1) A tax levied under division (L) of section 5705.19 or 79524  
section 5705.191 or 5705.222 of the Revised Code for community 79525  
developmental disabilities programs and services pursuant to 79526  
Chapter 5126. of the Revised Code; 79527

(2) A tax levied under division (Y) of section 5705.19 of the 79528  
Revised Code for providing or maintaining senior citizens services 79529  
or facilities; 79530

(3) A tax levied under section 5705.22 of the Revised Code 79531  
for county hospitals; 79532

(4) A tax levied by a joint-county district or by a county 79533  
under section 5705.19, 5705.191, or 5705.221 of the Revised Code 79534  
for alcohol, drug addiction, and mental health services or 79535  
facilities; 79536

(5) A tax levied under section 5705.23 of the Revised Code 79537  
for library purposes; 79538

(6) A tax levied under section 5705.24 of the Revised Code 79539  
for the support of children services and the placement and care of 79540  
children; 79541

(7) A tax levied under division (Z) of section 5705.19 of the 79542  
Revised Code for the provision and maintenance of zoological park 79543  
services and facilities under section 307.76 of the Revised Code; 79544

(8) A tax levied under section 511.27 or division (H) of section 5705.19 of the Revised Code for the support of township park districts; 79545  
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(9) A tax levied under division (A), (F), or (H) of section 5705.19 of the Revised Code for parks and recreational purposes of a joint recreation district organized pursuant to division (B) of section 755.14 of the Revised Code; 79548  
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(10) A tax levied under section 1545.20 or 1545.21 of the Revised Code for park district purposes; 79552  
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(11) A tax levied under section 5705.191 of the Revised Code for the purpose of making appropriations for public assistance; human or social services; public relief; public welfare; public health and hospitalization; and support of general hospitals; 79554  
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(12) A tax levied under section 3709.29 of the Revised Code for a general health district program. 79558  
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(13) A tax levied by a township under section 505.39, division (I) of section 5705.19, or division (JJ) of section 5705.19 of the Revised Code to the extent the proceeds are used for the purposes described in division (I) of that section, for the purpose of funding fire, emergency medical, and ambulance services as described in that section and those divisions. 79560  
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(G) An exemption from taxation granted under this section 79575

commences with the tax year specified in the ordinance so long as 79576  
the year specified in the ordinance commences after the effective 79577  
date of the ordinance. If the ordinance specifies a year 79578  
commencing before the effective date of the resolution or 79579  
specifies no year whatsoever, the exemption commences with the tax 79580  
year in which an exempted improvement first appears on the tax 79581  
list and duplicate of real and public utility property and that 79582  
commences after the effective date of the ordinance. In lieu of 79583  
stating a specific year, the ordinance may provide that the 79584  
exemption commences in the tax year in which the value of an 79585  
improvement exceeds a specified amount or in which the 79586  
construction of one or more improvements is completed, provided 79587  
that such tax year commences after the effective date of the 79588  
ordinance. With respect to the exemption of improvements to 79589  
parcels under division (B) of this section, the ordinance may 79590  
allow for the exemption to commence in different tax years on a 79591  
parcel-by-parcel basis, with a separate exemption term specified 79592  
for each parcel. 79593

Except as otherwise provided in this division or section 79594  
5709.51 of the Revised Code, the exemption ends on the date 79595  
specified in the ordinance as the date the improvement ceases to 79596  
be a public purpose or the incentive district expires, or ends on 79597  
the date on which the public infrastructure improvements and 79598  
housing renovations are paid in full from the municipal public 79599  
improvement tax increment equivalent fund established under 79600  
division (A) of section 5709.43 of the Revised Code, whichever 79601  
occurs first. The exemption of an improvement with respect to a 79602  
parcel or within an incentive district may end on a later date, as 79603  
specified in the ordinance, if the legislative authority and the 79604  
board of education of the city, local, or exempted village school 79605  
district within which the parcel or district is located have 79606  
entered into a compensation agreement under section 5709.82 of the 79607  
Revised Code with respect to the improvement, and the board of 79608

education has approved the term of the exemption under division 79609  
(D)(2) of this section, but in no case shall the improvement be 79610  
exempted from taxation for more than thirty years. Exemptions 79611  
shall be claimed and allowed in the same manner as in the case of 79612  
other real property exemptions. If an exemption status changes 79613  
during a year, the procedure for the apportionment of the taxes 79614  
for that year is the same as in the case of other changes in tax 79615  
exemption status during the year. 79616

(H) Additional municipal financing of public infrastructure 79617  
improvements and housing renovations may be provided by any 79618  
methods that the municipal corporation may otherwise use for 79619  
financing such improvements or renovations. If the municipal 79620  
corporation issues bonds or notes to finance the public 79621  
infrastructure improvements and housing renovations and pledges 79622  
money from the municipal public improvement tax increment 79623  
equivalent fund to pay the interest on and principal of the bonds 79624  
or notes, the bonds or notes are not subject to Chapter 133. of 79625  
the Revised Code. 79626

(I) The municipal corporation, not later than fifteen days 79627  
after the adoption of an ordinance under this section, shall 79628  
submit to the director of development ~~services~~ a copy of the 79629  
ordinance. On or before the thirty-first day of March of each 79630  
year, the municipal corporation shall submit a status report to 79631  
the director ~~of development services~~. The report shall indicate, 79632  
in the manner prescribed by the director, the progress of the 79633  
project during each year that an exemption remains in effect, 79634  
including a summary of the receipts from service payments in lieu 79635  
of taxes; expenditures of money from the funds created under 79636  
section 5709.43 of the Revised Code; a description of the public 79637  
infrastructure improvements and housing renovations financed with 79638  
such expenditures; and a quantitative summary of changes in 79639  
employment and private investment resulting from each project. 79640

(J) Nothing in this section shall be construed to prohibit a legislative authority from declaring to be a public purpose improvements with respect to more than one parcel.

(K) If a parcel is located in a new community district in which the new community authority imposes a community development charge on the basis of rentals received from leases of real property as described in division (L)(2) of section 349.01 of the Revised Code, the parcel may not be exempted from taxation under this section.

**Sec. 5709.41.** (A) As used in this section:

(1) "Business day" means a day of the week excluding Saturday, Sunday, and a legal holiday as defined under section 1.14 of the Revised Code.

(2) "Improvement" means the increase in assessed value of any parcel of property subsequent to the acquisition of the parcel by a municipal corporation engaged in urban redevelopment.

(B) The legislative authority of a municipal corporation, by ordinance, may declare to be a public purpose any improvement to a parcel of real property if both of the following apply:

(1) The municipal corporation held fee title to the parcel prior to the adoption of the ordinance;

(2) The parcel is leased, or the fee of the parcel is conveyed, to any person either before or after adoption of the ordinance.

Improvements used or to be used for residential purposes may be declared a public purpose under this section only if the parcel is located in a blighted area of an impacted city as those terms are defined in section 1728.01 of the Revised Code. For this purpose, "parcel that is used or to be used for residential purposes" means a parcel that, as improved, is used or to be used

for purposes that would cause the tax commissioner to classify the 79671  
parcel as residential property in accordance with rules adopted by 79672  
the commissioner under section 5713.041 of the Revised Code. 79673

(C) Except as otherwise provided in division (C)(1), (2), or 79674  
(3) of this section, not more than seventy-five per cent of an 79675  
improvement thus declared to be a public purpose may be exempted 79676  
from real property taxation. The ordinance shall specify the 79677  
percentage of the improvement to be exempted from taxation. If a 79678  
parcel is located in a new community district in which the new 79679  
community authority imposes a community development charge on the 79680  
basis of rentals received from leases of real property as 79681  
described in division (L)(2) of section 349.01 of the Revised 79682  
Code, the parcel may not be exempted from taxation under this 79683  
section. 79684

(1) If the ordinance declaring improvements to a parcel to be 79685  
a public purpose specifies that payments in lieu of taxes provided 79686  
for in section 5709.42 of the Revised Code shall be paid to the 79687  
city, local, or exempted village school district in which the 79688  
parcel is located in the amount of the taxes that would have been 79689  
payable to the school district if the improvements had not been 79690  
exempted from taxation, the percentage of the improvement that may 79691  
be exempted from taxation may exceed seventy-five per cent, and 79692  
the exemption may be granted for up to thirty years, without the 79693  
approval of the board of education as otherwise required under 79694  
division (C)(2) of this section. 79695

(2) Improvements may be exempted from taxation for up to ten 79696  
years or, with the approval of the board of education of the city, 79697  
local, or exempted village school district within the territory of 79698  
which the improvements are or will be located, for up to thirty 79699  
years. The percentage of the improvement exempted from taxation 79700  
may, with such approval, exceed seventy-five per cent, but shall 79701  
not exceed one hundred per cent. Not later than forty-five 79702

business days prior to adopting an ordinance under this section, 79703  
the legislative authority shall deliver to the board of education 79704  
a notice stating its intent to declare improvements to be a public 79705  
purpose under this section. The notice shall describe the parcel 79706  
and the improvements, provide an estimate of the true value in 79707  
money of the improvements, specify the period for which the 79708  
improvements would be exempted from taxation and the percentage of 79709  
the improvements that would be exempted, and indicate the date on 79710  
which the legislative authority intends to adopt the ordinance. 79711  
The board of education, by resolution adopted by a majority of the 79712  
board, may approve the exemption for the period or for the 79713  
exemption percentage specified in the notice, may disapprove the 79714  
exemption for the number of years in excess of ten, may disapprove 79715  
the exemption for the percentage of the improvements to be 79716  
exempted in excess of seventy-five per cent, or both, or may 79717  
approve the exemption on the condition that the legislative 79718  
authority and the board negotiate an agreement providing for 79719  
compensation to the school district equal in value to a percentage 79720  
of the amount of taxes exempted in the eleventh and subsequent 79721  
years of the exemption period, or, in the case of exemption 79722  
percentages in excess of seventy-five per cent, compensation equal 79723  
in value to a percentage of the taxes that would be payable on the 79724  
portion of the improvement in excess of seventy-five per cent were 79725  
that portion to be subject to taxation. The board of education 79726  
shall certify its resolution to the legislative authority not 79727  
later than fourteen days prior to the date the legislative 79728  
authority intends to adopt the ordinance as indicated in the 79729  
notice. If the board of education approves the exemption on the 79730  
condition that a compensation agreement be negotiated, the board 79731  
in its resolution shall propose a compensation percentage. If the 79732  
board of education and the legislative authority negotiate a 79733  
mutually acceptable compensation agreement, the ordinance may 79734  
declare the improvements a public purpose for the number of years 79735

specified in the ordinance or, in the case of exemption 79736  
percentages in excess of seventy-five per cent, for the exemption 79737  
percentage specified in the ordinance. In either case, if the 79738  
board and the legislative authority fail to negotiate a mutually 79739  
acceptable compensation agreement, the ordinance may declare the 79740  
improvements a public purpose for not more than ten years, but 79741  
shall not exempt more than seventy-five per cent of the 79742  
improvements from taxation. If the board fails to certify a 79743  
resolution to the legislative authority within the time prescribed 79744  
by this division, the legislative authority thereupon may adopt 79745  
the ordinance and may declare the improvements a public purpose 79746  
for up to thirty years. The legislative authority may adopt the 79747  
ordinance at any time after the board of education certifies its 79748  
resolution approving the exemption to the legislative authority, 79749  
or, if the board approves the exemption on the condition that a 79750  
mutually acceptable compensation agreement be negotiated, at any 79751  
time after the compensation agreement is agreed to by the board 79752  
and the legislative authority. If a mutually acceptable 79753  
compensation agreement is negotiated between the legislative 79754  
authority and the board, including agreements for payments in lieu 79755  
of taxes under section 5709.42 of the Revised Code, the 79756  
legislative authority shall compensate the joint vocational school 79757  
district within the territory of which the improvements are or 79758  
will be located at the same rate and under the same terms received 79759  
by the city, local, or exempted village school district. 79760

(3) If a board of education has adopted a resolution waiving 79761  
its right to approve exemptions from taxation and the resolution 79762  
remains in effect, approval of exemptions by the board is not 79763  
required under this division. If a board of education has adopted 79764  
a resolution allowing a legislative authority to deliver the 79765  
notice required under this division fewer than forty-five business 79766  
days prior to the legislative authority's adoption of the 79767  
ordinance, the legislative authority shall deliver the notice to 79768

the board not later than the number of days prior to such adoption 79769  
as prescribed by the board in its resolution. If a board of 79770  
education adopts a resolution waiving its right to approve 79771  
exemptions or shortening the notification period, the board shall 79772  
certify a copy of the resolution to the legislative authority. If 79773  
the board of education rescinds such a resolution, it shall 79774  
certify notice of the rescission to the legislative authority. 79775

(4) If the legislative authority is not required by division 79776  
(C)(1), (2), or (3) of this section to notify the board of 79777  
education of the legislative authority's intent to declare 79778  
improvements to be a public purpose, the legislative authority 79779  
shall comply with the notice requirements imposed under section 79780  
5709.83 of the Revised Code, unless the board has adopted a 79781  
resolution under that section waiving its right to receive such a 79782  
notice. 79783

(5) Nothing in division (C) of this section prohibits the 79784  
legislative authority of a municipal corporation from amending the 79785  
ordinance or resolution under section 5709.51 of the Revised Code 79786  
to extend the term of the exemption. 79787

(D) ~~The An exemption granted under this section commences on~~ 79788  
~~the effective date of the ordinance and with the tax year~~ 79789  
specified in the ordinance so long as the year specified in the 79790  
ordinance commences after the effective date of the ordinance. If 79791  
the ordinance specifies a year commencing before the effective 79792  
date of the ordinance or specifies no year, the exemption 79793  
commences with the tax year in which an exempted improvement first 79794  
appears on the tax list and that commences after the effective 79795  
date of the ordinance. In lieu of stating a specific year, the 79796  
ordinance may provide that the exemption commences in the tax year 79797  
in which the value of an improvement exceeds a specified amount or 79798  
in which the construction of one or more improvements is 79799  
completed, provided that such tax year commences after the 79800

effective date of the ordinance. In lieu of stating a specific 79801  
year, the ordinance may allow for the exemption to commence in 79802  
different tax years on a parcel-by-parcel basis, with a separate 79803  
exemption term specified for each parcel. The exemption ends on 79804  
the date specified in the ordinance as the date the improvement 79805  
ceases to be a public purpose. The exemption shall be claimed and 79806  
allowed in the same or a similar manner as in the case of other 79807  
real property exemptions. If an exemption status changes during a 79808  
tax year, the procedure for the apportionment of the taxes for 79809  
that year is the same as in the case of other changes in tax 79810  
exemption status during the year. 79811

(E) A municipal corporation, not later than fifteen days 79812  
after the adoption of an ordinance granting a tax exemption under 79813  
this section, shall submit to the director of development ~~services~~ 79814  
a copy of the ordinance. On or before the thirty-first day of 79815  
March each year, the municipal corporation shall submit a status 79816  
report to the director of development outlining the progress of 79817  
the project during each year that the exemption remains in effect. 79818

**Sec. 5709.61.** As used in sections 5709.61 to 5709.69 of the 79819  
Revised Code: 79820

(A) "Enterprise zone" or "zone" means any of the following: 79821

(1) An area with a single continuous boundary designated in 79822  
the manner set forth in section 5709.62 or 5709.63 of the Revised 79823  
Code and certified by the director of development as having a 79824  
population of at least four thousand according to the best and 79825  
most recent data available to the director and having at least two 79826  
of the following characteristics: 79827

(a) It is located in a municipal corporation defined by the 79828  
United States office of management and budget as a principal city 79829  
of a metropolitan statistical area; 79830

(b) It is located in a county designated as being in the 79831  
"Appalachian region" under the "Appalachian Regional Development 79832  
Act of 1965," 79 Stat. 5, 40 App. U.S.C.A. 403, as amended; 79833

(c) Its average rate of unemployment, during the most recent 79834  
twelve-month period for which data are available, is equal to at 79835  
least one hundred twenty-five per cent of the average rate of 79836  
unemployment for the state of Ohio for the same period; 79837

(d) There is a prevalence of commercial or industrial 79838  
structures in the area that are vacant or demolished, or are 79839  
vacant and the taxes charged thereon are delinquent, and 79840  
certification of the area as an enterprise zone would likely 79841  
result in the reduction of the rate of vacant or demolished 79842  
structures or the rate of tax delinquency in the area; 79843

(e) The population of all census tracts in the area, 79844  
according to the federal census of 2000, decreased by at least ten 79845  
per cent between the years 1980 and 2000; 79846

(f) At least fifty-one per cent of the residents of the area 79847  
have incomes of less than eighty per cent of the median income of 79848  
residents of the municipal corporation or municipal corporations 79849  
in which the area is located, as determined in the same manner 79850  
specified under section 119(b) of the "Housing and Community 79851  
Development Act of 1974," 88 Stat. 633, 42 U.S.C. 5318, as 79852  
amended; 79853

(g) The area contains structures previously used for 79854  
industrial purposes, but currently not so used due to age, 79855  
obsolescence, deterioration, relocation of the former occupant's 79856  
operations, or cessation of operations resulting from unfavorable 79857  
economic conditions either generally or in a specific economic 79858  
sector; 79859

(h) It is located within one or more adjacent city, local, or 79860  
exempted village school districts, the income-weighted tax 79861

capacity of each of which is less than seventy per cent of the 79862  
average of the income-weighted tax capacity of all city, local, or 79863  
exempted village school districts in the state according to the 79864  
most recent data available to the director from the department of 79865  
taxation. 79866

The director of development shall adopt rules in accordance 79867  
with Chapter 119. of the Revised Code establishing conditions 79868  
constituting the characteristics described in divisions (A)(1)(d), 79869  
(g), and (h) of this section. 79870

If an area could not be certified as an enterprise zone 79871  
unless it satisfied division (A)(1)(g) of this section, the 79872  
legislative authority may enter into agreements in that zone under 79873  
section 5709.62, 5709.63, or 5709.632 of the Revised Code only if 79874  
such agreements result in the development of the facilities 79875  
described in that division, the parcel of land on which such 79876  
facilities are situated, or adjacent parcels. The director of 79877  
development annually shall review all agreements in such zones to 79878  
determine whether the agreements have resulted in such 79879  
development; if the director determines that the agreements have 79880  
not resulted in such development, the director immediately shall 79881  
revoke certification of the zone and notify the legislative 79882  
authority of such revocation. Any agreements entered into prior to 79883  
revocation under this paragraph shall continue in effect for the 79884  
period provided in the agreement. 79885

(2) An area with a single continuous boundary designated in 79886  
the manner set forth in section 5709.63 of the Revised Code and 79887  
certified by the director of development as having all of the 79888  
following characteristics: 79889

(a) Being located within a county that contains a population 79890  
of three hundred thousand or less; 79891

(b) Having a population of at least one thousand according to 79892

the best and most recent data available to the director; 79893

(c) Having at least two of the characteristics described in 79894  
divisions (A)(1)(b) to (h) of this section. 79895

(3) An area with a single continuous boundary designated in 79896  
the manner set forth under division (A)(1) of section 5709.632 of 79897  
the Revised Code and certified by the director of development as 79898  
having a population of at least four thousand, or under division 79899  
(A)(2) of that section and certified as having a population of at 79900  
least one thousand, according to the best and most recent data 79901  
available to the director. 79902

(B) "Enterprise" means any form of business organization 79903  
including, but not limited to, any partnership, sole 79904  
proprietorship, or corporation, including an S corporation as 79905  
defined in section 1361 of the Internal Revenue Code and any 79906  
corporation that is majority worker-owned either directly through 79907  
the ownership of stock or indirectly through participation in an 79908  
employee stock ownership plan. 79909

(C) "Facility" means an enterprise's place of business in a 79910  
zone, including land, buildings, machinery, equipment, and other 79911  
materials, except inventory, used in business. "Facility" includes 79912  
land, buildings, machinery, production and station equipment, 79913  
other equipment, and other materials, except inventory, used in 79914  
business to generate electricity, provided that, for purposes of 79915  
sections 5709.61 to 5709.69 of the Revised Code, the value of the 79916  
property at such a facility shall be reduced by the value, if any, 79917  
that is not apportioned under section 5727.15 of the Revised Code 79918  
to the taxing district in which the facility is physically 79919  
located. In the case of such a facility that is physically located 79920  
in two adjacent taxing districts, the property located in each 79921  
taxing district constitutes a separate facility. 79922

"Facility" does not include any portion of an enterprise's 79923

place of business used primarily for making retail sales unless 79924  
the place of business is located in an impacted city as defined in 79925  
section 1728.01 of the Revised Code or the board of education of 79926  
the city, local, or exempted village school district within the 79927  
territory of which the place of business is located adopts a 79928  
resolution waiving the exclusion of retail facilities under 79929  
section 5709.634 of the Revised Code. 79930

(D) "Vacant facility" means a facility that has been vacant 79931  
for at least ninety days immediately preceding the date on which 79932  
an agreement is entered into under section 5709.62 or 5709.63 of 79933  
the Revised Code. 79934

(E) "Expand" means to make expenditures to add land, 79935  
buildings, machinery, equipment, or other materials, except 79936  
inventory, to a facility that equal at least ten per cent of the 79937  
market value of the facility prior to such expenditures, as 79938  
determined for the purposes of local property taxation. 79939

(F) "Renovate" means to make expenditures to alter or repair 79940  
a facility that equal at least fifty per cent of the market value 79941  
of the facility prior to such expenditures, as determined for the 79942  
purposes of local property taxation. 79943

(G) "Occupy" means to make expenditures to alter or repair a 79944  
vacant facility equal to at least twenty per cent of the market 79945  
value of the facility prior to such expenditures, as determined 79946  
for the purposes of local property taxation. 79947

(H) "Project site" means all or any part of a facility that 79948  
is newly constructed, expanded, renovated, or occupied by an 79949  
enterprise. 79950

(I) "Project" means any undertaking by an enterprise to 79951  
establish a facility or to improve a project site by expansion, 79952  
renovation, or occupancy. 79953

(J) "Position" means the position of one full-time employee 79954

performing a particular set of tasks and duties. 79955

(K) "Full-time employee" means an individual who is employed 79956  
for consideration by an enterprise for at least thirty-five hours 79957  
a week, or who renders any other standard of service generally 79958  
accepted by custom or specified by contract as full-time 79959  
employment. 79960

(L) "New employee" means a full-time employee first employed 79961  
by an enterprise at a facility that is a project site after the 79962  
enterprise enters an agreement under section 5709.62 or 5709.63 of 79963  
the Revised Code. "New employee" does not include an employee if, 79964  
immediately prior to being employed by the enterprise, the 79965  
employee was employed by an enterprise that is a related member or 79966  
predecessor enterprise of that enterprise. 79967

(M) "Unemployed person" means any person who is totally 79968  
unemployed in this state, as that term is defined in division (M) 79969  
of section 4141.01 of the Revised Code, for at least ten 79970  
consecutive weeks immediately preceding that person's employment 79971  
at a facility that is a project site, or who is so unemployed for 79972  
at least twenty-six of the fifty-two weeks immediately preceding 79973  
that person's employment at such a facility. 79974

(N) "JTPA eligible employee" means any individual who is 79975  
eligible for employment or training under the "Job Training 79976  
Partnership Act," 96 Stat. 1324 (1982), 29 U.S.C. 1501, as 79977  
amended. 79978

(O) "First used in business" means that the property referred 79979  
to has not been used in business in this state by the enterprise 79980  
that owns it, or by an enterprise that is a related member or 79981  
predecessor enterprise of such an enterprise, other than as 79982  
inventory, prior to being used in business at a facility as the 79983  
result of a project. 79984

(P) "Training program" means any noncredit training program 79985

or course of study that is offered by any state college or 79986  
university; university branch district; community college; 79987  
technical college; nonprofit college or university certified under 79988  
section 1713.02 of the Revised Code; school district; joint 79989  
vocational school district; school registered and authorized to 79990  
offer programs under section 3332.05 of the Revised Code; an 79991  
entity administering any federal, state, or local adult education 79992  
and training program; or any enterprise; and that meets all of the 79993  
following requirements: 79994

(1) It is approved by the director of development; 79995

(2) It is established or operated to satisfy the need of a 79996  
particular industry or enterprise for skilled or semi-skilled 79997  
employees; 79998

(3) An individual is required to complete the course or 79999  
program before filling a position at a project site. 80000

(Q) "Development" means to engage in the process of clearing 80001  
and grading land, making, installing, or constructing water 80002  
distribution systems, sewers, sewage collection systems, steam, 80003  
gas, and electric lines, roads, curbs, gutters, sidewalks, storm 80004  
drainage facilities, and construction of other facilities or 80005  
buildings equal to at least fifty per cent of the market value of 80006  
the facility prior to the expenditures, as determined for the 80007  
purposes of local property taxation. 80008

(R) "Large manufacturing facility" means a single Ohio 80009  
facility that employed an average of at least one thousand 80010  
individuals during the five calendar years preceding an agreement 80011  
authorized under division (C)(3) of section 5709.62 or division 80012  
(B)(2) of section 5709.63 of the Revised Code. For purposes of 80013  
this division, both of the following apply: 80014

(1) A single Ohio manufacturing facility employed an average 80015  
of at least one thousand individuals during the five calendar 80016

years preceding entering into such an agreement if one-fifth of 80017  
the sum of the number of employees employed on the highest 80018  
employment day during each of the five calendar years equals or 80019  
exceeds one thousand. 80020

(2) The highest employment day is the day or days during a 80021  
calendar year on which the number of employees employed at a 80022  
single Ohio manufacturing facility was greater than on any other 80023  
day during the calendar year. 80024

(S) "Business cycle" means the cycle of business activity 80025  
usually regarded as passing through alternating stages of 80026  
prosperity and depression. 80027

(T) "Making retail sales" means the effecting of 80028  
point-of-final-purchase transactions at a facility open to the 80029  
consuming public, wherein one party is obligated to pay the price 80030  
and the other party is obligated to provide a service or to 80031  
transfer title to or possession of the item sold. 80032

(U) "Environmentally contaminated" means that hazardous 80033  
substances exist at a facility under conditions that have caused 80034  
or would cause the facility to be identified as contaminated by 80035  
the state or federal environmental protection agency. These may 80036  
include facilities located at sites identified in the master sites 80037  
list or similar database maintained by the state environmental 80038  
protection agency if the sites have been investigated by the 80039  
agency and found to be contaminated. 80040

(V) "Remediate" means to make expenditures to clean up an 80041  
environmentally contaminated facility so that it is no longer 80042  
environmentally contaminated that equal at least ten per cent of 80043  
the real property market value of the facility prior to such 80044  
expenditures as determined for the purposes of property taxation. 80045

(W) "Related member" has the same meaning as defined in 80046  
section 5733.042 of the Revised Code without regard to division 80047

(B) of that section, except that it is used with respect to an 80048  
enterprise rather than a taxpayer. 80049

(X) "Predecessor enterprise" means an enterprise from which 80050  
the assets or equity of another enterprise has been transferred, 80051  
which transfer resulted in the full or partial nonrecognition of 80052  
gain or loss, or resulted in a carryover basis, both as determined 80053  
by rule adopted by the tax commissioner. 80054

(Y) "Successor enterprise" means an enterprise to which the 80055  
assets or equity of another enterprise has been transferred, which 80056  
transfer resulted in the full or partial nonrecognition of gain or 80057  
loss, or resulted in a carryover basis, both as determined by rule 80058  
adopted by the tax commissioner. 80059

(Z) "Megaproject," "megaproject operator," and "megaproject 80060  
supplier" have the same meanings as in section 122.17 of the 80061  
Revised Code. 80062

**Sec. 5709.62.** (A) In any municipal corporation that is 80063  
defined by the United States office of management and budget as a 80064  
principal city of a metropolitan statistical area, the legislative 80065  
authority of the municipal corporation may designate one or more 80066  
areas within its municipal corporation as proposed enterprise 80067  
zones. Upon designating an area, the legislative authority shall 80068  
petition the director of development services for certification of 80069  
the area as having the characteristics set forth in division 80070  
(A)(1) of section 5709.61 of the Revised Code as amended by 80071  
Substitute Senate Bill No. 19 of the 120th general assembly. 80072  
Except as otherwise provided in division (E) of this section, on 80073  
and after July 1, 1994, legislative authorities shall not enter 80074  
into agreements under this section unless the legislative 80075  
authority has petitioned the director and the director has 80076  
certified the zone under this section as amended by that act; 80077  
however, all agreements entered into under this section as it 80078

existed prior to July 1, 1994, and the incentives granted under 80079  
those agreements shall remain in effect for the period agreed to 80080  
under those agreements. Within sixty days after receiving such a 80081  
petition, the director shall determine whether the area has the 80082  
characteristics set forth in division (A)(1) of section 5709.61 of 80083  
the Revised Code, and shall forward the findings to the 80084  
legislative authority of the municipal corporation. If the 80085  
director certifies the area as having those characteristics, and 80086  
thereby certifies it as a zone, the legislative authority may 80087  
enter into an agreement with an enterprise under division (C) of 80088  
this section. 80089

(B) Any enterprise that wishes to enter into an agreement 80090  
with a municipal corporation under division (C) of this section 80091  
shall submit a proposal to the legislative authority of the 80092  
municipal corporation on a form prescribed by the director of 80093  
development services, together with the application fee 80094  
established under section 5709.68 of the Revised Code. The form 80095  
shall require the following information: 80096

(1) An estimate of the number of new employees whom the 80097  
enterprise intends to hire, or of the number of employees whom the 80098  
enterprise intends to retain, within the zone at a facility that 80099  
is a project site, and an estimate of the amount of payroll of the 80100  
enterprise attributable to these employees; 80101

(2) An estimate of the amount to be invested by the 80102  
enterprise to establish, expand, renovate, or occupy a facility, 80103  
including investment in new buildings, additions or improvements 80104  
to existing buildings, machinery, equipment, furniture, fixtures, 80105  
and inventory; 80106

(3) A listing of the enterprise's current investment, if any, 80107  
in a facility as of the date of the proposal's submission. 80108

The enterprise shall review and update the listings required 80109

under this division to reflect material changes, and any agreement 80110  
entered into under division (C) of this section shall set forth 80111  
final estimates and listings as of the time the agreement is 80112  
entered into. The legislative authority may, on a separate form 80113  
and at any time, require any additional information necessary to 80114  
determine whether an enterprise is in compliance with an agreement 80115  
and to collect the information required to be reported under 80116  
section 5709.68 of the Revised Code. 80117

(C) Upon receipt and investigation of a proposal under 80118  
division (B) of this section, if the legislative authority finds 80119  
that the enterprise submitting the proposal is qualified by 80120  
financial responsibility and business experience to create and 80121  
preserve employment opportunities in the zone and improve the 80122  
economic climate of the municipal corporation, the legislative 80123  
authority may do one of the following: 80124

(1) Enter into an agreement with the enterprise under which 80125  
the enterprise agrees to establish, expand, renovate, or occupy a 80126  
facility and hire new employees, or preserve employment 80127  
opportunities for existing employees, in return for one or more of 80128  
the following incentives: 80129

(a) Exemption for a specified number of years, not to exceed 80130  
fifteen, of a specified portion, up to seventy-five per cent, of 80131  
the assessed value of tangible personal property first used in 80132  
business at the project site as a result of the agreement. If an 80133  
exemption for inventory is specifically granted in the agreement 80134  
pursuant to this division, the exemption applies to inventory 80135  
required to be listed pursuant to sections 5711.15 and 5711.16 of 80136  
the Revised Code, except that, in the instance of an expansion or 80137  
other situations in which an enterprise was in business at the 80138  
facility prior to the establishment of the zone, the inventory 80139  
that is exempt is that amount or value of inventory in excess of 80140  
the amount or value of inventory required to be listed in the 80141

personal property tax return of the enterprise in the return for 80142  
the tax year in which the agreement is entered into. 80143

(b) Exemption for a specified number of years, not to exceed 80144  
fifteen, of a specified portion, up to seventy-five per cent, of 80145  
the increase in the assessed valuation of real property 80146  
constituting the project site subsequent to formal approval of the 80147  
agreement by the legislative authority; 80148

(c) Provision for a specified number of years, not to exceed 80149  
fifteen, of any optional services or assistance that the municipal 80150  
corporation is authorized to provide with regard to the project 80151  
site. 80152

(2) Enter into an agreement under which the enterprise agrees 80153  
to remediate an environmentally contaminated facility, to spend an 80154  
amount equal to at least two hundred fifty per cent of the true 80155  
value in money of the real property of the facility prior to 80156  
remediation as determined for the purposes of property taxation to 80157  
establish, expand, renovate, or occupy the remediated facility, 80158  
and to hire new employees or preserve employment opportunities for 80159  
existing employees at the remediated facility, in return for one 80160  
or more of the following incentives: 80161

(a) Exemption for a specified number of years, not to exceed 80162  
fifteen, of a specified portion, not to exceed fifty per cent, of 80163  
the assessed valuation of the real property of the facility prior 80164  
to remediation; 80165

(b) Exemption for a specified number of years, not to exceed 80166  
fifteen, of a specified portion, not to exceed one hundred per 80167  
cent, of the increase in the assessed valuation of the real 80168  
property of the facility during or after remediation; 80169

(c) The incentive under division (C)(1)(a) of this section, 80170  
except that the percentage of the assessed value of such property 80171  
exempted from taxation shall not exceed one hundred per cent; 80172

|                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                     |                                                                                                 |
|---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-------------------------------------------------------------------------------------------------|
| (d) The incentive under division (C)(1)(c) of this section.                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                         | 80173                                                                                           |
| (3) Enter into an agreement with an enterprise that plans to purchase and operate a large manufacturing facility that has ceased operation or announced its intention to cease operation, in return for exemption for a specified number of years, not to exceed fifteen, of a specified portion, up to one hundred per cent, of the assessed value of tangible personal property used in business at the project site as a result of the agreement, or of the assessed valuation of real property constituting the project site, or both;                                                                                                                          | 80174<br>80175<br>80176<br>80177<br>80178<br>80179<br>80180<br>80181<br>80182                   |
| <u>(4) Enter into an agreement with an enterprise that either is the owner of real property constituting the site of a megaproject or is a megaproject supplier in return for an exemption for a specified number of years, not to exceed thirty, of a specified portion, up to one hundred per cent, of the increase in the assessed value of real property constituting the site of a megaproject or real property owned and occupied by the megaproject supplier, respectively, beginning after the tax year in which the agreement is formally approved by the legislative authority.</u>                                                                       | 80183<br>80184<br>80185<br>80186<br>80187<br>80188<br>80189<br>80190<br>80191                   |
| (D)(1) Notwithstanding divisions (C)(1)(a) and (b) of this section, the portion of the assessed value of tangible personal property or of the increase in the assessed valuation of real property exempted from taxation under those divisions may exceed seventy-five per cent in any year for which that portion is exempted if the average percentage exempted for all years in which the agreement is in effect does not exceed sixty per cent, or if the board of education of the city, local, or exempted village school district within the territory of which the property is or will be located approves a percentage in excess of seventy-five per cent. | 80192<br>80193<br>80194<br>80195<br>80196<br>80197<br>80198<br>80199<br>80200<br>80201<br>80202 |
| (2) Notwithstanding any provision of the Revised Code to the contrary, the exemptions described in divisions (C)(1)(a), (b),                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                        | 80203<br>80204                                                                                  |

and (c), (C)(2)(a), (b), and (c), and (C)(3) of this section may 80205  
be for up to fifteen years and the exemption described in division 80206  
(C)(4) of this section may be for up to thirty years if the board 80207  
of education of the city, local, or exempted village school 80208  
district within the territory of which the property is or will be 80209  
located approves a number of years in excess of ten. 80210

(3) For the purpose of obtaining the approval of a city, 80211  
local, or exempted village school district under division (D)(1) 80212  
or (2) of this section, the legislative authority shall deliver to 80213  
the board of education a notice not later than forty-five days 80214  
prior to approving the agreement, excluding Saturdays, Sundays, 80215  
and legal holidays as defined in section 1.14 of the Revised Code. 80216  
The notice shall state the percentage to be exempted, an estimate 80217  
of the true value of the property to be exempted, and the number 80218  
of years the property is to be exempted. The board of education, 80219  
by resolution adopted by a majority of the board, shall approve or 80220  
disapprove the agreement and certify a copy of the resolution to 80221  
the legislative authority not later than fourteen days prior to 80222  
the date stipulated by the legislative authority as the date upon 80223  
which approval of the agreement is to be formally considered by 80224  
the legislative authority. The board of education may include in 80225  
the resolution conditions under which the board would approve the 80226  
agreement, including the execution of an agreement to compensate 80227  
the school district under division (B) of section 5709.82 of the 80228  
Revised Code. The legislative authority may approve the agreement 80229  
at any time after the board of education certifies its resolution 80230  
approving the agreement to the legislative authority, or, if the 80231  
board approves the agreement conditionally, at any time after the 80232  
conditions are agreed to by the board and the legislative 80233  
authority. If an agreement is negotiated between the legislative 80234  
authority and the board to compensate the school district for all 80235  
or part of the taxes exempted, the legislative authority shall 80236  
compensate the joint vocational school district within which the 80237

property is located at the same rate and under the same terms 80238  
received by the city, local, or exempted village school district. 80239

If a board of education has adopted a resolution waiving its 80240  
right to approve agreements and the resolution remains in effect, 80241  
approval of an agreement by the board is not required under this 80242  
division. If a board of education has adopted a resolution 80243  
allowing a legislative authority to deliver the notice required 80244  
under this division fewer than forty-five business days prior to 80245  
the legislative authority's approval of the agreement, the 80246  
legislative authority shall deliver the notice to the board not 80247  
later than the number of days prior to such approval as prescribed 80248  
by the board in its resolution. If a board of education adopts a 80249  
resolution waiving its right to approve agreements or shortening 80250  
the notification period, the board shall certify a copy of the 80251  
resolution to the legislative authority. If the board of education 80252  
rescinds such a resolution, it shall certify notice of the 80253  
rescission to the legislative authority. 80254

(4) The legislative authority shall comply with section 80255  
5709.83 of the Revised Code unless the board of education has 80256  
adopted a resolution under that section waiving its right to 80257  
receive such notice. 80258

(E) This division applies to zones certified by the director 80259  
of development services under this section prior to July 22, 1994. 80260

The legislative authority that designated a zone to which 80261  
this division applies may enter into an agreement with an 80262  
enterprise if the legislative authority finds that the enterprise 80263  
satisfies one of the criteria described in divisions (E)(1) to (5) 80264  
of this section: 80265

(1) The enterprise currently has no operations in this state 80266  
and, subject to approval of the agreement, intends to establish 80267  
operations in the zone; 80268

(2) The enterprise currently has operations in this state 80269  
and, subject to approval of the agreement, intends to establish 80270  
operations at a new location in the zone that would not result in 80271  
a reduction in the number of employee positions at any of the 80272  
enterprise's other locations in this state; 80273

(3) The enterprise, subject to approval of the agreement, 80274  
intends to relocate operations, currently located in another 80275  
state, to the zone; 80276

(4) The enterprise, subject to approval of the agreement, 80277  
intends to expand operations at an existing site in the zone that 80278  
the enterprise currently operates; 80279

(5) The enterprise, subject to approval of the agreement, 80280  
intends to relocate operations, currently located in this state, 80281  
to the zone, and the director of development services has issued a 80282  
waiver for the enterprise under division (B) of section 5709.633 80283  
of the Revised Code. 80284

The agreement shall require the enterprise to agree to 80285  
establish, expand, renovate, or occupy a facility in the zone and 80286  
hire new employees, or preserve employment opportunities for 80287  
existing employees, in return for one or more of the incentives 80288  
described in division (C) of this section. 80289

(F) All agreements entered into under this section shall be 80290  
in the form prescribed under section 5709.631 of the Revised Code. 80291  
After an agreement is entered into under this section, if the 80292  
legislative authority revokes its designation of a zone, or if the 80293  
director of development services revokes a zone's certification, 80294  
any entitlements granted under the agreement shall continue for 80295  
the number of years specified in the agreement. 80296

(G) Except as otherwise provided in this division, an 80297  
agreement entered into under this section shall require that the 80298  
enterprise pay an annual fee equal to the greater of one per cent 80299

of the dollar value of incentives offered under the agreement or 80300  
five hundred dollars; provided, however, that if the value of the 80301  
incentives exceeds two hundred fifty thousand dollars, the fee 80302  
shall not exceed two thousand five hundred dollars. The fee shall 80303  
be payable to the legislative authority once per year for each 80304  
year the agreement is effective on the days and in the form 80305  
specified in the agreement. Fees paid shall be deposited in a 80306  
special fund created for such purpose by the legislative authority 80307  
and shall be used by the legislative authority exclusively for the 80308  
purpose of complying with section 5709.68 of the Revised Code and 80309  
by the tax incentive review council created under section 5709.85 80310  
of the Revised Code exclusively for the purposes of performing the 80311  
duties prescribed under that section. The legislative authority 80312  
may waive or reduce the amount of the fee charged against an 80313  
enterprise, but such a waiver or reduction does not affect the 80314  
obligations of the legislative authority or the tax incentive 80315  
review council to comply with section 5709.68 or 5709.85 of the 80316  
Revised Code. 80317

(H) When an agreement is entered into pursuant to this 80318  
section, the legislative authority authorizing the agreement shall 80319  
forward a copy of the agreement to the director of development 80320  
services and to the tax commissioner within fifteen days after the 80321  
agreement is entered into. If any agreement includes terms not 80322  
provided for in section 5709.631 of the Revised Code affecting the 80323  
revenue of a city, local, exempted village, or joint vocational 80324  
school district or causing revenue to be forgone by the district, 80325  
including any compensation to be paid to the school district 80326  
pursuant to section 5709.82 of the Revised Code, those terms also 80327  
shall be forwarded in writing to the director of development 80328  
services along with the copy of the agreement forwarded under this 80329  
division. 80330

(I) After an agreement is entered into, the enterprise shall 80331

file with each personal property tax return required to be filed, 80332  
or annual report required to be filed under section 5727.08 of the 80333  
Revised Code, while the agreement is in effect, an informational 80334  
return, on a form prescribed by the tax commissioner for that 80335  
purpose, setting forth separately the property, and related costs 80336  
and values, exempted from taxation under the agreement. 80337

(J) Enterprises may agree to give preference to residents of 80338  
the zone within which the agreement applies relative to residents 80339  
of this state who do not reside in the zone when hiring new 80340  
employees under the agreement. 80341

(K) An agreement entered into under this section may include 80342  
a provision requiring the enterprise to create one or more 80343  
temporary internship positions for students enrolled in a course 80344  
of study at a school or other educational institution in the 80345  
vicinity, and to create a scholarship or provide another form of 80346  
educational financial assistance for students holding such a 80347  
position in exchange for the student's commitment to work for the 80348  
enterprise at the completion of the internship. 80349

(L) The tax commissioner's authority in determining the 80350  
accuracy of any exemption granted by an agreement entered into 80351  
under this section is limited to divisions (C)(1)(a) and (b), 80352  
(C)(2)(a), (b), and (c), (C)(3) and (4), (D), and (I) of this 80353  
section and divisions (B)(1) to (10) of section 5709.631 of the 80354  
Revised Code and, as authorized by law, to enforcing any 80355  
modification to, or revocation of, that agreement by the 80356  
legislative authority of a municipal corporation or the director 80357  
of development services. 80358

**Sec. 5709.63.** (A) With the consent of the legislative 80359  
authority of each affected municipal corporation or of a board of 80360  
township trustees, a board of county commissioners may, in the 80361  
manner set forth in section 5709.62 of the Revised Code, designate 80362

one or more areas in one or more municipal corporations or in 80363  
unincorporated areas of the county as proposed enterprise zones. A 80364  
board of county commissioners may designate no more than one area 80365  
within a township, or within adjacent townships, as a proposed 80366  
enterprise zone. The board shall petition the director of 80367  
development services for certification of the area as having the 80368  
characteristics set forth in division (A)(1) or (2) of section 80369  
5709.61 of the Revised Code as amended by Substitute Senate Bill 80370  
No. 19 of the 120th general assembly. Except as otherwise provided 80371  
in division (D) of this section, on and after July 1, 1994, boards 80372  
of county commissioners shall not enter into agreements under this 80373  
section unless the board has petitioned the director and the 80374  
director has certified the zone under this section as amended by 80375  
that act; however, all agreements entered into under this section 80376  
as it existed prior to July 1, 1994, and the incentives granted 80377  
under those agreements shall remain in effect for the period 80378  
agreed to under those agreements. The director shall make the 80379  
determination in the manner provided under section 5709.62 of the 80380  
Revised Code. 80381

Any enterprise wishing to enter into an agreement with the 80382  
board under division (B) or (D) of this section shall submit a 80383  
proposal to the board on the form and accompanied by the 80384  
application fee prescribed under division (B) of section 5709.62 80385  
of the Revised Code. The enterprise shall review and update the 80386  
estimates and listings required by the form in the manner required 80387  
under that division. The board may, on a separate form and at any 80388  
time, require any additional information necessary to determine 80389  
whether an enterprise is in compliance with an agreement and to 80390  
collect the information required to be reported under section 80391  
5709.68 of the Revised Code. 80392

(B) If the board of county commissioners finds that an 80393  
enterprise submitting a proposal is qualified by financial 80394

responsibility and business experience to create and preserve 80395  
employment opportunities in the zone and to improve the economic 80396  
climate of the municipal corporation or municipal corporations or 80397  
the unincorporated areas in which the zone is located and to which 80398  
the proposal applies, the board, with the consent of the 80399  
legislative authority of each affected municipal corporation or of 80400  
the board of township trustees, may do ~~either~~one of the following: 80401

(1) Enter into an agreement with the enterprise under which 80402  
the enterprise agrees to establish, expand, renovate, or occupy a 80403  
facility in the zone and hire new employees, or preserve 80404  
employment opportunities for existing employees, in return for the 80405  
following incentives: 80406

(a) When the facility is located in a municipal corporation, 80407  
the board may enter into an agreement for one or more of the 80408  
incentives provided in division (C) of section 5709.62 of the 80409  
Revised Code, subject to division (D) of that section; 80410

(b) When the facility is located in an unincorporated area, 80411  
the board may enter into an agreement for one or more of the 80412  
following incentives: 80413

(i) Exemption for a specified number of years, not to exceed 80414  
fifteen, of a specified portion, up to sixty per cent, of the 80415  
assessed value of tangible personal property first used in 80416  
business at a project site as a result of the agreement. If an 80417  
exemption for inventory is specifically granted in the agreement 80418  
pursuant to this division, the exemption applies to inventory 80419  
required to be listed pursuant to sections 5711.15 and 5711.16 of 80420  
the Revised Code, except, in the instance of an expansion or other 80421  
situations in which an enterprise was in business at the facility 80422  
prior to the establishment of the zone, the inventory that is 80423  
exempt is that amount or value of inventory in excess of the 80424  
amount or value of inventory required to be listed in the personal 80425  
property tax return of the enterprise in the return for the tax 80426

year in which the agreement is entered into. 80427

(ii) Exemption for a specified number of years, not to exceed 80428  
fifteen, of a specified portion, up to sixty per cent, of the 80429  
increase in the assessed valuation of real property constituting 80430  
the project site subsequent to formal approval of the agreement by 80431  
the board; 80432

(iii) Provision for a specified number of years, not to 80433  
exceed fifteen, of any optional services or assistance the board 80434  
is authorized to provide with regard to the project site; 80435

(iv) The incentive described in division (C)(2) of section 80436  
5709.62 of the Revised Code. 80437

(2) Enter into an agreement with an enterprise that plans to 80438  
purchase and operate a large manufacturing facility that has 80439  
ceased operation or has announced its intention to cease 80440  
operation, in return for exemption for a specified number of 80441  
years, not to exceed fifteen, of a specified portion, up to one 80442  
hundred per cent, of tangible personal property used in business 80443  
at the project site as a result of the agreement, or of real 80444  
property constituting the project site, or both; 80445

(3) Enter into an agreement with an enterprise that either is 80446  
the owner of real property constituting the site of a megaproject 80447  
or is a megaproject supplier in return for an exemption for a 80448  
specified number of years, not to exceed thirty, of a specified 80449  
portion, up to one hundred per cent, of the increase in the 80450  
assessed value of real property constituting the site of a 80451  
megaproject or real property owned and occupied by the megaproject 80452  
supplier, respectively, beginning after the tax year in which the 80453  
agreement is formally approved by the legislative authority. 80454

(C)(1)(a) Notwithstanding divisions (B)(1)(b)(i) and (ii) of 80455  
this section, the portion of the assessed value of tangible 80456  
personal property or of the increase in the assessed valuation of 80457

real property exempted from taxation under those divisions may 80458  
exceed sixty per cent in any year for which that portion is 80459  
exempted if the average percentage exempted for all years in which 80460  
the agreement is in effect does not exceed fifty per cent, or if 80461  
the board of education of the city, local, or exempted village 80462  
school district within the territory of which the property is or 80463  
will be located approves a percentage in excess of sixty per cent. 80464

(b) Notwithstanding any provision of the Revised Code to the 80465  
contrary, the exemptions described in divisions (B)(1)(b)(i), 80466  
(ii), (iii), and (iv) and (B)(2) of this section may be for up to 80467  
fifteen years and the exemption described in division (B)(3) of 80468  
this section may be for up to thirty years if the board of 80469  
education of the city, local, or exempted village school district 80470  
within the territory of which the property is or will be located 80471  
approves a number of years in excess of ten. 80472

(c) For the purpose of obtaining the approval of a city, 80473  
local, or exempted village school district under division 80474  
(C)(1)(a) or (b) of this section, the board of county 80475  
commissioners shall deliver to the board of education a notice not 80476  
later than forty-five days prior to approving the agreement, 80477  
excluding Saturdays, Sundays, and legal holidays as defined in 80478  
section 1.14 of the Revised Code. The notice shall state the 80479  
percentage to be exempted, an estimate of the true value of the 80480  
property to be exempted, and the number of years the property is 80481  
to be exempted. The board of education, by resolution adopted by a 80482  
majority of the board, shall approve or disapprove the agreement 80483  
and certify a copy of the resolution to the board of county 80484  
commissioners not later than fourteen days prior to the date 80485  
stipulated by the board of county commissioners as the date upon 80486  
which approval of the agreement is to be formally considered by 80487  
the board of county commissioners. The board of education may 80488  
include in the resolution conditions under which the board would 80489

approve the agreement, including the execution of an agreement to 80490  
compensate the school district under division (B) of section 80491  
5709.82 of the Revised Code. The board of county commissioners may 80492  
approve the agreement at any time after the board of education 80493  
certifies its resolution approving the agreement to the board of 80494  
county commissioners, or, if the board of education approves the 80495  
agreement conditionally, at any time after the conditions are 80496  
agreed to by the board of education and the board of county 80497  
commissioners. If an agreement is negotiated between the 80498  
legislative authority and the board to compensate the school 80499  
district for all or part of the taxes exempted, the legislative 80500  
authority shall compensate the joint vocational school district 80501  
within which the property is located at the same rate and under 80502  
the same terms received by the city, local, or exempted village 80503  
school district. 80504

If a board of education has adopted a resolution waiving its 80505  
right to approve agreements and the resolution remains in effect, 80506  
approval of an agreement by the board of education is not required 80507  
under division (C) of this section. If a board of education has 80508  
adopted a resolution allowing a board of county commissioners to 80509  
deliver the notice required under this division fewer than 80510  
forty-five business days prior to approval of the agreement by the 80511  
board of county commissioners, the board of county commissioners 80512  
shall deliver the notice to the board of education not later than 80513  
the number of days prior to such approval as prescribed by the 80514  
board of education in its resolution. If a board of education 80515  
adopts a resolution waiving its right to approve agreements or 80516  
shortening the notification period, the board of education shall 80517  
certify a copy of the resolution to the board of county 80518  
commissioners. If the board of education rescinds such a 80519  
resolution, it shall certify notice of the rescission to the board 80520  
of county commissioners. 80521

(2) The board of county commissioners shall comply with 80522  
section 5709.83 of the Revised Code unless the board of education 80523  
has adopted a resolution under that section waiving its right to 80524  
receive such notice. 80525

(D) This division applies to zones certified by the director 80526  
of development services under this section prior to July 22, 1994. 80527

With the consent of the legislative authority of each 80528  
affected municipal corporation or board of township trustees of 80529  
each affected township, the board of county commissioners that 80530  
designated a zone to which this division applies may enter into an 80531  
agreement with an enterprise if the board finds that the 80532  
enterprise satisfies one of the criteria described in divisions 80533  
(D)(1) to (5) of this section: 80534

(1) The enterprise currently has no operations in this state 80535  
and, subject to approval of the agreement, intends to establish 80536  
operations in the zone; 80537

(2) The enterprise currently has operations in this state 80538  
and, subject to approval of the agreement, intends to establish 80539  
operations at a new location in the zone that would not result in 80540  
a reduction in the number of employee positions at any of the 80541  
enterprise's other locations in this state; 80542

(3) The enterprise, subject to approval of the agreement, 80543  
intends to relocate operations, currently located in another 80544  
state, to the zone; 80545

(4) The enterprise, subject to approval of the agreement, 80546  
intends to expand operations at an existing site in the zone that 80547  
the enterprise currently operates; 80548

(5) The enterprise, subject to approval of the agreement, 80549  
intends to relocate operations, currently located in this state, 80550  
to the zone, and the director of development services has issued a 80551  
waiver for the enterprise under division (B) of section 5709.633 80552

of the Revised Code. 80553

The agreement shall require the enterprise to agree to 80554  
establish, expand, renovate, or occupy a facility in the zone and 80555  
hire new employees, or preserve employment opportunities for 80556  
existing employees, in return for one or more of the incentives 80557  
described in division (B) of this section. 80558

(E) All agreements entered into under this section shall be 80559  
in the form prescribed under section 5709.631 of the Revised Code. 80560  
After an agreement under this section is entered into, if the 80561  
board of county commissioners revokes its designation of a zone, 80562  
or if the director of development services revokes a zone's 80563  
certification, any entitlements granted under the agreement shall 80564  
continue for the number of years specified in the agreement. 80565

(F) Except as otherwise provided in this division, an 80566  
agreement entered into under this section shall require that the 80567  
enterprise pay an annual fee equal to the greater of one per cent 80568  
of the dollar value of incentives offered under the agreement or 80569  
five hundred dollars; provided, however, that if the value of the 80570  
incentives exceeds two hundred fifty thousand dollars, the fee 80571  
shall not exceed two thousand five hundred dollars. The fee shall 80572  
be payable to the board of county commissioners once per year for 80573  
each year the agreement is effective on the days and in the form 80574  
specified in the agreement. Fees paid shall be deposited in a 80575  
special fund created for such purpose by the board and shall be 80576  
used by the board exclusively for the purpose of complying with 80577  
section 5709.68 of the Revised Code and by the tax incentive 80578  
review council created under section 5709.85 of the Revised Code 80579  
exclusively for the purposes of performing the duties prescribed 80580  
under that section. The board may waive or reduce the amount of 80581  
the fee charged against an enterprise, but such waiver or 80582  
reduction does not affect the obligations of the board or the tax 80583  
incentive review council to comply with section 5709.68 or 5709.85 80584

of the Revised Code, respectively. 80585

(G) With the approval of the legislative authority of a 80586  
municipal corporation or the board of township trustees of a 80587  
township in which a zone is designated under division (A) of this 80588  
section, the board of county commissioners may delegate to that 80589  
legislative authority or board any powers and duties of the board 80590  
of county commissioners to negotiate and administer agreements 80591  
with regard to that zone under this section. 80592

(H) When an agreement is entered into pursuant to this 80593  
section, the board of county commissioners authorizing the 80594  
agreement or the legislative authority or board of township 80595  
trustees that negotiates and administers the agreement shall 80596  
forward a copy of the agreement to the director of development 80597  
services and to the tax commissioner within fifteen days after the 80598  
agreement is entered into. If any agreement includes terms not 80599  
provided for in section 5709.631 of the Revised Code affecting the 80600  
revenue of a city, local, exempted village, or joint vocational 80601  
school district or causing revenue to be foregone by the district, 80602  
including any compensation to be paid to the school district 80603  
pursuant to section 5709.82 of the Revised Code, those terms also 80604  
shall be forwarded in writing to the director of development 80605  
services along with the copy of the agreement forwarded under this 80606  
division. 80607

(I) After an agreement is entered into, the enterprise shall 80608  
file with each personal property tax return required to be filed, 80609  
or annual report that is required to be filed under section 80610  
5727.08 of the Revised Code, while the agreement is in effect, an 80611  
informational return, on a form prescribed by the tax commissioner 80612  
for that purpose, setting forth separately the property, and 80613  
related costs and values, exempted from taxation under the 80614  
agreement. 80615

(J) Enterprises may agree to give preference to residents of 80616

the zone within which the agreement applies relative to residents 80617  
of this state who do not reside in the zone when hiring new 80618  
employees under the agreement. 80619

(K) An agreement entered into under this section may include 80620  
a provision requiring the enterprise to create one or more 80621  
temporary internship positions for students enrolled in a course 80622  
of study at a school or other educational institution in the 80623  
vicinity, and to create a scholarship or provide another form of 80624  
educational financial assistance for students holding such a 80625  
position in exchange for the student's commitment to work for the 80626  
enterprise at the completion of the internship. 80627

(L) The tax commissioner's authority in determining the 80628  
accuracy of any exemption granted by an agreement entered into 80629  
under this section is limited to divisions (B)(1)(b)(i) and (ii), 80630  
(B)(2) and (3), (C), and (I) of this section, division 80631  
(B)(1)(b)(iv) of this section as it pertains to divisions 80632  
(C)(2)(a), (b), and (c) of section 5709.62 of the Revised Code, 80633  
and divisions (B)(1) to (10) of section 5709.631 of the Revised 80634  
Code and, as authorized by law, to enforcing any modification to, 80635  
or revocation of, that agreement by the board of county 80636  
commissioners or the director of development services or, if the 80637  
board's powers and duties are delegated under division (G) of this 80638  
section, by the legislative authority of a municipal corporation 80639  
or board of township trustees. 80640

**Sec. 5709.631.** Each agreement entered into under sections 80641  
5709.62, 5709.63, and 5709.632 of the Revised Code on or after 80642  
April 1, 1994, shall be in writing and shall include all of the 80643  
information and statements prescribed by this section. Agreements 80644  
may include terms not prescribed by this section, but such terms 80645  
shall in no way derogate from the information and statements 80646  
prescribed by this section. 80647

- (A) Each agreement shall include the following information: 80648
- (1) The names of all parties to the agreement; 80649
- (2) A description of the investments to be made by the 80650  
applicant enterprise or by another party at the facility whether 80651  
or not the investments are exempted from taxation, including 80652  
existing or new building size and cost thereof; the value of 80653  
machinery, equipment, furniture, and fixtures, including an 80654  
itemization of the value of machinery, equipment, furniture, and 80655  
fixtures used at another location in this state prior to the 80656  
agreement and relocated or to be relocated from that location to 80657  
the facility and the value of machinery, equipment, furniture, and 80658  
fixtures at the facility prior to the execution of the agreement 80659  
that will not be exempted from taxation; the value of inventory at 80660  
the facility, including an itemization of the value of inventory 80661  
held at another location in this state prior to the agreement and 80662  
relocated or to be relocated from that location to the facility, 80663  
and the value of inventory held at the facility prior to the 80664  
execution of the agreement that will not be exempted from 80665  
taxation; 80666
- (3) The scheduled starting and completion dates of 80667  
investments made in building, machinery, equipment, furniture, 80668  
fixtures, and inventory; 80669
- (4) Estimates of the number of employee positions to be 80670  
created each year of the agreement and of the number of employee 80671  
positions retained by the applicant enterprise due to the project, 80672  
itemized as to the number of full-time, part-time, permanent, and 80673  
temporary positions; 80674
- (5) Estimates of the dollar amount of payroll attributable to 80675  
the positions set forth in division (A)(4) of this section, 80676  
similarly itemized; 80677
- (6) The number of employee positions, if any, at the project 80678

site and at any other location in the state at the time the 80679  
agreement is executed, itemized as to the number of full-time, 80680  
part-time, permanent, and temporary positions. 80681

(B) Each agreement shall set forth the following information 80682  
and incorporate the following statements: 80683

(1) A description of real property to be exempted from 80684  
taxation under the agreement, the percentage of the assessed 80685  
valuation of the real property exempted from taxation, and the 80686  
period for which the exemption is granted, accompanied by the 80687  
statement: "The exemption commences the first year for which the 80688  
real property would first be taxable were that property not 80689  
exempted from taxation. No exemption shall commence after 80690  
..... (insert date) nor extend beyond ..... (insert 80691  
date)." The tax commissioner shall adopt rules prescribing the 80692  
form the description of such property shall assume to ensure that 80693  
the property to be exempted from taxation under the agreement is 80694  
distinguishable from property that is not to be exempted under 80695  
that agreement. 80696

(2) A description of tangible personal property to be 80697  
exempted from taxation under the agreement, the percentage of the 80698  
assessed value of the tangible personal property exempted from 80699  
taxation, and the period for which the exemption is granted, 80700  
accompanied by the statement: "The minimum investment for tangible 80701  
personal property to qualify for the exemption is \$..... 80702  
(insert dollar amount) to purchase machinery and equipment first 80703  
used in business at the facility as a result of the project, 80704  
\$..... (insert dollar amount) for furniture and fixtures and 80705  
other noninventory personal property first used in business at the 80706  
facility as a result of the project, and \$..... (insert 80707  
dollar amount) for new inventory. The maximum investment for 80708  
tangible personal property to qualify for the exemption is 80709  
\$..... (insert dollar amount) to purchase machinery and 80710

equipment first used in business at the facility as a result of 80711  
the project, \$..... (insert dollar amount) for furniture and 80712  
fixtures and other noninventory personal property first used in 80713  
business at the facility as a result of the project, and 80714  
\$..... (insert dollar amount) for new inventory. The 80715  
exemption commences the first year for which the tangible personal 80716  
property would first be taxable were that property not exempted 80717  
from taxation. No exemption shall commence after tax return year 80718  
..... (insert year) nor extend beyond tax return year 80719  
..... (insert year). In no instance shall any tangible 80720  
personal property be exempted from taxation for more than ten 80721  
return years unless, under division (D)(2) of section 5709.62 or 80722  
under division (C)(1)(b) of section 5709.63 of the Revised Code, 80723  
the board of education approves exemption for a number of years in 80724  
excess of ten, in which case the tangible personal property may be 80725  
exempted from taxation for that number of years, not to exceed 80726  
fifteen return years." No exemption shall be allowed for any type 80727  
of tangible personal property if the total investment is less than 80728  
the minimum dollar amount specified for that type of property. If, 80729  
for a type of tangible personal property, there are no minimum or 80730  
maximum investment dollar amounts specified in the statement or 80731  
the dollar amounts are designated in the statement as not 80732  
applicable, the exemption shall apply to the total cost of that 80733  
type of tangible personal property first used in business at the 80734  
facility as a result of the project. The tax commissioner shall 80735  
adopt rules prescribing the form the description of such property 80736  
shall assume to ensure that the property to be exempted from 80737  
taxation under the agreement is distinguishable from property that 80738  
is not to be exempted under that agreement. 80739

(3) "..... (insert name of enterprise) shall pay such 80740  
real and tangible personal property taxes as are not exempted 80741  
under this agreement and are charged against such property and 80742  
shall file all tax reports and returns as required by law. If 80743

..... (insert name of enterprise) fails to pay such taxes or 80744  
file such returns and reports, all incentives granted under this 80745  
agreement are rescinded beginning with the year for which such 80746  
taxes are charged or such reports or returns are required to be 80747  
filed and thereafter." 80748

(4) "..... (insert name of enterprise) hereby certifies 80749  
that at the time this agreement is executed, ..... (insert 80750  
name of enterprise) does not owe any delinquent real or tangible 80751  
personal property taxes to any taxing authority of the State of 80752  
Ohio, and does not owe delinquent taxes for which ..... 80753  
(insert name of enterprise) is liable under Chapter 5727., 5733., 80754  
5735., 5739., 5741., 5743., 5747., or 5753. of the Revised Code, 80755  
or, if such delinquent taxes are owed, ..... (insert name of 80756  
enterprise) currently is paying the delinquent taxes pursuant to a 80757  
delinquent tax contract enforceable by the State of Ohio or an 80758  
agent or instrumentality thereof, has filed a petition in 80759  
bankruptcy under 11 U.S.C.A. 101, et seq., or such a petition has 80760  
been filed against ..... (insert name of enterprise). For the 80761  
purposes of the certification, delinquent taxes are taxes that 80762  
remain unpaid on the latest day prescribed for payment without 80763  
penalty under the chapter of the Revised Code governing payment of 80764  
those taxes." 80765

(5) "..... (insert name of municipal corporation or 80766  
county) shall perform such acts as are reasonably necessary or 80767  
appropriate to effect, claim, reserve, and maintain exemptions 80768  
from taxation granted under this agreement including, without 80769  
limitation, joining in the execution of all documentation and 80770  
providing any necessary certificates required in connection with 80771  
such exemptions." 80772

(6) "If for any reason the enterprise zone designation 80773  
expires, the Director of the Ohio Department of Development 80774  
revokes certification of the zone, or ..... (insert name of 80775

municipal corporation or county) revokes the designation of the 80776  
zone, entitlements granted under this agreement shall continue for 80777  
the number of years specified under this agreement, unless 80778  
..... (insert name of enterprise) materially fails to fulfill 80779  
its obligations under this agreement and ..... (insert name 80780  
of municipal corporation or county) terminates or modifies the 80781  
exemptions from taxation granted under this agreement." 80782

(7) "If ..... (insert name of enterprise) materially 80783  
fails to fulfill its obligations under this agreement, other than 80784  
with respect to the number of employee positions estimated to be 80785  
created or retained under this agreement, or if ..... (insert 80786  
name of municipal corporation or county) determines that the 80787  
certification as to delinquent taxes required by this agreement is 80788  
fraudulent, ..... (insert name of municipal corporation or 80789  
county) may terminate or modify the exemptions from taxation 80790  
granted under this agreement." 80791

(8) "..... (insert name of enterprise) shall provide to 80792  
the proper tax incentive review council any information reasonably 80793  
required by the council to evaluate the enterprise's compliance 80794  
with the agreement, including returns or annual reports filed 80795  
pursuant to section 5711.02 or 5727.08 of the Ohio Revised Code if 80796  
requested by the council." 80797

(9) "..... (insert name of enterprise) and ..... 80798  
(insert name of municipal corporation or county) acknowledge that 80799  
this agreement must be approved by formal action of the 80800  
legislative authority of ..... (insert name of municipal 80801  
corporation or county) as a condition for the agreement to take 80802  
effect. This agreement takes effect upon such approval." 80803

(10) "This agreement is not transferable or assignable 80804  
without the express, written approval of ..... (insert name 80805  
of municipal corporation or county)." 80806

(11) "Exemptions from taxation granted under this agreement 80807  
shall be revoked if it is determined that ..... (insert 80808  
name of enterprise), any successor enterprise, or any related 80809  
member (as those terms are defined in section 5709.61 of the Ohio 80810  
Revised Code) has violated the prohibition against entering into 80811  
this agreement under division (E) of section 3735.671 or section 80812  
5709.62, 5709.63, or 5709.632 of the Ohio Revised Code prior to 80813  
the time prescribed by that division or either of those sections." 80814

(12) "In any three-year period during which this agreement is 80815  
in effect, if the actual number of employee positions created or 80816  
retained by . . . . . (insert name of enterprise) is not 80817  
equal to or greater than seventy-five per cent of the number of 80818  
employee positions estimated to be created or retained under this 80819  
agreement during that three-year period, . . . . . (insert 80820  
name of enterprise) shall repay the amount of taxes on property 80821  
that would have been payable had the property not been exempted 80822  
from taxation under this agreement during that three-year period. 80823  
In addition, the . . . . . (insert name of municipal corporation 80824  
or county) may terminate or modify the exemptions from taxation 80825  
granted under this agreement." 80826

(13) If the enterprise is the owner of real property 80827  
constituting the site of a megaproject or is a megaproject 80828  
supplier, both of the following: 80829

(a) A requirement that the enterprise annually certify to the 80830  
legislative authority whether the megaproject operator or 80831  
megaproject supplier, as applicable, holds a certificate issued 80832  
under division (D)(7) of section 122.17 of the Revised Code on the 80833  
first day of the current tax year; 80834

(b) A provision authorizing the legislative authority to 80835  
terminate the exemption for current and subsequent tax years if 80836  
the megaproject operator or megaproject supplier, as applicable, 80837  
does not hold a certificate issued under division (D)(7) of 80838

section 122.17 of the Revised Code on the first day of the current 80839  
tax year. 80840

The statement described in division (B)(7) of this section 80841  
may include the following statement, appended at the end of the 80842  
statement: "and may require the repayment of the amount of taxes 80843  
that would have been payable had the property not been exempted 80844  
from taxation under this agreement." If the agreement includes a 80845  
statement requiring repayment of exempted taxes, it also may 80846  
authorize the legislative authority to secure repayment of such 80847  
taxes by a lien on the exempted property in the amount required to 80848  
be repaid. Such a lien on exempted real property shall attach, and 80849  
may be perfected, collected, and enforced, in the same manner as a 80850  
mortgage lien on real property, and shall otherwise have the same 80851  
force and effect as a mortgage lien on real property. 80852  
Notwithstanding section 5719.01 of the Revised Code, such a lien 80853  
on exempted tangible personal property shall attach, and may be 80854  
perfected, collected, and enforced, in the same manner as a 80855  
security interest in goods under Chapter 1309. of the Revised 80856  
Code, and shall otherwise have the same force and effect as such a 80857  
security interest. 80858

(C) If the director of development had to issue a waiver 80859  
under section 5709.633 of the Revised Code as a condition for the 80860  
agreement to be executed, the agreement shall include the 80861  
following statement: 80862

"Continuation of this agreement is subject to the validity of 80863  
the circumstance upon which ..... (insert name of enterprise) 80864  
applied for, and the Director of the Ohio Department of 80865  
Development issued, the waiver pursuant to section 5709.633 of the 80866  
Ohio Revised Code. If, after formal approval of this agreement by 80867  
..... (insert name of municipal corporation or county), the 80868  
Director or ..... (insert name of municipal corporation or 80869  
county) discovers that such a circumstance did not exist, 80870

..... (insert name of enterprise) shall be deemed to have 80871  
materially failed to comply with this agreement." 80872

If the director issued a waiver on the basis of the 80873  
circumstance described in division (B)(3) of section 5709.633 of 80874  
the Ohio Revised Code, the conditions enumerated in divisions 80875  
(B)(3)(a)(i) and (ii) or divisions (B)(3)(b)(i) and (ii) of that 80876  
section shall be incorporated in the information described in 80877  
divisions (A)(2), (3), and (4) of this section. 80878

**Sec. 5709.632.** (A)(1) The legislative authority of a 80879  
municipal corporation defined by the United States office of 80880  
management and budget as a principal city of a metropolitan 80881  
statistical area may, in the manner set forth in section 5709.62 80882  
of the Revised Code, designate one or more areas in the municipal 80883  
corporation as a proposed enterprise zone. 80884

(2) With the consent of the legislative authority of each 80885  
affected municipal corporation or of a board of township trustees, 80886  
a board of county commissioners may, in the manner set forth in 80887  
section 5709.62 of the Revised Code, designate one or more areas 80888  
in one or more municipal corporations or in unincorporated areas 80889  
of the county as proposed urban jobs and enterprise zones, except 80890  
that a board of county commissioners may designate no more than 80891  
one area within a township, or within adjacent townships, as a 80892  
proposed urban jobs and enterprise zone. 80893

(3) The legislative authority or board of county 80894  
commissioners may petition the director of development services 80895  
for certification of the area as having the characteristics set 80896  
forth in division (A)(3) of section 5709.61 of the Revised Code. 80897  
Within sixty days after receiving such a petition, the director 80898  
shall determine whether the area has the characteristics set forth 80899  
in that division and forward the findings to the legislative 80900  
authority or board of county commissioners. If the director 80901

certifies the area as having those characteristics and thereby 80902  
certifies it as a zone, the legislative authority or board may 80903  
enter into agreements with enterprises under division (B) of this 80904  
section. Any enterprise wishing to enter into an agreement with a 80905  
legislative authority or board of county commissioners under this 80906  
section and satisfying one of the criteria described in divisions 80907  
(B)(1) to (5) of this section shall submit a proposal to the 80908  
legislative authority or board on the form prescribed under 80909  
division (B) of section 5709.62 of the Revised Code and shall 80910  
review and update the estimates and listings required by the form 80911  
in the manner required under that division. The legislative 80912  
authority or board may, on a separate form and at any time, 80913  
require any additional information necessary to determine whether 80914  
an enterprise is in compliance with an agreement and to collect 80915  
the information required to be reported under section 5709.68 of 80916  
the Revised Code. 80917

(B) Prior to entering into an agreement with an enterprise, 80918  
the legislative authority or board of county commissioners shall 80919  
determine whether the enterprise submitting the proposal is 80920  
qualified by financial responsibility and business experience to 80921  
create and preserve employment opportunities in the zone and to 80922  
improve the economic climate of the municipal corporation or 80923  
municipal corporations or the unincorporated areas in which the 80924  
zone is located and to which the proposal applies, and whether the 80925  
enterprise satisfies one of the following criteria: 80926

(1) The enterprise currently has no operations in this state 80927  
and, subject to approval of the agreement, intends to establish 80928  
operations in the zone; 80929

(2) The enterprise currently has operations in this state 80930  
and, subject to approval of the agreement, intends to establish 80931  
operations at a new location in the zone that would not result in 80932  
a reduction in the number of employee positions at any of the 80933

enterprise's other locations in this state; 80934

(3) The enterprise, subject to approval of the agreement, 80935  
intends to relocate operations, currently located in another 80936  
state, to the zone; 80937

(4) The enterprise, subject to approval of the agreement, 80938  
intends to expand operations at an existing site in the zone that 80939  
the enterprise currently operates; 80940

(5) The enterprise, subject to approval of the agreement, 80941  
intends to relocate operations, currently located in this state, 80942  
to the zone, and the director of development services has issued a 80943  
waiver for the enterprise under division (B) of section 5709.633 80944  
of the Revised Code. 80945

(C) If the legislative authority or board determines that the 80946  
enterprise is so qualified and satisfies one of the criteria 80947  
described in divisions (B)(1) to (5) of this section, the 80948  
legislative authority or board may, after complying with section 80949  
5709.83 of the Revised Code and, in the case of a board of 80950  
commissioners, with the consent of the legislative authority of 80951  
each affected municipal corporation or of the board of township 80952  
trustees, enter into an agreement with the enterprise under which 80953  
the enterprise agrees to establish, expand, renovate, or occupy a 80954  
facility in the zone and hire new employees, or preserve 80955  
employment opportunities for existing employees, in return for the 80956  
following incentives: 80957

(1) When the facility is located in a municipal corporation, 80958  
a legislative authority or board of commissioners may enter into 80959  
an agreement for one or more of the incentives provided in 80960  
~~division (C)~~ divisions (C)(1), (2), and (3) of section 5709.62 of 80961  
the Revised Code, subject to division (D) of that section, or for 80962  
the incentive provided in division (C)(4) of that section if the 80963  
enterprise is the owner of real property constituting the site of 80964

a megaproject or is a megaproject supplier; 80965

(2) When the facility is located in an unincorporated area, a board of commissioners may enter into an agreement for one or more of the incentives provided in divisions (B)(1)(b)~~7~~ and (B)(2)~~7~~ ~~and~~ ~~(B)(3)~~ of section 5709.63 of the Revised Code, subject to division (C) of that section, or for the incentive provided in division (B)(3) of that section if the enterprise is the owner of real property constituting the site of a megaproject or is a megaproject supplier.

(D) All agreements entered into under this section shall be in the form prescribed under section 5709.631 of the Revised Code. After an agreement under this section is entered into, if the legislative authority or board of county commissioners revokes its designation of the zone, or if the director of development services revokes the zone's certification, any entitlements granted under the agreement shall continue for the number of years specified in the agreement.

(E) Except as otherwise provided in this division, an agreement entered into under this section shall require that the enterprise pay an annual fee equal to the greater of one per cent of the dollar value of incentives offered under the agreement or five hundred dollars; provided, however, that if the value of the incentives exceeds two hundred fifty thousand dollars, the fee shall not exceed two thousand five hundred dollars. The fee shall be payable to the legislative authority or board of commissioners once per year for each year the agreement is effective on the days and in the form specified in the agreement. Fees paid shall be deposited in a special fund created for such purpose by the legislative authority or board and shall be used by the legislative authority or board exclusively for the purpose of complying with section 5709.68 of the Revised Code and by the tax incentive review council created under section 5709.85 of the

Revised Code exclusively for the purposes of performing the duties 80997  
prescribed under that section. The legislative authority or board 80998  
may waive or reduce the amount of the fee charged against an 80999  
enterprise, but such waiver or reduction does not affect the 81000  
obligations of the legislative authority or board or the tax 81001  
incentive review council to comply with section 5709.68 or 5709.85 81002  
of the Revised Code, respectively. 81003

(F) With the approval of the legislative authority of a 81004  
municipal corporation or the board of township trustees of a 81005  
township in which a zone is designated under division (A)(2) of 81006  
this section, the board of county commissioners may delegate to 81007  
that legislative authority or board any powers and duties of the 81008  
board to negotiate and administer agreements with regard to that 81009  
zone under this section. 81010

(G) When an agreement is entered into pursuant to this 81011  
section, the legislative authority or board of commissioners 81012  
authorizing the agreement shall forward a copy of the agreement to 81013  
the director of development services and to the tax commissioner 81014  
within fifteen days after the agreement is entered into. If any 81015  
agreement includes terms not provided for in section 5709.631 of 81016  
the Revised Code affecting the revenue of a city, local, exempted 81017  
village, or joint vocational school district or causing revenue to 81018  
be forgone by the district, including any compensation to be paid 81019  
to the school district pursuant to section 5709.82 of the Revised 81020  
Code, those terms also shall be forwarded in writing to the 81021  
director of development services along with the copy of the 81022  
agreement forwarded under this division. 81023

(H) After an agreement is entered into, the enterprise shall 81024  
file with each personal property tax return required to be filed 81025  
while the agreement is in effect, an informational return, on a 81026  
form prescribed by the tax commissioner for that purpose, setting 81027  
forth separately the property, and related costs and values, 81028

exempted from taxation under the agreement. 81029

(I) An agreement entered into under this section may include 81030  
a provision requiring the enterprise to create one or more 81031  
temporary internship positions for students enrolled in a course 81032  
of study at a school or other educational institution in the 81033  
vicinity, and to create a scholarship or provide another form of 81034  
educational financial assistance for students holding such a 81035  
position in exchange for the student's commitment to work for the 81036  
enterprise at the completion of the internship. 81037

**Sec. 5709.92.** (A) As used in this section: 81038

(1) "School district" means a city, local, or exempted 81039  
village school district. 81040

(2) "Joint vocational school district" means a joint 81041  
vocational school district created under section 3311.16 of the 81042  
Revised Code, and includes a cooperative education school district 81043  
created under section 3311.52 or 3311.521 of the Revised Code and 81044  
a county school financing district created under section 3311.50 81045  
of the Revised Code. 81046

(3) "Total resources" means the sum of the amounts described 81047  
in divisions (A)(3)(a) to (g) of this section less any reduction 81048  
required under division (C)(3)(a) of this section. 81049

(a) The state education aid for fiscal year 2015; 81050

(b) The sum of the payments received in fiscal year 2015 for 81051  
current expense levy losses under division (C)(3) of section 81052  
5727.85 and division (C)(12) of section 5751.21 of the Revised 81053  
Code, as they existed at that time, excluding the portion of such 81054  
payments attributable to levies for joint vocational school 81055  
district purposes; 81056

(c) The sum of fixed-sum levy loss payments received by the 81057  
school district in fiscal year 2015 under division (F)(1) of 81058

section 5727.85 and division (E)(1) of section 5751.21 of the Revised Code, as they existed at that time, for fixed-sum levies charged and payable for a purpose other than paying debt charges;

(d) The district's taxes charged and payable against all property on the tax list of real and public utility property for current expense purposes for tax year 2014, including taxes charged and payable from emergency levies charged and payable under sections 5705.194 to 5705.197 of the Revised Code, excluding taxes levied for joint vocational school district purposes or levied under section 5705.23 of the Revised Code;

(e) The amount certified for fiscal year 2015 under division (A)(2) of section 3317.08 of the Revised Code;

(f) Distributions received during calendar year 2014 from taxes levied under section 718.09 of the Revised Code;

(g) Distributions received during fiscal year 2015 from the gross casino revenue county student fund.

(4)(a) "State education aid" for a school district means the sum of state amounts computed for the district under sections 3317.022 and 3317.0212 of the Revised Code after any amounts are added or subtracted under Section 263.240 of Am. Sub. H.B. 59 of the 130th general assembly, entitled "TRANSITIONAL AID FOR CITY, LOCAL, AND EXEMPTED VILLAGE SCHOOL DISTRICTS."

(b) "State education aid" for a joint vocational district means the amount computed for the district under section 3317.16 of the Revised Code after any amounts are added or subtracted under Section 263.250 of Am. Sub. H.B. 59 of the 130th general assembly, entitled "TRANSITIONAL AID FOR JOINT VOCATIONAL SCHOOL DISTRICTS."

(5) "Taxes charged and payable" means taxes charged and payable after the reduction required by section 319.301 of the Revised Code but before the reductions required by sections

|                                                                                                                                                                                                                                                                                                                                                                                               |                                                    |
|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|----------------------------------------------------|
| 319.302 and 323.152 of the Revised Code.                                                                                                                                                                                                                                                                                                                                                      | 81090                                              |
| (6) "Capacity quintile" means the capacity measure quintiles determined under division (B) of this section.                                                                                                                                                                                                                                                                                   | 81091<br>81092                                     |
| (7) "Threshold per cent" means the following:                                                                                                                                                                                                                                                                                                                                                 | 81093                                              |
| (a) For a school district in the lowest capacity quintile, one per cent for fiscal year 2016 and two per cent for fiscal year 2017.                                                                                                                                                                                                                                                           | 81094<br>81095<br>81096                            |
| (b) For a school district in the second lowest capacity quintile, one and one-fourth per cent for fiscal year 2016 and two and one-half per cent for fiscal year 2017.                                                                                                                                                                                                                        | 81097<br>81098<br>81099                            |
| (c) For a school district in the third lowest capacity quintile, one and one-half per cent for fiscal year 2016 and three per cent for fiscal year 2017.                                                                                                                                                                                                                                      | 81100<br>81101<br>81102                            |
| (d) For a school district in the second highest capacity quintile, one and three-fourths per cent for fiscal year 2016 and three and one-half per cent for fiscal year 2017.                                                                                                                                                                                                                  | 81103<br>81104<br>81105                            |
| (e) For a school district in the highest capacity quintile, two per cent for fiscal year 2016 and four per cent for fiscal year 2017.                                                                                                                                                                                                                                                         | 81106<br>81107<br>81108                            |
| (f) For a joint vocational school district, two per cent for fiscal year 2016 and four per cent for fiscal year 2017.                                                                                                                                                                                                                                                                         | 81109<br>81110                                     |
| (8) "Current expense allocation" means the sum of the payments received by a school district or joint vocational school district in fiscal year 2015 for current expense levy losses under division (C)(3) of section 5727.85 and division (C)(12) of section 5751.21 of the Revised Code as they existed at that time, less any reduction required under division (C)(3)(b) of this section. | 81111<br>81112<br>81113<br>81114<br>81115<br>81116 |
| (9) "Non-current expense allocation" means the sum of the payments received by a school district or joint vocational school district in fiscal year 2015 for levy losses under division                                                                                                                                                                                                       | 81117<br>81118<br>81119                            |

(C)(3)(c) of section 5727.85 and division (C)(12)(c) of section 81120  
5751.21 of the Revised Code, as they existed at that time, and 81121  
levy losses in fiscal year 2015 under division (H) of section 81122  
5727.84 of the Revised Code as that section existed at that time 81123  
attributable to levies for and payments received for losses on 81124  
levies intended to generate money for maintenance of classroom 81125  
facilities. 81126

(10) "Operating TPP fixed-sum levy losses" means the sum of 81127  
payments received by a school district in fiscal year 2015 for 81128  
levy losses under division (E) of section 5751.21 of the Revised 81129  
Code, excluding levy losses for debt purposes. 81130

(11) "Operating S.B. 3 fixed-sum levy losses" means the sum 81131  
of payments received by the school district in fiscal year 2015 81132  
for levy losses under division (H) of section 5727.84 of the 81133  
Revised Code, excluding levy losses for debt purposes. 81134

(12) "TPP fixed-sum debt levy losses" means the sum of 81135  
payments received by a school district in fiscal year 2015 for 81136  
levy losses under division (E) of section 5751.21 of the Revised 81137  
Code for debt purposes. 81138

(13) "S.B. 3 fixed-sum debt levy losses" means the sum of 81139  
payments received by the school district in fiscal year 2015 for 81140  
levy losses under division (H) of section 5727.84 of the Revised 81141  
Code for debt purposes. 81142

(14) "Qualifying levies" means qualifying levies described in 81143  
section 5751.20 of the Revised Code as that section was in effect 81144  
before July 1, 2015. 81145

(15) "Total taxable value" has the same meaning as in section 81146  
3317.02 of the Revised Code. 81147

(B) The department of education shall rank all school 81148  
districts in the order of districts' capacity measures determined 81149  
under former section 3317.018 of the Revised Code from lowest to 81150

highest, and divide such ranking into quintiles, with the first 81151  
quintile containing the twenty per cent of school districts having 81152  
the lowest capacity measure and the fifth quintile containing the 81153  
twenty per cent of school districts having the highest capacity 81154  
measure. This calculation and ranking shall be performed once, in 81155  
fiscal year 2016. 81156

(C)(1) In fiscal year 2016, payments shall be made to school 81157  
districts and joint vocational school districts equal to the sum 81158  
of the amounts described in divisions (C)(1)(a) or (b) and 81159  
(C)(1)(c) of this section. In fiscal year 2017, payments shall be 81160  
made to school districts and joint vocational school districts 81161  
equal to the amount described in division (C)(1)(a) or (b) of this 81162  
section. 81163

(a) If the ratio of the current expense allocation to total 81164  
resources is equal to or less than the district's threshold per 81165  
cent, zero; 81166

(b) If the ratio of the current expense allocation to total 81167  
resources is greater than the district's threshold per cent, the 81168  
difference between the current expense allocation and the product 81169  
of the threshold percentage and total resources; 81170

(c) For fiscal year 2016, the product of the non-current 81171  
expense allocation multiplied by fifty per cent. 81172

(2) In fiscal year 2018 and subsequent fiscal years, payments 81173  
shall be made to school districts and joint vocational school 81174  
districts equal to the difference obtained by subtracting the 81175  
amount described in division (C)(2)(b) of this section from the 81176  
amount described in division (C)(2)(a) of this section, provided 81177  
that such amount is greater than zero. 81178

(a) The sum of the payments received by the district under 81179  
division (C)(1)(b) or (C)(2) of this section for the immediately 81180  
preceding fiscal year; 81181

(b) One-sixteenth of one per cent of the average of the total taxable value of the district for tax years 2014, 2015, and 2016. 81182  
81183

(3)(a) "Total resources" used to compute payments under division (C)(1) of this section shall be reduced to the extent that payments distributed in fiscal year 2015 were attributable to levies no longer charged and payable for tax year 2014. 81184  
81185  
81186  
81187

(b) "Current expense allocation" used to compute payments under division (C)(1) of this section shall be reduced to the extent that the payments distributed in fiscal year 2015 were attributable to levies no longer charged and payable for tax year 2014. 81188  
81189  
81190  
81191  
81192

(4) The department of education shall report to each school district and joint vocational school district the apportionment of the payments under division (C)(1) of this section among the district's funds based on qualifying levies. 81193  
81194  
81195  
81196

(D)(1) Payments in the following amounts shall be made to school districts and joint vocational school districts in tax years 2016 through 2021: 81197  
81198  
81199

(a) In tax year 2016, the sum of the district's operating TPP fixed-sum levy losses and operating S.B. 3 fixed-sum levy losses. 81200  
81201

(b) In tax year 2017, the sum of the district's operating TPP fixed-sum levy losses and eighty per cent of operating S.B. 3 fixed-sum levy losses. 81202  
81203  
81204

(c) In tax year 2018, the sum of eighty per cent of the district's operating TPP fixed-sum levy losses and sixty per cent of its operating S.B. 3 fixed-sum levy losses. 81205  
81206  
81207

(d) In tax year 2019, the sum of sixty per cent of the district's operating TPP fixed-sum levy losses and forty per cent of its operating S.B. 3 fixed-sum levy losses. 81208  
81209  
81210

(e) In tax year 2020, the sum of forty per cent of the 81211

district's operating TPP fixed-sum levy losses and twenty per cent 81212  
of its operating S.B. 3 fixed-sum levy losses. 81213

(f) In tax year 2021, twenty per cent of the district's 81214  
operating TPP fixed-sum levy losses. 81215

No payment shall be made under division (D)(1) of this 81216  
section after tax year 2021. 81217

(2) Amounts are payable under division (D) of this section 81218  
for fixed-sum levy losses only to the extent of such losses for 81219  
qualifying levies that remain in effect for the current tax year. 81220  
For this purpose, a qualifying levy levied under section 5705.194 81221  
or 5705.213 of the Revised Code remains in effect for the current 81222  
tax year only if a tax levied under either of those sections is 81223  
charged and payable for the current tax year for an annual sum at 81224  
least equal to the annual sum levied by the board of education for 81225  
tax year 2004 under those sections less the amount of the payment 81226  
under this division. 81227

(E)(1) For fixed-sum levies for debt purposes, payments shall 81228  
be made to school districts and joint vocational school districts 81229  
equal to one hundred per cent of the district's fixed-sum levy 81230  
loss determined under division (E) of section 5751.20 and division 81231  
(H) of section 5727.84 of the Revised Code as in effect before 81232  
July 1, 2015, and paid in tax year 2014. No payment shall be made 81233  
for qualifying levies that are no longer charged and payable. 81234

(2) Beginning in 2016, by the thirty-first day of January of 81235  
each year, the tax commissioner shall review the calculation of 81236  
fixed-sum levy loss for debt purposes determined under division 81237  
(E) of section 5751.20 and division (H) of section 5727.84 of the 81238  
Revised Code as in effect before July 1, 2015. If the commissioner 81239  
determines that a fixed-sum levy that had been scheduled to be 81240  
reimbursed in the current year is no longer charged and payable, a 81241  
revised calculation for that year and all subsequent years shall 81242

be made. 81243

(F)(1) For taxes levied within the ten-mill limitation for 81244  
debt purposes in tax year 1998 in the case of electric company tax 81245  
value losses, and in tax year 1999 in the case of natural gas 81246  
company tax value losses, payments shall be made to school 81247  
districts and joint vocational school districts equal to one 81248  
hundred per cent of the loss computed under division (D) of 81249  
section 5727.85 of the Revised Code as in effect before July 1, 81250  
2015, as if the tax were a fixed-rate levy, but those payments 81251  
shall extend through fiscal year 2016. 81252

(2) For taxes levied within the ten-mill limitation for debt 81253  
purposes in tax year 2005, payments shall be made to school 81254  
districts and joint vocational school districts equal to one 81255  
hundred per cent of the loss computed under division (D) of 81256  
section 5751.21 of the Revised Code as in effect before July 1, 81257  
2015, as if the tax were a fixed-rate levy, but those payments 81258  
shall extend through fiscal year 2018. 81259

(G) If all the territory of a school district or joint 81260  
vocational school district is merged with another district, or if 81261  
a part of the territory of a school district or joint vocational 81262  
school district is transferred to an existing or newly created 81263  
district, the department of education, in consultation with the 81264  
tax commissioner, shall adjust the payments made under this 81265  
section as follows: 81266

(1) For a merger of two or more districts, fixed-sum levy 81267  
losses, total resources, current expense allocation, and 81268  
non-current expense allocation of the successor district shall be 81269  
the sum of such items for each of the districts involved in the 81270  
merger. 81271

(2) If property is transferred from one district to a 81272  
previously existing district, the amount of the total resources, 81273

current expense allocation, and non-current expense allocation 81274  
that shall be transferred to the recipient district shall be an 81275  
amount equal to the total resources, current expense allocation, 81276  
and non-current expense allocation of the transferor district 81277  
times a fraction, the numerator of which is the number of pupils 81278  
being transferred to the recipient district, measured, in the case 81279  
of a school district, by formula ADM as defined in section 3317.02 81280  
of the Revised Code or, in the case of a joint vocational school 81281  
district, by formula ADM as defined for a joint vocational school 81282  
district in that section, and the denominator of which is the 81283  
formula ADM of the transferor district. 81284

(3) After December 31, 2010, if property is transferred from 81285  
one or more districts to a district that is newly created out of 81286  
the transferred property, the newly created district shall be 81287  
deemed not to have any total resources, current expense 81288  
allocation, total allocation, or non-current expense allocation. 81289

(4) If the recipient district under division (G)(2) of this 81290  
section or the newly created district under division (G)(3) of 81291  
this section is assuming debt from one or more of the districts 81292  
from which the property was transferred and any of the districts 81293  
losing the property had fixed-sum levy losses, the department of 81294  
education, in consultation with the tax commissioner, shall make 81295  
an equitable division of the reimbursements for those losses. 81296

(H) The payments required by divisions (C), (D), (E), ~~and~~ 81297  
(F), and (I) of this section shall be distributed periodically to 81298  
each school and joint vocational school district by the department 81299  
of education unless otherwise provided for. Except as provided in 81300  
division (D) of this section, if a levy that is a qualifying levy 81301  
is not charged and payable in any year after 2014, payments to the 81302  
school district or joint vocational school district shall be 81303  
reduced to the extent that the payments distributed in fiscal year 81304  
2015 were attributable to the levy loss of that levy. 81305

(I) For fiscal years 2022 through 2026, if the total amount 81306  
to be received under divisions (C) and (E) of this section by any 81307  
school district that has a nuclear power plant located within its 81308  
territory is less than the amount the district received under this 81309  
section in fiscal year 2017, the district shall receive a 81310  
supplemental payment equal to the difference between the amount to 81311  
be received under those divisions for the fiscal year and the 81312  
amount received under this section in fiscal year 2017. 81313

**Sec. 5709.93.** (A) As used in this section: 81314

(1) "Taxes charged and payable" means taxes charged and 81315  
payable after the reduction required by section 319.301 of the 81316  
Revised Code but before the reductions required by sections 81317  
319.302 and 323.152 of the Revised Code. 81318

(2) "Threshold per cent" means two per cent for fiscal year 81319  
2016; and, for fiscal year 2017 and thereafter, the sum of the 81320  
prior year's threshold per cent plus two percentage points. 81321

(3) "Public library" means a county, municipal, school 81322  
district, or township public library that receives the proceeds of 81323  
a tax levied under section 5705.23 of the Revised Code. 81324

(4) "Local taxing unit" means a subdivision or taxing unit, 81325  
as defined in section 5705.01 of the Revised Code, a park district 81326  
created under Chapter 1545. of the Revised Code, or a township 81327  
park district established under section 511.23 of the Revised 81328  
Code, but excludes school districts and joint vocational school 81329  
districts. 81330

(5) "Municipal current expense allocation" means the sum of 81331  
the payments received by a municipal corporation in calendar year 81332  
2014 for current expense levy losses under division (A)(1)(e)(ii) 81333  
of section 5727.86 and division (A)(1)(c)(ii) of section 5751.22 81334  
of the Revised Code as they existed at that time. 81335

(6) "Current expense allocation" means the sum of the 81336  
payments received by a local taxing unit or public library in 81337  
calendar year 2014 for current expense levy losses under division 81338  
(A)(1) of section 5727.86 and divisions (A)(1) and (2) of section 81339  
5751.22 of the Revised Code as they existed at that time, less any 81340  
reduction required under division (B)(2) of this section. 81341

(7) "TPP inside millage debt levy loss" means payments made 81342  
to local taxing units in calendar year 2014 under division (A)(3) 81343  
of section 5751.22 of the Revised Code as that section existed at 81344  
that time. 81345

(8) "S.B. 3 inside millage debt levy loss" means payments 81346  
made to local taxing units in calendar year 2014 under section 81347  
(A)(4) of section 5727.86 of the Revised Code as that section 81348  
existed at that time. 81349

(9) "Qualifying levy" means a levy for which payment was made 81350  
in calendar year 2014 under division (A)(1) of section 5727.86 and 81351  
divisions (A)(1) and (2) of section 5751.22 of the Revised Code as 81352  
they existed at that time. 81353

(10) "Total resources," in the case of county mental health 81354  
and disability related functions, means the sum of the amounts in 81355  
divisions (A)(10)(a) and (b) of this section less any reduction 81356  
required under division (B)(1) of this section. 81357

(a) The sum of the payments received by the county for mental 81358  
health and developmental disability related functions in calendar 81359  
year 2014 under division (A)(1) of section 5727.86 and division 81360  
(A)(1) of section 5751.22 of the Revised Code as they existed at 81361  
that time; 81362

(b) With respect to taxes levied by the county for mental 81363  
health and developmental disability related purposes, the taxes 81364  
charged and payable for such purposes against all property on the 81365  
tax list of real and public utility property for tax year 2014. 81366

(11) "Total resources," in the case of county senior services 81367  
related functions, means the sum of the amounts in divisions 81368  
(A)(11)(a) and (b) of this section less any reduction required 81369  
under division (B)(1) of this section. 81370

(a) The sum of the payments received by the county for senior 81371  
services related functions in calendar year 2014 under division 81372  
(A)(1) of section 5727.86 and division (A)(1) of section 5751.22 81373  
of the Revised Code as they existed at that time; 81374

(b) With respect to taxes levied by the county for senior 81375  
services related purposes, the taxes charged and payable for such 81376  
purposes against all property on the tax list of real and public 81377  
utility property for tax year 2014. 81378

(12) "Total resources," in the case of county children's 81379  
services related functions, means the sum of the amounts in 81380  
divisions (A)(12)(a) and (b) of this section less any reduction 81381  
required under division (B)(1) of this section. 81382

(a) The sum of the payments received by the county for 81383  
children's services related functions in calendar year 2014 under 81384  
division (A)(1) of section 5727.86 and division (A)(1) of section 81385  
5751.22 of the Revised Code as they existed at that time; 81386

(b) With respect to taxes levied by the county for children's 81387  
services related purposes, the taxes charged and payable for such 81388  
purposes against all property on the tax list of real and public 81389  
utility property for tax year 2014. 81390

(13) "Total resources," in the case of county public health 81391  
related functions, means the sum of the amounts in divisions 81392  
(A)(13)(a) and (b) of this section less any reduction required 81393  
under division (B)(1) of this section. 81394

(a) The sum of the payments received by the county for public 81395  
health related functions in calendar year 2014 under division 81396  
(A)(1) of section 5727.86 and division (A)(1) of section 5751.22 81397

of the Revised Code as they existed at that time; 81398

(b) With respect to taxes levied by the county for public health related purposes, the taxes charged and payable for such purposes against all property on the tax list of real and public utility property for tax year 2014. 81399  
81400  
81401  
81402

(14) "Total resources," in the case of all county functions not included in divisions (A)(10) to (13) of this section, means the sum of the amounts in divisions (A)(14)(a) to (e) of this section less any reduction required under division (B)(1) or (2) of this section. 81403  
81404  
81405  
81406  
81407

(a) The sum of the payments received by the county for all other purposes in calendar year 2014 under division (A)(1) of section 5727.86 and division (A)(1) of section 5751.22 of the Revised Code as they existed at that time; 81408  
81409  
81410  
81411

(b) The county's percentage share of county undivided local government fund allocations as certified to the tax commissioner for calendar year 2015 by the county auditor under division (J) of section 5747.51 of the Revised Code or division (F) of section 5747.53 of the Revised Code multiplied by the total amount actually distributed in calendar year 2014 from the county undivided local government fund; 81412  
81413  
81414  
81415  
81416  
81417  
81418

(c) With respect to taxes levied by the county for all other purposes, the taxes charged and payable for such purposes against all property on the tax list of real and public utility property for tax year 2014, excluding taxes charged and payable for the purpose of paying debt charges; 81419  
81420  
81421  
81422  
81423

(d) The sum of the amounts distributed to the county in calendar year 2014 for the taxes levied pursuant to sections 5739.021 and 5741.021 of the Revised Code; 81424  
81425  
81426

(e) The sum of amounts distributed to the county from the gross casino revenue county fund from July 2014 through April 81427  
81428

|                                                                                                                                                                                                                                                                                                                                                                                                                                      |                                                             |
|--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-------------------------------------------------------------|
| 2015.                                                                                                                                                                                                                                                                                                                                                                                                                                | 81429                                                       |
| (15) "Total resources," in the case of a municipal corporation, means the sum of the amounts in divisions (A)(15)(a) to (h) of this section less any reduction required under division (B)(1) or (2) of this section.                                                                                                                                                                                                                | 81430<br>81431<br>81432<br>81433                            |
| (a) The sum of the payments received by the municipal corporation in calendar year 2014 for current expense levy losses under division (A)(1) of section 5727.86 and division (A)(1) of section 5751.22 of the Revised Code as they existed at that time;                                                                                                                                                                            | 81434<br>81435<br>81436<br>81437                            |
| (b) The municipal corporation's percentage share of county undivided local government fund allocations as certified to the tax commissioner for calendar year 2015 by the county auditor under division (J) of section 5747.51 of the Revised Code or division (F) of section 5747.53 of the Revised Code multiplied by the total amount actually distributed in calendar year 2014 from the county undivided local government fund; | 81438<br>81439<br>81440<br>81441<br>81442<br>81443<br>81444 |
| (c) The sum of the amounts distributed to the municipal corporation in calendar year 2014 pursuant to section 5747.50 of the Revised Code;                                                                                                                                                                                                                                                                                           | 81445<br>81446<br>81447                                     |
| (d) With respect to taxes levied by the municipal corporation, the taxes charged and payable against all property on the tax list of real and public utility property for municipal current expenses for tax year 2014;                                                                                                                                                                                                              | 81448<br>81449<br>81450<br>81451                            |
| (e) The amount of admissions tax collected by the municipal corporation in calendar year 2013, or if such information has not yet been reported to the tax commissioner, in the most recent year before 2013 for which the municipal corporation has reported data to the commissioner;                                                                                                                                              | 81452<br>81453<br>81454<br>81455<br>81456                   |
| (f) The amount of income taxes collected by the municipal corporation in calendar year 2013 as certified to the tax commissioner under section 5747.50 of the Revised Code in 2013, or                                                                                                                                                                                                                                               | 81457<br>81458<br>81459                                     |

if such information has not yet been reported to the commissioner, 81460  
in the most recent year before 2014 for which the municipal 81461  
corporation has reported such data to the commissioner; 81462

(g) The sum of the amounts distributed to the municipal 81463  
corporation from the gross casino revenue host city fund from July 81464  
2014 through April 2015; 81465

(h) The sum of the amounts distributed to the municipal 81466  
corporation from the gross casino revenue county fund from July 81467  
2014 through April 2015. 81468

(16) "Total resources," in the case of a township, means the 81469  
sum of the amounts in divisions (A)(16)(a) to (c) of this section 81470  
less any reduction required under division (B)(1) or (2) of this 81471  
section. 81472

(a) The sum of the payments received by the township in 81473  
calendar year 2014 pursuant to division (A)(1) of section 5727.86 81474  
of the Revised Code and division (A)(1) of section 5751.22 of the 81475  
Revised Code as they existed at that time, excluding payments 81476  
received for debt purposes; 81477

(b) The township's percentage share of county undivided local 81478  
government fund allocations as certified to the tax commissioner 81479  
for calendar year 2015 by the county auditor under division (J) of 81480  
section 5747.51 of the Revised Code or division (F) of section 81481  
5747.53 of the Revised Code multiplied by the total amount 81482  
actually distributed in calendar year 2014 from the county 81483  
undivided local government fund; 81484

(c) With respect to taxes levied by the township, the taxes 81485  
charged and payable against all property on the tax list of real 81486  
and public utility property for tax year 2014 excluding taxes 81487  
charged and payable for the purpose of paying debt charges or from 81488  
levies imposed under section 5705.23 of the Revised Code. 81489

(17) "Total resources," in the case of a local taxing unit 81490

that is not a county, municipal corporation, township, or public library means the sum of the amounts in divisions (A)(17)(a) to (e) of this section less any reduction required under division (B)(1) of this section.

(a) The sum of the payments received by the local taxing unit in calendar year 2014 pursuant to division (A)(1) of section 5727.86 of the Revised Code and division (A)(1) of section 5751.22 of the Revised Code as they existed at that time;

(b) The local taxing unit's percentage share of county undivided local government fund allocations as certified to the tax commissioner for calendar year 2015 by the county auditor under division (J) of section 5747.51 of the Revised Code or division (F) of section 5747.53 of the Revised Code multiplied by the total amount actually distributed in calendar year 2014 from the county undivided local government fund;

(c) With respect to taxes levied by the local taxing unit, the taxes charged and payable against all property on the tax list of real and public utility property for tax year 2014 excluding taxes charged and payable for the purpose of paying debt charges or from a levy imposed under section 5705.23 of the Revised Code;

(d) The amount received from the tax commissioner during calendar year 2014 for sales or use taxes authorized under sections 5739.023 and 5741.022 of the Revised Code;

(e) For institutions of higher education receiving tax revenue from a local levy, as identified in section 3358.02 of the Revised Code, the final state share of instruction allocation for fiscal year 2014 as calculated by the chancellor of higher education and reported to the state controlling board.

(18) "Total resources," in the case of a county, municipal corporation, school district, or township public library that receives the proceeds of a tax levied under section 5705.23 of the

Revised Code, means the sum of the amounts in divisions (A)(18)(a) 81522  
to (d) of this section less any reduction required under division 81523  
(B)(1) of this section. 81524

(a) The sum of the payments received by the county, municipal 81525  
corporation, school district, or township public library in 81526  
calendar year 2014 pursuant to sections 5727.86 and 5751.22 of the 81527  
Revised Code, as they existed at that time, for fixed-rate levy 81528  
losses attributable to a tax levied under section 5705.23 of the 81529  
Revised Code for the benefit of the public library; 81530

(b) The public library's percentage share of county undivided 81531  
local government fund allocations as certified to the tax 81532  
commissioner for calendar year 2015 by the county auditor under 81533  
division (J) of section 5747.51 of the Revised Code or division 81534  
(F) of section 5747.53 of the Revised Code multiplied by the total 81535  
amount actually distributed in calendar year 2014 from the county 81536  
undivided local government fund; 81537

(c) With respect to a tax levied pursuant to section 5705.23 81538  
of the Revised Code for the benefit of the public library, the 81539  
amount of such tax that is charged and payable against all 81540  
property on the tax list of real and public utility property for 81541  
tax year 2014 excluding any tax that is charged and payable for 81542  
the purpose of paying debt charges; 81543

(d) The sum of the amounts distributed to the library 81544  
district from the county public library fund in calendar year 81545  
2014, as reported to the tax commissioner by the county auditor. 81546

(19) "Municipal current expense property tax levies" means 81547  
all property tax levies of a municipality, except those with the 81548  
following levy names: library; airport resurfacing; bond or any 81549  
levy name including the word "bond"; capital improvement or any 81550  
levy name including the word "capital"; debt or any levy name 81551  
including the word "debt"; equipment or any levy name including 81552

the word "equipment," unless the levy is for combined operating 81553  
and equipment; employee termination fund; fire pension or any levy 81554  
containing the word "pension," including police pensions; 81555  
fireman's fund or any practically similar name; sinking fund; road 81556  
improvements or any levy containing the word "road"; fire truck or 81557  
apparatus; flood or any levy containing the word "flood"; 81558  
conservancy district; county health; note retirement; sewage, or 81559  
any levy containing the words "sewage" or "sewer"; park 81560  
improvement; parkland acquisition; storm drain; street or any levy 81561  
name containing the word "street"; lighting, or any levy name 81562  
containing the word "lighting"; and water. 81563

(20) "Operating fixed-rate levy loss" means, in the case of 81564  
local taxing units other than municipal corporations, fixed-rate 81565  
levy losses of levies imposed for purposes other than paying debt 81566  
charges or, in the case of municipal corporations, fixed-rate levy 81567  
losses of municipal current expense property tax levies. 81568

(21)(a) "Qualifying municipal corporation" means a municipal 81569  
corporation in the territory of which a qualifying end user is 81570  
located. 81571

(b) "Qualifying end user" means an end user of at least seven 81572  
million qualifying kilowatt hours of electricity annually. 81573

(c) "Qualifying kilowatt hours" means kilowatt hours of 81574  
electricity generated by a renewable energy resource, as defined 81575  
in section 5727.01 of the Revised Code, using wind energy and the 81576  
distribution of which is subject to the tax levied under section 81577  
5727.81 of the Revised Code for any measurement period beginning 81578  
after June 30, 2015. 81579

(22) Any term used in this section has the same meaning as in 81580  
section 5727.84 or 5751.20 of the Revised Code unless otherwise 81581  
defined by this section. 81582

(B)(1) "Total resources" used to compute payments to be made 81583

under division (C) of this section shall be reduced to the extent 81584  
that payments distributed in calendar year 2014 were attributable 81585  
to levies no longer charged and payable. 81586

(2) "Current expense allocation" used to compute payments to 81587  
be made under division (C) of this section shall be reduced to the 81588  
extent that payments distributed in calendar year 2014 were 81589  
attributable to levies no longer charged and payable. 81590

(C)(1) Except as provided in division (D) of this section, 81591  
the tax commissioner shall compute payments for operating 81592  
fixed-rate levy losses of local taxing units and public libraries 81593  
for fiscal year 2016 and each year thereafter as prescribed in 81594  
divisions (C)(1)(a) and (b) of this section: 81595

(a) For public libraries and local taxing units other than 81596  
municipal corporations: 81597

(i) If the ratio of current expense allocation to total 81598  
resources is equal to or less than the threshold per cent, zero; 81599

(ii) If the ratio of current expense allocation to total 81600  
resources is greater than the threshold per cent, the current 81601  
expense allocation minus the product of total resources multiplied 81602  
by the threshold per cent. 81603

(b) For municipal corporations: 81604

(i) If the ratio of the municipal current expense allocation 81605  
to total resources is equal to or less than the threshold per 81606  
cent, zero; 81607

(ii) If the ratio of the municipal current expense allocation 81608  
to total resources is greater than the threshold per cent, the 81609  
municipal current expense allocation minus the product of total 81610  
resources multiplied by the threshold per cent. 81611

(2) For any local taxing unit or public library with 81612  
operating fixed-rate levy losses greater than zero, the operating 81613

fixed-rate levy loss shall be allocated among all qualifying 81614  
operating fixed-rate levies in proportion to each such levy's 81615  
share of the payments received in tax year 2014. In fiscal year 81616  
2016 and thereafter, if a levy to which operating fixed-rate levy 81617  
loss is allocated is no longer charged and payable, the payment to 81618  
the local taxing unit or public library shall be reduced by the 81619  
amount allocated to the levy that is no longer charged and 81620  
payable. 81621

(D)(1) Except as provided in division (D)(2) of this section, 81622  
the tax commissioner shall make payments to local taxing units 81623  
equal to the sum of TPP inside millage debt levy loss and S.B. 3 81624  
inside millage debt levy loss. No payment shall be made if the 81625  
levy for which the levy loss is computed is not charged and 81626  
payable for debt purposes in fiscal year 2016 or any year 81627  
thereafter. 81628

(2) No payment shall be made for TPP inside millage debt levy 81629  
loss in calendar year 2018 or thereafter. No payment shall be made 81630  
for S.B.3 inside millage debt levy loss in calendar year 2017 or 81631  
thereafter. 81632

(E) For a qualifying municipal corporation, the tax 81633  
commissioner shall compute payments for fiscal year 2016 and each 81634  
ensuing fiscal year in an amount equal to the amount of tax 81635  
imposed under section 5727.81 of the Revised Code and paid on the 81636  
basis of qualifying kilowatt hours of electricity distributed 81637  
through the meter of a qualifying end user located in the 81638  
municipal corporation for measurement periods ending in the 81639  
preceding calendar year. The payment shall be computed regardless 81640  
of whether the qualifying municipal corporation qualifies for a 81641  
payment under any other division of this section for the fiscal 81642  
year in which the payment is computed under this division. For the 81643  
purposes of this division, the commissioner may require an 81644  
electric distribution company distributing qualifying kilowatt 81645

hours or, if the end user is a self-assessing purchaser, the end 81646  
user, to report to the commissioner the number of qualifying 81647  
kilowatt hours distributed through the meter of the qualifying end 81648  
user. 81649

(F)(1) The payments required to be made under divisions (C) 81650  
~~and~~, (D), and (H) of this section shall be paid from the local 81651  
government tangible property tax replacement fund to the county 81652  
undivided income tax fund in the proper county treasury. Beginning 81653  
in August 2015, one-half of the amount determined under each of 81654  
those divisions shall be paid on or before the last day of August 81655  
each year, and one-half shall be paid on or before the last day of 81656  
February each year. Within thirty days after receipt of such 81657  
payments, the county treasurer shall distribute amounts determined 81658  
under this section to the proper local taxing unit or public 81659  
library as if they had been levied and collected as taxes, and the 81660  
local taxing unit or public library shall allocate the amounts so 81661  
received among its funds in the same proportions as if those 81662  
amounts had been levied and collected as taxes. 81663

(2) On or before the last day of August and of February of 81664  
each fiscal year that follows a calendar year in which taxes are 81665  
paid on the basis of qualifying kilowatt hours of electricity 81666  
distributed through the meter of a qualifying end user located in 81667  
a qualifying municipal corporation, one-half of the payment 81668  
computed under division (E) of this section shall be paid from the 81669  
local government tangible personal property tax replacement fund 81670  
directly to the qualifying municipal corporation. The municipal 81671  
corporation shall credit the payments to a special fund created 81672  
for the purpose of providing grants or other financial assistance 81673  
to the qualifying end user or to compensate the municipal 81674  
corporation for municipal income tax or other tax credits or 81675  
reductions as the legislative authority may grant to the 81676  
qualifying end user. Such grants or other financial assistance may 81677

be provided for by ordinance or resolution of the legislative 81678  
authority of the qualifying municipal corporation and may continue 81679  
for as long as is provided by the ordinance or resolution. 81680

(G) If all or a part of the territories of two or more local 81681  
taxing units are merged, or unincorporated territory of a township 81682  
is annexed by a municipal corporation, the tax commissioner shall 81683  
adjust the payments made under this section to each of the local 81684  
taxing units in proportion to the square mileage of the merged or 81685  
annexed territory as a percentage of the total square mileage of 81686  
the jurisdiction from which the territory originated, or as 81687  
otherwise provided by a written agreement between the legislative 81688  
authorities of the local taxing units certified to the 81689  
commissioner not later than the first day of June of the calendar 81690  
year in which the payment is to be made. 81691

(H) For fiscal years 2022 through 2026, if the total amount 81692  
to be received under division (C) of this section by a joint fire 81693  
district that has a nuclear power plant located within its 81694  
territory is less than the amount the district received under this 81695  
section in fiscal year 2017, the district shall receive a 81696  
supplemental payment equal to the difference between the amount to 81697  
be received under that division for the fiscal year and the amount 81698  
received under this section in fiscal year 2017. 81699

**Sec. 5713.083.** (A) The owner of property appearing on the 81700  
exempt list shall notify the county auditor, on a form prescribed 81701  
by the tax commissioner, if the property ceases to qualify for 81702  
exemption. The notification shall be filed with the county auditor 81703  
on or before the last day of the tax year for which the property 81704  
ceases to qualify for exemption. Upon receipt of the notification, 81705  
the county auditor shall return the property to the tax list. 81706

(B) If the county auditor discovers that an owner failed to 81707  
properly notify the auditor as required under division (A) of this 81708

section, the auditor shall impose a charge against the property 81709  
described in that division equal to the total amount by which 81710  
taxes were reduced for any of the five preceding tax years that 81711  
the auditor ascertains the property was not entitled to the 81712  
exemption and was owned by the current owner. The auditor shall 81713  
notify the owner, by ordinary mail, of the charge, the owner's 81714  
right to appeal the charge, and the manner in which the owner may 81715  
appeal the charge. The owner may appeal the imposition of the 81716  
charge by filing an exemption application with the tax 81717  
commissioner under section 5715.27 of the Revised Code. 81718  
Notwithstanding division (A) of section 5713.081 of the Revised 81719  
Code, if the tax commissioner determines that the property was 81720  
entitled to an exemption for one or more tax years for which a 81721  
charge was imposed under this division, the tax commissioner may 81722  
order the charge to be removed for those years and may remit any 81723  
taxes, penalties, and interest paid for those years in the manner 81724  
prescribed by section 5715.22 of the Revised Code. The charge 81725  
shall be collected in the same manner as other delinquent taxes. 81726

**Sec. 5726.20.** (A) The tax commissioner may make an 81727  
assessment, based on any information in the commissioner's 81728  
possession, against any person that fails to file a return or 81729  
report or pay any tax as required by this chapter. The reporting 81730  
person for a taxpayer shall file the annual report required under 81731  
section ~~5726.02~~ 5726.03 of the Revised Code and remit the tax 81732  
imposed by this chapter. Each person included in the annual report 81733  
of the taxpayer is jointly and severally liable for the tax 81734  
imposed by this chapter and any penalties and interest thereon. If 81735  
the reporting person fails, for any reason, to file and remit any 81736  
tax, the amount due may be collected by assessment against the 81737  
reporting person and against any or all other persons required to 81738  
be included in the annual report of the taxpayer as provided in 81739  
section 5703.90 of the Revised Code. The commissioner shall make 81740

the assessment in the manner provided in this section. The 81741  
commissioner shall give the person assessed written notice of the 81742  
assessment as provided in section 5703.37 of the Revised Code. 81743  
With the notice, the commissioner shall provide instructions on 81744  
the manner in which to petition for reassessment and request a 81745  
hearing with respect to the petition. 81746

(B) No assessment shall be made or issued against a person 81747  
under this section more than four years after the later of the 81748  
final date the report subject to assessment was required to be 81749  
filed or the date such report was filed. Such time limit may be 81750  
extended if both the person and the commissioner consent in 81751  
writing to the extension or if an agreement waiving or extending 81752  
the time limit has been entered into pursuant to section 122.171 81753  
of the Revised Code. Any such extension shall extend the four-year 81754  
time limit prescribed in division (A) of section 5726.30 of the 81755  
Revised Code for the same period of time. There shall be no bar or 81756  
limit to an assessment against a person that fails to file a 81757  
report subject to assessment as required by this chapter, or that 81758  
files a fraudulent report. 81759

(C) Unless the person assessed, within sixty days after 81760  
service of the notice of assessment, files with the tax 81761  
commissioner, either in person or by certified mail, a written 81762  
petition for reassessment signed by the person or the person's 81763  
authorized agent having knowledge of the facts, the assessment 81764  
shall become final, and the amount of the assessment is due and 81765  
payable from the person assessed to the treasurer of state. A 81766  
petition shall indicate the objections of the person assessed, but 81767  
additional objections may be raised in writing if received by the 81768  
commissioner prior to the date shown on the final determination. 81769  
If a petition for reassessment has been properly filed, the 81770  
commissioner shall proceed under section 5703.60 of the Revised 81771  
Code. 81772

(D)(1) After an assessment becomes final, if any portion of 81773  
the assessment, including any accrued interest, remains unpaid, a 81774  
certified copy of the tax commissioner's entry making the 81775  
assessment final may be filed in the office of the clerk of the 81776  
court of common pleas in the county in which the person resides or 81777  
has its principal place of business in this state, or in the 81778  
office of the clerk of court of common pleas of Franklin county. 81779

(2) Immediately upon the filing of the entry, the clerk shall 81780  
enter judgment for the state against the person assessed in the 81781  
amount shown on the entry. The judgment may be filed by the clerk 81782  
in a loose-leaf book entitled, "special judgments for the 81783  
financial institution tax" and shall have the same effect as other 81784  
judgments. Execution shall issue upon the judgment at the request 81785  
of the tax commissioner, and all laws applicable to sales on 81786  
execution shall apply to sales made under the judgment. 81787

(3) If the assessment is not paid in its entirety within 81788  
sixty days after the day the assessment was issued, the portion of 81789  
the assessment consisting of tax due shall bear interest at the 81790  
rate per annum prescribed by section 5703.47 of the Revised Code 81791  
from the date the tax commissioner issues the assessment until the 81792  
date the assessment is paid or until it is certified to the 81793  
attorney general for collection under section 131.02 of the 81794  
Revised Code, whichever comes first. If the unpaid portion of the 81795  
assessment is certified to the attorney general for collection, 81796  
the entire unpaid portion of the assessment shall bear interest at 81797  
the rate per annum prescribed by section 5703.47 of the Revised 81798  
Code from the date of certification until the date it is paid in 81799  
its entirety. Interest shall be paid in the same manner as the tax 81800  
and may be collected by the issuance of an assessment under this 81801  
section. 81802

(E) If the tax commissioner believes that collection of the 81803  
tax imposed by this chapter will be jeopardized unless proceedings 81804

to collect or secure collection of the tax are instituted without 81805  
delay, the commissioner may issue a jeopardy assessment against 81806  
the person liable for the tax. Immediately upon the issuance of 81807  
the jeopardy assessment, the commissioner shall file an entry with 81808  
the clerk of the court of common pleas in the manner prescribed by 81809  
division (D) of this section. Notice of the jeopardy assessment 81810  
shall be served on the person assessed or the person's authorized 81811  
agent in the manner provided in section 5703.37 of the Revised 81812  
Code within five days of the filing of the entry with the clerk. 81813  
The total amount assessed shall be immediately due and payable, 81814  
unless the person assessed files a petition for reassessment in 81815  
accordance with division (C) of this section and provides security 81816  
in a form satisfactory to the commissioner and in an amount 81817  
sufficient to satisfy the unpaid balance of the assessment. Full 81818  
or partial payment of the assessment shall not prejudice the 81819  
commissioner's consideration of the petition for reassessment. 81820

(F) The tax commissioner shall immediately forward to the 81821  
treasurer of state all amounts the commissioner receives under 81822  
this section. Such amounts shall be considered as revenue arising 81823  
from the tax imposed by this chapter. 81824

(G) If the tax commissioner possesses information indicating 81825  
that the amount of tax a taxpayer is required to pay under this 81826  
chapter exceeds the amount the reporting person for the taxpayer 81827  
paid, the tax commissioner may audit a sample of the taxpayer's 81828  
gross receipts over a representative period of time to ascertain 81829  
the amount of tax due, and may issue an assessment based on the 81830  
audit. The tax commissioner shall make a good faith effort to 81831  
reach agreement with the taxpayer in selecting a representative 81832  
sample. The tax commissioner may apply a sampling method only if 81833  
the commissioner has prescribed the method by rule. 81834

(H) If the whereabouts of a person subject to this chapter is 81835  
not known to the tax commissioner, the secretary of state is 81836

hereby deemed to be that person's agent for purposes of service of 81837  
process or notice of any assessment, action, or proceedings 81838  
instituted in this state against the person under this chapter. 81839  
Such process or notice shall be served on such person by the 81840  
commissioner or by an agent of the commissioner by leaving a true 81841  
and attested copy of the process or notice at the office of the 81842  
secretary of state at least fifteen days before the return day of 81843  
such process or notice, and by sending a copy of the process or 81844  
notice to such person by ordinary mail, with an endorsement 81845  
thereon of the service upon the secretary of state, addressed to 81846  
such person at the person's last known address. 81847

**Sec. 5727.75.** (A) For purposes of this section: 81848

(1) "Qualified energy project" means an energy project 81849  
certified by the director of development ~~services~~ pursuant to this 81850  
section. 81851

(2) "Energy project" means a project to provide electric 81852  
power through the construction, installation, and use of an energy 81853  
facility. 81854

(3) "Alternative energy zone" means a county declared as such 81855  
by the board of county commissioners under division (E)(1)(b) or 81856  
(c) of this section. 81857

(4) "Full-time equivalent employee" means the total number of 81858  
employee-hours for which compensation was paid to individuals 81859  
employed at a qualified energy project for services performed at 81860  
the project during the calendar year divided by two thousand 81861  
eighty hours. 81862

(5) "Solar energy project" means an energy project composed 81863  
of an energy facility using solar panels to generate electricity. 81864

(6) "Internet identifier of record" has the same meaning as 81865  
in section 9.312 of the Revised Code. 81866

(B)(1) Tangible personal property of a qualified energy project using renewable energy resources is exempt from taxation for tax years 2011 through ~~2023~~2025 if all of the following conditions are satisfied:

(a) On or before December 31, ~~2022~~2024, the owner or a lessee pursuant to a sale and leaseback transaction of the project submits an application to the power siting board for a certificate under section 4906.20 of the Revised Code, or if that section does not apply, submits an application for any approval, consent, permit, or certificate or satisfies any condition required by a public agency or political subdivision of this state for the construction or initial operation of an energy project.

(b) Construction or installation of the energy facility begins on or after January 1, 2009, and before January 1, ~~2023~~2025. For the purposes of this division, construction begins on the earlier of the date of application for a certificate or other approval or permit described in division (B)(1)(a) of this section, or the date the contract for the construction or installation of the energy facility is entered into.

(c) For a qualified energy project with a nameplate capacity of twenty megawatts or greater, a board of county commissioners of a county in which property of the project is located has adopted a resolution under division (E)(1)(b) or (c) of this section to approve the application submitted under division (E) of this section to exempt the property located in that county from taxation. A board's adoption of a resolution rejecting an application or its failure to adopt a resolution approving the application does not affect the tax-exempt status of the qualified energy project's property that is located in another county.

(2) If tangible personal property of a qualified energy project using renewable energy resources was exempt from taxation under this section beginning in any of tax years 2011 through

~~2023~~2025, and the certification under division (E)(2) of this 81899  
section has not been revoked, the tangible personal property of 81900  
the qualified energy project is exempt from taxation for tax year 81901  
~~2024~~2026 and all ensuing tax years if the property was placed into 81902  
service before January 1, ~~2024~~2026, as certified in the 81903  
construction progress report required under division (F)(2) of 81904  
this section. Tangible personal property that has not been placed 81905  
into service before that date is taxable property subject to 81906  
taxation. An energy project for which certification has been 81907  
revoked is ineligible for further exemption under this section. 81908  
Revocation does not affect the tax-exempt status of the project's 81909  
tangible personal property for the tax year in which revocation 81910  
occurs or any prior tax year. 81911

(C) Tangible personal property of a qualified energy project 81912  
using clean coal technology, advanced nuclear technology, or 81913  
cogeneration technology is exempt from taxation for the first tax 81914  
year that the property would be listed for taxation and all 81915  
subsequent years if all of the following circumstances are met: 81916

(1) The property was placed into service before January 1, 81917  
2021. Tangible personal property that has not been placed into 81918  
service before that date is taxable property subject to taxation. 81919

(2) For such a qualified energy project with a nameplate 81920  
capacity of twenty megawatts or greater, a board of county 81921  
commissioners of a county in which property of the qualified 81922  
energy project is located has adopted a resolution under division 81923  
(E)(1)(b) or (c) of this section to approve the application 81924  
submitted under division (E) of this section to exempt the 81925  
property located in that county from taxation. A board's adoption 81926  
of a resolution rejecting the application or its failure to adopt 81927  
a resolution approving the application does not affect the 81928  
tax-exempt status of the qualified energy project's property that 81929  
is located in another county. 81930

(3) The certification for the qualified energy project issued 81931  
under division (E)(2) of this section has not been revoked. An 81932  
energy project for which certification has been revoked is 81933  
ineligible for exemption under this section. Revocation does not 81934  
affect the tax-exempt status of the project's tangible personal 81935  
property for the tax year in which revocation occurs or any prior 81936  
tax year. 81937

(D) Except as otherwise provided in this section, real 81938  
property of a qualified energy project is exempt from taxation for 81939  
any tax year for which the tangible personal property of the 81940  
qualified energy project is exempted under this section. 81941

(E)(1)(a) A person may apply to the director of development 81942  
~~services~~ for certification of an energy project as a qualified 81943  
energy project on or before the following dates: 81944

(i) December 31, ~~2022~~2024, for an energy project using 81945  
renewable energy resources; 81946

(ii) December 31, 2017, for an energy project using clean 81947  
coal technology, advanced nuclear technology, or cogeneration 81948  
technology. 81949

(b) The director shall forward a copy of each application for 81950  
certification of an energy project with a nameplate capacity of 81951  
twenty megawatts or greater to the board of county commissioners 81952  
of each county in which the project is located and to each taxing 81953  
unit with territory located in each of the affected counties. Any 81954  
board that receives from the director a copy of an application 81955  
submitted under this division shall adopt a resolution approving 81956  
or rejecting the application unless it has adopted a resolution 81957  
under division (E)(1)(c) of this section. A resolution adopted 81958  
under division (E)(1)(b) or (c) of this section may require an 81959  
annual service payment to be made in addition to the service 81960  
payment required under division (G) of this section. The sum of 81961

the service payment required in the resolution and the service 81962  
payment required under division (G) of this section shall not 81963  
exceed nine thousand dollars per megawatt of nameplate capacity 81964  
located in the county. The resolution shall specify the time and 81965  
manner in which the payments required by the resolution shall be 81966  
paid to the county treasurer. The county treasurer shall deposit 81967  
the payment to the credit of the county's general fund to be used 81968  
for any purpose for which money credited to that fund may be used. 81969

The board shall send copies of the resolution to the owner of 81970  
the facility and the director by certified mail or, if the board 81971  
has record of an internet identifier of record associated with the 81972  
owner or director, by ordinary mail and by that internet 81973  
identifier of record. The board shall send such notice within 81974  
thirty days after receipt of the application, or a longer period 81975  
of time if authorized by the director. 81976

(c) A board of county commissioners may adopt a resolution 81977  
declaring the county to be an alternative energy zone and 81978  
declaring all applications submitted to the director of 81979  
development ~~services~~ under this division after the adoption of the 81980  
resolution, and prior to its repeal, to be approved by the board. 81981

All tangible personal property and real property of an energy 81982  
project with a nameplate capacity of twenty megawatts or greater 81983  
is taxable if it is located in a county in which the board of 81984  
county commissioners adopted a resolution rejecting the 81985  
application submitted under this division or failed to adopt a 81986  
resolution approving the application under division (E)(1)(b) or 81987  
(c) of this section. 81988

(2) The director shall certify an energy project if all of 81989  
the following circumstances exist: 81990

(a) The application was timely submitted. 81991

(b) For an energy project with a nameplate capacity of twenty 81992

megawatts or greater, a board of county commissioners of at least 81993  
one county in which the project is located has adopted a 81994  
resolution approving the application under division (E)(1)(b) or 81995  
(c) of this section. 81996

(c) No portion of the project's facility was used to supply 81997  
electricity before December 31, 2009. 81998

(3) The director shall deny a certification application if 81999  
the director determines the person has failed to comply with any 82000  
requirement under this section. The director may revoke a 82001  
certification if the director determines the person, or subsequent 82002  
owner or lessee pursuant to a sale and leaseback transaction of 82003  
the qualified energy project, has failed to comply with any 82004  
requirement under this section. Upon certification or revocation, 82005  
the director shall notify the person, owner, or lessee, the tax 82006  
commissioner, and the county auditor of a county in which the 82007  
project is located of the certification or revocation. Notice 82008  
shall be provided in a manner convenient to the director. 82009

(F) The owner or a lessee pursuant to a sale and leaseback 82010  
transaction of a qualified energy project shall do each of the 82011  
following: 82012

(1) Comply with all applicable regulations; 82013

(2) File with the director of development ~~services~~ a 82014  
certified construction progress report before the first day of 82015  
March of each year during the energy facility's construction or 82016  
installation indicating the percentage of the project completed, 82017  
and the project's nameplate capacity, as of the preceding 82018  
thirty-first day of December. Unless otherwise instructed by the 82019  
director of development ~~services~~, the owner or lessee of an energy 82020  
project shall file a report with the director on or before the 82021  
first day of March each year after completion of the energy 82022  
facility's construction or installation indicating the project's 82023

nameplate capacity as of the preceding thirty-first day of 82024  
December. Not later than sixty days after June 17, 2010, the owner 82025  
or lessee of an energy project, the construction of which was 82026  
completed before June 17, 2010, shall file a certificate 82027  
indicating the project's nameplate capacity. 82028

(3) File with the director of development ~~services~~, in a 82029  
manner prescribed by the director, a report of the total number of 82030  
full-time equivalent employees, and the total number of full-time 82031  
equivalent employees domiciled in Ohio, who are employed in the 82032  
construction or installation of the energy facility; 82033

(4) For energy projects with a nameplate capacity of twenty 82034  
megawatts or greater, repair all roads, bridges, and culverts 82035  
affected by construction as reasonably required to restore them to 82036  
their preconstruction condition, as determined by the county 82037  
engineer in consultation with the local jurisdiction responsible 82038  
for the roads, bridges, and culverts. In the event that the county 82039  
engineer deems any road, bridge, or culvert to be inadequate to 82040  
support the construction or decommissioning of the energy 82041  
facility, the road, bridge, or culvert shall be rebuilt or 82042  
reinforced to the specifications established by the county 82043  
engineer prior to the construction or decommissioning of the 82044  
facility. The owner or lessee of the facility shall post a bond in 82045  
an amount established by the county engineer and to be held by the 82046  
board of county commissioners to ensure funding for repairs of 82047  
roads, bridges, and culverts affected during the construction. The 82048  
bond shall be released by the board not later than one year after 82049  
the date the repairs are completed. The energy facility owner or 82050  
lessee pursuant to a sale and leaseback transaction shall post a 82051  
bond, as may be required by the Ohio power siting board in the 82052  
certificate authorizing commencement of construction issued 82053  
pursuant to section 4906.10 of the Revised Code, to ensure funding 82054  
for repairs to roads, bridges, and culverts resulting from 82055

decommissioning of the facility. The energy facility owner or 82056  
lessee and the county engineer may enter into an agreement 82057  
regarding specific transportation plans, reinforcements, 82058  
modifications, use and repair of roads, financial security to be 82059  
provided, and any other relevant issue. 82060

(5) Provide or facilitate training for fire and emergency 82061  
responders for response to emergency situations related to the 82062  
energy project and, for energy projects with a nameplate capacity 82063  
of twenty megawatts or greater, at the person's expense, equip the 82064  
fire and emergency responders with proper equipment as reasonably 82065  
required to enable them to respond to such emergency situations; 82066

(6) Maintain a ratio of Ohio-domiciled full-time equivalent 82067  
employees employed in the construction or installation of the 82068  
energy project to total full-time equivalent employees employed in 82069  
the construction or installation of the energy project of not less 82070  
than eighty per cent in the case of a solar energy project, and 82071  
not less than fifty per cent in the case of any other energy 82072  
project. In the case of an energy project for which certification 82073  
from the power siting board is required under section 4906.20 of 82074  
the Revised Code, the number of full-time equivalent employees 82075  
employed in the construction or installation of the energy project 82076  
equals the number actually employed or the number projected to be 82077  
employed in the certificate application, if such projection is 82078  
required under regulations adopted pursuant to section 4906.03 of 82079  
the Revised Code, whichever is greater. For all other energy 82080  
projects, the number of full-time equivalent employees employed in 82081  
the construction or installation of the energy project equals the 82082  
number actually employed or the number projected to be employed by 82083  
the director of development ~~services~~, whichever is greater. To 82084  
estimate the number of employees to be employed in the 82085  
construction or installation of an energy project, the director 82086  
shall use a generally accepted job-estimating model in use for 82087

renewable energy projects, including but not limited to the job 82088  
and economic development impact model. The director may adjust an 82089  
estimate produced by a model to account for variables not 82090  
accounted for by the model. 82091

(7) For energy projects with a nameplate capacity in excess 82092  
of twenty megawatts, establish a relationship with a member of the 82093  
university system of Ohio as defined in section 3345.011 of the 82094  
Revised Code or with a person offering an apprenticeship program 82095  
registered with the employment and training administration within 82096  
the United States department of labor or with the apprenticeship 82097  
council created by section 4139.02 of the Revised Code, to educate 82098  
and train individuals for careers in the wind or solar energy 82099  
industry. The relationship may include endowments, cooperative 82100  
programs, internships, apprenticeships, research and development 82101  
projects, and curriculum development. 82102

(8) Offer to sell power or renewable energy credits from the 82103  
energy project to electric distribution utilities or electric 82104  
service companies subject to renewable energy resource 82105  
requirements under section 4928.64 of the Revised Code that have 82106  
issued requests for proposal for such power or renewable energy 82107  
credits. If no electric distribution utility or electric service 82108  
company issues a request for proposal on or before December 31, 82109  
2010, or accepts an offer for power or renewable energy credits 82110  
within forty-five days after the offer is submitted, power or 82111  
renewable energy credits from the energy project may be sold to 82112  
other persons. Division (F)(8) of this section does not apply if: 82113

(a) The owner or lessee is a rural electric company or a 82114  
municipal power agency as defined in section 3734.058 of the 82115  
Revised Code. 82116

(b) The owner or lessee is a person that, before completion 82117  
of the energy project, contracted for the sale of power or 82118  
renewable energy credits with a rural electric company or a 82119

|                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                             |                                                                                                                            |
|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|----------------------------------------------------------------------------------------------------------------------------|
| municipal power agency.                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                     | 82120                                                                                                                      |
| (c) The owner or lessee contracts for the sale of power or renewable energy credits from the energy project before June 17, 2010.                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                           | 82121<br>82122<br>82123                                                                                                    |
| (9) Make annual service payments as required by division (G) of this section and as may be required in a resolution adopted by a board of county commissioners under division (E) of this section.                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                          | 82124<br>82125<br>82126<br>82127                                                                                           |
| (G) The owner or a lessee pursuant to a sale and leaseback transaction of a qualified energy project shall make annual service payments in lieu of taxes to the county treasurer on or before the final dates for payments of taxes on public utility personal property on the real and public utility personal property tax list for each tax year for which property of the energy project is exempt from taxation under this section. The county treasurer shall allocate the payment on the basis of the project's physical location. Upon receipt of a payment, or if timely payment has not been received, the county treasurer shall certify such receipt or non-receipt to the director of development <del>services</del> and tax commissioner in a form determined by the director and commissioner, respectively. Each payment shall be in the following amount: | 82128<br>82129<br>82130<br>82131<br>82132<br>82133<br>82134<br>82135<br>82136<br>82137<br>82138<br>82139<br>82140<br>82141 |
| (1) In the case of a solar energy project, seven thousand dollars per megawatt of nameplate capacity located in the county as of the thirty-first-day of December of the preceding tax year;                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                | 82142<br>82143<br>82144                                                                                                    |
| (2) In the case of any other energy project using renewable energy resources, the following:                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                | 82145<br>82146                                                                                                             |
| (a) If the project maintains during the construction or installation of the energy facility a ratio of Ohio-domiciled full-time equivalent employees to total full-time equivalent employees of not less than seventy-five per cent, six thousand                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                           | 82147<br>82148<br>82149<br>82150                                                                                           |

dollars per megawatt of nameplate capacity located in the county 82151  
as of the thirty-first day of December of the preceding tax year; 82152

(b) If the project maintains during the construction or 82153  
installation of the energy facility a ratio of Ohio-domiciled 82154  
full-time equivalent employees to total full-time equivalent 82155  
employees of less than seventy-five per cent but not less than 82156  
sixty per cent, seven thousand dollars per megawatt of nameplate 82157  
capacity located in the county as of the thirty-first day of 82158  
December of the preceding tax year; 82159

(c) If the project maintains during the construction or 82160  
installation of the energy facility a ratio of Ohio-domiciled 82161  
full-time equivalent employees to total full-time equivalent 82162  
employees of less than sixty per cent but not less than fifty per 82163  
cent, eight thousand dollars per megawatt of nameplate capacity 82164  
located in the county as of the thirty-first day of December of 82165  
the preceding tax year. 82166

(3) In the case of an energy project using clean coal 82167  
technology, advanced nuclear technology, or cogeneration 82168  
technology, the following: 82169

(a) If the project maintains during the construction or 82170  
installation of the energy facility a ratio of Ohio-domiciled 82171  
full-time equivalent employees to total full-time equivalent 82172  
employees of not less than seventy-five per cent, six thousand 82173  
dollars per megawatt of nameplate capacity located in the county 82174  
as of the thirty-first day of December of the preceding tax year; 82175

(b) If the project maintains during the construction or 82176  
installation of the energy facility a ratio of Ohio-domiciled 82177  
full-time equivalent employees to total full-time equivalent 82178  
employees of less than seventy-five per cent but not less than 82179  
sixty per cent, seven thousand dollars per megawatt of nameplate 82180  
capacity located in the county as of the thirty-first day of 82181

December of the preceding tax year; 82182

(c) If the project maintains during the construction or 82183  
installation of the energy facility a ratio of Ohio-domiciled 82184  
full-time equivalent employees to total full-time equivalent 82185  
employees of less than sixty per cent but not less than fifty per 82186  
cent, eight thousand dollars per megawatt of nameplate capacity 82187  
located in the county as of the thirty-first day of December of 82188  
the preceding tax year. 82189

(H) The director of development ~~services~~ in consultation with 82190  
the tax commissioner shall adopt rules pursuant to Chapter 119. of 82191  
the Revised Code to implement and enforce this section. 82192

**Sec. 5727.80.** As used in sections 5727.80 to 5727.95 of the 82193  
Revised Code: 82194

(A) "Electric distribution company" means either of the 82195  
following: 82196

(1) A person who distributes electricity through a meter of 82197  
an end user in this state or to an unmetered location in this 82198  
state; 82199

(2) The end user of electricity in this state, if the end 82200  
user obtains electricity that is not distributed or transmitted to 82201  
the end user by an electric distribution company that is required 82202  
to remit the tax imposed by section 5727.81 of the Revised Code. 82203

"Electric distribution company" does not include ~~an end user~~ 82204  
~~of electricity in this state who self-generates electricity that~~ 82205  
~~is used directly by that end user on the same site that the~~ 82206  
~~electricity is generated or~~ a person that donates all of the 82207  
electricity the person generates to a political subdivision of the 82208  
state. Division (A)(2) of this section shall not apply to a 82209  
political subdivision in this state that is the end user of 82210  
electricity that is donated to the political subdivision. 82211

(B) "Kilowatt hour" means one thousand watt hours of  
electricity. 82212  
82213

(C) For an electric distribution company, "meter of an end  
user in this state" means the last meter used to measure the 82214  
kilowatt hours distributed by an electric distribution company to 82215  
a location in this state, or the last meter located outside of 82216  
this state that is used to measure the kilowatt hours consumed at 82217  
a location in this state. 82218  
82219

(D) "Person" has the same meaning as in section 5701.01 of 82220  
the Revised Code, but also includes a political subdivision of the 82221  
state. 82222

(E) "Municipal electric utility" means a municipal 82223  
corporation that owns or operates a system for the distribution of 82224  
electricity. 82225

(F) "Qualified end user" means an end user of electricity 82226  
that satisfies either of the following criteria: 82227

(1) The end user uses more than three million kilowatt hours 82228  
of electricity at one manufacturing location in this state for a 82229  
calendar day for use in a qualifying manufacturing process. 82230

(2) The end user uses electricity at a manufacturing location 82231  
in this state for use in a chlor-alkali manufacturing process but, 82232  
if the end user uses electricity distributed by a municipal 82233  
electric utility, the end user can only be a "qualified end user" 82234  
upon obtaining the consent of the legislative authority of the 82235  
municipal corporation that owns or operates the utility. 82236

(G) "Qualified regeneration" means a process to convert 82237  
electricity to a form of stored energy by means such as using 82238  
electricity to compress air for storage or to pump water to an 82239  
elevated storage reservoir, if such stored energy is subsequently 82240  
used to generate electricity for sale to others primarily during 82241  
periods when there is peak demand for electricity. 82242

|                                                                                                                                                                                                                                                                                                                                                                                                                             |                                                             |
|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-------------------------------------------------------------|
| (H) "Qualified regeneration meter" means the last meter used to measure electricity used in a qualified regeneration process.                                                                                                                                                                                                                                                                                               | 82243<br>82244                                              |
| (I) "Qualifying manufacturing process" means an electrochemical manufacturing process or a chlor-alkali manufacturing process.                                                                                                                                                                                                                                                                                              | 82245<br>82246<br>82247                                     |
| (J) "Self-assessing purchaser" means a purchaser that meets all the requirements of, and pays the excise tax in accordance with, division (C) of section 5727.81 of the Revised Code.                                                                                                                                                                                                                                       | 82248<br>82249<br>82250                                     |
| (K) "Natural gas distribution company" means a natural gas company or a combined company that is subject to the excise tax imposed by section 5727.24 of the Revised Code and that distributes natural gas through a meter of an end user in this state or to an unmetered location in this state.                                                                                                                          | 82251<br>82252<br>82253<br>82254<br>82255                   |
| (L) "MCF" means one thousand cubic feet.                                                                                                                                                                                                                                                                                                                                                                                    | 82256                                                       |
| (M) For a natural gas distribution company, "meter of an end user in this state" means the last meter used to measure the MCF of natural gas distributed by a natural gas distribution company to a location in this state, or the last meter located outside of this state that is used to measure the natural gas consumed at a location in this state.                                                                   | 82257<br>82258<br>82259<br>82260<br>82261<br>82262          |
| (N) "Flex customer" means an industrial or a commercial facility that has consumed more than one billion cubic feet of natural gas a year at a single location during any of the previous five years, or an industrial or a commercial end user of natural gas that purchases natural gas distribution services from a natural gas distribution company at discounted rates or charges established in any of the following: | 82263<br>82264<br>82265<br>82266<br>82267<br>82268<br>82269 |
| (1) A special arrangement subject to review and regulation by the public utilities commission under section 4905.31 of the Revised Code;                                                                                                                                                                                                                                                                                    | 82270<br>82271<br>82272                                     |

|                                                                                                                                                                                                                                                                                                                                                                                                               |                                                             |       |
|---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-------------------------------------------------------------|-------|
| (2) A special arrangement with a natural gas distribution company pursuant to a municipal ordinance;                                                                                                                                                                                                                                                                                                          | 82273<br>82274                                              |       |
| (3) A variable rate schedule that permits rates to vary between defined amounts, provided that the schedule is on file with the public utilities commission.                                                                                                                                                                                                                                                  | 82275<br>82276<br>82277                                     |       |
| An end user that meets this definition on January 1, 2000, or thereafter is a "flex customer" for purposes of determining the rate of taxation under division (D) of section 5727.811 of the Revised Code.                                                                                                                                                                                                    | 82278<br>82279<br>82280<br>82281                            |       |
| (O) "Electrochemical manufacturing process" means the performance of an electrochemical reaction in which electrons from direct current electricity remain a part of the product being manufactured. "Electrochemical manufacturing process" does not include a chlor-alkali manufacturing process.                                                                                                           | 82282<br>82283<br>82284<br>82285<br>82286                   |       |
| (P) "Chlor-alkali manufacturing process" means a process that uses electricity to produce chlorine and other chemicals through the electrolysis of a salt solution.                                                                                                                                                                                                                                           | 82287<br>82288<br>82289                                     |       |
| <b>Sec. 5727.81.</b> (A) For the purpose of raising revenue to fund the needs of this state and its local governments, an excise tax is hereby levied and imposed on an electric distribution company for all electricity distributed by such company at the following rates per kilowatt hour of electricity distributed in a thirty-day period by the company through a meter of an end user in this state: | 82290<br>82291<br>82292<br>82293<br>82294<br>82295<br>82296 |       |
| KILOWATT HOURS DISTRIBUTED                                                                                                                                                                                                                                                                                                                                                                                    | RATE PER                                                    | 82297 |
| TO AN END USER                                                                                                                                                                                                                                                                                                                                                                                                | KILOWATT HOUR                                               | 82298 |
| For the first 2,000                                                                                                                                                                                                                                                                                                                                                                                           | \$.00465                                                    | 82299 |
| For the next 2,001 to 15,000                                                                                                                                                                                                                                                                                                                                                                                  | \$.00419                                                    | 82300 |
| For 15,001 and above                                                                                                                                                                                                                                                                                                                                                                                          | \$.00363                                                    | 82301 |
| If no meter is used to measure the kilowatt hours of                                                                                                                                                                                                                                                                                                                                                          |                                                             | 82302 |

electricity distributed by the company, the rates shall apply to 82303  
the estimated kilowatt hours of electricity distributed to an 82304  
unmetered location in this state. 82305

The electric distribution company shall base the monthly tax 82306  
on the kilowatt hours of electricity distributed to an end user 82307  
through the meter of the end user that is not measured for a 82308  
thirty-day period by dividing the days in the measurement period 82309  
into the total kilowatt hours measured during the measurement 82310  
period to obtain a daily average usage. The tax shall be 82311  
determined by obtaining the sum of divisions (A)(1), (2), and (3) 82312  
of this section and multiplying that amount by the number of days 82313  
in the measurement period: 82314

(1) Multiplying \$0.00465 per kilowatt hour for the first 82315  
sixty-seven kilowatt hours distributed using a daily average; 82316

(2) Multiplying \$0.00419 for the next sixty-eight to five 82317  
hundred kilowatt hours distributed using a daily average; 82318

(3) Multiplying \$0.00363 for the remaining kilowatt hours 82319  
distributed using a daily average. 82320

Except as provided in division (C) of this section, the 82321  
electric distribution company shall pay the tax to the tax 82322  
commissioner in accordance with section 5727.82 of the Revised 82323  
Code, unless required to remit each tax payment by electronic 82324  
funds transfer to the treasurer of state in accordance with 82325  
section 5727.83 of the Revised Code. 82326

Only the distribution of electricity through a meter of an 82327  
end user in this state shall be used by the electric distribution 82328  
company to compute the amount or estimated amount of tax due. In 82329  
the event a meter is not actually read for a measurement period, 82330  
the estimated kilowatt hours distributed by an electric 82331  
distribution company to bill for its distribution charges shall be 82332  
used. 82333

(B) Except as provided in division (C) of this section, each electric distribution company shall pay the tax imposed by this section in all of the following circumstances:

(1) The electricity is distributed by the company through a meter of an end user in this state;

(2) The company is distributing electricity through a meter located in another state, but the electricity is consumed in this state in the manner prescribed by the tax commissioner;

(3) The company is distributing electricity in this state without the use of a meter, but the electricity is consumed in this state as estimated and in the manner prescribed by the tax commissioner.

(C)(1) As used in division (C) of this section:

(a) "Total price of electricity" means the aggregate value in money of anything paid or transferred, or promised to be paid or transferred, to obtain electricity or electric service, including but not limited to the value paid or promised to be paid for the transmission or distribution of electricity and for transition costs as described in Chapter 4928. of the Revised Code.

(b) "Package" means the provision or the acquisition, at a combined price, of electricity with other services or products, or any combination thereof, such as natural gas or other fuels; energy management products, software, and services; machinery and equipment acquisition; and financing agreements.

(c) "Single location" means a facility located on contiguous property separated only by a roadway, railway, or waterway.

(2) Division (C) of this section applies to any commercial or industrial purchaser's receipt of electricity through a meter of an end user in this state or through more than one meter at a single location in this state in a quantity that exceeds

forty-five million kilowatt hours of electricity over the course 82364  
of the preceding calendar year, or any commercial or industrial 82365  
purchaser that will consume more than forty-five million kilowatt 82366  
hours of electricity over the course of the succeeding twelve 82367  
months as estimated by the tax commissioner. The tax commissioner 82368  
shall make such an estimate upon the written request by an 82369  
applicant for registration as a self-assessing purchaser under 82370  
this division. For the meter reading period including July 1, 82371  
2008, through the meter reading period including December 31, 82372  
2010, such a purchaser may elect to self-assess the excise tax 82373  
imposed by this section at the rate of \$.00075 per kilowatt hour 82374  
on the first five hundred four million kilowatt hours distributed 82375  
to that meter or location during the registration year, and a 82376  
percentage of the total price of all electricity distributed to 82377  
that meter or location equal to three and one-half per cent. For 82378  
the meter reading period including January 1, 2011, and 82379  
thereafter, such a purchaser may elect to self-assess the excise 82380  
tax imposed by this section at the rate of \$.00257 per kilowatt 82381  
hour for the first five hundred million kilowatt hours, and 82382  
\$.001832 per kilowatt hour for each kilowatt hour in excess of 82383  
five hundred million kilowatt hours, distributed to that meter or 82384  
location during the registration year. 82385

A qualified end user that receives electricity through a 82386  
meter of an end user in this state or through more than one meter 82387  
at a single location in this state and that consumes, over the 82388  
course of the previous calendar year, more than forty-five million 82389  
kilowatt hours in other than its qualifying manufacturing process, 82390  
may elect to self-assess the tax as allowed by this division with 82391  
respect to the electricity used in other than its qualifying 82392  
manufacturing process. 82393

Payment of the tax shall be made directly to the tax 82394  
commissioner in accordance with divisions (A)(4) and (5) of 82395

section 5727.82 of the Revised Code, or the treasurer of state in 82396  
accordance with section 5727.83 of the Revised Code. If the 82397  
electric distribution company serving the self-assessing purchaser 82398  
is a municipal electric utility and the purchaser is within the 82399  
municipal corporation's corporate limits, payment shall be made to 82400  
such municipal corporation's general fund and reports shall be 82401  
filed in accordance with divisions (A)(4) and (5) of section 82402  
5727.82 of the Revised Code, except that "municipal corporation" 82403  
shall be substituted for "treasurer of state" and "tax 82404  
commissioner." A self-assessing purchaser that pays the excise tax 82405  
as provided in this division shall not be required to pay the tax 82406  
to the electric distribution company from which its electricity is 82407  
distributed. If a self-assessing purchaser's receipt of 82408  
electricity is not subject to the tax as measured under this 82409  
division, the tax on the receipt of such electricity shall be 82410  
measured and paid as provided in division (A) of this section. 82411

(3) In the case of the acquisition of a package, unless the 82412  
elements of the package are separately stated isolating the total 82413  
price of electricity from the price of the remaining elements of 82414  
the package, the tax imposed under this section applies to the 82415  
entire price of the package. If the elements of the package are 82416  
separately stated, the tax imposed under this section applies to 82417  
the total price of the electricity. 82418

(4) Any electric supplier that sells electricity as part of a 82419  
package shall separately state to the purchaser the total price of 82420  
the electricity and, upon request by the tax commissioner, the 82421  
total price of each of the other elements of the package. 82422

(5) The tax commissioner may adopt rules relating to the 82423  
computation of the total price of electricity with respect to 82424  
self-assessing purchasers, which may include rules to establish 82425  
the total price of electricity purchased as part of a package. 82426

(6) An annual application for registration as a 82427

self-assessing purchaser shall be made for each qualifying meter 82428  
or location on a form prescribed by the tax commissioner. The 82429  
registration year begins on the first day of May and ends on the 82430  
following thirtieth day of April. Persons may apply after the 82431  
first day of May for the remainder of the registration year. In 82432  
the case of an applicant applying on the basis of an estimated 82433  
consumption of forty-five million kilowatt hours over the course 82434  
of the succeeding twelve months, the applicant shall provide such 82435  
information as the tax commissioner considers to be necessary to 82436  
estimate such consumption. At the time of making the application 82437  
and by the first day of May of each year, a self-assessing 82438  
purchaser shall pay a fee of five hundred dollars to the tax 82439  
commissioner, or to the treasurer of state as provided in section 82440  
5727.83 of the Revised Code, for each qualifying meter or 82441  
location. The tax commissioner shall immediately pay to the 82442  
treasurer of state all amounts that the tax commissioner receives 82443  
under this section. The treasurer of state shall deposit such 82444  
amounts into the kilowatt hour excise tax administration fund, 82445  
which is hereby created in the state treasury. Money in the fund 82446  
shall be used to defray the tax commissioner's cost in 82447  
administering the tax owed under section 5727.81 of the Revised 82448  
Code by self-assessing purchasers. After the application is 82449  
approved by the tax commissioner, the registration shall remain in 82450  
effect for the current registration year, or until canceled by the 82451  
registrant upon written notification to the commissioner of the 82452  
election to pay the tax in accordance with division (A) of this 82453  
section, or until canceled by the tax commissioner for not paying 82454  
the tax or fee under division (C) of this section or for not 82455  
meeting the qualifications in division (C)(2) of this section. The 82456  
tax commissioner shall give written notice to the electric 82457  
distribution company from which electricity is delivered to a 82458  
self-assessing purchaser of the purchaser's self-assessing status, 82459  
and the electric distribution company is relieved of the 82460

obligation to pay the tax imposed by division (A) of this section 82461  
for electricity distributed to that self-assessing purchaser until 82462  
it is notified by the tax commissioner that the self-assessing 82463  
purchaser's registration is canceled. Within fifteen days of 82464  
notification of the canceled registration, the electric 82465  
distribution company shall be responsible for payment of the tax 82466  
imposed by division (A) of this section on electricity distributed 82467  
to a purchaser that is no longer registered as a self-assessing 82468  
purchaser. A self-assessing purchaser with a canceled registration 82469  
must file a report and remit the tax imposed by division (A) of 82470  
this section on all electricity it receives for any measurement 82471  
period prior to the tax being reported and paid by the electric 82472  
distribution company. A self-assessing purchaser whose 82473  
registration is canceled by the tax commissioner is not eligible 82474  
to register as a self-assessing purchaser for two years after the 82475  
registration is canceled. 82476

(7) If the tax commissioner cancels the self-assessing 82477  
registration of a purchaser registered on the basis of its 82478  
estimated consumption because the purchaser does not consume at 82479  
least forty-five million kilowatt hours of electricity over the 82480  
course of the twelve-month period for which the estimate was made, 82481  
the tax commissioner shall assess and collect from the purchaser 82482  
the difference between (a) the amount of tax that would have been 82483  
payable under division (A) of this section on the electricity 82484  
distributed to the purchaser during that period and (b) the amount 82485  
of tax paid by the purchaser on such electricity pursuant to 82486  
division (C)(2) of this section. The assessment shall be paid 82487  
within sixty days after the tax commissioner issues it, regardless 82488  
of whether the purchaser files a petition for reassessment under 82489  
section 5727.89 of the Revised Code covering that period. If the 82490  
purchaser does not pay the assessment within the time prescribed, 82491  
the amount assessed is subject to the additional charge and the 82492  
interest prescribed by divisions (B) and (C) of section 5727.82 of 82493

the Revised Code, and is subject to assessment under section 82494  
5727.89 of the Revised Code. If the purchaser is a qualified end 82495  
user, division (C)(7) of this section applies only to electricity 82496  
it consumes in other than its qualifying manufacturing process. 82497

(D) The tax imposed by this section does not apply to ~~the~~ 82498

(1) The distribution or obtaining of any kilowatt hours of 82499  
electricity to ~~the~~ or by any of the following: 82500

(a) The federal government, ~~to an~~; 82501

(b) An end user located at a federal facility that uses 82502  
electricity for the enrichment of uranium, ~~to a~~; 82503

(c) A qualified regeneration meter, ~~or to an~~; 82504

(d) An end user for any day the end user is a qualified end 82505  
user; 82506

(e) An end user if the electricity is generated by an 82507  
electric generation facility that is primarily dedicated to 82508  
providing electricity to the electric-consuming facilities of the 82509  
end user, that is sized so as to not exceed one hundred per cent 82510  
of the customer-generator's annual requirements for electric 82511  
energy at the time of interconnection, that is physically 82512  
interconnected and integrated with the electric-consuming 82513  
facilities of the end user, and that is located on the same 82514  
property on which the end user's electric-consuming facilities are 82515  
situated or on property that is contiguous to the property on 82516  
which the end user's electric-consuming facilities are situated. 82517

(2) Kilowatt hours of electricity generated by a 82518  
self-generator if the electric generating facility is sized so as 82519  
not to exceed one hundred per cent of the customer-generator's 82520  
annual requirements for electric energy at the time of 82521  
interconnection. ~~The~~ 82522

The exemption under ~~this~~ division (D)(1)(d) of this section 82523

for a qualified end user only applies to the manufacturing 82524  
location where the qualified end user uses electricity in a 82525  
chlor-alkali manufacturing process or where the qualified end user 82526  
uses more than three million kilowatt hours per day in an 82527  
electrochemical manufacturing process. As used in division (D) of 82528  
this section, "customer-generator" and "self-generator" have the 82529  
same meanings as in section 4928.01 of the Revised Code. 82530

(E) All revenue arising from the tax imposed by this section 82531  
shall be credited to the general revenue fund except as provided 82532  
by division (C) of this section and section 5727.82 of the Revised 82533  
Code. 82534

**Sec. 5731.21.** (A)(1)(a) Except as provided under division 82535  
(A)(3) of this section, the executor or administrator, or, if no 82536  
executor or administrator has been appointed, another person in 82537  
possession of property the transfer of which is subject to estate 82538  
taxes under section 5731.02 or division (A) of section 5731.19 of 82539  
the Revised Code, shall file an estate tax return, within nine 82540  
months of the date of the decedent's death, in the form prescribed 82541  
by the tax commissioner, in duplicate, with the probate court of 82542  
the county. The return shall include all property the transfer of 82543  
which is subject to estate taxes, whether that property is 82544  
transferred under the last will and testament of the decedent or 82545  
otherwise. The time for filing the return may be extended by the 82546  
tax commissioner. 82547

(b) The estate tax return described in division (A)(1)(a) of 82548  
this section shall be accompanied by a certificate, in the form 82549  
prescribed by the tax commissioner, that is signed by the 82550  
executor, administrator, or other person required to file the 82551  
return, and that states all of the following: 82552

(i) The fact that the return was filed; 82553

(ii) The date of the filing of the return; 82554

(iii) The fact that the estate taxes under section 5731.02 or 82555  
division (A) of section 5731.19 of the Revised Code, that are 82556  
shown to be due in the return, have been paid in full; 82557

(iv) If applicable, the fact that real property listed in the 82558  
inventory for the decedent's estate is included in the return; 82559

(v) If applicable, the fact that real property not listed in 82560  
the inventory for the decedent's estate, including, but not 82561  
limited to, survivorship tenancy property as described in section 82562  
5302.17 of the Revised Code or transfer on death property as 82563  
described in sections 5302.22 and 5302.23 of the Revised Code, 82564  
also is included in the return. In this regard, the certificate 82565  
additionally shall describe that real property by the same 82566  
description used in the return. 82567

(2) The probate court shall forward one copy of the estate 82568  
tax return described in division (A)(1)(a) of this section to the 82569  
tax commissioner. 82570

(3) A person shall not be required to file a return under 82571  
division (A) of this section if the decedent was a resident of 82572  
this state and the value of the decedent's gross estate is 82573  
twenty-five thousand dollars or less in the case of a decedent 82574  
dying on or after July 1, 1968, but before January 1, 2001; two 82575  
hundred thousand dollars or less in the case of a decedent dying 82576  
on or after January 1, 2001, but before January 1, 2002; or three 82577  
hundred thirty-eight thousand three hundred thirty-three dollars 82578  
or less in the case of a decedent dying on or after January 1, 82579  
2002. No return shall be filed for estates of decedents dying on 82580  
or after January 1, 2013. 82581

(4)(a) Upon receipt of the estate tax return described in 82582  
division (A)(1)(a) of this section and the accompanying 82583  
certificate described in division (A)(1)(b) of this section, the 82584  
probate court promptly shall give notice of the return, by a form 82585

prescribed by the tax commissioner, to the county auditor. The 82586  
auditor then shall make a charge based upon the notice and shall 82587  
certify a duplicate of the charge to the county treasurer. The 82588  
treasurer then shall collect, subject to division (A) of section 82589  
5731.25 of the Revised Code or any other statute extending the 82590  
time for payment of an estate tax, the tax so charged. 82591

(b) Upon receipt of the return and the accompanying 82592  
certificate, the probate court also shall forward the certificate 82593  
to the auditor. When satisfied that the estate taxes under section 82594  
5731.02 or division (A) of section 5731.19 of the Revised Code, 82595  
that are shown to be due in the return, have been paid in full, 82596  
the auditor shall stamp the certificate so forwarded to verify 82597  
that payment. The auditor then shall return the stamped 82598  
certificate to the probate court. 82599

(5)(a) The certificate described in division (A)(1)(b) of 82600  
this section is a public record subject to inspection and copying 82601  
in accordance with section 149.43 of the Revised Code. It shall be 82602  
kept in the records of the probate court pertaining to the 82603  
decedent's estate and is not subject to the confidentiality 82604  
provisions of section 5731.90 of the Revised Code. 82605

(b) All persons are entitled to rely on the statements 82606  
contained in a certificate as described in division (A)(1)(b) of 82607  
this section if it has been filed in accordance with that 82608  
division, forwarded to a county auditor and stamped in accordance 82609  
with division (A)(4) of this section, and placed in the records of 82610  
the probate court pertaining to the decedent's estate in 82611  
accordance with division (A)(5)(a) of this section. The real 82612  
property referred to in the certificate shall be free of, and may 82613  
be regarded by all persons as being free of, any lien for estate 82614  
taxes under section 5731.02 and division (A) of section 5731.19 of 82615  
the Revised Code. 82616

(B) An estate tax return filed under this section, in the 82617

form prescribed by the tax commissioner, and showing that no 82618  
estate tax is due shall result in a determination that no estate 82619  
tax is due, if the tax commissioner within three months after the 82620  
receipt of the return by the department of taxation, fails to file 82621  
exceptions to the return in the probate court of the county in 82622  
which the return was filed. A copy of exceptions to a return of 82623  
that nature, when the tax commissioner files them within that 82624  
period, shall be sent by ordinary mail to the person who filed the 82625  
return. The tax commissioner is not bound under this division by a 82626  
determination that no estate tax is due, with respect to property 82627  
not disclosed in the return. 82628

(C) If the executor, administrator, or other person required 82629  
to file an estate tax return fails to file it within nine months 82630  
of the date of the decedent's death, the tax commissioner may 82631  
determine the estate tax in that estate and issue a certificate of 82632  
determination in the same manner as is provided in division (B) of 82633  
section 5731.27 of the Revised Code. A certificate of 82634  
determination of that nature has the same force and effect as 82635  
though a return had been filed and a certificate of determination 82636  
issued with respect to the return. 82637

(D) No return shall be filed under this section or section 82638  
5731.24 of the Revised Code, and no tax shall be due under this 82639  
chapter, with respect to either of the following: 82640

(1) Property first discovered after December 31, 2021, that 82641  
would otherwise be subject to the tax imposed by this chapter; 82642

(2) Property first discovered on or before December 31, 2021, 82643  
but not disclosed on a return or included in a certificate of 82644  
determination issued by the tax commissioner on or before December 82645  
31, 2021. 82646

Nothing in this division shall be construed to affect any 82647  
estate tax liability determined by the tax commissioner for 82648

returns filed on or before December 31, 2021, or any tax liability 82649  
determined under an agreement entered into under division (C) of 82650  
section 5731.26 of the Revised Code. The estate shall pay any such 82651  
liability. 82652

**Sec. 5731.24.** ~~If~~ Except as provided in division (D) of 82653  
section 5731.21 of the Revised Code, if an additional tax 82654  
prescribed by section 5731.18 of the Revised Code is due, the 82655  
executor, administrator, or other person required to file the 82656  
estate tax return, within sixty days after the date of the final 82657  
determination of the federal estate tax liability, shall file an 82658  
additional tax return, in the form prescribed by the tax 82659  
commissioner, in the same manner as is prescribed for the filing 82660  
of the estate tax return. Subject to division (A) of section 82661  
5731.25 of the Revised Code or any other ~~state~~ statute extending 82662  
the time for payment of an estate tax, the additional tax shall be 82663  
paid, without notice or demand by the tax commissioner, with the 82664  
return, and shall be charged and collected in the same manner as 82665  
the estate tax, except that no interest shall accrue until sixty 82666  
days after the date of the final determination of the federal 82667  
estate tax liability. 82668

**Sec. 5731.28.** If any debts deductible under section 5731.16 82669  
of the Revised Code are proved against the gross estate after the 82670  
tax levied by section 5731.02 or division (A) of section 5731.19 82671  
of the Revised Code has been determined, or if the determination 82672  
of taxes so made is erroneous due to a mistake of fact or law, a 82673  
claim for refund of tax may be filed by an executor, 82674  
administrator, trustee, person in possession of property subject 82675  
to tax, or any transferee thereof, within three years from the 82676  
time the return was required to be filed (determined without 82677  
regard to any extension of time for filing) or before January 1, 82678  
2022, whichever is earlier, in the form prescribed by the tax 82679

commissioner. The claim for refund shall be filed in the same 82680  
manner as is prescribed for the filing of a return in section 82681  
5731.21 of the Revised Code and the determination of its 82682  
correctness shall be made in the same manner as is provided for in 82683  
the case of the return itself. 82684

**Sec. 5731.41.** To enforce section 5731.39 of the Revised Code, 82685  
and to administer Chapters 5713. and 4503. of the Revised Code the 82686  
tax commissioner may appoint agents in the unclassified civil 82687  
service who shall perform such duties as are prescribed by the 82688  
commissioner. Such agents shall, as compensation, receive annually 82689  
eight cents per capita for each full one thousand of the first 82690  
twenty thousand of the population of the county and two cents per 82691  
capita for each full one thousand over twenty thousand of the 82692  
population of the county, as shown by the ~~last~~ 2010 federal 82693  
census, which shall be paid in equal monthly installments from the 82694  
undivided inheritance or estate tax fund in the county treasury on 82695  
the warrant of the county auditor or, if the balance of that fund 82696  
is not sufficient to make such payments, from the county real 82697  
estate assessment fund pursuant to division (B)(6) of section 82698  
325.31 of the Revised Code, any other provision of law to the 82699  
contrary notwithstanding. The amount paid to any agent in the 82700  
unclassified service for all of the duties performed under this 82701  
section, as directed by the commissioner, shall not exceed three 82702  
thousand nor be less than twelve hundred dollars in any calendar 82703  
year. 82704

**Sec. 5739.01.** As used in this chapter: 82705

(A) "Person" includes individuals, receivers, assignees, 82706  
trustees in bankruptcy, estates, firms, partnerships, 82707  
associations, joint-stock companies, joint ventures, clubs, 82708  
societies, corporations, the state and its political subdivisions, 82709  
and combinations of individuals of any form. 82710

|                                                                    |       |
|--------------------------------------------------------------------|-------|
| (B) "Sale" and "selling" include all of the following              | 82711 |
| transactions for a consideration in any manner, whether absolutely | 82712 |
| or conditionally, whether for a price or rental, in money or by    | 82713 |
| exchange, and by any means whatsoever:                             | 82714 |
| (1) All transactions by which title or possession, or both,        | 82715 |
| of tangible personal property, is or is to be transferred, or a    | 82716 |
| license to use or consume tangible personal property is or is to   | 82717 |
| be granted;                                                        | 82718 |
| (2) All transactions by which lodging by a hotel is or is to       | 82719 |
| be furnished to transient guests;                                  | 82720 |
| (3) All transactions by which:                                     | 82721 |
| (a) An item of tangible personal property is or is to be           | 82722 |
| repaired, except property, the purchase of which would not be      | 82723 |
| subject to the tax imposed by section 5739.02 of the Revised Code; | 82724 |
| (b) An item of tangible personal property is or is to be           | 82725 |
| installed, except property, the purchase of which would not be     | 82726 |
| subject to the tax imposed by section 5739.02 of the Revised Code  | 82727 |
| or property that is or is to be incorporated into and will become  | 82728 |
| a part of a production, transmission, transportation, or           | 82729 |
| distribution system for the delivery of a public utility service;  | 82730 |
| (c) The service of washing, cleaning, waxing, polishing, or        | 82731 |
| painting a motor vehicle is or is to be furnished;                 | 82732 |
| (d) Laundry and dry cleaning services are or are to be             | 82733 |
| provided;                                                          | 82734 |
| (e) Automatic data processing, computer services, or               | 82735 |
| electronic information services are or are to be provided for use  | 82736 |
| in business when the true object of the transaction is the receipt | 82737 |
| by the consumer of automatic data processing, computer services,   | 82738 |
| or electronic information services rather than the receipt of      | 82739 |
| personal or professional services to which automatic data          | 82740 |

processing, computer services, or electronic information services 82741  
are incidental or supplemental. Notwithstanding any other 82742  
provision of this chapter, such transactions that occur between 82743  
members of an affiliated group are not sales. An "affiliated 82744  
group" means two or more persons related in such a way that one 82745  
person owns or controls the business operation of another member 82746  
of the group. In the case of corporations with stock, one 82747  
corporation owns or controls another if it owns more than fifty 82748  
per cent of the other corporation's common stock with voting 82749  
rights. 82750

(f) Telecommunications service, including prepaid calling 82751  
service, prepaid wireless calling service, or ancillary service, 82752  
is or is to be provided, but not including coin-operated telephone 82753  
service; 82754

(g) Landscaping and lawn care service is or is to be 82755  
provided; 82756

(h) Private investigation and security service is or is to be 82757  
provided; 82758

(i) Information services or tangible personal property is 82759  
provided or ordered by means of a nine hundred telephone call; 82760

(j) Building maintenance and janitorial service is or is to 82761  
be provided; 82762

~~(k) Employment service is or is to be provided;~~ 82763

~~(l) Employment placement service is or is to be provided;~~ 82764

~~(m)~~ Exterminating service is or is to be provided; 82765

~~(n)~~(l) Physical fitness facility service is or is to be 82766  
provided; 82767

~~(o)~~(m) Recreation and sports club service is or is to be 82768  
provided; 82769

~~(p)~~(n) Satellite broadcasting service is or is to be 82770

provided; 82771

~~(e)~~(o) Personal care service is or is to be provided to an 82772  
individual. As used in this division, "personal care service" 82773  
includes skin care, the application of cosmetics, manicuring, 82774  
pedicuring, hair removal, tattooing, body piercing, tanning, 82775  
massage, and other similar services. "Personal care service" does 82776  
not include a service provided by or on the order of a licensed 82777  
physician or licensed chiropractor, or the cutting, coloring, or 82778  
styling of an individual's hair. 82779

~~(r)~~(p) The transportation of persons by motor vehicle or 82780  
aircraft is or is to be provided, when the transportation is 82781  
entirely within this state, except for transportation provided by 82782  
an ambulance service, by a transit bus, as defined in section 82783  
5735.01 of the Revised Code, and transportation provided by a 82784  
citizen of the United States holding a certificate of public 82785  
convenience and necessity issued under 49 U.S.C. 41102; 82786

~~(s)~~(q) Motor vehicle towing service is or is to be provided. 82787  
As used in this division, "motor vehicle towing service" means the 82788  
towing or conveyance of a wrecked, disabled, or illegally parked 82789  
motor vehicle. 82790

~~(t)~~(r) Snow removal service is or is to be provided. As used 82791  
in this division, "snow removal service" means the removal of snow 82792  
by any mechanized means, but does not include the providing of 82793  
such service by a person that has less than five thousand dollars 82794  
in sales of such service during the calendar year. 82795

~~(u)~~(s) Electronic publishing service is or is to be provided 82796  
to a consumer for use in business, except that such transactions 82797  
occurring between members of an affiliated group, as defined in 82798  
division (B)(3)(e) of this section, are not sales. 82799

(4) All transactions by which printed, imprinted, 82800  
overprinted, lithographic, multilithic, blueprinted, photostatic, 82801

or other productions or reproductions of written or graphic matter 82802  
are or are to be furnished or transferred; 82803

(5) The production or fabrication of tangible personal 82804  
property for a consideration for consumers who furnish either 82805  
directly or indirectly the materials used in the production of 82806  
fabrication work; and include the furnishing, preparing, or 82807  
serving for a consideration of any tangible personal property 82808  
consumed on the premises of the person furnishing, preparing, or 82809  
serving such tangible personal property. Except as provided in 82810  
section 5739.03 of the Revised Code, a construction contract 82811  
pursuant to which tangible personal property is or is to be 82812  
incorporated into a structure or improvement on and becoming a 82813  
part of real property is not a sale of such tangible personal 82814  
property. The construction contractor is the consumer of such 82815  
tangible personal property, provided that the sale and 82816  
installation of carpeting, the sale and installation of 82817  
agricultural land tile, the sale and erection or installation of 82818  
portable grain bins, or the provision of landscaping and lawn care 82819  
service and the transfer of property as part of such service is 82820  
never a construction contract. 82821

As used in division (B)(5) of this section: 82822

(a) "Agricultural land tile" means fired clay or concrete 82823  
tile, or flexible or rigid perforated plastic pipe or tubing, 82824  
incorporated or to be incorporated into a subsurface drainage 82825  
system appurtenant to land used or to be used primarily in 82826  
production by farming, agriculture, horticulture, or floriculture. 82827  
The term does not include such materials when they are or are to 82828  
be incorporated into a drainage system appurtenant to a building 82829  
or structure even if the building or structure is used or to be 82830  
used in such production. 82831

(b) "Portable grain bin" means a structure that is used or to 82832  
be used by a person engaged in farming or agriculture to shelter 82833

the person's grain and that is designed to be disassembled without 82834  
significant damage to its component parts. 82835

(6) All transactions in which all of the shares of stock of a 82836  
closely held corporation are transferred, or an ownership interest 82837  
in a pass-through entity, as defined in section 5733.04 of the 82838  
Revised Code, is transferred, if the corporation or pass-through 82839  
entity is not engaging in business and its entire assets consist 82840  
of boats, planes, motor vehicles, or other tangible personal 82841  
property operated primarily for the use and enjoyment of the 82842  
shareholders or owners; 82843

(7) All transactions in which a warranty, maintenance or 82844  
service contract, or similar agreement by which the vendor of the 82845  
warranty, contract, or agreement agrees to repair or maintain the 82846  
tangible personal property of the consumer is or is to be 82847  
provided; 82848

(8) The transfer of copyrighted motion picture films used 82849  
solely for advertising purposes, except that the transfer of such 82850  
films for exhibition purposes is not a sale; 82851

(9) All transactions by which tangible personal property is 82852  
or is to be stored, except such property that the consumer of the 82853  
storage holds for sale in the regular course of business; 82854

(10) All transactions in which "guaranteed auto protection" 82855  
is provided whereby a person promises to pay to the consumer the 82856  
difference between the amount the consumer receives from motor 82857  
vehicle insurance and the amount the consumer owes to a person 82858  
holding title to or a lien on the consumer's motor vehicle in the 82859  
event the consumer's motor vehicle suffers a total loss under the 82860  
terms of the motor vehicle insurance policy or is stolen and not 82861  
recovered, if the protection and its price are included in the 82862  
purchase or lease agreement; 82863

(11)(a) Except as provided in division (B)(11)(b) of this 82864

section, all transactions by which health care services are paid 82865  
for, reimbursed, provided, delivered, arranged for, or otherwise 82866  
made available by a medicaid health insuring corporation pursuant 82867  
to the corporation's contract with the state. 82868

(b) If the centers for medicare and medicaid services of the 82869  
United States department of health and human services determines 82870  
that the taxation of transactions described in division (B)(11)(a) 82871  
of this section constitutes an impermissible health care-related 82872  
tax under the "Social Security Act," section 1903(w), 42 U.S.C. 82873  
1396b(w), and regulations adopted thereunder, the medicaid 82874  
director shall notify the tax commissioner of that determination. 82875  
Beginning with the first day of the month following that 82876  
notification, the transactions described in division (B)(11)(a) of 82877  
this section are not sales for the purposes of this chapter or 82878  
Chapter 5741. of the Revised Code. The tax commissioner shall 82879  
order that the collection of taxes under sections 5739.02, 82880  
5739.021, 5739.023, 5739.026, 5741.02, 5741.021, 5741.022, and 82881  
5741.023 of the Revised Code shall cease for transactions 82882  
occurring on or after that date. 82883

(12) All transactions by which a specified digital product is 82884  
provided for permanent use or less than permanent use, regardless 82885  
of whether continued payment is required. 82886

Except as provided in this section, "sale" and "selling" do 82887  
not include transfers of interest in leased property where the 82888  
original lessee and the terms of the original lease agreement 82889  
remain unchanged, or professional, insurance, or personal service 82890  
transactions that involve the transfer of tangible personal 82891  
property as an inconsequential element, for which no separate 82892  
charges are made. 82893

(C) "Vendor" means the person providing the service or by 82894  
whom the transfer effected or license given by a sale is or is to 82895  
be made or given and, for sales described in division (B)(3)(i) of 82896

this section, the telecommunications service vendor that provides 82897  
the nine hundred telephone service; if two or more persons are 82898  
engaged in business at the same place of business under a single 82899  
trade name in which all collections on account of sales by each 82900  
are made, such persons shall constitute a single vendor. 82901

Physicians, dentists, hospitals, and veterinarians who are 82902  
engaged in selling tangible personal property as received from 82903  
others, such as eyeglasses, mouthwashes, dentifrices, or similar 82904  
articles, are vendors. Veterinarians who are engaged in 82905  
transferring to others for a consideration drugs, the dispensing 82906  
of which does not require an order of a licensed veterinarian or 82907  
physician under federal law, are vendors. 82908

The operator of any peer-to-peer car sharing program shall be 82909  
considered to be the vendor. 82910

(D)(1) "Consumer" means the person for whom the service is 82911  
provided, to whom the transfer effected or license given by a sale 82912  
is or is to be made or given, to whom the service described in 82913  
division (B)(3)(f) or (i) of this section is charged, or to whom 82914  
the admission is granted. 82915

(2) Physicians, dentists, hospitals, and blood banks operated 82916  
by nonprofit institutions and persons licensed to practice 82917  
veterinary medicine, surgery, and dentistry are consumers of all 82918  
tangible personal property and services purchased by them in 82919  
connection with the practice of medicine, dentistry, the rendition 82920  
of hospital or blood bank service, or the practice of veterinary 82921  
medicine, surgery, and dentistry. In addition to being consumers 82922  
of drugs administered by them or by their assistants according to 82923  
their direction, veterinarians also are consumers of drugs that 82924  
under federal law may be dispensed only by or upon the order of a 82925  
licensed veterinarian or physician, when transferred by them to 82926  
others for a consideration to provide treatment to animals as 82927  
directed by the veterinarian. 82928

(3) A person who performs a facility management, or similar service contract for a contractee is a consumer of all tangible personal property and services purchased for use in connection with the performance of such contract, regardless of whether title to any such property vests in the contractee. The purchase of such property and services is not subject to the exception for resale under division (E) of this section.

(4)(a) In the case of a person who purchases printed matter for the purpose of distributing it or having it distributed to the public or to a designated segment of the public, free of charge, that person is the consumer of that printed matter, and the purchase of that printed matter for that purpose is a sale.

(b) In the case of a person who produces, rather than purchases, printed matter for the purpose of distributing it or having it distributed to the public or to a designated segment of the public, free of charge, that person is the consumer of all tangible personal property and services purchased for use or consumption in the production of that printed matter. That person is not entitled to claim exemption under division (B)(42)(f) of section 5739.02 of the Revised Code for any material incorporated into the printed matter or any equipment, supplies, or services primarily used to produce the printed matter.

(c) The distribution of printed matter to the public or to a designated segment of the public, free of charge, is not a sale to the members of the public to whom the printed matter is distributed or to any persons who purchase space in the printed matter for advertising or other purposes.

(5) A person who makes sales of any of the services listed in division (B)(3) of this section is the consumer of any tangible personal property used in performing the service. The purchase of that property is not subject to the resale exception under division (E) of this section.

(6) A person who engages in highway transportation for hire 82961  
is the consumer of all packaging materials purchased by that 82962  
person and used in performing the service, except for packaging 82963  
materials sold by such person in a transaction separate from the 82964  
service. 82965

(7) In the case of a transaction for health care services 82966  
under division (B)(11) of this section, a medicaid health insuring 82967  
corporation is the consumer of such services. The purchase of such 82968  
services by a medicaid health insuring corporation is not subject 82969  
to the exception for resale under division (E) of this section or 82970  
to the exemptions provided under divisions (B)(12), (18), (19), 82971  
and (22) of section 5739.02 of the Revised Code. 82972

(E) "Retail sale" and "sales at retail" include all sales, 82973  
except those in which the purpose of the consumer is to resell the 82974  
thing transferred or benefit of the service provided, by a person 82975  
engaging in business, in the form in which the same is, or is to 82976  
be, received by the person. 82977

(F) "Business" includes any activity engaged in by any person 82978  
with the object of gain, benefit, or advantage, either direct or 82979  
indirect. "Business" does not include the activity of a person in 82980  
managing and investing the person's own funds. 82981

(G) "Engaging in business" means commencing, conducting, or 82982  
continuing in business, and liquidating a business when the 82983  
liquidator thereof holds itself out to the public as conducting 82984  
such business. Making a casual sale is not engaging in business. 82985

(H)(1)(a) "Price," except as provided in divisions (H)(2), 82986  
(3), and (4) of this section, means the total amount of 82987  
consideration, including cash, credit, property, and services, for 82988  
which tangible personal property or services are sold, leased, or 82989  
rented, valued in money, whether received in money or otherwise, 82990  
without any deduction for any of the following: 82991

|                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                             |                                                                               |
|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-------------------------------------------------------------------------------|
| (i) The vendor's cost of the property sold;                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                 | 82992                                                                         |
| (ii) The cost of materials used, labor or service costs, interest, losses, all costs of transportation to the vendor, all taxes imposed on the vendor, including the tax imposed under Chapter 5751. of the Revised Code, and any other expense of the vendor;                                                                                                                                                                                                                                                                                              | 82993<br>82994<br>82995<br>82996<br>82997                                     |
| (iii) Charges by the vendor for any services necessary to complete the sale;                                                                                                                                                                                                                                                                                                                                                                                                                                                                                | 82998<br>82999                                                                |
| (iv) Delivery charges. As used in this division, "delivery charges" means charges by the vendor for preparation and delivery to a location designated by the consumer of tangible personal property or a service, including transportation, shipping, postage, handling, crating, and packing.                                                                                                                                                                                                                                                              | 83000<br>83001<br>83002<br>83003<br>83004                                     |
| (v) Installation charges;                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                   | 83005                                                                         |
| (vi) Credit for any trade-in.                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                               | 83006                                                                         |
| (b) "Price" includes consideration received by the vendor from a third party, if the vendor actually receives the consideration from a party other than the consumer, and the consideration is directly related to a price reduction or discount on the sale; the vendor has an obligation to pass the price reduction or discount through to the consumer; the amount of the consideration attributable to the sale is fixed and determinable by the vendor at the time of the sale of the item to the consumer; and one of the following criteria is met: | 83007<br>83008<br>83009<br>83010<br>83011<br>83012<br>83013<br>83014<br>83015 |
| (i) The consumer presents a coupon, certificate, or other document to the vendor to claim a price reduction or discount where the coupon, certificate, or document is authorized, distributed, or granted by a third party with the understanding that the third party will reimburse any vendor to whom the coupon, certificate, or document is presented;                                                                                                                                                                                                 | 83016<br>83017<br>83018<br>83019<br>83020<br>83021                            |

(ii) The consumer identifies the consumer's self to the seller as a member of a group or organization entitled to a price reduction or discount. A preferred customer card that is available to any patron does not constitute membership in such a group or organization.

(iii) The price reduction or discount is identified as a third party price reduction or discount on the invoice received by the consumer, or on a coupon, certificate, or other document presented by the consumer.

(c) "Price" does not include any of the following:

(i) Discounts, including cash, term, or coupons that are not reimbursed by a third party that are allowed by a vendor and taken by a consumer on a sale;

(ii) Interest, financing, and carrying charges from credit extended on the sale of tangible personal property or services, if the amount is separately stated on the invoice, bill of sale, or similar document given to the purchaser;

(iii) Any taxes legally imposed directly on the consumer that are separately stated on the invoice, bill of sale, or similar document given to the consumer. For the purpose of this division, the tax imposed under Chapter 5751. of the Revised Code is not a tax directly on the consumer, even if the tax or a portion thereof is separately stated.

(iv) Notwithstanding divisions (H)(1)(b)(i) to (iii) of this section, any discount allowed by an automobile manufacturer to its employee, or to the employee of a supplier, on the purchase of a new motor vehicle from a new motor vehicle dealer in this state.

(v) The dollar value of a gift card that is not sold by a vendor or purchased by a consumer and that is redeemed by the consumer in purchasing tangible personal property or services if the vendor is not reimbursed and does not receive compensation

from a third party to cover all or part of the gift card value. 83053  
For the purposes of this division, a gift card is not sold by a 83054  
vendor or purchased by a consumer if it is distributed pursuant to 83055  
an awards, loyalty, or promotional program. Past and present 83056  
purchases of tangible personal property or services by the 83057  
consumer shall not be treated as consideration exchanged for a 83058  
gift card. 83059

(2) In the case of a sale of any new motor vehicle by a new 83060  
motor vehicle dealer, as defined in section 4517.01 of the Revised 83061  
Code, in which another motor vehicle is accepted by the dealer as 83062  
part of the consideration received, "price" has the same meaning 83063  
as in division (H)(1) of this section, reduced by the credit 83064  
afforded the consumer by the dealer for the motor vehicle received 83065  
in trade. 83066

(3) In the case of a sale of any watercraft or outboard motor 83067  
by a watercraft dealer licensed in accordance with section 83068  
1547.543 of the Revised Code, in which another watercraft, 83069  
watercraft and trailer, or outboard motor is accepted by the 83070  
dealer as part of the consideration received, "price" has the same 83071  
meaning as in division (H)(1) of this section, reduced by the 83072  
credit afforded the consumer by the dealer for the watercraft, 83073  
watercraft and trailer, or outboard motor received in trade. As 83074  
used in this division, "watercraft" includes an outdrive unit 83075  
attached to the watercraft. 83076

(4) In the case of transactions for health care services 83077  
under division (B)(11) of this section, "price" means the amount 83078  
of managed care premiums received each month by a medicaid health 83079  
insuring corporation. 83080

(I) "Receipts" means the total amount of the prices of the 83081  
sales of vendors, provided that the dollar value of gift cards 83082  
distributed pursuant to an awards, loyalty, or promotional 83083  
program, and cash discounts allowed and taken on sales at the time 83084

they are consummated are not included, minus any amount deducted 83085  
as a bad debt pursuant to section 5739.121 of the Revised Code. 83086  
"Receipts" does not include the sale price of property returned or 83087  
services rejected by consumers when the full sale price and tax 83088  
are refunded either in cash or by credit. 83089

(J) "Place of business" means any location at which a person 83090  
engages in business. 83091

(K) "Premises" includes any real property or portion thereof 83092  
upon which any person engages in selling tangible personal 83093  
property at retail or making retail sales and also includes any 83094  
real property or portion thereof designated for, or devoted to, 83095  
use in conjunction with the business engaged in by such person. 83096

(L) "Casual sale" means a sale of an item of tangible 83097  
personal property that was obtained by the person making the sale, 83098  
through purchase or otherwise, for the person's own use and was 83099  
previously subject to any state's taxing jurisdiction on its sale 83100  
or use, and includes such items acquired for the seller's use that 83101  
are sold by an auctioneer employed directly by the person for such 83102  
purpose, provided the location of such sales is not the 83103  
auctioneer's permanent place of business. As used in this 83104  
division, "permanent place of business" includes any location 83105  
where such auctioneer has conducted more than two auctions during 83106  
the year. 83107

(M) "Hotel" means every establishment kept, used, maintained, 83108  
advertised, or held out to the public to be a place where sleeping 83109  
accommodations are offered to guests, in which five or more rooms 83110  
are used for the accommodation of such guests, whether the rooms 83111  
are in one or several structures, except as otherwise provided in 83112  
section 5739.091 of the Revised Code. 83113

(N) "Transient guests" means persons occupying a room or 83114  
rooms for sleeping accommodations for less than thirty consecutive 83115

days. 83116

(O) "Making retail sales" means the effecting of transactions 83117  
wherein one party is obligated to pay the price and the other 83118  
party is obligated to provide a service or to transfer title to or 83119  
possession of the item sold. "Making retail sales" does not 83120  
include the preliminary acts of promoting or soliciting the retail 83121  
sales, other than the distribution of printed matter which 83122  
displays or describes and prices the item offered for sale, nor 83123  
does it include delivery of a predetermined quantity of tangible 83124  
personal property or transportation of property or personnel to or 83125  
from a place where a service is performed. 83126

(P) "Used directly in the rendition of a public utility 83127  
service" means that property that is to be incorporated into and 83128  
will become a part of the consumer's production, transmission, 83129  
transportation, or distribution system and that retains its 83130  
classification as tangible personal property after such 83131  
incorporation; fuel or power used in the production, transmission, 83132  
transportation, or distribution system; and tangible personal 83133  
property used in the repair and maintenance of the production, 83134  
transmission, transportation, or distribution system, including 83135  
only such motor vehicles as are specially designed and equipped 83136  
for such use. Tangible personal property and services used 83137  
primarily in providing highway transportation for hire are not 83138  
used directly in the rendition of a public utility service. In 83139  
this definition, "public utility" includes a citizen of the United 83140  
States holding, and required to hold, a certificate of public 83141  
convenience and necessity issued under 49 U.S.C. 41102. 83142

(Q) "Refining" means removing or separating a desirable 83143  
product from raw or contaminated materials by distillation or 83144  
physical, mechanical, or chemical processes. 83145

(R) "Assembly" and "assembling" mean attaching or fitting 83146  
together parts to form a product, but do not include packaging a 83147

product. 83148

(S) "Manufacturing operation" means a process in which 83149  
materials are changed, converted, or transformed into a different 83150  
state or form from which they previously existed and includes 83151  
refining materials, assembling parts, and preparing raw materials 83152  
and parts by mixing, measuring, blending, or otherwise committing 83153  
such materials or parts to the manufacturing process. 83154  
"Manufacturing operation" does not include packaging. 83155

(T) "Fiscal officer" means, with respect to a regional 83156  
transit authority, the secretary-treasurer thereof, and with 83157  
respect to a county that is a transit authority, the fiscal 83158  
officer of the county transit board if one is appointed pursuant 83159  
to section 306.03 of the Revised Code or the county auditor if the 83160  
board of county commissioners operates the county transit system. 83161

(U) "Transit authority" means a regional transit authority 83162  
created pursuant to section 306.31 of the Revised Code or a county 83163  
in which a county transit system is created pursuant to section 83164  
306.01 of the Revised Code. For the purposes of this chapter, a 83165  
transit authority must extend to at least the entire area of a 83166  
single county. A transit authority that includes territory in more 83167  
than one county must include all the area of the most populous 83168  
county that is a part of such transit authority. County population 83169  
shall be measured by the most recent census taken by the United 83170  
States census bureau. 83171

(V) "Legislative authority" means, with respect to a regional 83172  
transit authority, the board of trustees thereof, and with respect 83173  
to a county that is a transit authority, the board of county 83174  
commissioners. 83175

(W) "Territory of the transit authority" means all of the 83176  
area included within the territorial boundaries of a transit 83177  
authority as they from time to time exist. Such territorial 83178

boundaries must at all times include all the area of a single 83179  
county or all the area of the most populous county that is a part 83180  
of such transit authority. County population shall be measured by 83181  
the most recent census taken by the United States census bureau. 83182

(X) "Providing a service" means providing or furnishing 83183  
anything described in division (B)(3) of this section for 83184  
consideration. 83185

(Y)(1)(a) "Automatic data processing" means processing of 83186  
others' data, including keypunching or similar data entry services 83187  
together with verification thereof, or providing access to 83188  
computer equipment for the purpose of processing data. 83189

(b) "Computer services" means providing services consisting 83190  
of specifying computer hardware configurations and evaluating 83191  
technical processing characteristics, computer programming, and 83192  
training of computer programmers and operators, provided in 83193  
conjunction with and to support the sale, lease, or operation of 83194  
taxable computer equipment or systems. 83195

(c) "Electronic information services" means providing access 83196  
to computer equipment by means of telecommunications equipment for 83197  
the purpose of either of the following: 83198

(i) Examining or acquiring data stored in or accessible to 83199  
the computer equipment; 83200

(ii) Placing data into the computer equipment to be retrieved 83201  
by designated recipients with access to the computer equipment. 83202

"Electronic information services" does not include electronic 83203  
publishing. 83204

(d) "Automatic data processing, computer services, or 83205  
electronic information services" shall not include personal or 83206  
professional services. 83207

(2) As used in divisions (B)(3)(e) and (Y)(1) of this 83208

section, "personal and professional services" means all services 83209  
other than automatic data processing, computer services, or 83210  
electronic information services, including but not limited to: 83211

(a) Accounting and legal services such as advice on tax 83212  
matters, asset management, budgetary matters, quality control, 83213  
information security, and auditing and any other situation where 83214  
the service provider receives data or information and studies, 83215  
alters, analyzes, interprets, or adjusts such material; 83216

(b) Analyzing business policies and procedures; 83217

(c) Identifying management information needs; 83218

(d) Feasibility studies, including economic and technical 83219  
analysis of existing or potential computer hardware or software 83220  
needs and alternatives; 83221

(e) Designing policies, procedures, and custom software for 83222  
collecting business information, and determining how data should 83223  
be summarized, sequenced, formatted, processed, controlled, and 83224  
reported so that it will be meaningful to management; 83225

(f) Developing policies and procedures that document how 83226  
business events and transactions are to be authorized, executed, 83227  
and controlled; 83228

(g) Testing of business procedures; 83229

(h) Training personnel in business procedure applications; 83230

(i) Providing credit information to users of such information 83231  
by a consumer reporting agency, as defined in the "Fair Credit 83232  
Reporting Act," 84 Stat. 1114, 1129 (1970), 15 U.S.C. 1681a(f), or 83233  
as hereafter amended, including but not limited to gathering, 83234  
organizing, analyzing, recording, and furnishing such information 83235  
by any oral, written, graphic, or electronic medium; 83236

(j) Providing debt collection services by any oral, written, 83237  
graphic, or electronic means; 83238

(k) Providing digital advertising services. 83239

The services listed in divisions (Y)(2)(a) to (k) of this 83240  
section are not automatic data processing or computer services. 83241

(Z) "Highway transportation for hire" means the 83242  
transportation of personal property belonging to others for 83243  
consideration by any of the following: 83244

(1) The holder of a permit or certificate issued by this 83245  
state or the United States authorizing the holder to engage in 83246  
transportation of personal property belonging to others for 83247  
consideration over or on highways, roadways, streets, or any 83248  
similar public thoroughfare; 83249

(2) A person who engages in the transportation of personal 83250  
property belonging to others for consideration over or on 83251  
highways, roadways, streets, or any similar public thoroughfare 83252  
but who could not have engaged in such transportation on December 83253  
11, 1985, unless the person was the holder of a permit or 83254  
certificate of the types described in division (Z)(1) of this 83255  
section; 83256

(3) A person who leases a motor vehicle to and operates it 83257  
for a person described by division (Z)(1) or (2) of this section. 83258

(AA)(1) "Telecommunications service" means the electronic 83259  
transmission, conveyance, or routing of voice, data, audio, video, 83260  
or any other information or signals to a point, or between or 83261  
among points. "Telecommunications service" includes such 83262  
transmission, conveyance, or routing in which computer processing 83263  
applications are used to act on the form, code, or protocol of the 83264  
content for purposes of transmission, conveyance, or routing 83265  
without regard to whether the service is referred to as voice-over 83266  
internet protocol service or is classified by the federal 83267  
communications commission as enhanced or value-added. 83268  
"Telecommunications service" does not include any of the 83269

|                                                                                                                                                                                                                                                                                                                                                                                                                                                                                           |                                                                      |
|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|----------------------------------------------------------------------|
| following:                                                                                                                                                                                                                                                                                                                                                                                                                                                                                | 83270                                                                |
| (a) Data processing and information services that allow data to be generated, acquired, stored, processed, or retrieved and delivered by an electronic transmission to a consumer where the consumer's primary purpose for the underlying transaction is the processed data or information;                                                                                                                                                                                               | 83271<br>83272<br>83273<br>83274<br>83275                            |
| (b) Installation or maintenance of wiring or equipment on a customer's premises;                                                                                                                                                                                                                                                                                                                                                                                                          | 83276<br>83277                                                       |
| (c) Tangible personal property;                                                                                                                                                                                                                                                                                                                                                                                                                                                           | 83278                                                                |
| (d) Advertising, including directory advertising;                                                                                                                                                                                                                                                                                                                                                                                                                                         | 83279                                                                |
| (e) Billing and collection services provided to third parties;                                                                                                                                                                                                                                                                                                                                                                                                                            | 83280<br>83281                                                       |
| (f) Internet access service;                                                                                                                                                                                                                                                                                                                                                                                                                                                              | 83282                                                                |
| (g) Radio and television audio and video programming services, regardless of the medium, including the furnishing of transmission, conveyance, and routing of such services by the programming service provider. Radio and television audio and video programming services include, but are not limited to, cable service, as defined in 47 U.S.C. 522(6), and audio and video programming services delivered by commercial mobile radio service providers, as defined in 47 C.F.R. 20.3; | 83283<br>83284<br>83285<br>83286<br>83287<br>83288<br>83289<br>83290 |
| (h) Ancillary service;                                                                                                                                                                                                                                                                                                                                                                                                                                                                    | 83291                                                                |
| (i) Digital products delivered electronically, including software, music, video, reading materials, or ring tones.                                                                                                                                                                                                                                                                                                                                                                        | 83292<br>83293                                                       |
| (2) "Ancillary service" means a service that is associated with or incidental to the provision of telecommunications service, including conference bridging service, detailed telecommunications billing service, directory assistance, vertical service, and voice mail service. As used in this division:                                                                                                                                                                               | 83294<br>83295<br>83296<br>83297<br>83298                            |
| (a) "Conference bridging service" means an ancillary service                                                                                                                                                                                                                                                                                                                                                                                                                              | 83299                                                                |

that links two or more participants of an audio or video conference call, including providing a telephone number. "Conference bridging service" does not include telecommunications services used to reach the conference bridge.

(b) "Detailed telecommunications billing service" means an ancillary service of separately stating information pertaining to individual calls on a customer's billing statement.

(c) "Directory assistance" means an ancillary service of providing telephone number or address information.

(d) "Vertical service" means an ancillary service that is offered in connection with one or more telecommunications services, which offers advanced calling features that allow customers to identify callers and manage multiple calls and call connections, including conference bridging service.

(e) "Voice mail service" means an ancillary service that enables the customer to store, send, or receive recorded messages. "Voice mail service" does not include any vertical services that the customer may be required to have in order to utilize the voice mail service.

(3) "900 service" means an inbound toll telecommunications service purchased by a subscriber that allows the subscriber's customers to call in to the subscriber's prerecorded announcement or live service, and which is typically marketed under the name "900 service" and any subsequent numbers designated by the federal communications commission. "900 service" does not include the charge for collection services provided by the seller of the telecommunications service to the subscriber, or services or products sold by the subscriber to the subscriber's customer.

(4) "Prepaid calling service" means the right to access exclusively telecommunications services, which must be paid for in advance and which enables the origination of calls using an access

number or authorization code, whether manually or electronically 83331  
dialed, and that is sold in predetermined units or dollars of 83332  
which the number declines with use in a known amount. 83333

(5) "Prepaid wireless calling service" means a 83334  
telecommunications service that provides the right to utilize 83335  
mobile telecommunications service as well as other 83336  
non-telecommunications services, including the download of digital 83337  
products delivered electronically, and content and ancillary 83338  
services, that must be paid for in advance and that is sold in 83339  
predetermined units or dollars of which the number declines with 83340  
use in a known amount. 83341

(6) "Value-added non-voice data service" means a 83342  
telecommunications service in which computer processing 83343  
applications are used to act on the form, content, code, or 83344  
protocol of the information or data primarily for a purpose other 83345  
than transmission, conveyance, or routing. 83346

(7) "Coin-operated telephone service" means a 83347  
telecommunications service paid for by inserting money into a 83348  
telephone accepting direct deposits of money to operate. 83349

(8) "Customer" has the same meaning as in section 5739.034 of 83350  
the Revised Code. 83351

(BB) "Laundry and dry cleaning services" means removing soil 83352  
or dirt from towels, linens, articles of clothing, or other fabric 83353  
items that belong to others and supplying towels, linens, articles 83354  
of clothing, or other fabric items. "Laundry and dry cleaning 83355  
services" does not include the provision of self-service 83356  
facilities for use by consumers to remove soil or dirt from 83357  
towels, linens, articles of clothing, or other fabric items. 83358

(CC) "Magazines distributed as controlled circulation 83359  
publications" means magazines containing at least twenty-four 83360  
pages, at least twenty-five per cent editorial content, issued at 83361

regular intervals four or more times a year, and circulated 83362  
without charge to the recipient, provided that such magazines are 83363  
not owned or controlled by individuals or business concerns which 83364  
conduct such publications as an auxiliary to, and essentially for 83365  
the advancement of the main business or calling of, those who own 83366  
or control them. 83367

(DD) "Landscaping and lawn care service" means the services 83368  
of planting, seeding, sodding, removing, cutting, trimming, 83369  
pruning, mulching, aerating, applying chemicals, watering, 83370  
fertilizing, and providing similar services to establish, promote, 83371  
or control the growth of trees, shrubs, flowers, grass, ground 83372  
cover, and other flora, or otherwise maintaining a lawn or 83373  
landscape grown or maintained by the owner for ornamentation or 83374  
other nonagricultural purpose. However, "landscaping and lawn care 83375  
service" does not include the providing of such services by a 83376  
person who has less than five thousand dollars in sales of such 83377  
services during the calendar year. 83378

(EE) "Private investigation and security service" means the 83379  
performance of any activity for which the provider of such service 83380  
is required to be licensed pursuant to Chapter 4749. of the 83381  
Revised Code, or would be required to be so licensed in performing 83382  
such services in this state, and also includes the services of 83383  
conducting polygraph examinations and of monitoring or overseeing 83384  
the activities on or in, or the condition of, the consumer's home, 83385  
business, or other facility by means of electronic or similar 83386  
monitoring devices. "Private investigation and security service" 83387  
does not include special duty services provided by off-duty police 83388  
officers, deputy sheriffs, and other peace officers regularly 83389  
employed by the state or a political subdivision. 83390

(FF) "Information services" means providing conversation, 83391  
giving consultation or advice, playing or making a voice or other 83392  
recording, making or keeping a record of the number of callers, 83393

and any other service provided to a consumer by means of a nine 83394  
hundred telephone call, except when the nine hundred telephone 83395  
call is the means by which the consumer makes a contribution to a 83396  
recognized charity. 83397

(GG) "Research and development" means designing, creating, or 83398  
formulating new or enhanced products, equipment, or manufacturing 83399  
processes, and also means conducting scientific or technological 83400  
inquiry and experimentation in the physical sciences with the goal 83401  
of increasing scientific knowledge which may reveal the bases for 83402  
new or enhanced products, equipment, or manufacturing processes. 83403

(HH) "Qualified research and development equipment" means 83404  
capitalized tangible personal property, and leased personal 83405  
property that would be capitalized if purchased, used by a person 83406  
primarily to perform research and development. Tangible personal 83407  
property primarily used in testing, as defined in division (A)(4) 83408  
of section 5739.011 of the Revised Code, or used for recording or 83409  
storing test results, is not qualified research and development 83410  
equipment unless such property is primarily used by the consumer 83411  
in testing the product, equipment, or manufacturing process being 83412  
created, designed, or formulated by the consumer in the research 83413  
and development activity or in recording or storing such test 83414  
results. 83415

(II) "Building maintenance and janitorial service" means 83416  
cleaning the interior or exterior of a building and any tangible 83417  
personal property located therein or thereon, including any 83418  
services incidental to such cleaning for which no separate charge 83419  
is made. However, "building maintenance and janitorial service" 83420  
does not include the providing of such service by a person who has 83421  
less than five thousand dollars in sales of such service during 83422  
the calendar year. As used in this division, "cleaning" does not 83423  
include sanitation services necessary for an establishment 83424  
described in 21 U.S.C. 608 to comply with rules and regulations 83425

adopted pursuant to that section. 83426

~~(JJ) "Employment service" means providing or supplying 83427  
personnel, on a temporary or long term basis, to perform work or 83428  
labor under the supervision or control of another, when the 83429  
personnel so provided or supplied receive their wages, salary, or 83430  
other compensation from the provider or supplier of the employment 83431  
service or from a third party that provided or supplied the 83432  
personnel to the provider or supplier. "Employment service" does 83433  
not include: 83434~~

~~(1) Acting as a contractor or subcontractor, where the 83435  
personnel performing the work are not under the direct control of 83436  
the purchaser. 83437~~

~~(2) Medical and health care services. 83438~~

~~(3) Supplying personnel to a purchaser pursuant to a contract 83439  
of at least one year between the service provider and the 83440  
purchaser that specifies that each employee covered under the 83441  
contract is assigned to the purchaser on a permanent basis. 83442~~

~~(4) Transactions between members of an affiliated group, as 83443  
defined in division (B)(3)(c) of this section. 83444~~

~~(5) Transactions where the personnel so provided or supplied 83445  
by a provider or supplier to a purchaser of an employment service 83446  
are then provided or supplied by that purchaser to a third party 83447  
as an employment service, except "employment service" does include 83448  
the transaction between that purchaser and the third party. 83449~~

~~(KK) "Employment placement service" means locating or finding 83450  
employment for a person or finding or locating an employee to fill 83451  
an available position. 83452~~

~~(LL) "Exterminating service" means eradicating or attempting 83453  
to eradicate vermin infestations from a building or structure, or 83454  
the area surrounding a building or structure, and includes 83455~~

activities to inspect, detect, or prevent vermin infestation of a building or structure. 83456  
83457

~~(MM)~~(KK) "Physical fitness facility service" means all transactions by which a membership is granted, maintained, or renewed, including initiation fees, membership dues, renewal fees, monthly minimum fees, and other similar fees and dues, by a physical fitness facility such as an athletic club, health spa, or gymnasium, which entitles the member to use the facility for physical exercise. 83458  
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~~(NN)~~(LL) "Recreation and sports club service" means all transactions by which a membership is granted, maintained, or renewed, including initiation fees, membership dues, renewal fees, monthly minimum fees, and other similar fees and dues, by a recreation and sports club, which entitles the member to use the facilities of the organization. "Recreation and sports club" means an organization that has ownership of, or controls or leases on a continuing, long-term basis, the facilities used by its members and includes an aviation club, gun or shooting club, yacht club, card club, swimming club, tennis club, golf club, country club, riding club, amateur sports club, or similar organization. 83465  
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~~(OO)~~(MM) "Livestock" means farm animals commonly raised for food, food production, or other agricultural purposes, including, but not limited to, cattle, sheep, goats, swine, poultry, and captive deer. "Livestock" does not include invertebrates, amphibians, reptiles, domestic pets, animals for use in laboratories or for exhibition, or other animals not commonly raised for food or food production. 83476  
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~~(PP)~~(NN) "Livestock structure" means a building or structure used exclusively for the housing, raising, feeding, or sheltering of livestock, and includes feed storage or handling structures and structures for livestock waste handling. 83483  
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~~(QQ)~~(OO) "Horticulture" means the growing, cultivation, and 83487  
production of flowers, fruits, herbs, vegetables, sod, mushrooms, 83488  
and nursery stock. As used in this division, "nursery stock" has 83489  
the same meaning as in section 927.51 of the Revised Code. 83490

~~(RR)~~(PP) "Horticulture structure" means a building or 83491  
structure used exclusively for the commercial growing, raising, or 83492  
overwintering of horticultural products, and includes the area 83493  
used for stocking, storing, and packing horticultural products 83494  
when done in conjunction with the production of those products. 83495

~~(SS)~~(OO) "Newspaper" means an unbound publication bearing a 83496  
title or name that is regularly published, at least as frequently 83497  
as biweekly, and distributed from a fixed place of business to the 83498  
public in a specific geographic area, and that contains a 83499  
substantial amount of news matter of international, national, or 83500  
local events of interest to the general public. 83501

~~(TT)~~(1)(RR)(1) "Feminine hygiene products" means tampons, 83502  
panty liners, menstrual cups, sanitary napkins, and other similar 83503  
tangible personal property designed for feminine hygiene in 83504  
connection with the human menstrual cycle, but does not include 83505  
grooming and hygiene products. 83506

(2) "Grooming and hygiene products" means soaps and cleaning 83507  
solutions, shampoo, toothpaste, mouthwash, antiperspirants, and 83508  
sun tan lotions and screens, regardless of whether any of these 83509  
products are over-the-counter drugs. 83510

(3) "Over-the-counter drugs" means a drug that contains a 83511  
label that identifies the product as a drug as required by 21 83512  
C.F.R. 201.66, which label includes a drug facts panel or a 83513  
statement of the active ingredients with a list of those 83514  
ingredients contained in the compound, substance, or preparation. 83515

~~(UU)~~(1)(SS)(1) "Lease" or "rental" means any transfer of the 83516  
possession or control of tangible personal property for a fixed or 83517

indefinite term, for consideration. "Lease" or "rental" includes 83518  
future options to purchase or extend, and agreements described in 83519  
26 U.S.C. 7701(h)(1) covering motor vehicles and trailers where 83520  
the amount of consideration may be increased or decreased by 83521  
reference to the amount realized upon the sale or disposition of 83522  
the property. "Lease" or "rental" does not include: 83523

(a) A transfer of possession or control of tangible personal 83524  
property under a security agreement or a deferred payment plan 83525  
that requires the transfer of title upon completion of the 83526  
required payments; 83527

(b) A transfer of possession or control of tangible personal 83528  
property under an agreement that requires the transfer of title 83529  
upon completion of required payments and payment of an option 83530  
price that does not exceed the greater of one hundred dollars or 83531  
one per cent of the total required payments; 83532

(c) Providing tangible personal property along with an 83533  
operator for a fixed or indefinite period of time, if the operator 83534  
is necessary for the property to perform as designed. For purposes 83535  
of this division, the operator must do more than maintain, 83536  
inspect, or set up the tangible personal property. 83537

(2) "Lease" and "rental," as defined in division ~~(UU)~~(SS) of 83538  
this section, shall not apply to leases or rentals that exist 83539  
before June 26, 2003. 83540

(3) "Lease" and "rental" have the same meaning as in division 83541  
~~(UU)(1)~~(SS)(1) of this section regardless of whether a transaction 83542  
is characterized as a lease or rental under generally accepted 83543  
accounting principles, the Internal Revenue Code, Title XIII of 83544  
the Revised Code, or other federal, state, or local laws. 83545

~~(VV)~~(TT) "Mobile telecommunications service" has the same 83546  
meaning as in the "Mobile Telecommunications Sourcing Act," Pub. 83547  
L. No. 106-252, 114 Stat. 631 (2000), 4 U.S.C.A. 124(7), as 83548

amended, and, on and after August 1, 2003, includes related fees 83549  
and ancillary services, including universal service fees, detailed 83550  
billing service, directory assistance, service initiation, voice 83551  
mail service, and vertical services, such as caller ID and 83552  
three-way calling. 83553

~~(WW)~~(UU) "Certified service provider" has the same meaning as 83554  
in section 5740.01 of the Revised Code. 83555

~~(XX)~~(VV) "Satellite broadcasting service" means the 83556  
distribution or broadcasting of programming or services by 83557  
satellite directly to the subscriber's receiving equipment without 83558  
the use of ground receiving or distribution equipment, except the 83559  
subscriber's receiving equipment or equipment used in the uplink 83560  
process to the satellite, and includes all service and rental 83561  
charges, premium channels or other special services, installation 83562  
and repair service charges, and any other charges having any 83563  
connection with the provision of the satellite broadcasting 83564  
service. 83565

~~(YY)~~(WW) "Tangible personal property" means personal property 83566  
that can be seen, weighed, measured, felt, or touched, or that is 83567  
in any other manner perceptible to the senses. For purposes of 83568  
this chapter and Chapter 5741. of the Revised Code, "tangible 83569  
personal property" includes motor vehicles, electricity, water, 83570  
gas, steam, and prewritten computer software. 83571

~~(ZZ)~~(XX) "Municipal gas utility" means a municipal 83572  
corporation that owns or operates a system for the distribution of 83573  
natural gas. 83574

~~(AAA)~~(YY) "Computer" means an electronic device that accepts 83575  
information in digital or similar form and manipulates it for a 83576  
result based on a sequence of instructions. 83577

~~(BBB)~~(ZZ) "Computer software" means a set of coded 83578  
instructions designed to cause a computer or automatic data 83579

processing equipment to perform a task. 83580

~~(CCC)~~(AAA) "Delivered electronically" means delivery of 83581  
computer software from the seller to the purchaser by means other 83582  
than tangible storage media. 83583

~~(DDD)~~(BBB) "Prewritten computer software" means computer 83584  
software, including prewritten upgrades, that is not designed and 83585  
developed by the author or other creator to the specifications of 83586  
a specific purchaser. The combining of two or more prewritten 83587  
computer software programs or prewritten portions thereof does not 83588  
cause the combination to be other than prewritten computer 83589  
software. "Prewritten computer software" includes software 83590  
designed and developed by the author or other creator to the 83591  
specifications of a specific purchaser when it is sold to a person 83592  
other than the purchaser. If a person modifies or enhances 83593  
computer software of which the person is not the author or 83594  
creator, the person shall be deemed to be the author or creator 83595  
only of such person's modifications or enhancements. Prewritten 83596  
computer software or a prewritten portion thereof that is modified 83597  
or enhanced to any degree, where such modification or enhancement 83598  
is designed and developed to the specifications of a specific 83599  
purchaser, remains prewritten computer software; provided, 83600  
however, that where there is a reasonable, separately stated 83601  
charge or an invoice or other statement of the price given to the 83602  
purchaser for the modification or enhancement, the modification or 83603  
enhancement shall not constitute prewritten computer software. 83604

~~(EEE)~~(1)(CCC)(1) "Food" means substances, whether in liquid, 83605  
concentrated, solid, frozen, dried, or dehydrated form, that are 83606  
sold for ingestion or chewing by humans and are consumed for their 83607  
taste or nutritional value. "Food" does not include alcoholic 83608  
beverages, dietary supplements, soft drinks, or tobacco. 83609

(2) As used in division ~~(EEE)~~(1)(CCC)(1) of this section: 83610

(a) "Alcoholic beverages" means beverages that are suitable 83611  
for human consumption and contain one-half of one per cent or more 83612  
of alcohol by volume. 83613

(b) "Dietary supplements" means any product, other than 83614  
tobacco, that is intended to supplement the diet and that is 83615  
intended for ingestion in tablet, capsule, powder, softgel, 83616  
gelcap, or liquid form, or, if not intended for ingestion in such 83617  
a form, is not represented as conventional food for use as a sole 83618  
item of a meal or of the diet; that is required to be labeled as a 83619  
dietary supplement, identifiable by the "supplement facts" box 83620  
found on the label, as required by 21 C.F.R. 101.36; and that 83621  
contains one or more of the following dietary ingredients: 83622

(i) A vitamin; 83623

(ii) A mineral; 83624

(iii) An herb or other botanical; 83625

(iv) An amino acid; 83626

(v) A dietary substance for use by humans to supplement the 83627  
diet by increasing the total dietary intake; 83628

(vi) A concentrate, metabolite, constituent, extract, or 83629  
combination of any ingredient described in divisions 83630

~~(EEE)~~(2)(b)(i)(CCC)(2)(b)(i) to (v) of this section. 83631

(c) "Soft drinks" means nonalcoholic beverages that contain 83632  
natural or artificial sweeteners. "Soft drinks" does not include 83633  
beverages that contain milk or milk products, soy, rice, or 83634  
similar milk substitutes, or that contains greater than fifty per 83635  
cent vegetable or fruit juice by volume. 83636

(d) "Tobacco" means cigarettes, cigars, chewing or pipe 83637  
tobacco, or any other item that contains tobacco. 83638

~~(FFF)~~(DDD) "Drug" means a compound, substance, or 83639  
preparation, and any component of a compound, substance, or 83640

preparation, other than food, dietary supplements, or alcoholic 83641  
beverages that is recognized in the official United States 83642  
pharmacopoeia, official homeopathic pharmacopoeia of the United 83643  
States, or official national formulary, and supplements to them; 83644  
is intended for use in the diagnosis, cure, mitigation, treatment, 83645  
or prevention of disease; or is intended to affect the structure 83646  
or any function of the body. 83647

~~(GGG)~~(EEE) "Prescription" means an order, formula, or recipe 83648  
issued in any form of oral, written, electronic, or other means of 83649  
transmission by a duly licensed practitioner authorized by the 83650  
laws of this state to issue a prescription. 83651

~~(HHH)~~(FFF) "Durable medical equipment" means equipment, 83652  
including repair and replacement parts for such equipment, that 83653  
can withstand repeated use, is primarily and customarily used to 83654  
serve a medical purpose, generally is not useful to a person in 83655  
the absence of illness or injury, and is not worn in or on the 83656  
body. "Durable medical equipment" does not include mobility 83657  
enhancing equipment. 83658

~~(III)~~(GGG) "Mobility enhancing equipment" means equipment, 83659  
including repair and replacement parts for such equipment, that is 83660  
primarily and customarily used to provide or increase the ability 83661  
to move from one place to another and is appropriate for use 83662  
either in a home or a motor vehicle, that is not generally used by 83663  
persons with normal mobility, and that does not include any motor 83664  
vehicle or equipment on a motor vehicle normally provided by a 83665  
motor vehicle manufacturer. "Mobility enhancing equipment" does 83666  
not include durable medical equipment. 83667

~~(JJJ)~~(HHH) "Prosthetic device" means a replacement, 83668  
corrective, or supportive device, including repair and replacement 83669  
parts for the device, worn on or in the human body to artificially 83670  
replace a missing portion of the body, prevent or correct physical 83671  
deformity or malfunction, or support a weak or deformed portion of 83672

the body. As used in this division, before July 1, 2019, 83673  
"prosthetic device" does not include corrective eyeglasses, 83674  
contact lenses, or dental prosthesis. On or after July 1, 2019, 83675  
"prosthetic device" does not include dental prosthesis but does 83676  
include corrective eyeglasses or contact lenses. 83677

~~(KKK)~~(1)(III)(1) "Fractional aircraft ownership program" 83678  
means a program in which persons within an affiliated group sell 83679  
and manage fractional ownership program aircraft, provided that at 83680  
least one hundred airworthy aircraft are operated in the program 83681  
and the program meets all of the following criteria: 83682

(a) Management services are provided by at least one program 83683  
manager within an affiliated group on behalf of the fractional 83684  
owners. 83685

(b) Each program aircraft is owned or possessed by at least 83686  
one fractional owner. 83687

(c) Each fractional owner owns or possesses at least a 83688  
one-sixteenth interest in at least one fixed-wing program 83689  
aircraft. 83690

(d) A dry-lease aircraft interchange arrangement is in effect 83691  
among all of the fractional owners. 83692

(e) Multi-year program agreements are in effect regarding the 83693  
fractional ownership, management services, and dry-lease aircraft 83694  
interchange arrangement aspects of the program. 83695

(2) As used in division ~~(KKK)~~(1)(III)(1) of this section: 83696

(a) "Affiliated group" has the same meaning as in division 83697  
(B)(3)(e) of this section. 83698

(b) "Fractional owner" means a person that owns or possesses 83699  
at least a one-sixteenth interest in a program aircraft and has 83700  
entered into the agreements described in division 83701  
~~(KKK)~~(1)(e)(III)(1)(e) of this section. 83702

(c) "Fractional ownership program aircraft" or "program aircraft" means a turbojet aircraft that is owned or possessed by a fractional owner and that has been included in a dry-lease aircraft interchange arrangement and agreement under divisions ~~(KKK)(1)(d)~~(III)(1)(d) and (e) of this section, or an aircraft a program manager owns or possesses primarily for use in a fractional aircraft ownership program.

(d) "Management services" means administrative and aviation support services furnished under a fractional aircraft ownership program in accordance with a management services agreement under division ~~(KKK)(1)(e)~~(III)(1)(e) of this section, and offered by the program manager to the fractional owners, including, at a minimum, the establishment and implementation of safety guidelines; the coordination of the scheduling of the program aircraft and crews; program aircraft maintenance; program aircraft insurance; crew training for crews employed, furnished, or contracted by the program manager or the fractional owner; the satisfaction of record-keeping requirements; and the development and use of an operations manual and a maintenance manual for the fractional aircraft ownership program.

(e) "Program manager" means the person that offers management services to fractional owners pursuant to a management services agreement under division ~~(KKK)(1)(e)~~(III)(1)(e) of this section.

~~(LLL)~~(JJJ) "Electronic publishing" means providing access to one or more of the following primarily for business customers, including the federal government or a state government or a political subdivision thereof, to conduct research: news; business, financial, legal, consumer, or credit materials; editorials, columns, reader commentary, or features; photos or images; archival or research material; legal notices, identity verification, or public records; scientific, educational, instructional, technical, professional, trade, or other literary

materials; or other similar information which has been gathered 83735  
and made available by the provider to the consumer in an 83736  
electronic format. Providing electronic publishing includes the 83737  
functions necessary for the acquisition, formatting, editing, 83738  
storage, and dissemination of data or information that is the 83739  
subject of a sale. 83740

~~(MMM)~~(KKK) "Medicaid health insuring corporation" means a 83741  
health insuring corporation that holds a certificate of authority 83742  
under Chapter 1751. of the Revised Code and is under contract with 83743  
the department of medicaid pursuant to section 5167.10 of the 83744  
Revised Code. 83745

~~(NNN)~~(LLL) "Managed care premium" means any premium, 83746  
capitation, or other payment a medicaid health insuring 83747  
corporation receives for providing or arranging for the provision 83748  
of health care services to its members or enrollees residing in 83749  
this state. 83750

~~(OOO)~~(MMM) "Captive deer" means deer and other cervidae that 83751  
have been legally acquired, or their offspring, that are privately 83752  
owned for agricultural or farming purposes. 83753

~~(PPP)~~(NNN) "Gift card" means a document, card, certificate, 83754  
or other record, whether tangible or intangible, that may be 83755  
redeemed by a consumer for a dollar value when making a purchase 83756  
of tangible personal property or services. 83757

~~(OOO)~~(OOO) "Specified digital product" means an 83758  
electronically transferred digital audiovisual work, digital audio 83759  
work, or digital book. 83760

As used in division ~~(OOO)~~(OOO) of this section: 83761

(1) "Digital audiovisual work" means a series of related 83762  
images that, when shown in succession, impart an impression of 83763  
motion, together with accompanying sounds, if any. 83764

(2) "Digital audio work" means a work that results from the fixation of a series of musical, spoken, or other sounds, including digitized sound files that are downloaded onto a device and that may be used to alert the customer with respect to a communication.

(3) "Digital book" means a work that is generally recognized in the ordinary and usual sense as a book.

(4) "Electronically transferred" means obtained by the purchaser by means other than tangible storage media.

~~(RRR)~~(PPP) "Digital advertising services" means providing access, by means of telecommunications equipment, to computer equipment that is used to enter, upload, download, review, manipulate, store, add, or delete data for the purpose of electronically displaying, delivering, placing, or transferring promotional advertisements to potential customers about products or services or about industry or business brands.

~~(SSS)~~(OOO) "Peer-to-peer car sharing program" has the same meaning as in section 4516.01 of the Revised Code.

**Sec. 5739.02.** For the purpose of providing revenue with which to meet the needs of the state, for the use of the general revenue fund of the state, for the purpose of securing a thorough and efficient system of common schools throughout the state, for the purpose of affording revenues, in addition to those from general property taxes, permitted under constitutional limitations, and from other sources, for the support of local governmental functions, and for the purpose of reimbursing the state for the expense of administering this chapter, an excise tax is hereby levied on each retail sale made in this state.

(A)(1) The tax shall be collected as provided in section 5739.025 of the Revised Code. The rate of the tax shall be five

and three-fourths per cent. The tax applies and is collectible 83795  
when the sale is made, regardless of the time when the price is 83796  
paid or delivered. 83797

(2) In the case of the lease or rental, with a fixed term of 83798  
more than thirty days or an indefinite term with a minimum period 83799  
of more than thirty days, of any motor vehicles designed by the 83800  
manufacturer to carry a load of not more than one ton, watercraft, 83801  
outboard motor, or aircraft, or of any tangible personal property, 83802  
other than motor vehicles designed by the manufacturer to carry a 83803  
load of more than one ton, to be used by the lessee or renter 83804  
primarily for business purposes, the tax shall be collected by the 83805  
vendor at the time the lease or rental is consummated and shall be 83806  
calculated by the vendor on the basis of the total amount to be 83807  
paid by the lessee or renter under the lease agreement. If the 83808  
total amount of the consideration for the lease or rental includes 83809  
amounts that are not calculated at the time the lease or rental is 83810  
executed, the tax shall be calculated and collected by the vendor 83811  
at the time such amounts are billed to the lessee or renter. In 83812  
the case of an open-end lease or rental, the tax shall be 83813  
calculated by the vendor on the basis of the total amount to be 83814  
paid during the initial fixed term of the lease or rental, and for 83815  
each subsequent renewal period as it comes due. As used in this 83816  
division, "motor vehicle" has the same meaning as in section 83817  
4501.01 of the Revised Code, and "watercraft" includes an outdrive 83818  
unit attached to the watercraft. 83819

A lease with a renewal clause and a termination penalty or 83820  
similar provision that applies if the renewal clause is not 83821  
exercised is presumed to be a sham transaction. In such a case, 83822  
the tax shall be calculated and paid on the basis of the entire 83823  
length of the lease period, including any renewal periods, until 83824  
the termination penalty or similar provision no longer applies. 83825  
The taxpayer shall bear the burden, by a preponderance of the 83826

evidence, that the transaction or series of transactions is not a sham transaction. 83827  
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(3) Except as provided in division (A)(2) of this section, in the case of a sale, the price of which consists in whole or in part of the lease or rental of tangible personal property, the tax shall be measured by the installments of that lease or rental. 83829  
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(4) In the case of a sale of a physical fitness facility service or recreation and sports club service, the price of which consists in whole or in part of a membership for the receipt of the benefit of the service, the tax applicable to the sale shall be measured by the installments thereof. 83833  
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(B) The tax does not apply to the following: 83838

(1) Sales to the state or any of its political subdivisions, or to any other state or its political subdivisions if the laws of that state exempt from taxation sales made to this state and its political subdivisions; 83839  
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(2) Sales of food for human consumption off the premises where sold; 83843  
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(3) Sales of food sold to students only in a cafeteria, dormitory, fraternity, or sorority maintained in a private, public, or parochial school, college, or university; 83845  
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(4) Sales of newspapers and sales or transfers of magazines distributed as controlled circulation publications; 83848  
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(5) The furnishing, preparing, or serving of meals without charge by an employer to an employee provided the employer records the meals as part compensation for services performed or work done; 83850  
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(6)(a) Sales of motor fuel upon receipt, use, distribution, or sale of which in this state a tax is imposed by the law of this state, but this exemption shall not apply to the sale of motor 83854  
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fuel on which a refund of the tax is allowable under division (A) 83857  
of section 5735.14 of the Revised Code; and the tax commissioner 83858  
may deduct the amount of tax levied by this section applicable to 83859  
the price of motor fuel when granting a refund of motor fuel tax 83860  
pursuant to division (A) of section 5735.14 of the Revised Code 83861  
and shall cause the amount deducted to be paid into the general 83862  
revenue fund of this state; 83863

(b) Sales of motor fuel other than that described in division 83864  
(B)(6)(a) of this section and used for powering a refrigeration 83865  
unit on a vehicle other than one used primarily to provide comfort 83866  
to the operator or occupants of the vehicle. 83867

(7) Sales of natural gas by a natural gas company or 83868  
municipal gas utility, of water by a water-works company, or of 83869  
steam by a heating company, if in each case the thing sold is 83870  
delivered to consumers through pipes or conduits, and all sales of 83871  
communications services by a telegraph company, all terms as 83872  
defined in section 5727.01 of the Revised Code, and sales of 83873  
electricity delivered through wires; 83874

(8) Casual sales by a person, or auctioneer employed directly 83875  
by the person to conduct such sales, except as to such sales of 83876  
motor vehicles, watercraft or outboard motors required to be 83877  
titled under section 1548.06 of the Revised Code, watercraft 83878  
documented with the United States coast guard, snowmobiles, and 83879  
all-purpose vehicles as defined in section 4519.01 of the Revised 83880  
Code; 83881

(9)(a) Sales of services or tangible personal property, other 83882  
than motor vehicles, mobile homes, and manufactured homes, by 83883  
churches, organizations exempt from taxation under section 83884  
501(c)(3) of the Internal Revenue Code of 1986, or nonprofit 83885  
organizations operated exclusively for charitable purposes as 83886  
defined in division (B)(12) of this section, provided that the 83887  
number of days on which such tangible personal property or 83888

services, other than items never subject to the tax, are sold does 83889  
not exceed six in any calendar year, except as otherwise provided 83890  
in division (B)(9)(b) of this section. If the number of days on 83891  
which such sales are made exceeds six in any calendar year, the 83892  
church or organization shall be considered to be engaged in 83893  
business and all subsequent sales by it shall be subject to the 83894  
tax. In counting the number of days, all sales by groups within a 83895  
church or within an organization shall be considered to be sales 83896  
of that church or organization. 83897

(b) The limitation on the number of days on which tax-exempt 83898  
sales may be made by a church or organization under division 83899  
(B)(9)(a) of this section does not apply to sales made by student 83900  
clubs and other groups of students of a primary or secondary 83901  
school, or a parent-teacher association, booster group, or similar 83902  
organization that raises money to support or fund curricular or 83903  
extracurricular activities of a primary or secondary school. 83904

(c) Divisions (B)(9)(a) and (b) of this section do not apply 83905  
to sales by a noncommercial educational radio or television 83906  
broadcasting station. 83907

(10) Sales not within the taxing power of this state under 83908  
the Constitution or laws of the United States or the Constitution 83909  
of this state; 83910

(11) Except for transactions that are sales under division 83911  
~~(B)(3)(r)~~ (B)(3)(p) of section 5739.01 of the Revised Code, the 83912  
transportation of persons or property, unless the transportation 83913  
is by a private investigation and security service; 83914

(12) Sales of tangible personal property or services to 83915  
churches, to organizations exempt from taxation under section 83916  
501(c)(3) of the Internal Revenue Code of 1986, and to any other 83917  
nonprofit organizations operated exclusively for charitable 83918  
purposes in this state, no part of the net income of which inures 83919

to the benefit of any private shareholder or individual, and no 83920  
substantial part of the activities of which consists of carrying 83921  
on propaganda or otherwise attempting to influence legislation; 83922  
sales to offices administering one or more homes for the aged or 83923  
one or more hospital facilities exempt under section 140.08 of the 83924  
Revised Code; and sales to organizations described in division (D) 83925  
of section 5709.12 of the Revised Code. 83926

"Charitable purposes" means the relief of poverty; the 83927  
improvement of health through the alleviation of illness, disease, 83928  
or injury; the operation of an organization exclusively for the 83929  
provision of professional, laundry, printing, and purchasing 83930  
services to hospitals or charitable institutions; the operation of 83931  
a home for the aged, as defined in section 5701.13 of the Revised 83932  
Code; the operation of a radio or television broadcasting station 83933  
that is licensed by the federal communications commission as a 83934  
noncommercial educational radio or television station; the 83935  
operation of a nonprofit animal adoption service or a county 83936  
humane society; the promotion of education by an institution of 83937  
learning that maintains a faculty of qualified instructors, 83938  
teaches regular continuous courses of study, and confers a 83939  
recognized diploma upon completion of a specific curriculum; the 83940  
operation of a parent-teacher association, booster group, or 83941  
similar organization primarily engaged in the promotion and 83942  
support of the curricular or extracurricular activities of a 83943  
primary or secondary school; the operation of a community or area 83944  
center in which presentations in music, dramatics, the arts, and 83945  
related fields are made in order to foster public interest and 83946  
education therein; the production of performances in music, 83947  
dramatics, and the arts; or the promotion of education by an 83948  
organization engaged in carrying on research in, or the 83949  
dissemination of, scientific and technological knowledge and 83950  
information primarily for the public. 83951

Nothing in this division shall be deemed to exempt sales to 83952  
any organization for use in the operation or carrying on of a 83953  
trade or business, or sales to a home for the aged for use in the 83954  
operation of independent living facilities as defined in division 83955  
(A) of section 5709.12 of the Revised Code. 83956

(13) Building and construction materials and services sold to 83957  
construction contractors for incorporation into a structure or 83958  
improvement to real property under a construction contract with 83959  
this state or a political subdivision of this state, or with the 83960  
United States government or any of its agencies; building and 83961  
construction materials and services sold to construction 83962  
contractors for incorporation into a structure or improvement to 83963  
real property that are accepted for ownership by this state or any 83964  
of its political subdivisions, or by the United States government 83965  
or any of its agencies at the time of completion of the structures 83966  
or improvements; building and construction materials sold to 83967  
construction contractors for incorporation into a horticulture 83968  
structure or livestock structure for a person engaged in the 83969  
business of horticulture or producing livestock; building 83970  
materials and services sold to a construction contractor for 83971  
incorporation into a house of public worship or religious 83972  
education, or a building used exclusively for charitable purposes 83973  
under a construction contract with an organization whose purpose 83974  
is as described in division (B)(12) of this section; building 83975  
materials and services sold to a construction contractor for 83976  
incorporation into a building under a construction contract with 83977  
an organization exempt from taxation under section 501(c)(3) of 83978  
the Internal Revenue Code of 1986 when the building is to be used 83979  
exclusively for the organization's exempt purposes; building and 83980  
construction materials sold for incorporation into the original 83981  
construction of a sports facility under section 307.696 of the 83982  
Revised Code; building and construction materials and services 83983  
sold to a construction contractor for incorporation into real 83984

property outside this state if such materials and services, when 83985  
sold to a construction contractor in the state in which the real 83986  
property is located for incorporation into real property in that 83987  
state, would be exempt from a tax on sales levied by that state; 83988  
building and construction materials for incorporation into a 83989  
transportation facility pursuant to a public-private agreement 83990  
entered into under sections 5501.70 to 5501.83 of the Revised 83991  
Code; and, until one calendar year after the construction of a 83992  
convention center that qualifies for property tax exemption under 83993  
section 5709.084 of the Revised Code is completed, building and 83994  
construction materials and services sold to a construction 83995  
contractor for incorporation into the real property comprising 83996  
that convention center; 83997

(14) Sales of ships or vessels or rail rolling stock used or 83998  
to be used principally in interstate or foreign commerce, and 83999  
repairs, alterations, fuel, and lubricants for such ships or 84000  
vessels or rail rolling stock; 84001

(15) Sales to persons primarily engaged in any of the 84002  
activities mentioned in division (B)(42)(a), (g), or (h) of this 84003  
section, to persons engaged in making retail sales, or to persons 84004  
who purchase for sale from a manufacturer tangible personal 84005  
property that was produced by the manufacturer in accordance with 84006  
specific designs provided by the purchaser, of packages, including 84007  
material, labels, and parts for packages, and of machinery, 84008  
equipment, and material for use primarily in packaging tangible 84009  
personal property produced for sale, including any machinery, 84010  
equipment, and supplies used to make labels or packages, to 84011  
prepare packages or products for labeling, or to label packages or 84012  
products, by or on the order of the person doing the packaging, or 84013  
sold at retail. "Packages" includes bags, baskets, cartons, 84014  
crates, boxes, cans, bottles, bindings, wrappings, and other 84015  
similar devices and containers, but does not include motor 84016

vehicles or bulk tanks, trailers, or similar devices attached to 84017  
motor vehicles. "Packaging" means placing in a package. Division 84018  
(B)(15) of this section does not apply to persons engaged in 84019  
highway transportation for hire. 84020

(16) Sales of food to persons using supplemental nutrition 84021  
assistance program benefits to purchase the food. As used in this 84022  
division, "food" has the same meaning as in 7 U.S.C. 2012 and 84023  
federal regulations adopted pursuant to the Food and Nutrition Act 84024  
of 2008. 84025

(17) Sales to persons engaged in farming, agriculture, 84026  
horticulture, or floriculture, of tangible personal property for 84027  
use or consumption primarily in the production by farming, 84028  
agriculture, horticulture, or floriculture of other tangible 84029  
personal property for use or consumption primarily in the 84030  
production of tangible personal property for sale by farming, 84031  
agriculture, horticulture, or floriculture; or material and parts 84032  
for incorporation into any such tangible personal property for use 84033  
or consumption in production; and of tangible personal property 84034  
for such use or consumption in the conditioning or holding of 84035  
products produced by and for such use, consumption, or sale by 84036  
persons engaged in farming, agriculture, horticulture, or 84037  
floriculture, except where such property is incorporated into real 84038  
property; 84039

(18) Sales of drugs for a human being that may be dispensed 84040  
only pursuant to a prescription; insulin as recognized in the 84041  
official United States pharmacopoeia; urine and blood testing 84042  
materials when used by diabetics or persons with hypoglycemia to 84043  
test for glucose or acetone; hypodermic syringes and needles when 84044  
used by diabetics for insulin injections; epoetin alfa when 84045  
purchased for use in the treatment of persons with medical 84046  
disease; hospital beds when purchased by hospitals, nursing homes, 84047  
or other medical facilities; and medical oxygen and medical 84048

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| oxygen-dispensing equipment when purchased by hospitals, nursing homes, or other medical facilities;                                                                                                                                                                                                                                                                                             | 84049 |
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| (19) Sales of prosthetic devices, durable medical equipment for home use, or mobility enhancing equipment, when made pursuant to a prescription and when such devices or equipment are for use by a human being.                                                                                                                                                                                 | 84051 |
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| (20) Sales of emergency and fire protection vehicles and equipment to nonprofit organizations for use solely in providing fire protection and emergency services, including trauma care and emergency medical services, for political subdivisions of the state;                                                                                                                                 | 84055 |
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| (21) Sales of tangible personal property manufactured in this state, if sold by the manufacturer in this state to a retailer for use in the retail business of the retailer outside of this state and if possession is taken from the manufacturer by the purchaser within this state for the sole purpose of immediately removing the same from this state in a vehicle owned by the purchaser; | 84060 |
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| (22) Sales of services provided by the state or any of its political subdivisions, agencies, instrumentalities, institutions, or authorities, or by governmental entities of the state or any of its political subdivisions, agencies, instrumentalities, institutions, or authorities;                                                                                                          | 84066 |
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| (23) Sales of motor vehicles to nonresidents of this state under the circumstances described in division (B) of section 5739.029 of the Revised Code;                                                                                                                                                                                                                                            | 84071 |
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| (24) Sales to persons engaged in the preparation of eggs for sale of tangible personal property used or consumed directly in such preparation, including such tangible personal property used for cleaning, sanitizing, preserving, grading, sorting, and classifying by size; packages, including material and parts for packages, and machinery, equipment, and material for use in            | 84074 |
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packaging eggs for sale; and handling and transportation equipment 84080  
and parts therefor, except motor vehicles licensed to operate on 84081  
public highways, used in intraplant or interplant transfers or 84082  
shipment of eggs in the process of preparation for sale, when the 84083  
plant or plants within or between which such transfers or 84084  
shipments occur are operated by the same person. "Packages" 84085  
includes containers, cases, baskets, flats, fillers, filler flats, 84086  
cartons, closure materials, labels, and labeling materials, and 84087  
"packaging" means placing therein. 84088

(25)(a) Sales of water to a consumer for residential use; 84089

(b) Sales of water by a nonprofit corporation engaged 84090  
exclusively in the treatment, distribution, and sale of water to 84091  
consumers, if such water is delivered to consumers through pipes 84092  
or tubing. 84093

(26) Fees charged for inspection or reinspection of motor 84094  
vehicles under section 3704.14 of the Revised Code; 84095

(27) Sales to persons licensed to conduct a food service 84096  
operation pursuant to section 3717.43 of the Revised Code, of 84097  
tangible personal property primarily used directly for the 84098  
following: 84099

(a) To prepare food for human consumption for sale; 84100

(b) To preserve food that has been or will be prepared for 84101  
human consumption for sale by the food service operator, not 84102  
including tangible personal property used to display food for 84103  
selection by the consumer; 84104

(c) To clean tangible personal property used to prepare or 84105  
serve food for human consumption for sale. 84106

(28) Sales of animals by nonprofit animal adoption services 84107  
or county humane societies; 84108

(29) Sales of services to a corporation described in division 84109

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| (A) of section 5709.72 of the Revised Code, and sales of tangible personal property that qualifies for exemption from taxation under section 5709.72 of the Revised Code;                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                        | 84110<br>84111<br>84112                                                                         |
| (30) Sales and installation of agricultural land tile, as defined in division (B)(5)(a) of section 5739.01 of the Revised Code;                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                  | 84113<br>84114<br>84115                                                                         |
| (31) Sales and erection or installation of portable grain bins, as defined in division (B)(5)(b) of section 5739.01 of the Revised Code;                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                         | 84116<br>84117<br>84118                                                                         |
| (32) The sale, lease, repair, and maintenance of, parts for, or items attached to or incorporated in, motor vehicles that are primarily used for transporting tangible personal property belonging to others by a person engaged in highway transportation for hire, except for packages and packaging used for the transportation of tangible personal property;                                                                                                                                                                                                                                                                                                                                                | 84119<br>84120<br>84121<br>84122<br>84123<br>84124                                              |
| (33) Sales to the state headquarters of any veterans' organization in this state that is either incorporated and issued a charter by the congress of the United States or is recognized by the United States veterans administration, for use by the headquarters;                                                                                                                                                                                                                                                                                                                                                                                                                                               | 84125<br>84126<br>84127<br>84128<br>84129                                                       |
| (34) Sales to a telecommunications service vendor, mobile telecommunications service vendor, or satellite broadcasting service vendor of tangible personal property and services used directly and primarily in transmitting, receiving, switching, or recording any interactive, one- or two-way electromagnetic communications, including voice, image, data, and information, through the use of any medium, including, but not limited to, poles, wires, cables, switching equipment, computers, and record storage devices and media, and component parts for the tangible personal property. The exemption provided in this division shall be in lieu of all other exemptions under division (B)(42)(a) or | 84130<br>84131<br>84132<br>84133<br>84134<br>84135<br>84136<br>84137<br>84138<br>84139<br>84140 |

(n) of this section to which the vendor may otherwise be entitled, 84141  
based upon the use of the thing purchased in providing the 84142  
telecommunications, mobile telecommunications, or satellite 84143  
broadcasting service. 84144

(35)(a) Sales where the purpose of the consumer is to use or 84145  
consume the things transferred in making retail sales and 84146  
consisting of newspaper inserts, catalogues, coupons, flyers, gift 84147  
certificates, or other advertising material that prices and 84148  
describes tangible personal property offered for retail sale. 84149

(b) Sales to direct marketing vendors of preliminary 84150  
materials such as photographs, artwork, and typesetting that will 84151  
be used in printing advertising material; and of printed matter 84152  
that offers free merchandise or chances to win sweepstake prizes 84153  
and that is mailed to potential customers with advertising 84154  
material described in division (B)(35)(a) of this section; 84155

(c) Sales of equipment such as telephones, computers, 84156  
facsimile machines, and similar tangible personal property 84157  
primarily used to accept orders for direct marketing retail sales. 84158

(d) Sales of automatic food vending machines that preserve 84159  
food with a shelf life of forty-five days or less by refrigeration 84160  
and dispense it to the consumer. 84161

For purposes of division (B)(35) of this section, "direct 84162  
marketing" means the method of selling where consumers order 84163  
tangible personal property by United States mail, delivery 84164  
service, or telecommunication and the vendor delivers or ships the 84165  
tangible personal property sold to the consumer from a warehouse, 84166  
catalogue distribution center, or similar fulfillment facility by 84167  
means of the United States mail, delivery service, or common 84168  
carrier. 84169

(36) Sales to a person engaged in the business of 84170  
horticulture or producing livestock of materials to be 84171

incorporated into a horticulture structure or livestock structure; 84172

(37) Sales of personal computers, computer monitors, computer 84173  
keyboards, modems, and other peripheral computer equipment to an 84174  
individual who is licensed or certified to teach in an elementary 84175  
or a secondary school in this state for use by that individual in 84176  
preparation for teaching elementary or secondary school students; 84177

(38) Sales of tangible personal property that is not required 84178  
to be registered or licensed under the laws of this state to a 84179  
citizen of a foreign nation that is not a citizen of the United 84180  
States, provided the property is delivered to a person in this 84181  
state that is not a related member of the purchaser, is physically 84182  
present in this state for the sole purpose of temporary storage 84183  
and package consolidation, and is subsequently delivered to the 84184  
purchaser at a delivery address in a foreign nation. As used in 84185  
division (B)(38) of this section, "related member" has the same 84186  
meaning as in section 5733.042 of the Revised Code, and "temporary 84187  
storage" means the storage of tangible personal property for a 84188  
period of not more than sixty days. 84189

(39) Sales of used manufactured homes and used mobile homes, 84190  
as defined in section 5739.0210 of the Revised Code, made on or 84191  
after January 1, 2000; 84192

(40) Sales of tangible personal property and services to a 84193  
provider of electricity used or consumed directly and primarily in 84194  
generating, transmitting, or distributing electricity for use by 84195  
others, including property that is or is to be incorporated into 84196  
and will become a part of the consumer's production, transmission, 84197  
or distribution system and that retains its classification as 84198  
tangible personal property after incorporation; fuel or power used 84199  
in the production, transmission, or distribution of electricity; 84200  
energy conversion equipment as defined in section 5727.01 of the 84201  
Revised Code; and tangible personal property and services used in 84202  
the repair and maintenance of the production, transmission, or 84203

distribution system, including only those motor vehicles as are 84204  
specially designed and equipped for such use. The exemption 84205  
provided in this division shall be in lieu of all other exemptions 84206  
in division (B)(42)(a) or (n) of this section to which a provider 84207  
of electricity may otherwise be entitled based on the use of the 84208  
tangible personal property or service purchased in generating, 84209  
transmitting, or distributing electricity. 84210

(41) Sales to a person providing services under division 84211  
~~(B)(3)(r)~~ (B)(3)(p) of section 5739.01 of the Revised Code of 84212  
tangible personal property and services used directly and 84213  
primarily in providing taxable services under that section. 84214

(42) Sales where the purpose of the purchaser is to do any of 84215  
the following: 84216

(a) To incorporate the thing transferred as a material or a 84217  
part into tangible personal property to be produced for sale by 84218  
manufacturing, assembling, processing, or refining; or to use or 84219  
consume the thing transferred directly in producing tangible 84220  
personal property for sale by mining, including, without 84221  
limitation, the extraction from the earth of all substances that 84222  
are classed geologically as minerals, or directly in the rendition 84223  
of a public utility service, except that the sales tax levied by 84224  
this section shall be collected upon all meals, drinks, and food 84225  
for human consumption sold when transporting persons. This 84226  
paragraph does not exempt from "retail sale" or "sales at retail" 84227  
the sale of tangible personal property that is to be incorporated 84228  
into a structure or improvement to real property. 84229

(b) To hold the thing transferred as security for the 84230  
performance of an obligation of the vendor; 84231

(c) To resell, hold, use, or consume the thing transferred as 84232  
evidence of a contract of insurance; 84233

(d) To use or consume the thing directly in commercial 84234

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| fishing;                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                      | 84235                                                                                  |
| (e) To incorporate the thing transferred as a material or a part into, or to use or consume the thing transferred directly in the production of, magazines distributed as controlled circulation publications;                                                                                                                                                                                                                                                                                                                                                                                                                                                | 84236<br>84237<br>84238<br>84239                                                       |
| (f) To use or consume the thing transferred in the production and preparation in suitable condition for market and sale of printed, imprinted, overprinted, lithographic, multilithic, blueprinted, photostatic, or other productions or reproductions of written or graphic matter;                                                                                                                                                                                                                                                                                                                                                                          | 84240<br>84241<br>84242<br>84243<br>84244                                              |
| (g) To use the thing transferred, as described in section 5739.011 of the Revised Code, primarily in a manufacturing operation to produce tangible personal property for sale;                                                                                                                                                                                                                                                                                                                                                                                                                                                                                | 84245<br>84246<br>84247                                                                |
| (h) To use the benefit of a warranty, maintenance or service contract, or similar agreement, as described in division (B)(7) of section 5739.01 of the Revised Code, to repair or maintain tangible personal property, if all of the property that is the subject of the warranty, contract, or agreement would not be subject to the tax imposed by this section;                                                                                                                                                                                                                                                                                            | 84248<br>84249<br>84250<br>84251<br>84252<br>84253                                     |
| (i) To use the thing transferred as qualified research and development equipment;                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                             | 84254<br>84255                                                                         |
| (j) To use or consume the thing transferred primarily in storing, transporting, mailing, or otherwise handling purchased sales inventory in a warehouse, distribution center, or similar facility when the inventory is primarily distributed outside this state to retail stores of the person who owns or controls the warehouse, distribution center, or similar facility, to retail stores of an affiliated group of which that person is a member, or by means of direct marketing. This division does not apply to motor vehicles registered for operation on the public highways. As used in this division, "affiliated group" has the same meaning as | 84256<br>84257<br>84258<br>84259<br>84260<br>84261<br>84262<br>84263<br>84264<br>84265 |

in division (B)(3)(e) of section 5739.01 of the Revised Code and 84266  
"direct marketing" has the same meaning as in division (B)(35) of 84267  
this section. 84268

(k) To use or consume the thing transferred to fulfill a 84269  
contractual obligation incurred by a warrantor pursuant to a 84270  
warranty provided as a part of the price of the tangible personal 84271  
property sold or by a vendor of a warranty, maintenance or service 84272  
contract, or similar agreement the provision of which is defined 84273  
as a sale under division (B)(7) of section 5739.01 of the Revised 84274  
Code; 84275

(l) To use or consume the thing transferred in the production 84276  
of a newspaper for distribution to the public; 84277

(m) To use tangible personal property to perform a service 84278  
listed in division (B)(3) of section 5739.01 of the Revised Code, 84279  
if the property is or is to be permanently transferred to the 84280  
consumer of the service as an integral part of the performance of 84281  
the service; 84282

(n) To use or consume the thing transferred primarily in 84283  
producing tangible personal property for sale by farming, 84284  
agriculture, horticulture, or floriculture. Persons engaged in 84285  
rendering farming, agriculture, horticulture, or floriculture 84286  
services for others are deemed engaged primarily in farming, 84287  
agriculture, horticulture, or floriculture. This paragraph does 84288  
not exempt from "retail sale" or "sales at retail" the sale of 84289  
tangible personal property that is to be incorporated into a 84290  
structure or improvement to real property. 84291

(o) To use or consume the thing transferred in acquiring, 84292  
formatting, editing, storing, and disseminating data or 84293  
information by electronic publishing; 84294

(p) To provide the thing transferred to the owner or lessee 84295  
of a motor vehicle that is being repaired or serviced, if the 84296

thing transferred is a rented motor vehicle and the purchaser is 84297  
reimbursed for the cost of the rented motor vehicle by a 84298  
manufacturer, warrantor, or provider of a maintenance, service, or 84299  
other similar contract or agreement, with respect to the motor 84300  
vehicle that is being repaired or serviced; 84301

(q) To use or consume the thing transferred directly in 84302  
production of crude oil and natural gas for sale. Persons engaged 84303  
in rendering production services for others are deemed engaged in 84304  
production. 84305

As used in division (B)(42)(q) of this section, "production" 84306  
means operations and tangible personal property directly used to 84307  
expose and evaluate an underground reservoir that may contain 84308  
hydrocarbon resources, prepare the wellbore for production, and 84309  
lift and control all substances yielded by the reservoir to the 84310  
surface of the earth. 84311

(i) For the purposes of division (B)(42)(q) of this section, 84312  
the "thing transferred" includes, but is not limited to, any of 84313  
the following: 84314

(I) Services provided in the construction of permanent access 84315  
roads, services provided in the construction of the well site, and 84316  
services provided in the construction of temporary impoundments; 84317

(II) Equipment and rigging used for the specific purpose of 84318  
creating with integrity a wellbore pathway to underground 84319  
reservoirs; 84320

(III) Drilling and workover services used to work within a 84321  
subsurface wellbore, and tangible personal property directly used 84322  
in providing such services; 84323

(IV) Casing, tubulars, and float and centralizing equipment; 84324

(V) Trailers to which production equipment is attached; 84325

(VI) Well completion services, including cementing of casing, 84326

|                                                                                                                                                                                              |                                  |
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| and tangible personal property directly used in providing such services;                                                                                                                     | 84327<br>84328                   |
| (VII) Wireline evaluation, mud logging, and perforation services, and tangible personal property directly used in providing such services;                                                   | 84329<br>84330<br>84331          |
| (VIII) Reservoir stimulation, hydraulic fracturing, and acidizing services, and tangible personal property directly used in providing such services, including all material pumped downhole; | 84332<br>84333<br>84334<br>84335 |
| (IX) Pressure pumping equipment;                                                                                                                                                             | 84336                            |
| (X) Artificial lift systems equipment;                                                                                                                                                       | 84337                            |
| (XI) Wellhead equipment and well site equipment used to separate, stabilize, and control hydrocarbon phases and produced water;                                                              | 84338<br>84339<br>84340          |
| (XII) Tangible personal property directly used to control production equipment.                                                                                                              | 84341<br>84342                   |
| (ii) For the purposes of division (B)(42)(q) of this section, the "thing transferred" does not include any of the following:                                                                 | 84343<br>84344                   |
| (I) Tangible personal property used primarily in the exploration and production of any mineral resource regulated under Chapter 1509. of the Revised Code other than oil or gas;             | 84345<br>84346<br>84347          |
| (II) Tangible personal property used primarily in storing, holding, or delivering solutions or chemicals used in well stimulation as defined in section 1509.01 of the Revised Code;         | 84348<br>84349<br>84350          |
| (III) Tangible personal property used primarily in preparing, installing, or reclaiming foundations for drilling or pumping equipment or well stimulation material tanks;                    | 84351<br>84352<br>84353          |
| (IV) Tangible personal property used primarily in transporting, delivering, or removing equipment to or from the well site or storing such equipment before its use at the well              | 84354<br>84355<br>84356          |

|                                                                                                                                                                                                                                                                                                         |                                           |
|---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-------------------------------------------|
| site;                                                                                                                                                                                                                                                                                                   | 84357                                     |
| (V) Tangible personal property used primarily in gathering operations occurring off the well site, including gathering pipelines transporting hydrocarbon gas or liquids away from a crude oil or natural gas production facility;                                                                      | 84358<br>84359<br>84360<br>84361          |
| (VI) Tangible personal property that is to be incorporated into a structure or improvement to real property;                                                                                                                                                                                            | 84362<br>84363                            |
| (VII) Well site fencing, lighting, or security systems;                                                                                                                                                                                                                                                 | 84364                                     |
| (VIII) Communication devices or services;                                                                                                                                                                                                                                                               | 84365                                     |
| (IX) Office supplies;                                                                                                                                                                                                                                                                                   | 84366                                     |
| (X) Trailers used as offices or lodging;                                                                                                                                                                                                                                                                | 84367                                     |
| (XI) Motor vehicles of any kind;                                                                                                                                                                                                                                                                        | 84368                                     |
| (XII) Tangible personal property used primarily for the storage of drilling byproducts and fuel not used for production;                                                                                                                                                                                | 84369<br>84370                            |
| (XIII) Tangible personal property used primarily as a safety device;                                                                                                                                                                                                                                    | 84371<br>84372                            |
| (XIV) Data collection or monitoring devices;                                                                                                                                                                                                                                                            | 84373                                     |
| (XV) Access ladders, stairs, or platforms attached to storage tanks.                                                                                                                                                                                                                                    | 84374<br>84375                            |
| The enumeration of tangible personal property in division (B)(42)(q)(ii) of this section is not intended to be exhaustive, and any tangible personal property not so enumerated shall not necessarily be construed to be a "thing transferred" for the purposes of division (B)(42)(q) of this section. | 84376<br>84377<br>84378<br>84379<br>84380 |
| The commissioner shall adopt and promulgate rules under sections 119.01 to 119.13 of the Revised Code that the commissioner deems necessary to administer division (B)(42)(q) of this section.                                                                                                          | 84381<br>84382<br>84383<br>84384          |
| As used in division (B)(42) of this section, "thing" includes                                                                                                                                                                                                                                           | 84385                                     |

all transactions included in divisions (B)(3)(a), (b), and (e) of 84386  
section 5739.01 of the Revised Code. 84387

(43) Sales conducted through a coin operated device that 84388  
activates vacuum equipment or equipment that dispenses water, 84389  
whether or not in combination with soap or other cleaning agents 84390  
or wax, to the consumer for the consumer's use on the premises in 84391  
washing, cleaning, or waxing a motor vehicle, provided no other 84392  
personal property or personal service is provided as part of the 84393  
transaction. 84394

(44) Sales of replacement and modification parts for engines, 84395  
airframes, instruments, and interiors in, and paint for, aircraft 84396  
used primarily in a fractional aircraft ownership program, and 84397  
sales of services for the repair, modification, and maintenance of 84398  
such aircraft, and machinery, equipment, and supplies primarily 84399  
used to provide those services. 84400

(45) Sales of telecommunications service that is used 84401  
directly and primarily to perform the functions of a call center. 84402  
As used in this division, "call center" means any physical 84403  
location where telephone calls are placed or received in high 84404  
volume for the purpose of making sales, marketing, customer 84405  
service, technical support, or other specialized business 84406  
activity, and that employs at least fifty individuals that engage 84407  
in call center activities on a full-time basis, or sufficient 84408  
individuals to fill fifty full-time equivalent positions. 84409

(46) Sales by a telecommunications service vendor of 900 84410  
service to a subscriber. This division does not apply to 84411  
information services. 84412

(47) Sales of value-added non-voice data service. This 84413  
division does not apply to any similar service that is not 84414  
otherwise a telecommunications service. 84415

(48) Sales of feminine hygiene products. 84416

(49) Sales of materials, parts, equipment, or engines used in 84417  
the repair or maintenance of aircraft or avionics systems of such 84418  
aircraft, and sales of repair, remodeling, replacement, or 84419  
maintenance services in this state performed on aircraft or on an 84420  
aircraft's avionics, engine, or component materials or parts. As 84421  
used in division (B)(49) of this section, "aircraft" means 84422  
aircraft of more than six thousand pounds maximum certified 84423  
takeoff weight or used exclusively in general aviation. 84424

(50) Sales of full flight simulators that are used for pilot 84425  
or flight-crew training, sales of repair or replacement parts or 84426  
components, and sales of repair or maintenance services for such 84427  
full flight simulators. "Full flight simulator" means a replica of 84428  
a specific type, or make, model, and series of aircraft cockpit. 84429  
It includes the assemblage of equipment and computer programs 84430  
necessary to represent aircraft operations in ground and flight 84431  
conditions, a visual system providing an out-of-the-cockpit view, 84432  
and a system that provides cues at least equivalent to those of a 84433  
three-degree-of-freedom motion system, and has the full range of 84434  
capabilities of the systems installed in the device as described 84435  
in appendices A and B of part 60 of chapter 1 of title 14 of the 84436  
Code of Federal Regulations. 84437

(51) Any transfer or lease of tangible personal property 84438  
between the state and JobsOhio in accordance with section 4313.02 84439  
of the Revised Code. 84440

(52)(a) Sales to a qualifying corporation. 84441

(b) As used in division (B)(52) of this section: 84442

(i) "Qualifying corporation" means a nonprofit corporation 84443  
organized in this state that leases from an eligible county land, 84444  
buildings, structures, fixtures, and improvements to the land that 84445  
are part of or used in a public recreational facility used by a 84446  
major league professional athletic team or a class A to class AAA 84447

minor league affiliate of a major league professional athletic 84448  
team for a significant portion of the team's home schedule, 84449  
provided the following apply: 84450

(I) The facility is leased from the eligible county pursuant 84451  
to a lease that requires substantially all of the revenue from the 84452  
operation of the business or activity conducted by the nonprofit 84453  
corporation at the facility in excess of operating costs, capital 84454  
expenditures, and reserves to be paid to the eligible county at 84455  
least once per calendar year. 84456

(II) Upon dissolution and liquidation of the nonprofit 84457  
corporation, all of its net assets are distributable to the board 84458  
of commissioners of the eligible county from which the corporation 84459  
leases the facility. 84460

(ii) "Eligible county" has the same meaning as in section 84461  
307.695 of the Revised Code. 84462

(53) Sales to or by a cable service provider, video service 84463  
provider, or radio or television broadcast station regulated by 84464  
the federal government of cable service or programming, video 84465  
service or programming, audio service or programming, or 84466  
electronically transferred digital audiovisual or audio work. As 84467  
used in division (B)(53) of this section, "cable service" and 84468  
"cable service provider" have the same meanings as in section 84469  
1332.01 of the Revised Code, and "video service," "video service 84470  
provider," and "video programming" have the same meanings as in 84471  
section 1332.21 of the Revised Code. 84472

(54) Sales of a digital audio work electronically transferred 84473  
for delivery through use of a machine, such as a juke box, that 84474  
does all of the following: 84475

(a) Accepts direct payments to operate; 84476

(b) Automatically plays a selected digital audio work for a 84477  
single play upon receipt of a payment described in division 84478

|                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                           |                                                                                                                                                                |
|---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|----------------------------------------------------------------------------------------------------------------------------------------------------------------|
| (B)(54)(a) of this section;                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                               | 84479                                                                                                                                                          |
| (c) Operates exclusively for the purpose of playing digital audio works in a commercial establishment.                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                    | 84480<br>84481                                                                                                                                                 |
| (55)(a) Sales of the following occurring on the first Friday of August and the following Saturday and Sunday of each year, beginning in 2018:                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                             | 84482<br>84483<br>84484                                                                                                                                        |
| (i) An item of clothing, the price of which is seventy-five dollars or less;                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                              | 84485<br>84486                                                                                                                                                 |
| (ii) An item of school supplies, the price of which is twenty dollars or less;                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                            | 84487<br>84488                                                                                                                                                 |
| (iii) An item of school instructional material, the price of which is twenty dollars or less.                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                             | 84489<br>84490                                                                                                                                                 |
| (b) As used in division (B)(55) of this section:                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                          | 84491                                                                                                                                                          |
| (i) "Clothing" means all human wearing apparel suitable for general use. "Clothing" includes, but is not limited to, aprons, household and shop; athletic supporters; baby receiving blankets; bathing suits and caps; beach capes and coats; belts and suspenders; boots; coats and jackets; costumes; diapers, children and adult, including disposable diapers; earmuffs; footlets; formal wear; garters and garter belts; girdles; gloves and mittens for general use; hats and caps; hosiery; insoles for shoes; lab coats; neckties; overshoes; pantyhose; rainwear; rubber pants; sandals; scarves; shoes and shoe laces; slippers; sneakers; socks and stockings; steel-toed shoes; underwear; uniforms, athletic and nonathletic; and wedding apparel. "Clothing" does not include items purchased for use in a trade or business; clothing accessories or equipment; protective equipment; sports or recreational equipment; belt buckles sold separately; costume masks sold separately; patches and emblems sold separately; sewing equipment and supplies including, but not limited to, knitting needles, patterns, pins, scissors, sewing machines, sewing | 84492<br>84493<br>84494<br>84495<br>84496<br>84497<br>84498<br>84499<br>84500<br>84501<br>84502<br>84503<br>84504<br>84505<br>84506<br>84507<br>84508<br>84509 |

needles, tape measures, and thimbles; and sewing materials that 84510  
become part of "clothing" including, but not limited to, buttons, 84511  
fabric, lace, thread, yarn, and zippers. 84512

(ii) "School supplies" means items commonly used by a student 84513  
in a course of study. "School supplies" includes only the 84514  
following items: binders; book bags; calculators; cellophane tape; 84515  
blackboard chalk; compasses; composition books; crayons; erasers; 84516  
folders, expandable, pocket, plastic, and manila; glue, paste, and 84517  
paste sticks; highlighters; index cards; index card boxes; legal 84518  
pads; lunch boxes; markers; notebooks; paper, loose-leaf ruled 84519  
notebook paper, copy paper, graph paper, tracing paper, manila 84520  
paper, colored paper, poster board, and construction paper; pencil 84521  
boxes and other school supply boxes; pencil sharpeners; pencils; 84522  
pens; protractors; rulers; scissors; and writing tablets. "School 84523  
supplies" does not include any item purchased for use in a trade 84524  
or business. 84525

(iii) "School instructional material" means written material 84526  
commonly used by a student in a course of study as a reference and 84527  
to learn the subject being taught. "School instructional material" 84528  
includes only the following items: reference books, reference maps 84529  
and globes, textbooks, and workbooks. "School instructional 84530  
material" does not include any material purchased for use in a 84531  
trade or business. 84532

(56)(a) Sales of diapers or incontinence underpads sold 84533  
pursuant to a prescription, for the benefit of a medicaid 84534  
recipient with a diagnosis of incontinence, and by a medicaid 84535  
provider that maintains a valid provider agreement under section 84536  
5164.30 of the Revised Code with the department of medicaid, 84537  
provided that the medicaid program covers diapers or incontinence 84538  
underpads as an incontinence garment. 84539

(b) As used in division (B)(56)(a) of this section: 84540

(i) "Diaper" means an absorbent garment worn by humans who are incapable of, or have difficulty, controlling their bladder or bowel movements.

(ii) "Incontinence underpad" means an absorbent product, not worn on the body, designed to protect furniture or other tangible personal property from soiling or damage due to human incontinence.

(57) Sales of investment metal bullion and investment coins.  
"Investment metal bullion" means any bullion described in section 408(m)(3)(B) of the Internal Revenue Code, regardless of whether that bullion is in the physical possession of a trustee.  
"Investment coin" means any coin composed primarily of gold, silver, platinum, or palladium.

(C) For the purpose of the proper administration of this chapter, and to prevent the evasion of the tax, it is presumed that all sales made in this state are subject to the tax until the contrary is established.

(D) The tax collected by the vendor from the consumer under this chapter is not part of the price, but is a tax collection for the benefit of the state, and of counties levying an additional sales tax pursuant to section 5739.021 or 5739.026 of the Revised Code and of transit authorities levying an additional sales tax pursuant to section 5739.023 of the Revised Code. Except for the discount authorized under section 5739.12 of the Revised Code and the effects of any rounding pursuant to section 5703.055 of the Revised Code, no person other than the state or such a county or transit authority shall derive any benefit from the collection or payment of the tax levied by this section or section 5739.021, 5739.023, or 5739.026 of the Revised Code.

**Sec. 5739.021.** (A) For the purpose of providing additional general revenues for the county, supporting criminal and

administrative justice services in the county, funding a regional 84572  
transportation improvement project under section 5595.06 of the 84573  
Revised Code, or any combination of the foregoing, and to pay the 84574  
expenses of administering such levy, any county may levy a tax at 84575  
the rate of not more than one per cent upon every retail sale made 84576  
in the county, except sales of watercraft and outboard motors 84577  
required to be titled pursuant to Chapter 1548. of the Revised 84578  
Code and sales of motor vehicles, and may increase the rate of an 84579  
existing tax to not more than one per cent. The rate of any tax 84580  
levied pursuant to this section shall be a multiple of 84581  
one-twentieth of one per cent. The rate levied under this section 84582  
in any county other than a county that adopted a charter under 84583  
Article X, Section 3, Ohio Constitution, may exceed one per cent, 84584  
but may not exceed one and one-half per cent minus the amount by 84585  
which the rate levied under section 5739.023 of the Revised Code 84586  
by the county transit authority exceeds one per cent. 84587

The tax shall be levied and the rate increased pursuant to a 84588  
resolution of the board of county commissioners. The resolution 84589  
shall state the purpose for which the tax is to be levied and the 84590  
number of years for which the tax is to be levied, or that it is 84591  
for a continuing period of time. If the tax is to be levied for 84592  
the purpose of providing additional general revenues and for the 84593  
purpose of supporting criminal and administrative justice 84594  
services, the resolution shall state the rate or amount of the tax 84595  
to be apportioned to each such purpose. The rate or amount may be 84596  
different for each year the tax is to be levied, but the rates or 84597  
amounts actually apportioned each year shall not be different from 84598  
that stated in the resolution for that year. Any amount by which 84599  
the rate of the tax exceeds one per cent shall be apportioned 84600  
exclusively for the construction, operation, acquisition, 84601  
equipping, or repair of a detention facility in the county. 84602

If the resolution is adopted as an emergency measure 84603

necessary for the immediate preservation of the public peace, 84604  
health, or safety, it must receive an affirmative vote of all of 84605  
the members of the board of county commissioners and shall state 84606  
the reasons for such necessity. The board shall deliver a 84607  
certified copy of the resolution to the tax commissioner, not 84608  
later than the sixty-fifth day prior to the date on which the tax 84609  
is to become effective, which shall be the first day of the 84610  
calendar quarter. A resolution proposing to levy a tax at a rate 84611  
that would cause the rate levied under this section to exceed one 84612  
per cent may not be adopted as an emergency measure. 84613

Prior to the adoption of any resolution under this section, 84614  
the board of county commissioners shall conduct two public 84615  
hearings on the resolution, the second hearing to be not less than 84616  
three nor more than ten days after the first. Notice of the date, 84617  
time, and place of the hearings shall be given by publication in a 84618  
newspaper of general circulation in the county, or as provided in 84619  
section 7.16 of the Revised Code, once a week on the same day of 84620  
the week for two consecutive weeks, the second publication being 84621  
not less than ten nor more than thirty days prior to the first 84622  
hearing. 84623

Except as provided in division (B)(1) or (3) of this section, 84624  
the resolution shall be subject to a referendum as provided in 84625  
sections 305.31 to 305.41 of the Revised Code. 84626

If a petition for a referendum is filed, the county auditor 84627  
with whom the petition was filed shall, within five days, notify 84628  
the board of county commissioners and the tax commissioner of the 84629  
filing of the petition by certified mail. If the board of 84630  
elections with which the petition was filed declares the petition 84631  
invalid, the board of elections, within five days, shall notify 84632  
the board of county commissioners and the tax commissioner of that 84633  
declaration by certified mail. If the petition is declared to be 84634  
invalid, the effective date of the tax or increased rate of tax 84635

levied by this section shall be the first day of a calendar 84636  
quarter following the expiration of sixty-five days from the date 84637  
the commissioner receives notice from the board of elections that 84638  
the petition is invalid. 84639

(B)(1) A resolution that is not adopted as an emergency 84640  
measure may direct the board of elections to submit the question 84641  
of levying the tax or increasing the rate of tax to the electors 84642  
of the county at a special election held on the date specified by 84643  
the board of county commissioners in the resolution, provided that 84644  
the election occurs not less than ninety days after a certified 84645  
copy of such resolution is transmitted to the board of elections 84646  
and the election is not held in August of any year. A resolution 84647  
proposing to levy a tax at a rate that would cause the rate levied 84648  
under this section to exceed one per cent may not go into effect 84649  
unless the question is submitted to electors under this division. 84650  
Upon transmission of the resolution to the board of elections, the 84651  
board of county commissioners shall notify the tax commissioner in 84652  
writing of the levy question to be submitted to the electors. No 84653  
resolution adopted under this division shall go into effect unless 84654  
approved by a majority of those voting upon it, and, except as 84655  
provided in division (B)(3) of this section, shall become 84656  
effective on the first day of a calendar quarter following the 84657  
expiration of sixty-five days from the date the tax commissioner 84658  
receives notice from the board of elections of the affirmative 84659  
vote. 84660

(2) A resolution that is adopted as an emergency measure 84661  
shall go into effect as provided in division (A) of this section, 84662  
but may direct the board of elections to submit the question of 84663  
repealing the tax or increase in the rate of the tax to the 84664  
electors of the county at the next general election in the county 84665  
occurring not less than ninety days after a certified copy of the 84666  
resolution is transmitted to the board of elections. Upon 84667

transmission of the resolution to the board of elections, the 84668  
board of county commissioners shall notify the tax commissioner in 84669  
writing of the levy question to be submitted to the electors. The 84670  
ballot question shall be the same as that prescribed in section 84671  
5739.022 of the Revised Code. The board of elections shall notify 84672  
the board of county commissioners and the tax commissioner of the 84673  
result of the election immediately after the result has been 84674  
declared. If a majority of the qualified electors voting on the 84675  
question of repealing the tax or increase in the rate of the tax 84676  
vote for repeal of the tax or repeal of the increase, the board of 84677  
county commissioners, on the first day of a calendar quarter 84678  
following the expiration of sixty-five days after the date the 84679  
board and tax commissioner receive notice of the result of the 84680  
election, shall, in the case of a repeal of the tax, cease to levy 84681  
the tax, or, in the case of a repeal of an increase in the rate of 84682  
the tax, cease to levy the increased rate and levy the tax at the 84683  
rate at which it was imposed immediately prior to the increase in 84684  
rate. 84685

(3) If a vendor makes a sale in this state by printed catalog 84686  
and the consumer computed the tax on the sale based on local rates 84687  
published in the catalog, any tax levied or repealed or rate 84688  
changed under this section shall not apply to such a sale until 84689  
the first day of a calendar quarter following the expiration of 84690  
one hundred twenty days from the date of notice by the tax 84691  
commissioner pursuant to division (H) of this section. 84692

(C) If a resolution is rejected at a referendum or if a 84693  
resolution adopted after January 1, 1982, as an emergency measure 84694  
is repealed by the electors pursuant to division (B)(2) of this 84695  
section or section 5739.022 of the Revised Code, then for one year 84696  
after the date of the election at which the resolution was 84697  
rejected or repealed the board of county commissioners may not 84698  
adopt any resolution authorized by this section as an emergency 84699

measure. 84700

(D) The board of county commissioners, at any time while a 84701  
tax levied under this section is in effect, may by resolution 84702  
reduce the rate at which the tax is levied to a lower rate 84703  
authorized by this section. Any reduction in the rate at which the 84704  
tax is levied shall be made effective on the first day of a 84705  
calendar quarter next following the sixty-fifth day after a 84706  
certified copy of the resolution is delivered to the tax 84707  
commissioner. 84708

(E) The tax on every retail sale subject to a tax levied 84709  
pursuant to this section shall be in addition to the tax levied by 84710  
section 5739.02 of the Revised Code and any tax levied pursuant to 84711  
section 5739.023 or 5739.026 of the Revised Code. 84712

A county that levies a tax pursuant to this section shall 84713  
levy a tax at the same rate pursuant to section 5741.021 of the 84714  
Revised Code. 84715

The additional tax levied by the county shall be collected 84716  
pursuant to section 5739.025 of the Revised Code. If the 84717  
additional tax or some portion thereof is levied for the purpose 84718  
of criminal and administrative justice services or specifically 84719  
for the purpose of constructing, operating, acquiring, equipping, 84720  
or repairing a detention facility, the revenue from the tax, or 84721  
the amount or rate apportioned to that purpose, shall be credited 84722  
to one or more special funds created in the county treasury for 84723  
receipt of that revenue. 84724

Any tax levied pursuant to this section is subject to the 84725  
exemptions provided in section 5739.02 of the Revised Code and in 84726  
addition shall not be applicable to sales not within the taxing 84727  
power of a county under the Constitution of the United States or 84728  
the Ohio Constitution. 84729

(F) For purposes of this section, a copy of a resolution is 84730

"certified" when it contains a written statement attesting that 84731  
the copy is a true and exact reproduction of the original 84732  
resolution. 84733

(G) If a board of commissioners intends to adopt a resolution 84734  
to levy a tax in whole or in part for the purpose of criminal and 84735  
administrative justice services, the board shall prepare and make 84736  
available at the first public hearing at which the resolution is 84737  
considered a statement containing the following information: 84738

(1) For each of the two preceding fiscal years, the amount of 84739  
expenditures made by the county from the county general fund for 84740  
the purpose of criminal and administrative justice services; 84741

(2) For the fiscal year in which the resolution is adopted, 84742  
the board's estimate of the amount of expenditures to be made by 84743  
the county from the county general fund for the purpose of 84744  
criminal and administrative justice services; 84745

(3) For each of the two fiscal years after the fiscal year in 84746  
which the resolution is adopted, the board's preliminary plan for 84747  
expenditures to be made from the county general fund for the 84748  
purpose of criminal and administrative justice services, both 84749  
under the assumption that the tax will be imposed for that purpose 84750  
and under the assumption that the tax would not be imposed for 84751  
that purpose, and for expenditures to be made from the special 84752  
fund created under division (E) of this section under the 84753  
assumption that the tax will be imposed for that purpose. 84754

The board shall prepare the statement and the preliminary 84755  
plan using the best information available to the board at the time 84756  
the statement is prepared. Neither the statement nor the 84757  
preliminary plan shall be used as a basis to challenge the 84758  
validity of the tax in any court of competent jurisdiction, nor 84759  
shall the statement or preliminary plan limit the authority of the 84760  
board to appropriate, pursuant to section 5705.38 of the Revised 84761

Code, an amount different from that specified in the preliminary 84762  
plan. 84763

(H) Upon receipt from a board of county commissioners of a 84764  
certified copy of a resolution required by division (A) or (D) of 84765  
this section, or from the board of elections of a notice of the 84766  
results of an election required by division (A) or (B)(1) or (2) 84767  
of this section, the tax commissioner shall provide notice of a 84768  
tax rate change in a manner that is reasonably accessible to all 84769  
affected vendors. The commissioner shall provide this notice at 84770  
least sixty days prior to the effective date of the rate change. 84771  
The commissioner, by rule, may establish the method by which 84772  
notice will be provided. 84773

(I) As used in this section: 84774

(1) "Criminal and administrative justice services" means the 84775  
exercise by the county sheriff of all powers and duties vested in 84776  
that office by law; the exercise by the county prosecuting 84777  
attorney of all powers and duties vested in that office by law; 84778  
the exercise by any court in the county of all powers and duties 84779  
vested in that court; the exercise by the clerk of the court of 84780  
common pleas, any clerk of a municipal court having jurisdiction 84781  
throughout the county, or the clerk of any county court of all 84782  
powers and duties vested in the clerk by law except, in the case 84783  
of the clerk of the court of common pleas, the titling of motor 84784  
vehicles or watercraft pursuant to Chapter 1548. or 4505. of the 84785  
Revised Code; the exercise by the county coroner of all powers and 84786  
duties vested in that office by law; making payments to any other 84787  
public agency or a private, nonprofit agency, the purposes of 84788  
which in the county include the diversion, adjudication, 84789  
detention, or rehabilitation of criminals or juvenile offenders; 84790  
the operation and maintenance of any detention facility; and the 84791  
construction, acquisition, equipping, or repair of such a 84792  
detention facility. 84793

(2) "Detention facility" has the same meaning as in section 84794  
2921.01 of the Revised Code. 84795

(3) "Construction, operation, acquisition, equipping, or 84796  
repair" of a detention facility includes the payment of any debt 84797  
charges incurred in the issuance of securities pursuant to Chapter 84798  
133. of the Revised Code for the purpose of constructing, 84799  
acquiring, equipping, or repairing such a facility. 84800

**Sec. 5739.03.** (A) Except as provided in section 5739.05 or 84801  
section 5739.051 of the Revised Code, the tax imposed by or 84802  
pursuant to section 5739.02, 5739.021, 5739.023, or 5739.026 of 84803  
the Revised Code shall be paid by the consumer to the vendor, and 84804  
each vendor shall collect from the consumer, as a trustee for the 84805  
state of Ohio, the full and exact amount of the tax payable on 84806  
each taxable sale, in the manner and at the times provided as 84807  
follows: 84808

(1) If the price is, at or prior to the provision of the 84809  
service or the delivery of possession of the thing sold to the 84810  
consumer, paid in currency passed from hand to hand by the 84811  
consumer or the consumer's agent to the vendor or the vendor's 84812  
agent, the vendor or the vendor's agent shall collect the tax with 84813  
and at the same time as the price; 84814

(2) If the price is otherwise paid or to be paid, the vendor 84815  
or the vendor's agent shall, at or prior to the provision of the 84816  
service or the delivery of possession of the thing sold to the 84817  
consumer, charge the tax imposed by or pursuant to section 84818  
5739.02, 5739.021, 5739.023, or 5739.026 of the Revised Code to 84819  
the account of the consumer, which amount shall be collected by 84820  
the vendor from the consumer in addition to the price. Such sale 84821  
shall be reported on and the amount of the tax applicable thereto 84822  
shall be remitted with the return for the period in which the sale 84823  
is made, and the amount of the tax shall become a legal charge in 84824

favor of the vendor and against the consumer. 84825

(B)(1)(a) If any sale is claimed to be exempt under division 84826  
(E) of section 5739.01 of the Revised Code or under section 84827  
5739.02 of the Revised Code, with the exception of divisions 84828  
(B)(1) to (11), (28), (48), or (55) of section 5739.02 of the 84829  
Revised Code, ~~or if the consumer claims the transaction is not a~~ 84830  
~~taxable sale due to one or more of the exclusions provided under~~ 84831  
~~divisions (JJ)(1) to (5) of section 5739.01 of the Revised Code,~~ 84832  
the consumer must provide to the vendor, and the vendor must 84833  
obtain from the consumer, a certificate specifying the reason that 84834  
the sale is not legally subject to the tax. The certificate shall 84835  
be in such form, and shall be provided either in a hard copy form 84836  
or electronic form, as the tax commissioner prescribes. 84837

(b) A vendor that obtains a fully completed exemption 84838  
certificate from a consumer is relieved of liability for 84839  
collecting and remitting tax on any sale covered by that 84840  
certificate. If it is determined the exemption was improperly 84841  
claimed, the consumer shall be liable for any tax due on that sale 84842  
under section 5739.02, 5739.021, 5739.023, or 5739.026 or Chapter 84843  
5741. of the Revised Code. Relief under this division from 84844  
liability does not apply to any of the following: 84845

(i) A vendor that fraudulently fails to collect tax; 84846

(ii) A vendor that solicits consumers to participate in the 84847  
unlawful claim of an exemption; 84848

(iii) A vendor that accepts an exemption certificate from a 84849  
consumer that claims an exemption based on who purchases or who 84850  
sells property or a service, when the subject of the transaction 84851  
sought to be covered by the exemption certificate is actually 84852  
received by the consumer at a location operated by the vendor in 84853  
this state, and this state has posted to its web site an exemption 84854  
certificate form that clearly and affirmatively indicates that the 84855

claimed exemption is not available in this state; 84856

(iv) A vendor that accepts an exemption certificate from a 84857  
consumer who claims a multiple points of use exemption under 84858  
division (D) of section 5739.033 of the Revised Code, if the item 84859  
purchased is tangible personal property, other than prewritten 84860  
computer software. 84861

(2) The vendor shall maintain records, including exemption 84862  
certificates, of all sales on which a consumer has claimed an 84863  
exemption, and provide them to the tax commissioner on request. 84864

(3) The tax commissioner may establish an identification 84865  
system whereby the commissioner issues an identification number to 84866  
a consumer that is exempt from payment of the tax. The consumer 84867  
must present the number to the vendor, if any sale is claimed to 84868  
be exempt as provided in this section. 84869

(4) If no certificate is provided or obtained within ninety 84870  
days after the date on which such sale is consummated, it shall be 84871  
presumed that the tax applies. Failure to have so provided or 84872  
obtained a certificate shall not preclude a vendor, within one 84873  
hundred twenty days after the tax commissioner gives written 84874  
notice of intent to levy an assessment, from either establishing 84875  
that the sale is not subject to the tax, or obtaining, in good 84876  
faith, a fully completed exemption certificate. 84877

(5) Certificates need not be obtained nor provided where the 84878  
identity of the consumer is such that the transaction is never 84879  
subject to the tax imposed or where the item of tangible personal 84880  
property sold or the service provided is never subject to the tax 84881  
imposed, regardless of use, or when the sale is in interstate 84882  
commerce. 84883

(6) If a transaction is claimed to be exempt under division 84884  
(B)(13) of section 5739.02 of the Revised Code, the contractor 84885  
shall obtain certification of the claimed exemption from the 84886

contractee. This certification shall be in addition to an 84887  
exemption certificate provided by the contractor to the vendor. A 84888  
contractee that provides a certification under this division shall 84889  
be deemed to be the consumer of all items purchased by the 84890  
contractor under the claim of exemption, if it is subsequently 84891  
determined that the exemption is not properly claimed. The 84892  
certification shall be in such form as the tax commissioner 84893  
prescribes. 84894

(C) As used in this division, "contractee" means a person who 84895  
seeks to enter or enters into a contract or agreement with a 84896  
contractor or vendor for the construction of real property or for 84897  
the sale and installation onto real property of tangible personal 84898  
property. 84899

Any contractor or vendor may request from any contractee a 84900  
certification of what portion of the property to be transferred 84901  
under such contract or agreement is to be incorporated into the 84902  
realty and what portion will retain its status as tangible 84903  
personal property after installation is completed. The contractor 84904  
or vendor shall request the certification by certified mail 84905  
delivered to the contractee, return receipt requested. Upon 84906  
receipt of such request and prior to entering into the contract or 84907  
agreement, the contractee shall provide to the contractor or 84908  
vendor a certification sufficiently detailed to enable the 84909  
contractor or vendor to ascertain the resulting classification of 84910  
all materials purchased or fabricated by the contractor or vendor 84911  
and transferred to the contractee. This requirement applies to a 84912  
contractee regardless of whether the contractee holds a direct 84913  
payment permit under section 5739.031 of the Revised Code or 84914  
provides to the contractor or vendor an exemption certificate as 84915  
provided under this section. 84916

For the purposes of the taxes levied by this chapter and 84917  
Chapter 5741. of the Revised Code, the contractor or vendor may in 84918

good faith rely on the contractee's certification. Notwithstanding 84919  
division (B) of section 5739.01 of the Revised Code, if the tax 84920  
commissioner determines that certain property certified by the 84921  
contractee as tangible personal property pursuant to this division 84922  
is, in fact, real property, the contractee shall be considered to 84923  
be the consumer of all materials so incorporated into that real 84924  
property and shall be liable for the applicable tax, and the 84925  
contractor or vendor shall be excused from any liability on those 84926  
materials. 84927

If a contractee fails to provide such certification upon the 84928  
request of the contractor or vendor, the contractor or vendor 84929  
shall comply with the provisions of this chapter and Chapter 5741. 84930  
of the Revised Code without the certification. If the tax 84931  
commissioner determines that such compliance has been performed in 84932  
good faith and that certain property treated as tangible personal 84933  
property by the contractor or vendor is, in fact, real property, 84934  
the contractee shall be considered to be the consumer of all 84935  
materials so incorporated into that real property and shall be 84936  
liable for the applicable tax, and the construction contractor or 84937  
vendor shall be excused from any liability on those materials. 84938

This division does not apply to any contract or agreement 84939  
where the tax commissioner determines as a fact that a 84940  
certification under this division was made solely on the decision 84941  
or advice of the contractor or vendor. 84942

(D) Notwithstanding division (B) of section 5739.01 of the 84943  
Revised Code, whenever the total rate of tax imposed under this 84944  
chapter is increased after the date after a construction contract 84945  
is entered into, the contractee shall reimburse the construction 84946  
contractor for any additional tax paid on tangible property 84947  
consumed or services received pursuant to the contract. 84948

(E) A vendor who files a petition for reassessment contesting 84949  
the assessment of tax on sales for which the vendor obtained no 84950

valid exemption certificates and for which the vendor failed to 84951  
establish that the sales were properly not subject to the tax 84952  
during the one-hundred-twenty-day period allowed under division 84953  
(B) of this section, may present to the tax commissioner 84954  
additional evidence to prove that the sales were properly subject 84955  
to a claim of exception or exemption. The vendor shall file such 84956  
evidence within ninety days of the receipt by the vendor of the 84957  
notice of assessment, except that, upon application and for 84958  
reasonable cause, the period for submitting such evidence shall be 84959  
extended thirty days. 84960

The commissioner shall consider such additional evidence in 84961  
reaching the final determination on the assessment and petition 84962  
for reassessment. 84963

(F) Whenever a vendor refunds the price, minus any separately 84964  
stated delivery charge, of an item of tangible personal property 84965  
on which the tax imposed under this chapter has been paid, the 84966  
vendor shall also refund the amount of tax paid, minus the amount 84967  
of tax attributable to the delivery charge. 84968

**Sec. 5739.09.** (A)(1) A board of county commissioners may, by 84969  
resolution adopted by a majority of the members of the board, levy 84970  
an excise tax not to exceed three per cent on transactions by 84971  
which lodging by a hotel is or is to be furnished to transient 84972  
guests. The board shall establish all regulations necessary to 84973  
provide for the administration and allocation of the tax. The 84974  
regulations may prescribe the time for payment of the tax, and may 84975  
provide for the imposition of a penalty or interest, or both, for 84976  
late payments, provided that the penalty does not exceed ten per 84977  
cent of the amount of tax due, and the rate at which interest 84978  
accrues does not exceed the rate per annum prescribed pursuant to 84979  
section 5703.47 of the Revised Code. Except as otherwise provided 84980  
in this section, the regulations shall provide, after deducting 84981

the real and actual costs of administering the tax, for the return 84982  
to each municipal corporation or township that does not levy an 84983  
excise tax on the transactions, a uniform percentage of the tax 84984  
collected in the municipal corporation or in the unincorporated 84985  
portion of the township from each transaction, not to exceed 84986  
thirty-three and one-third per cent. Except as provided in this 84987  
section, the remainder of the revenue arising from the tax shall 84988  
be deposited in a separate fund and shall be spent solely to make 84989  
contributions to the convention and visitors' bureau operating 84990  
within the county, including a pledge and contribution of any 84991  
portion of the remainder pursuant to an agreement authorized by 84992  
section 307.678 or 307.695 of the Revised Code. 84993

(2) If the board of county commissioners of an eligible 84994  
county as defined in section 307.678 or 307.695 of the Revised 84995  
Code adopts a resolution amending a resolution levying a tax under 84996  
division (A) of this section to provide that revenue from the tax 84997  
shall be used by the board as described in either division (D) of 84998  
section 307.678 or division (H) of section 307.695 of the Revised 84999  
Code, the remainder of the revenue shall be used as described in 85000  
the resolution making that amendment. 85001

(3) Except as provided in division (B), (C), (D), (E), (F), 85002  
(G), (H), (I), (J), (K), or (Q) of this section, on and after May 85003  
10, 1994, a board of county commissioners may not levy an excise 85004  
tax pursuant to division (A) of this section in any municipal 85005  
corporation or township located wholly or partly within the county 85006  
that has in effect an ordinance or resolution levying an excise 85007  
tax pursuant to division (B) of section 5739.08 of the Revised 85008  
Code. 85009

(4) The board of a county that has levied a tax under 85010  
division (M) of this section may, by resolution adopted within 85011  
ninety days after July 15, 1985, by a majority of the members of 85012

the board, amend the resolution levying a tax under division (A) 85013  
of this section to provide for a portion of that tax to be pledged 85014  
and contributed in accordance with an agreement entered into under 85015  
section 307.695 of the Revised Code. A tax, any revenue from which 85016  
is pledged pursuant to such an agreement, shall remain in effect 85017  
at the rate at which it is imposed for the duration of the period 85018  
for which the revenue from the tax has been so pledged. 85019

(5) The board of county commissioners of an eligible county 85020  
as defined in section 307.695 of the Revised Code may, by 85021  
resolution adopted by a majority of the members of the board, 85022  
amend a resolution levying a tax under division (A) of this 85023  
section to provide that the revenue from the tax shall be used by 85024  
the board as described in division (H) of section 307.695 of the 85025  
Revised Code, in which case the tax shall remain in effect at the 85026  
rate at which it was imposed for the duration of any agreement 85027  
entered into by the board under section 307.695 of the Revised 85028  
Code, the duration during which any securities issued by the board 85029  
under that section are outstanding, or the duration of the period 85030  
during which the board owns a project as defined in section 85031  
307.695 of the Revised Code, whichever duration is longest. 85032

(6) The board of county commissioners of an eligible county 85033  
as defined in section 307.678 of the Revised Code may, by 85034  
resolution, amend a resolution levying a tax under division (A) of 85035  
this section to provide that revenue from the tax, not to exceed 85036  
five hundred thousand dollars each year, may be used as described 85037  
in division (E) of section 307.678 of the Revised Code. 85038

(7) Notwithstanding division (A) of this section, the board 85039  
of county commissioners of a county described in division (H)(1) 85040  
of this section may, by resolution, amend a resolution levying a 85041  
tax under division (A) of this section to provide that all or a 85042  
portion of the revenue from the tax, including any revenue 85043  
otherwise required to be returned to townships or municipal 85044

corporations under that division, may be used or pledged for the 85045  
payment of debt service on securities issued to pay the costs of 85046  
constructing, operating, and maintaining sports facilities 85047  
described in division (H)(2) of this section. 85048

(8) The board of county commissioners of a county described 85049  
in division (I) of this section may, by resolution, amend a 85050  
resolution levying a tax under division (A) of this section to 85051  
provide that all or a portion of the revenue from the tax may be 85052  
used for the purposes described in section 307.679 of the Revised 85053  
Code. 85054

(B) A board of county commissioners that levies an excise tax 85055  
under division (A) of this section on June 30, 1997, at a rate of 85056  
three per cent, and that has pledged revenue from the tax to an 85057  
agreement entered into under section 307.695 of the Revised Code 85058  
or, in the case of the board of county commissioners of an 85059  
eligible county as defined in section 307.695 of the Revised Code, 85060  
has amended a resolution levying a tax under division (M) of this 85061  
section to provide that proceeds from the tax shall be used by the 85062  
board as described in division (H) of section 307.695 of the 85063  
Revised Code, may, at any time by a resolution adopted by a 85064  
majority of the members of the board, amend the resolution levying 85065  
a tax under division (A) of this section to provide for an 85066  
increase in the rate of that tax up to seven per cent on each 85067  
transaction; to provide that revenue from the increase in the rate 85068  
shall be used as described in division (H) of section 307.695 of 85069  
the Revised Code or be spent solely to make contributions to the 85070  
convention and visitors' bureau operating within the county to be 85071  
used specifically for promotion, advertising, and marketing of the 85072  
region in which the county is located; and to provide that the 85073  
rate in excess of the three per cent levied under division (A) of 85074  
this section shall remain in effect at the rate at which it is 85075  
imposed for the duration of the period during which any agreement 85076

is in effect that was entered into under section 307.695 of the Revised Code by the board of county commissioners levying a tax under division (A) of this section, the duration of the period during which any securities issued by the board under division (I) of section 307.695 of the Revised Code are outstanding, or the duration of the period during which the board owns a project as defined in section 307.695 of the Revised Code, whichever duration is longest. The amendment also shall provide that no portion of that revenue need be returned to townships or municipal corporations as would otherwise be required under division (A) of this section.

(C)(1) As used in division (C) of this section, "cost" and "facility" have the same meanings as in section 351.01 of the Revised Code, and "convention center" has the same meaning as in section 307.695 of the Revised Code.

(2) A board of county commissioners that levies a tax under division (A) of this section on March 18, 1999, at a rate of three per cent may, by resolution adopted not later than forty-five days after March 18, 1999, amend the resolution levying the tax to provide for all of the following:

(a) That the rate of the tax shall be increased by not more than an additional four per cent on each transaction;

(b) That all of the revenue from the increase in the rate shall be pledged and contributed to a convention facilities authority established by the board of county commissioners under Chapter 351. of the Revised Code on or before November 15, 1998, and used to pay costs of constructing, maintaining, operating, and promoting a facility in the county, including paying bonds, or notes issued in anticipation of bonds, as provided by that chapter;

(c) That no portion of the revenue arising from the increase

in rate need be returned to municipal corporations or townships as 85108  
otherwise required under division (A) of this section; 85109

(d) That the increase in rate shall not be subject to 85110  
diminution by initiative or referendum or by law while any bonds, 85111  
or notes in anticipation of bonds, issued by the authority under 85112  
Chapter 351. of the Revised Code to which the revenue is pledged, 85113  
remain outstanding in accordance with their terms, unless 85114  
provision is made by law or by the board of county commissioners 85115  
for an adequate substitute therefor that is satisfactory to the 85116  
trustee if a trust agreement secures the bonds. 85117

(3) Division (C) of this section does not apply to the board 85118  
of county commissioners of any county in which a convention center 85119  
or facility exists or is being constructed on November 15, 1998, 85120  
or of any county in which a convention facilities authority levies 85121  
a tax pursuant to section 351.021 of the Revised Code on that 85122  
date. 85123

(D)(1) As used in division (D) of this section, "cost" has 85124  
the same meaning as in section 351.01 of the Revised Code, and 85125  
"convention center" has the same meaning as in section 307.695 of 85126  
the Revised Code. 85127

(2) A board of county commissioners that levies a tax under 85128  
division (A) of this section on June 30, 2002, at a rate of three 85129  
per cent may, by resolution adopted not later than September 30, 85130  
2002, amend the resolution levying the tax to provide for all of 85131  
the following: 85132

(a) That the rate of the tax shall be increased by not more 85133  
than an additional three and one-half per cent on each 85134  
transaction; 85135

(b) That all of the revenue from the increase in rate shall 85136  
be pledged and contributed to a convention facilities authority 85137  
established by the board of county commissioners under Chapter 85138

351. of the Revised Code on or before May 15, 2002, and be used to 85139  
pay costs of constructing, expanding, maintaining, operating, or 85140  
promoting a convention center in the county, including paying 85141  
bonds, or notes issued in anticipation of bonds, as provided by 85142  
that chapter; 85143

(c) That no portion of the revenue arising from the increase 85144  
in rate need be returned to municipal corporations or townships as 85145  
otherwise required under division (A) of this section; 85146

(d) That the increase in rate shall not be subject to 85147  
diminution by initiative or referendum or by law while any bonds, 85148  
or notes in anticipation of bonds, issued by the authority under 85149  
Chapter 351. of the Revised Code to which the revenue is pledged, 85150  
remain outstanding in accordance with their terms, unless 85151  
provision is made by law or by the board of county commissioners 85152  
for an adequate substitute therefor that is satisfactory to the 85153  
trustee if a trust agreement secures the bonds. 85154

(3) Any board of county commissioners that, pursuant to 85155  
division (D)(2) of this section, has amended a resolution levying 85156  
the tax authorized by division (A) of this section may further 85157  
amend the resolution to provide that the revenue referred to in 85158  
division (D)(2)(b) of this section shall be pledged and 85159  
contributed both to a convention facilities authority to pay the 85160  
costs of constructing, expanding, maintaining, or operating one or 85161  
more convention centers in the county, including paying bonds, or 85162  
notes issued in anticipation of bonds, as provided in Chapter 351. 85163  
of the Revised Code, and to a convention and visitors' bureau to 85164  
pay the costs of promoting one or more convention centers in the 85165  
county. 85166

(E)(1) As used in division (E) of this section: 85167

(a) "Port authority" means a port authority created under 85168  
Chapter 4582. of the Revised Code. 85169

(b) "Port authority military-use facility" means port authority facilities on which or adjacent to which is located an installation of the armed forces of the United States, a reserve component thereof, or the national guard and at least part of which is made available for use, for consideration, by the armed forces of the United States, a reserve component thereof, or the national guard.

(2) For the purpose of contributing revenue to pay operating expenses of a port authority that operates a port authority military-use facility, the board of county commissioners of a county that created, participated in the creation of, or has joined such a port authority may do one or both of the following:

(a) Amend a resolution previously adopted under division (A) of this section to designate some or all of the revenue from the tax levied under the resolution to be used for that purpose, notwithstanding that division;

(b) Amend a resolution previously adopted under division (A) of this section to increase the rate of the tax by not more than an additional two per cent and use the revenue from the increase exclusively for that purpose.

(3) If a board of county commissioners amends a resolution to increase the rate of a tax as authorized in division (E)(2)(b) of this section, the board also may amend the resolution to specify that the increase in rate of the tax does not apply to "hotels," as otherwise defined in section 5739.01 of the Revised Code, having fewer rooms used for the accommodation of guests than a number of rooms specified by the board.

(F)(1) A board of county commissioners of a county organized under a county charter adopted pursuant to Article X, Section 3, Ohio Constitution, and that levies an excise tax under division (A) of this section at a rate of three per cent and levies an

additional excise tax under division (O) of this section at a rate 85201  
of one and one-half per cent may, by resolution adopted not later 85202  
than January 1, 2008, by a majority of the members of the board, 85203  
amend the resolution levying a tax under division (A) of this 85204  
section to provide for an increase in the rate of that tax by not 85205  
more than an additional one per cent on transactions by which 85206  
lodging by a hotel is or is to be furnished to transient guests. 85207  
Notwithstanding divisions (A) and (O) of this section, the 85208  
resolution shall provide that all of the revenue from the increase 85209  
in rate, after deducting the real and actual costs of 85210  
administering the tax, shall be used to pay the costs of 85211  
improving, expanding, equipping, financing, or operating a 85212  
convention center by a convention and visitors' bureau in the 85213  
county. 85214

(2) The increase in rate shall remain in effect for the 85215  
period specified in the resolution, not to exceed ten years, and 85216  
may be extended for an additional period of time not to exceed ten 85217  
years thereafter by a resolution adopted by a majority of the 85218  
members of the board. 85219

(3) The increase in rate shall be subject to the regulations 85220  
adopted under division (A) of this section, except that the 85221  
resolution may provide that no portion of the revenue from the 85222  
increase in the rate shall be returned to townships or municipal 85223  
corporations as would otherwise be required under that division. 85224

(G)(1) Division (G) of this section applies only to a county 85225  
with a population greater than sixty-five thousand and less than 85226  
seventy thousand according to the most recent federal decennial 85227  
census and in which, on December 31, 2006, an excise tax is levied 85228  
under division (A) of this section at a rate not less than and not 85229  
greater than three per cent, and in which the most recent increase 85230  
in the rate of that tax was enacted or took effect in November 85231  
1984. 85232

(2) The board of county commissioners of a county to which 85233  
division (G) of this section applies, by resolution adopted by a 85234  
majority of the members of the board, may increase the rate of the 85235  
tax by not more than one per cent on transactions by which lodging 85236  
by a hotel is or is to be furnished to transient guests. The 85237  
increase in rate shall be for the purpose of paying expenses 85238  
deemed necessary by the convention and visitors' bureau operating 85239  
in the county to promote travel and tourism. 85240

(3) The increase in rate shall remain in effect for the 85241  
period specified in the resolution, not to exceed twenty years, 85242  
provided that the increase in rate may not continue beyond the 85243  
time when the purpose for which the increase is levied ceases to 85244  
exist. If revenue from the increase in rate is pledged to the 85245  
payment of debt charges on securities, the increase in rate is not 85246  
subject to diminution by initiative or referendum or by law for so 85247  
long as the securities are outstanding, unless provision is made 85248  
by law or by the board of county commissioners for an adequate 85249  
substitute for that revenue that is satisfactory to the trustee if 85250  
a trust agreement secures payment of the debt charges. 85251

(4) The increase in rate shall be subject to the regulations 85252  
adopted under division (A) of this section, except that the 85253  
resolution may provide that no portion of the revenue from the 85254  
increase in the rate shall be returned to townships or municipal 85255  
corporations as would otherwise be required under division (A) of 85256  
this section. 85257

(5) A resolution adopted under division (G) of this section 85258  
is subject to referendum under sections 305.31 to 305.99 of the 85259  
Revised Code. 85260

(H)(1) Division (H) of this section applies only to a county 85261  
satisfying all of the following: 85262

(a) The population of the county is greater than one hundred 85263

seventy-five thousand and less than two hundred twenty-five 85264  
thousand according to the most recent federal decennial census. 85265

(b) An amusement park with an average yearly attendance in 85266  
excess of two million guests is located in the county. 85267

(c) On December 31, 2014, an excise tax was levied in the 85268  
county under division (A) of this section at a rate of three per 85269  
cent. 85270

(2) The board of county commissioners of a county to which 85271  
division (H) of this section applies, by resolution adopted by a 85272  
majority of the members of the board, may increase the rate of the 85273  
tax by not more than one per cent on transactions by which lodging 85274  
by a hotel is or is to be furnished to transient guests. The 85275  
increase in rate shall be used to pay the costs of constructing 85276  
and maintaining facilities owned by the county or by a port 85277  
authority created under Chapter 4582. of the Revised Code, and 85278  
designed to host sporting events and expenses deemed necessary by 85279  
the convention and visitors' bureau operating in the county to 85280  
promote travel and tourism with reference to the sports 85281  
facilities, and to pay or pledge to the payment of debt service on 85282  
securities issued to pay the costs of constructing, operating, and 85283  
maintaining the sports facilities. 85284

(3) The increase in rate shall remain in effect for the 85285  
period specified in the resolution. If revenue from the increase 85286  
in rate is pledged to the payment of debt charges on securities, 85287  
the increase in rate is not subject to diminution by initiative or 85288  
referendum or by law for so long as the securities are 85289  
outstanding, unless provision is made by law or by the board of 85290  
county commissioners for an adequate substitute for that revenue 85291  
that is satisfactory to the trustee if a trust agreement secures 85292  
payment of the debt charges. 85293

(4) The increase in rate shall be subject to the regulations 85294

adopted under division (A) of this section, except that the 85295  
resolution may provide that no portion of the revenue from the 85296  
increase in the rate shall be returned to townships or municipal 85297  
corporations as would otherwise be required under division (A) of 85298  
this section. 85299

(I)(1) The board of county commissioners of a county with a 85300  
population greater than seventy-five thousand and less than 85301  
seventy-eight thousand, by resolution adopted by a majority of the 85302  
members of the board not later than October 15, 2015, may increase 85303  
the rate of the tax by not more than one per cent on transactions 85304  
by which lodging by a hotel is or is to be furnished to transient 85305  
guests. The increase in rate shall be for the purposes described 85306  
in section 307.679 of the Revised Code or for the promotion of 85307  
travel and tourism in the county, including travel and tourism to 85308  
sports facilities. 85309

(2) The increase in rate shall remain in effect for the 85310  
period specified in the resolution and as necessary to fulfill the 85311  
county's obligations under a cooperative agreement entered into 85312  
under section 307.679 of the Revised Code. If the resolution is 85313  
adopted by the board before September 29, 2015, but after that 85314  
enactment becomes law, the increase in rate shall become effective 85315  
beginning on September 29, 2015. If revenue from the increase in 85316  
rate is pledged to the payment of debt charges on securities, or 85317  
to substitute for other revenues pledged to the payment of such 85318  
debt, the increase in rate is not subject to diminution by 85319  
initiative or referendum or by law for so long as the securities 85320  
are outstanding, unless provision is made by law or by the board 85321  
of county commissioners for an adequate substitute for that 85322  
revenue that is satisfactory to the trustee if a trust agreement 85323  
secures payment of the debt charges. 85324

(3) The increase in rate shall be subject to the regulations 85325  
adopted under division (A) of this section, except that no portion 85326

of the revenue from the increase in the rate shall be returned to 85327  
townships or municipal corporations as would otherwise be required 85328  
under division (A) of this section. 85329

(J)(1) Division (J) of this section applies only to counties 85330  
satisfying either of the following: 85331

(a) A county that, on July 1, 2015, does not levy an excise 85332  
tax under division (A) of this section and that has a population 85333  
of at least thirty-nine thousand but not more than forty thousand 85334  
according to the 2010 federal decennial census; 85335

(b) A county that, on July 1, 2015, levies an excise tax 85336  
under division (A) of this section at a rate of three per cent and 85337  
that has a population of at least seventy-one thousand but not 85338  
more than seventy-five thousand according to 2010 federal 85339  
decennial census. 85340

(2) The board of county commissioners of a county to which 85341  
division (J) of this section applies, by resolution adopted by a 85342  
majority of the members of the board, may levy an excise tax at a 85343  
rate not to exceed three per cent on transactions by which lodging 85344  
by a hotel is or is to be furnished to transient guests for the 85345  
purpose of acquiring, constructing, equipping, or repairing 85346  
permanent improvements, as defined in section 133.01 of the 85347  
Revised Code. 85348

(3) If the board does not levy a tax under division (A) of 85349  
this section, the board shall establish regulations necessary to 85350  
provide for the administration of the tax, which may prescribe the 85351  
time for payment of the tax and the imposition of penalty or 85352  
interest subject to the limitations on penalty and interest 85353  
provided in division (A) of this section. No portion of the 85354  
revenue shall be returned to townships or municipal corporations 85355  
in the county unless otherwise provided by resolution of the 85356  
board. 85357

(4) The tax shall apply throughout the territory of the county, including in any township or municipal corporation levying an excise tax under division (A) or (B) of section 5739.08 of the Revised Code. The levy of the tax is subject to referendum as provided under section 305.31 of the Revised Code.

(5) The tax shall remain in effect for the period specified in the resolution. If revenue from the increase in rate is pledged to the payment of debt charges on securities, the increase in rate is not subject to diminution by initiative or referendum or by law for so long as the securities are outstanding unless provision is made by law or by the board for an adequate substitute for that revenue that is satisfactory to the trustee if a trust agreement secures payment of the debt charges.

(K)(1) The board of county commissioners of an eligible county, as defined in section 307.678 of the Revised Code, that levies an excise tax under division (A) of this section on July 1, 2017, at a rate of three per cent may, by resolution adopted by a majority of the members of the board, amend the resolution levying the tax to increase the rate of the tax by not more than an additional three per cent on each transaction.

(2) No portion of the revenue shall be returned to townships or municipal corporations in the county unless otherwise provided by resolution of the board. Otherwise, the revenue from the increase in the rate shall be distributed and used in the same manner described under division (A) of this section or distributed or used to provide credit enhancement facilities as authorized under section 307.678 of the Revised Code.

(3) The increase in rate shall remain in effect for the period specified in the resolution. If revenue from the increase in rate is pledged to the payment of debt charges on securities, the increase in rate is not subject to diminution by initiative or referendum or by law for so long as the securities are outstanding

unless provision is made by law or by the board for an adequate 85390  
substitute for that revenue that is satisfactory to the trustee if 85391  
a trust agreement secures payment of the debt charges. 85392

(L)(1) As used in division (L) of this section: 85393

(a) "Eligible county" means a county that has a population 85394  
greater than one hundred ninety thousand and less than two hundred 85395  
thousand according to the 2010 federal decennial census and that 85396  
levies an excise tax under division (A) of this section at a rate 85397  
of three per cent. 85398

(b) "Professional sports facility" means a sports facility 85399  
that is intended to house major or minor league professional 85400  
athletic teams, including a stadium, together with all parking 85401  
facilities, walkways, and other auxiliary facilities, real and 85402  
personal property, property rights, easements, and interests that 85403  
may be appropriate for, or used in connection with, the operation 85404  
of the facility. 85405

(2) Subject to division (L)(3) of this section, the board of 85406  
county commissioners of an eligible county, by resolution adopted 85407  
by a majority of the members of the board, may increase the rate 85408  
of the tax by not more than one per cent on transactions by which 85409  
lodging by a hotel is or is to be furnished to transient guests. 85410  
Revenue from the increase in rate shall be used for the purposes 85411  
of paying the costs of constructing, improving, and maintaining a 85412  
professional sports facility in the county and paying expenses 85413  
considered necessary by the convention and visitors' bureau 85414  
operating in the county to promote travel and tourism with respect 85415  
to that professional sports facility. The tax shall take effect 85416  
only after the convention and visitors' bureau enters into a 85417  
contract for the construction, improvement, or maintenance of a 85418  
professional sports facility that is or will be located on 85419  
property acquired, in whole or in part, with revenue from the 85420  
increased rate, and thereafter shall remain in effect for the 85421

period specified in the resolution. If revenue from the increase 85422  
in rate is pledged to the payment of debt charges on securities, 85423  
the increase in rate is not subject to diminution by initiative or 85424  
referendum or by law for so long as the securities are 85425  
outstanding, unless a provision is made by law or by the board of 85426  
county commissioners for an adequate substitute for that revenue 85427  
that is satisfactory to the trustee if a trust agreement secures 85428  
payment of the debt charges. The increase in rate shall be subject 85429  
to the regulations adopted under division (A) of this section, 85430  
except that the resolution may provide that no portion of the 85431  
revenue from the increase in the rate shall be returned to 85432  
townships or municipal corporations as would otherwise be required 85433  
under division (A) of this section. 85434

(3) If, on December 31, 2019, the convention and visitors' 85435  
bureau has not entered into a contract for the construction, 85436  
improvement, or maintenance of a professional sports facility that 85437  
is or will be located on property acquired, in whole or in part, 85438  
with revenue from the increased rate, the authority to levy the 85439  
tax under division (L)(2) of this section is hereby repealed on 85440  
that date. 85441

(M)(1) For the purposes described in section 307.695 of the 85442  
Revised Code and to cover the costs of administering the tax, a 85443  
board of county commissioners of a county where a tax imposed 85444  
under division (A) of this section is in effect may, by resolution 85445  
adopted within ninety days after July 15, 1985, by a majority of 85446  
the members of the board, levy an additional excise tax not to 85447  
exceed three per cent on transactions by which lodging by a hotel 85448  
is or is to be furnished to transient guests. The tax authorized 85449  
by division (M) of this section shall be in addition to any tax 85450  
that is levied pursuant to divisions (A) to (L) of this section, 85451  
but it shall not apply to transactions subject to a tax levied by 85452  
a municipal corporation or township pursuant to section 5739.08 of 85453

the Revised Code. 85454

(2) The board shall establish all regulations necessary to 85455  
provide for the administration and allocation of the tax. The 85456  
regulations may prescribe the time for payment of the tax, and may 85457  
provide for the imposition of a penalty or interest, or both, for 85458  
late payments, provided that the penalty does not exceed ten per 85459  
cent of the amount of tax due, and the rate at which interest 85460  
accrues does not exceed the rate per annum prescribed pursuant to 85461  
section 5703.47 of the Revised Code. 85462

(3) All revenues arising from the tax shall be expended in 85463  
accordance with section 307.695 of the Revised Code. The board of 85464  
county commissioners of an eligible county as defined in section 85465  
307.695 of the Revised Code may, by resolution adopted by a 85466  
majority of the members of the board, amend the resolution levying 85467  
a tax under this division to provide that the revenue from the tax 85468  
shall be used by the board as described in division (H) of section 85469  
307.695 of the Revised Code. 85470

(4) A tax imposed under this division shall remain in effect 85471  
at the rate at which it is imposed for the duration of the period 85472  
during which any agreement entered into by the board under section 85473  
307.695 of the Revised Code is in effect, the duration of the 85474  
period during which any securities issued by the board under 85475  
division (I) of section 307.695 of the Revised Code are 85476  
outstanding, or the duration of the period during which the board 85477  
owns a project as defined in section 307.695 of the Revised Code, 85478  
whichever duration is longest. 85479

(N)(1) For the purpose of providing contributions under 85480  
division (B)(1) of section 307.671 of the Revised Code to enable 85481  
the acquisition, construction, and equipping of a port authority 85482  
educational and cultural facility in the county and, to the extent 85483  
provided for in the cooperative agreement authorized by that 85484  
section, for the purpose of paying debt service charges on bonds, 85485

or notes in anticipation of bonds, described in division (B)(1)(b) 85486  
of that section, a board of county commissioners, by resolution 85487  
adopted within ninety days after December 22, 1992, by a majority 85488  
of the members of the board, may levy an additional excise tax not 85489  
to exceed one and one-half per cent on transactions by which 85490  
lodging by a hotel is or is to be furnished to transient guests. 85491  
The excise tax authorized by division (N) of this section shall be 85492  
in addition to any tax that is levied pursuant to divisions (A) to 85493  
(M) of this section, to any excise tax levied pursuant to section 85494  
5739.08 of the Revised Code, and to any excise tax levied pursuant 85495  
to section 351.021 of the Revised Code. 85496

(2) The board of county commissioners shall establish all 85497  
regulations necessary to provide for the administration and 85498  
allocation of the tax that are not inconsistent with this section 85499  
or section 307.671 of the Revised Code. The regulations may 85500  
prescribe the time for payment of the tax, and may provide for the 85501  
imposition of a penalty or interest, or both, for late payments, 85502  
provided that the penalty does not exceed ten per cent of the 85503  
amount of tax due, and the rate at which interest accrues does not 85504  
exceed the rate per annum prescribed pursuant to section 5703.47 85505  
of the Revised Code. 85506

(3) All revenues arising from the tax shall be expended in 85507  
accordance with section 307.671 of the Revised Code and division 85508  
(N) of this section. The levy of a tax imposed under division (N) 85509  
of this section may not commence prior to the first day of the 85510  
month next following the execution of the cooperative agreement 85511  
authorized by section 307.671 of the Revised Code by all parties 85512  
to that agreement. 85513

(4) The tax shall remain in effect at the rate at which it is 85514  
imposed for the period of time described in division (C) of 85515  
section 307.671 of the Revised Code for which the revenue from the 85516  
tax has been pledged by the county to the corporation pursuant to 85517

that section, but, to any extent provided for in the cooperative 85518  
agreement, for no lesser period than the period of time required 85519  
for payment of the debt service charges on bonds, or notes in 85520  
anticipation of bonds, described in division (B)(1)(b) of that 85521  
section. 85522

(O)(1) For the purpose of paying the costs of acquiring, 85523  
constructing, equipping, and improving a municipal educational and 85524  
cultural facility, including debt service charges on bonds 85525  
provided for in division (B) of section 307.672 of the Revised 85526  
Code, and for any additional purposes determined by the county in 85527  
the resolution levying the tax or amendments to the resolution, 85528  
including subsequent amendments providing for paying costs of 85529  
acquiring, constructing, renovating, rehabilitating, equipping, 85530  
and improving a port authority educational and cultural performing 85531  
arts facility, as defined in section 307.674 of the Revised Code, 85532  
and including debt service charges on bonds provided for in 85533  
division (B) of section 307.674 of the Revised Code, the 85534  
legislative authority of a county, by resolution adopted within 85535  
ninety days after June 30, 1993, by a majority of the members of 85536  
the legislative authority, may levy an additional excise tax not 85537  
to exceed one and one-half per cent on transactions by which 85538  
lodging by a hotel is or is to be furnished to transient guests. 85539  
The excise tax authorized by division (O) of this section shall be 85540  
in addition to any tax that is levied pursuant to divisions (A) to 85541  
(N) of this section, to any excise tax levied pursuant to section 85542  
5739.08 of the Revised Code, and to any excise tax levied pursuant 85543  
to section 351.021 of the Revised Code. 85544

(2) The legislative authority of the county shall establish 85545  
all regulations necessary to provide for the administration and 85546  
allocation of the tax. The regulations may prescribe the time for 85547  
payment of the tax, and may provide for the imposition of a 85548  
penalty or interest, or both, for late payments, provided that the 85549

penalty does not exceed ten per cent of the amount of tax due, and 85550  
the rate at which interest accrues does not exceed the rate per 85551  
annum prescribed pursuant to section 5703.47 of the Revised Code. 85552

(3) All revenues arising from the tax shall be expended in 85553  
accordance with section 307.672 of the Revised Code and this 85554  
division. The levy of a tax imposed under this division shall not 85555  
commence prior to the first day of the month next following the 85556  
execution of the cooperative agreement authorized by section 85557  
307.672 of the Revised Code by all parties to that agreement. The 85558  
tax shall remain in effect at the rate at which it is imposed for 85559  
the period of time determined by the legislative authority of the 85560  
county. That period of time shall not exceed fifteen years, except 85561  
that the legislative authority of a county with a population of 85562  
less than two hundred fifty thousand according to the most recent 85563  
federal decennial census, by resolution adopted by a majority of 85564  
its members before the original tax expires, may extend the 85565  
duration of the tax for an additional period of time. The 85566  
additional period of time by which a legislative authority extends 85567  
a tax levied under division (O) of this section shall not exceed 85568  
fifteen years. 85569

(P)(1) The legislative authority of a county that has levied 85570  
a tax under division (O) of this section may, by resolution 85571  
adopted within one hundred eighty days after January 4, 2001, by a 85572  
majority of the members of the legislative authority, amend the 85573  
resolution levying a tax under that division to provide for the 85574  
use of the proceeds of that tax, to the extent that it is no 85575  
longer needed for its original purpose as determined by the 85576  
parties to a cooperative agreement amendment pursuant to division 85577  
(D) of section 307.672 of the Revised Code, to pay costs of 85578  
acquiring, constructing, renovating, rehabilitating, equipping, 85579  
and improving a port authority educational and cultural performing 85580  
arts facility, including debt service charges on bonds provided 85581

for in division (B) of section 307.674 of the Revised Code, and to 85582  
pay all obligations under any guaranty agreements, reimbursement 85583  
agreements, or other credit enhancement agreements described in 85584  
division (C) of section 307.674 of the Revised Code. 85585

(2) The resolution may also provide for the extension of the 85586  
tax at the same rate for the longer of the period of time 85587  
determined by the legislative authority of the county, but not to 85588  
exceed an additional twenty-five years, or the period of time 85589  
required to pay all debt service charges on bonds provided for in 85590  
division (B) of section 307.672 of the Revised Code and on port 85591  
authority revenue bonds provided for in division (B) of section 85592  
307.674 of the Revised Code. 85593

(3) All revenues arising from the amendment and extension of 85594  
the tax shall be expended in accordance with section 307.674 of 85595  
the Revised Code and divisions (O) and (P) of this section. 85596

(Q)(1) As used in division (Q) of this section: 85597

(a) "Convention facilities authority" has the same meaning as 85598  
in section 351.01 of the Revised Code. 85599

(b) "Convention center" has the same meaning as in section 85600  
307.695 of the Revised Code. 85601

(2) Notwithstanding any contrary provision of division (N) of 85602  
this section, the legislative authority of a county with a 85603  
population of one million or more according to the most recent 85604  
federal decennial census that has levied a tax under division (N) 85605  
of this section may, by resolution adopted by a majority of the 85606  
members of the legislative authority, provide for the extension of 85607  
such levy and may provide that the proceeds of that tax, to the 85608  
extent that they are no longer needed for their original purpose 85609  
as defined by a cooperative agreement entered into under section 85610  
307.671 of the Revised Code, shall be deposited into the county 85611  
general revenue fund. The resolution shall provide for the 85612

extension of the tax at a rate not to exceed the rate specified in 85613  
division (N) of this section for a period of time determined by 85614  
the legislative authority of the county, but not to exceed an 85615  
additional forty years. 85616

(3) The legislative authority of a county with a population 85617  
of one million or more that has levied a tax under division (A) of 85618  
this section may, by resolution adopted by a majority of the 85619  
members of the legislative authority, increase the rate of the tax 85620  
levied by such county under division (A) of this section to a rate 85621  
not to exceed five per cent on transactions by which lodging by a 85622  
hotel is or is to be furnished to transient guests. 85623  
Notwithstanding any contrary provision of division (A) of this 85624  
section, the resolution may provide that all collections resulting 85625  
from the rate levied in excess of three per cent, after deducting 85626  
the real and actual costs of administering the tax, shall be 85627  
deposited in the county general fund. 85628

(4) The legislative authority of a county with a population 85629  
of one million or more that has levied a tax under division (A) of 85630  
this section may, by resolution adopted on or before August 30, 85631  
2004, by a majority of the members of the legislative authority, 85632  
provide that all or a portion of the proceeds of the tax levied 85633  
under division (A) of this section, after deducting the real and 85634  
actual costs of administering the tax and the amounts required to 85635  
be returned to townships and municipal corporations with respect 85636  
to the first three per cent levied under division (A) of this 85637  
section, shall be deposited in the county general fund, provided 85638  
that such proceeds shall be used to satisfy any pledges made in 85639  
connection with an agreement entered into under section 307.695 of 85640  
the Revised Code. 85641

(5) No amount collected from a tax levied, extended, or 85642  
required to be deposited in the county general fund under division 85643  
(Q) of this section shall be contributed to a convention 85644

facilities authority, corporation, or other entity created after 85645  
July 1, 2003, for the principal purpose of constructing, 85646  
improving, expanding, equipping, financing, or operating a 85647  
convention center unless the mayor of the municipal corporation in 85648  
which the convention center is to be operated by that convention 85649  
facilities authority, corporation, or other entity has consented 85650  
to the creation of that convention facilities authority, 85651  
corporation, or entity. Notwithstanding any contrary provision of 85652  
section 351.04 of the Revised Code, if a tax is levied by a county 85653  
under division (Q) of this section, the board of county 85654  
commissioners of that county may determine the manner of 85655  
selection, the qualifications, the number, and terms of office of 85656  
the members of the board of directors of any convention facilities 85657  
authority, corporation, or other entity described in division 85658  
(Q)(5) of this section. 85659

(6)(a) No amount collected from a tax levied, extended, or 85660  
required to be deposited in the county general fund under division 85661  
(Q) of this section may be used for any purpose other than paying 85662  
the direct and indirect costs of constructing, improving, 85663  
expanding, equipping, financing, or operating a convention center 85664  
and for the real and actual costs of administering the tax, 85665  
unless, prior to the adoption of the resolution of the legislative 85666  
authority of the county authorizing the levy, extension, increase, 85667  
or deposit, the county and the mayor of the most populous 85668  
municipal corporation in that county have entered into an 85669  
agreement as to the use of such amounts, provided that such 85670  
agreement has been approved by a majority of the mayors of the 85671  
other municipal corporations in that county. The agreement shall 85672  
provide that the amounts to be used for purposes other than paying 85673  
the convention center or administrative costs described in 85674  
division (Q)(6)(a) of this section be used only for the direct and 85675  
indirect costs of capital improvements, including the financing of 85676  
capital improvements. 85677

(b) If the county in which the tax is levied has an association of mayors and city managers, the approval of that association of an agreement described in division (Q)(6)(a) of this section shall be considered to be the approval of the majority of the mayors of the other municipal corporations for purposes of that division.

(7) Each year, the auditor of state shall conduct an audit of the uses of any amounts collected from taxes levied, extended, or deposited under division (Q) of this section and shall prepare a report of the auditor of state's findings. The auditor of state shall submit the report to the legislative authority of the county that has levied, extended, or deposited the tax, the speaker of the house of representatives, the president of the senate, and the leaders of the minority parties of the house of representatives and the senate.

(R)(1) As used in division (R) of this section:

(a) "Convention facilities authority" has the same meaning as in section 351.01 of the Revised Code.

(b) "Convention center" has the same meaning as in section 307.695 of the Revised Code.

(2) Notwithstanding any contrary provision of division (N) of this section, the legislative authority of a county with a population of one million two hundred thousand or more according to the most recent federal decennial census or the most recent annual population estimate published or released by the United States census bureau at the time the resolution is adopted placing the levy on the ballot, that has levied a tax under division (N) of this section may, by resolution adopted by a majority of the members of the legislative authority, provide for the extension of such levy and may provide that the proceeds of that tax, to the extent that the proceeds are no longer needed for their original

purpose as defined by a cooperative agreement entered into under 85709  
section 307.671 of the Revised Code and after deducting the real 85710  
and actual costs of administering the tax, shall be used for 85711  
paying the direct and indirect costs of constructing, improving, 85712  
expanding, equipping, financing, or operating a convention center. 85713  
The resolution shall provide for the extension of the tax at a 85714  
rate not to exceed the rate specified in division (N) of this 85715  
section for a period of time determined by the legislative 85716  
authority of the county, but not to exceed an additional forty 85717  
years. 85718

(3) The legislative authority of a county with a population 85719  
of one million two hundred thousand or more that has levied a tax 85720  
under division (A) of this section may, by resolution adopted by a 85721  
majority of the members of the legislative authority, increase the 85722  
rate of the tax levied by such county under division (A) of this 85723  
section to a rate not to exceed five per cent on transactions by 85724  
which lodging by a hotel is or is to be furnished to transient 85725  
guests. Notwithstanding any contrary provision of division (A) of 85726  
this section, the resolution shall provide that all collections 85727  
resulting from the rate levied in excess of three per cent, after 85728  
deducting the real and actual costs of administering the tax, 85729  
shall be used for paying the direct and indirect costs of 85730  
constructing, improving, expanding, equipping, financing, or 85731  
operating a convention center. 85732

(4) The legislative authority of a county with a population 85733  
of one million two hundred thousand or more that has levied a tax 85734  
under division (A) of this section may, by resolution adopted on 85735  
or before July 1, 2008, by a majority of the members of the 85736  
legislative authority, provide that all or a portion of the 85737  
proceeds of the tax levied under division (A) of this section, 85738  
after deducting the real and actual costs of administering the tax 85739  
and the amounts required to be returned to townships and municipal 85740

corporations with respect to the first three per cent levied under 85741  
division (A) of this section, shall be used to satisfy any pledges 85742  
made in connection with an agreement entered into under section 85743  
307.695 of the Revised Code or shall otherwise be used for paying 85744  
the direct and indirect costs of constructing, improving, 85745  
expanding, equipping, financing, or operating a convention center. 85746

(5) Any amount collected from a tax levied or extended under 85747  
division (R) of this section may be contributed to a convention 85748  
facilities authority created before July 1, 2005, but no amount 85749  
collected from a tax levied or extended under division (R) of this 85750  
section may be contributed to a convention facilities authority, 85751  
corporation, or other entity created after July 1, 2005, unless 85752  
the mayor of the municipal corporation in which the convention 85753  
center is to be operated by that convention facilities authority, 85754  
corporation, or other entity has consented to the creation of that 85755  
convention facilities authority, corporation, or entity. 85756

(S) As used in division (S) of this section, "soldiers' 85757  
memorial" means a memorial constructed and funded under Chapter 85758  
345. of the Revised Code. 85759

The board of county commissioners of a county with a 85760  
population between one hundred three thousand and one hundred 85761  
seven thousand according to the most recent federal decennial 85762  
census, by resolution adopted by a majority of the members of the 85763  
board within six months after September 15, 2014, may levy a tax 85764  
not to exceed three per cent on transactions by which a hotel is 85765  
or is to be furnished to transient guests. The purpose of the tax 85766  
shall be to pay the costs of expanding, maintaining, or operating 85767  
a soldiers' memorial and the costs of administering the tax. All 85768  
revenue arising from the tax shall be credited to one or more 85769  
special funds in the county treasury and shall be spent solely for 85770  
the purposes of paying those costs. 85771

The board of county commissioners shall adopt all rules 85772

necessary to provide for the administration of the tax subject to 85773  
the same limitations on imposing penalty or interest under 85774  
division (A) of this section. 85775

(T) As used in division (T) of this section, "eligible 85776  
county" means a county in which a county agricultural society or 85777  
independent agricultural society is organized under section 85778  
1711.01 or 1711.02 of the Revised Code, provided the agricultural 85779  
society owns a facility or site in the county at which an annual 85780  
harness horse race is conducted where one-day attendance equals at 85781  
least forty thousand attendees. 85782

A board of county commissioners of an eligible county, by 85783  
resolution adopted by a majority of the members of the board, may 85784  
levy an excise tax at the rate of up to three per cent on 85785  
transactions by which lodging by a hotel is or is to be furnished 85786  
to transient guests for the purpose of paying the costs of 85787  
permanent improvements at sites at which one or more agricultural 85788  
societies conduct fairs or exhibits, paying the costs of 85789  
maintaining or operating such permanent improvements, and paying 85790  
the costs of administering the tax. 85791

A resolution adopted under division (T) of this section, 85792  
other than a resolution that only extends the period of time for 85793  
which the tax is levied, shall direct the board of elections to 85794  
submit the question of the proposed lodging tax to the electors of 85795  
the county at a special election held on the date specified by the 85796  
board in the resolution, provided that the election occurs not 85797  
less than ninety days after a certified copy of the resolution is 85798  
transmitted to the board of elections. A resolution submitted to 85799  
the electors under division (T) of this section shall not go into 85800  
effect unless it is approved by a majority of those voting upon 85801  
it. The resolution takes effect on the date the board of county 85802  
commissioners receives notification from the board of elections of 85803  
an affirmative vote. 85804

The tax shall remain in effect for the period specified in 85805  
the resolution, not to exceed five years, and may be extended for 85806  
an additional period of time not to exceed fifteen years 85807  
thereafter by a resolution adopted by a majority of the members of 85808  
the board. A resolution extending the period of time for which the 85809  
tax is in effect is not subject to approval of the electors of the 85810  
county, but is subject to referendum under sections 305.31 to 85811  
305.99 of the Revised Code. All revenue arising from the tax shall 85812  
be credited to one or more special funds in the county treasury 85813  
and shall be spent solely for the purposes of paying the costs of 85814  
such permanent improvements and maintaining or operating the 85815  
improvements. Revenue allocated for the use of a county 85816  
agricultural society may be credited to the county agricultural 85817  
society fund created in section 1711.16 of the Revised Code upon 85818  
appropriation by the board. If revenue is credited to that fund, 85819  
it shall be expended only as provided in that section. 85820

The board of county commissioners shall adopt all rules 85821  
necessary to provide for the administration of the tax. The rules 85822  
may prescribe the time for payment of the tax, and may provide for 85823  
the imposition or penalty or interest, or both, for late payments, 85824  
provided that the penalty does not exceed ten per cent of the 85825  
amount of tax due, and the rate at which interest accrues does not 85826  
exceed the rate per annum prescribed in section 5703.47 of the 85827  
Revised Code. 85828

(U) As used in division (U) of this section, "eligible 85829  
county" means a county in which a tax is levied under division (A) 85830  
of this section at a rate of three per cent and whose territory 85831  
includes a part of Lake Erie the shoreline of which represents at 85832  
least fifty per cent of the linear length of the county's border 85833  
with other counties of this state. 85834

The board of county commissioners of an eligible county that 85835  
has entered into an agreement with a port authority in the county 85836

under section 4582.56 of the Revised Code may levy an additional 85837  
lodging tax on transactions by which lodging by a hotel is or is 85838  
to be furnished to transient guests for the purpose of financing 85839  
lakeshore improvement projects constructed or financed by the port 85840  
authority under that section. The resolution levying the tax shall 85841  
specify the purpose of the tax, the rate of the tax, which shall 85842  
not exceed two per cent, and the number of years the tax will be 85843  
levied or that it will be levied for a continuing period of time. 85844  
The tax shall be administered pursuant to the regulations adopted 85845  
by the board under division (A) of this section, except that all 85846  
the proceeds of the tax levied under this division shall be 85847  
pledged to the payment of the costs, including debt charges, of 85848  
lakeshore improvements undertaken by a port authority pursuant to 85849  
the agreement under section 4582.56 of the Revised Code. No 85850  
revenue from the tax may be used to pay the current expenses of 85851  
the port authority. 85852

A resolution levying a tax under division (U) of this section 85853  
is subject to referendum under sections 305.31 to 305.41 and 85854  
305.99 of the Revised Code. 85855

(V)(1) As used in division (V) of this section: 85856

(a) "Tourism development district" means a district 85857  
designated by a municipal corporation under section 715.014 of the 85858  
Revised Code or by a township under section 503.56 of the Revised 85859  
Code. 85860

(b) "Lodging tax" means a tax levied pursuant to this section 85861  
or section 5739.08 of the Revised Code. 85862

(c) "Tourism development district lodging tax proceeds" means 85863  
all proceeds of a lodging tax derived from transactions by which 85864  
lodging by a hotel located in a tourism development district is or 85865  
is to be provided to transient guests. 85866

(d) "Eligible county" has the same meaning as in section 85867

307.678 of the Revised Code. 85868

(2)(a) Notwithstanding division (A) of this section, the 85869  
board of county commissioners, board of township trustees, or 85870  
legislative authority of any county, township, or municipal 85871  
corporation that levies a lodging tax on September 29, 2017, and 85872  
in which any part of a tourism development district is located on 85873  
or after that date shall amend the ordinance or resolution levying 85874  
the tax to require either of the following: 85875

(i) In the case of a tax levied by a county, that all tourism 85876  
development district lodging tax proceeds from that tax be used 85877  
exclusively to foster and develop tourism in the tourism 85878  
development district; 85879

(ii) In the case of a tax levied by a township or municipal 85880  
corporation, that all tourism development district lodging tax 85881  
proceeds from that tax be used exclusively to foster and develop 85882  
tourism in the tourism development district. 85883

(b) Notwithstanding division (A) of this section, any 85884  
ordinance or resolution levying a lodging tax adopted on or after 85885  
September 29, 2017, by a county, township, or municipal 85886  
corporation in which any part of a tourism development district is 85887  
located on or after that date shall require that all tourism 85888  
development district lodging tax proceeds from that tax be used 85889  
exclusively to foster and develop tourism in the tourism 85890  
development district. 85891

(c) A county shall not use any of the proceeds described in 85892  
division (V)(2)(a)(i) or (V)(2)(b) of this section unless the 85893  
convention and visitors' bureau operating within the county 85894  
approves the manner in which such proceeds are used to foster and 85895  
develop tourism in the tourism development district. Upon 85896  
obtaining such approval, the county may pay such proceeds to the 85897  
bureau to use for the agreed-upon purpose. 85898

A municipal corporation or township shall not use any of the proceeds described in division (V)(2)(a)(ii) or (V)(2)(b) of this section unless the convention and visitors' bureau operating within the municipal corporation or township approves the manner in which such proceeds are used to foster and develop tourism in the tourism development district. Upon obtaining such approval, the municipal corporation or township may pay such proceeds to the bureau to use for the agreed-upon purpose.

(3)(a) Notwithstanding division (A) of this section, the board of county commissioners of an eligible county that levies a lodging tax on March 23, 2018, may amend the resolution levying that tax to require that all or a portion of the proceeds of that tax otherwise required to be spent solely to make contributions to the convention and visitors' bureau operating within the county shall be used to foster and develop tourism in a tourism development district.

(b) Notwithstanding division (A) of this section, the board of county commissioners of an eligible county that adopts a resolution levying a lodging tax on or after March 23, 2018, may require that all or a portion of the proceeds of that tax otherwise required to be spent solely to make contributions to the convention and visitors' bureau operating within the county pursuant to division (A) of this section shall be used to foster and develop tourism in a tourism development district.

(c) A county shall not use any of the proceeds in the manner described in division (V)(3)(a) or (b) of this section unless the convention and visitors' bureau operating within the county approves the manner in which such proceeds are used to foster and develop tourism in the tourism development district. Upon obtaining such approval, the county may pay such proceeds to the bureau to use for the agreed upon purpose.

(W)(1) As used in division (W) of this section:

(a) "Eligible county" means a county with a population greater than three hundred thousand and less than three hundred fifty thousand that levies a tax under division (A) of this section at a rate of three per cent; 85931  
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(b) "Cost" and "facility" have the same meanings as in section 351.01 of the Revised Code. 85935  
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(2) A board of county commissioners of an eligible county, by resolution adopted by a majority of the members of the board, may levy an excise tax at the rate of up to three per cent on transactions by which lodging by a hotel is or is to be furnished to transient guests. All of the revenue from the tax shall be used to pay the costs of administering the tax or pledged and contributed to a convention facilities authority established by the board of county commissioners under Chapter 351. of the Revised Code and used by the authority to pay the cost of constructing a facility in the county, including paying bonds, or notes issued in anticipation of bonds, as provided by that chapter, or paying the expenses of maintaining, operating, or promoting such a facility. No portion of the revenue arising from the tax need be returned to municipal corporations or townships as required for taxes levied under division (A) of this section. 85937  
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(3) A resolution adopted under division (W) of this section shall direct the board of elections to submit the question of the proposed lodging tax to the electors of the county at a special election held on the date specified by the board in the resolution, provided that the election occurs not less than ninety days after a certified copy of the resolution is transmitted to the board of elections. A resolution submitted to the electors under division (W) of this section shall not go into effect unless it is approved by a majority of those voting upon it. The resolution takes effect on the date the board of county commissioners receives notification from the board of elections of 85952  
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an affirmative vote. 85963

(4) Once the tax is approved by the electors of the county 85964  
pursuant to division (W)(3) of this section, it shall not be 85965  
subject to diminution by initiative or referendum or by law while 85966  
any bonds, or notes in anticipation of bonds, issued by the 85967  
authority under Chapter 351. of the Revised Code to which the 85968  
revenue is pledged, remain outstanding in accordance with their 85969  
terms, unless provision is made by law or by the board of county 85970  
commissioners for an adequate substitute therefore that is 85971  
satisfactory to the trustee if a trust agreement secures the 85972  
bonds. 85973

(5) The tax authorized by division (W) of this section shall 85974  
be in addition to any other tax that is levied pursuant to this 85975  
section. 85976

**Sec. 5741.01.** As used in this chapter: 85977

(A) "Person" includes individuals, receivers, assignees, 85978  
trustees in bankruptcy, estates, firms, partnerships, 85979  
associations, joint-stock companies, joint ventures, clubs, 85980  
societies, corporations, business trusts, governments, and 85981  
combinations of individuals of any form. 85982

(B) "Storage" means and includes any keeping or retention in 85983  
this state for use or other consumption in this state. 85984

(C) "Use" means and includes the exercise of any right or 85985  
power incidental to the ownership of the thing used. A thing is 85986  
also "used" in this state if its consumer gives or otherwise 85987  
distributes it, without charge, to recipients in this state. 85988

(D) "Purchase" means acquired or received for a 85989  
consideration, whether such acquisition or receipt was effected by 85990  
a transfer of title, or of possession, or of both, or a license to 85991  
use or consume; whether such transfer was absolute or conditional, 85992

and by whatever means the transfer was effected; and whether the 85993  
consideration was money, credit, barter, or exchange. Purchase 85994  
includes production, even though the article produced was used, 85995  
stored, or consumed by the producer. The transfer of copyrighted 85996  
motion picture films for exhibition purposes is not a purchase, 85997  
except such films as are used solely for advertising purposes. 85998

(E) "Seller" means the person from whom a purchase is made, 85999  
and includes every person engaged in this state or elsewhere in 86000  
the business of selling tangible personal property or providing a 86001  
service for storage, use, or other consumption or benefit in this 86002  
state; and when, in the opinion of the tax commissioner, it is 86003  
necessary for the efficient administration of this chapter, to 86004  
regard any salesperson, representative, peddler, or canvasser as 86005  
the agent of a dealer, distributor, supervisor, or employer under 86006  
whom the person operates, or from whom the person obtains tangible 86007  
personal property, sold by the person for storage, use, or other 86008  
consumption in this state, irrespective of whether or not the 86009  
person is making such sales on the person's own behalf, or on 86010  
behalf of such dealer, distributor, supervisor, or employer, the 86011  
commissioner may regard the person as such agent, and may regard 86012  
such dealer, distributor, supervisor, or employer as the seller. A 86013  
marketplace facilitator shall be treated as the "seller" with 86014  
respect to all sales facilitated by the marketplace facilitator on 86015  
behalf of one or more marketplace sellers on and after the first 86016  
day of the first month that begins at least thirty days after the 86017  
marketplace facilitator first has substantial nexus with this 86018  
state. Otherwise, "seller" does not include any person to the 86019  
extent the person provides a communications medium, such as, but 86020  
not limited to, newspapers, magazines, radio, television, or cable 86021  
television, by means of which sellers solicit purchases of their 86022  
goods or services. 86023

(F) "Consumer" means any person who has purchased tangible 86024

personal property or has been provided a service for storage, use, 86025  
or other consumption or benefit in this state. "Consumer" does not 86026  
include a person who receives, without charge, tangible personal 86027  
property or a service. 86028

A person who performs a facility management or similar 86029  
service contract for a contractee is a consumer of all tangible 86030  
personal property and services purchased for use in connection 86031  
with the performance of such contract, regardless of whether title 86032  
to any such property vests in the contractee. The purchase of such 86033  
property and services is not subject to the exception for resale 86034  
under division (E) of section 5739.01 of the Revised Code. 86035

(G)(1) "Price," except as provided in divisions (G)(2) to (6) 86036  
of this section, has the same meaning as in division (H)(1) of 86037  
section 5739.01 of the Revised Code. 86038

(2) In the case of watercraft, outboard motors, or new motor 86039  
vehicles, "price" has the same meaning as in divisions (H)(2) and 86040  
(3) of section 5739.01 of the Revised Code. 86041

(3) In the case of a nonresident business consumer that 86042  
purchases and uses tangible personal property outside this state 86043  
and subsequently temporarily stores, uses, or otherwise consumes 86044  
such tangible personal property in the conduct of business in this 86045  
state, the consumer or the tax commissioner may determine the 86046  
price based on the value of the temporary storage, use, or other 86047  
consumption, in lieu of determining the price pursuant to division 86048  
(G)(1) of this section. A price determination made by the consumer 86049  
is subject to review and redetermination by the commissioner. 86050

(4) In the case of tangible personal property held in this 86051  
state as inventory for sale or lease, and that is temporarily 86052  
stored, used, or otherwise consumed in a taxable manner, the price 86053  
is the value of the temporary use. A price determination made by 86054  
the consumer is subject to review and redetermination by the 86055

commissioner. 86056

(5) In the case of tangible personal property originally 86057  
purchased and used by the consumer outside this state, and that 86058  
becomes permanently stored, used, or otherwise consumed in this 86059  
state more than six months after its acquisition by the consumer, 86060  
the consumer or the commissioner may determine the price based on 86061  
the current value of such tangible personal property, in lieu of 86062  
determining the price pursuant to division (G)(1) of this section. 86063  
A price determination made by the consumer is subject to review 86064  
and redetermination by the commissioner. 86065

(6) If a consumer produces tangible personal property for 86066  
sale and removes that property from inventory for the consumer's 86067  
own use, the price is the produced cost of that tangible personal 86068  
property. 86069

(H) "Nexus with this state" means that the seller engages in 86070  
continuous and widespread solicitation of purchases from residents 86071  
of this state or otherwise purposefully directs its business 86072  
activities at residents of this state. 86073

(I)(1) "Substantial nexus with this state" means that the 86074  
seller has sufficient contact with this state, in accordance with 86075  
Section 8 of Article I of the Constitution of the United States, 86076  
to allow the state to require the seller to collect and remit use 86077  
tax on sales of tangible personal property or services made to 86078  
consumers in this state. 86079

(2) "Substantial nexus with this state" is presumed to exist 86080  
when the seller does any of the following: 86081

(a) Uses an office, distribution facility, warehouse, storage 86082  
facility, or similar place of business within this state, whether 86083  
operated by the seller or any other person, other than a common 86084  
carrier acting in its capacity as a common carrier. 86085

(b) Regularly uses employees, agents, representatives, 86086

solicitors, installers, repairers, salespersons, or other persons 86087  
in this state for the purpose of conducting the business of the 86088  
seller or either to engage in a business with the same or a 86089  
similar industry classification as the seller selling a similar 86090  
product or line of products as the seller, or to use trademarks, 86091  
service marks, or trade names in this state that are the same or 86092  
substantially similar to those used by the seller. 86093

(c) Uses any person, other than a common carrier acting in 86094  
its capacity as a common carrier, in this state for any of the 86095  
following purposes: 86096

(i) Receiving or processing orders of the seller's goods or 86097  
services; 86098

(ii) Using that person's employees or facilities in this 86099  
state to advertise, promote, or facilitate sales by the seller to 86100  
customers; 86101

(iii) Delivering, installing, assembling, or performing 86102  
maintenance services for the seller's customers; 86103

(iv) Facilitating the seller's delivery of tangible personal 86104  
property to customers in this state by allowing the seller's 86105  
customers to pick up property sold by the seller at an office, 86106  
distribution facility, warehouse, storage facility, or similar 86107  
place of business. 86108

(d) Makes regular deliveries of tangible personal property 86109  
into this state by means other than common carrier. 86110

(e) Has an affiliated person that has substantial nexus with 86111  
this state. 86112

(f) Owns tangible personal property that is rented or leased 86113  
to a consumer in this state, or offers tangible personal property, 86114  
on approval, to consumers in this state. 86115

(g) Has gross receipts in excess of one hundred thousand 86116

dollars in the current or preceding calendar year from the sale of 86117  
tangible personal property for storage, use, or consumption in 86118  
this state or from providing services the benefit of which is 86119  
realized in this state. 86120

(h) Engages, in the current or preceding calendar year, in 86121  
two hundred or more separate transactions selling tangible 86122  
personal property for storage, use, or consumption in this state 86123  
or providing services the benefit of which is realized in this 86124  
state. 86125

(3) A seller presumed to have substantial nexus with this 86126  
state under divisions (I)(2)(a) to (f), (g), and (h) of this 86127  
section may rebut that presumption by demonstrating that 86128  
activities described in any of those divisions that are conducted 86129  
by a person in this state on the seller's behalf are not 86130  
significantly associated with the seller's ability to establish or 86131  
maintain a market in this state for the seller's sales. 86132

(4) A marketplace facilitator is presumed to have substantial 86133  
nexus with this state if either of the following apply in the 86134  
current or preceding calendar year: 86135

(a) The aggregate gross receipts derived from sales of 86136  
tangible personal property for storage, use, or consumption in 86137  
this state or services the benefit of which is realized in this 86138  
state, including sales made by the marketplace facilitator on its 86139  
own behalf and sales facilitated by the marketplace facilitator on 86140  
behalf of one or more marketplace sellers, exceed one hundred 86141  
thousand dollars; 86142

(b) The marketplace facilitator engages in on its own behalf, 86143  
or facilitates on behalf of one or more marketplace sellers, two 86144  
hundred or more separate transactions selling tangible personal 86145  
property for storage, use, or consumption in this state or 86146  
services the benefit of which is realized in this state. 86147

(5) A seller that does not have substantial nexus with this state, and any affiliated person of the seller, before selling or leasing tangible personal property or services to a state agency, shall register with the tax commissioner in the same manner as a seller described in division (A)(1) of section 5741.17 of the Revised Code.

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

(a) "Affiliated person" means any person that is a member of the same controlled group of corporations as the seller or any other person that, notwithstanding the form of organization, bears the same ownership relationship to the seller as a corporation that is a member of the same controlled group of corporations.

(b) "Controlled group of corporations" has the same meaning as in section 1563(a) of the Internal Revenue Code.

(c) "State agency" has the same meaning as in section 1.60 of the Revised Code.

(J) "Fiscal officer" means, with respect to a regional transit authority, the secretary-treasurer thereof, and with respect to a county which is a transit authority, the fiscal officer of the county transit board appointed pursuant to section 306.03 of the Revised Code or, if the board of county commissioners operates the county transit system, the county auditor.

(K) "Territory of the transit authority" means all of the area included within the territorial boundaries of a transit authority as they from time to time exist. Such territorial boundaries must at all times include all the area of a single county or all the area of the most populous county which is a part of such transit authority. County population shall be measured by the most recent census taken by the United States census bureau.

(L) "Transit authority" means a regional transit authority

created pursuant to section 306.31 of the Revised Code or a county 86179  
in which a county transit system is created pursuant to section 86180  
306.01 of the Revised Code. For the purposes of this chapter, a 86181  
transit authority must extend to at least the entire area of a 86182  
single county. A transit authority which includes territory in 86183  
more than one county must include all the area of the most 86184  
populous county which is a part of such transit authority. County 86185  
population shall be measured by the most recent census taken by 86186  
the United States census bureau. 86187

(M) "Providing a service" has the same meaning as in section 86188  
5739.01 of the Revised Code. 86189

(N) "Other consumption" includes receiving the benefits of a 86190  
service. 86191

(O) "Lease" or "rental" has the same meaning as in section 86192  
5739.01 of the Revised Code. 86193

(P) "Certified service provider" has the same meaning as in 86194  
section 5740.01 of the Revised Code. 86195

~~(Q) "Remote sale" means a sale for which the seller could not 86196  
be legally required to pay, collect, or remit a tax imposed under 86197  
this chapter or Chapter 5739. of the Revised Code, unless 86198  
otherwise provided by the laws of the United States. 86199~~

~~(R) "Remote seller" means a seller that lacks substantial 86200  
nexus with this state but is required to register with the tax 86201  
commissioner under section 5741.17 of the Revised Code pursuant to 86202  
federal law authorizing states to require such sellers to 86203  
register, collect, and remit use tax. A seller that is not 86204  
required to register with the commissioner under division (A) of 86205  
section 5741.17 of the Revised Code but registers voluntarily 86206  
under division (B) of that section is not a "remote seller." A 86207  
seller that registers with the commissioner under section 5741.17 86208  
of the Revised Code after the effective date of any federal law 86209~~

~~that authorizes states to require sellers that lack substantial  
nexus with the state to register, collect, and remit use tax is  
presumed to be a "remote seller." The seller or the commissioner  
may rebut this presumption with evidence that the seller has  
substantial nexus with this state.~~

~~(S) "Remote small seller" means a remote seller that has  
gross annual receipts from remote sales in the United States not  
exceeding one million dollars for the preceding calendar year. For  
the purposes of determining whether a person is a small remote  
seller, the sales of all persons related within the meaning of  
subsection (b) or (c) of section 267 or section 707(b)(1) of the  
Internal Revenue Code shall be aggregated, and persons with one or  
more ownership relationships shall be aggregated if those  
relationships were designed with the principal purpose to qualify  
as a remote small seller.~~

~~(T) "Marketplace facilitator" means a person that owns,  
operates, or controls a physical or electronic marketplace through  
which retail sales are facilitated on behalf of one or more  
marketplace sellers, or an affiliate of such a person.  
"Marketplace facilitator" does not include a person that provides  
advertising services, including tangible personal property or  
services listed for sale, if the advertising service platform or  
forum does not engage directly or indirectly through one or more  
affiliated persons in the activities described in division ~~(W)(2)~~  
(T)(2) of this section.~~

~~(U) (R) "Marketplace seller" means a person on behalf of  
which a marketplace facilitator facilitates the sale of tangible  
personal property for storage, use, or consumption in this state  
or services the benefit of which are realized in this state,  
regardless of whether or not the person has a substantial nexus  
with this state.~~

~~(V) (S) "Electronic marketplace" includes digital~~

distribution services, digital distribution platforms, online 86242  
portals, application stores, computer software applications, 86243  
in-app purchase mechanisms, or other digital products. 86244

~~(W)~~ (T) A sale is "facilitated" by a marketplace facilitator 86245  
on behalf of a marketplace seller if it satisfies divisions ~~(W)(1)~~ 86246  
(T)(1), (2), and (3) of this section: 86247

(1) The marketplace facilitator, directly or indirectly, does 86248  
any of the following: 86249

(a) Lists, makes available, or advertises the tangible 86250  
personal property or services that are the subject of the sale in 86251  
a physical or electronic marketplace owned, operated, or 86252  
controlled by the marketplace facilitator; 86253

(b) Transmits or otherwise communicates an offer or 86254  
acceptance of the sale between the marketplace seller and the 86255  
purchaser in a shop, store, booth, catalog, internet site, or 86256  
other similar forum; 86257

(c) Owns, rents, licenses, makes available, or operates any 86258  
electronic or physical infrastructure or any property, process, 86259  
method, copyright, trademark, or patent that connects the 86260  
marketplace seller to the purchaser for the purpose of making 86261  
sales; 86262

(d) Provides the marketplace in which the sale was made or 86263  
otherwise facilitates the sale regardless of ownership or control 86264  
of the tangible personal property or services that are the subject 86265  
of the sale; 86266

(e) Provides software development or research and development 86267  
services directly related to a physical or electronic marketplace 86268  
that is involved in one or more of the activities described in 86269  
division ~~(W)(1)~~ (T)(1) of this section; 86270

(f) Provides fulfillment or storage services for the 86271

|                                                                      |       |
|----------------------------------------------------------------------|-------|
| marketplace seller that are related to the tangible personal         | 86272 |
| property or services that are the subject of the sale;               | 86273 |
| (g) Sets the price of the sale on behalf of the marketplace          | 86274 |
| seller;                                                              | 86275 |
| (h) Provides or offers customer service to the marketplace           | 86276 |
| seller or the marketplace seller's customers, or accepts or          | 86277 |
| assists with taking orders, returns, or exchanges of the tangible    | 86278 |
| personal property or services that are the subject of the sale;      | 86279 |
| (i) Brands or otherwise identifies the sale as a sale of the         | 86280 |
| marketplace facilitator.                                             | 86281 |
| (2) The marketplace facilitator, directly or indirectly, does        | 86282 |
| any of the following:                                                | 86283 |
| (a) Collects the price of the tangible personal property or          | 86284 |
| services sold to the consumer;                                       | 86285 |
| (b) Provides payment processing services for the sale;               | 86286 |
| (c) Collects payment in connection with the sale from the            | 86287 |
| consumer through terms and conditions, agreements, or arrangements   | 86288 |
| with a third party, and transmits that payment to the marketplace    | 86289 |
| seller, regardless of whether the person collecting and              | 86290 |
| transmitting such payment receives compensation or other             | 86291 |
| consideration in exchange for the service;                           | 86292 |
| (d) Provides virtual currency that consumers are allowed or          | 86293 |
| required to use to purchase the tangible personal property or        | 86294 |
| services that are the subject of the sale.                           | 86295 |
| (3) The subject of the sale is tangible personal property or         | 86296 |
| services other than lodging by a hotel that is or is to be           | 86297 |
| furnished to transient guests.                                       | 86298 |
| <b>Sec. 5741.03.</b> (A) One hundred per cent of all money deposited | 86299 |
| into the state treasury under sections 5741.01 to 5741.22 of the     | 86300 |

Revised Code that is not required to be distributed as provided in 86301  
division (B) of this section shall be credited to the general 86302  
revenue fund. 86303

(B) In any case where any county or transit authority has 86304  
levied a tax or taxes pursuant to section 5741.021, 5741.022, or 86305  
5741.023 of the Revised Code, the tax commissioner shall, within 86306  
forty-five days after the end of each month, determine and certify 86307  
to the director of budget and management the amount of the 86308  
proceeds of such tax or taxes from billings and assessments 86309  
received during that month, or shown on tax returns or reports 86310  
filed during that month, to be returned to the county or transit 86311  
authority levying the tax or taxes, which amounts shall be 86312  
determined in the manner provided in section 5739.21 of the 86313  
Revised Code. The director of budget and management shall 86314  
transfer, from the general revenue fund, to the permissive tax 86315  
distribution fund created by division (B)(1) of section 4301.423 86316  
of the Revised Code and to the local sales tax administrative fund 86317  
created by division (C) of section 5739.21 of the Revised Code, 86318  
the amounts certified by the tax commissioner. The tax 86319  
commissioner shall then, on or before the twentieth day of the 86320  
month in which such certification is made, provide for payment of 86321  
such respective amounts to the county treasurer or to the fiscal 86322  
officer of the transit authority levying the tax or taxes. The 86323  
amount transferred to the local sales tax administrative fund is 86324  
for use by the tax commissioner in defraying costs the 86325  
commissioner incurs in administering such taxes levied by a county 86326  
or transit authority. 86327

~~(C)(1) Not later than the first day of each January and July 86328  
following the date remote sellers are first required to register, 86329  
collect, and remit use tax under this chapter, the tax 86330  
commissioner and the director of budget and management shall 86331  
jointly determine the amount of tax imposed by section 5741.02 of 86332~~

~~the Revised Code and remitted under this chapter by remote sellers 86333  
during the six month period ending on the preceding last day of 86334  
November and of May, respectively, reduced by any refunds issued 86335  
during the six month period to remote sellers from the tax refund 86336  
fund on account of that tax. 86337~~

~~(2) Not later than that last day of each January and July 86338  
following the date the commissioner and the director make a 86339  
determination under division (C)(1) of this section, the director 86340  
of budget and management shall transfer from the general revenue 86341  
fund to the income tax reduction fund the amount determined under 86342  
that division. Amounts transferred to the income tax reduction 86343  
fund under this division shall be included in the determination of 86344  
the percentage under division (B)(2) of section 131.44 of the 86345  
Revised Code required to be made by the thirty first day of July 86346  
of the calendar year in which the commissioner makes the 86347  
certifications under this division. 86348~~

**Sec. 5741.17.** (A)(1) Except as otherwise provided in 86350  
divisions (A)(2), (3), and (4) of this section, every seller of 86351  
tangible personal property or services who has substantial nexus 86352  
with this state shall register with the tax commissioner and 86353  
supply any information concerning the seller's contacts with this 86354  
state that may be required by the commissioner. 86355

(2) A seller who is licensed as a vendor pursuant to section 86356  
5739.17 of the Revised Code shall not be required to register with 86357  
the commissioner pursuant to this section if all sales to 86358  
consumers in this state are made under the authority of the 86359  
seller's vendor's license. 86360

(3) A seller is not required to register under this section 86361  
if the seller has no contact with this state other than an agency 86362  
relationship with a person engaged in the business of 86363  
telemarketing in this state and engaged by the seller exclusively 86364

for the purpose of solicitation of customers in other states. 86365

(4) A seller is not required to register under this section 86366  
if the seller has no contact with this state other than the 86367  
ownership of property that is located at the facility of a printer 86368  
with which the seller has contracted for printing and that 86369  
consists of the final printed product, property that becomes a 86370  
part of the final printed product, or copy from which the final 86371  
printed product is produced. 86372

(B) A seller who does not have substantial nexus with this 86373  
state may voluntarily register with the commissioner. A seller who 86374  
voluntarily registers with the commissioner under this section is 86375  
entitled to the same benefits and is subject to the same duties 86376  
and requirements as a seller required to be registered with the 86377  
commissioner under this chapter. 86378

The commissioner shall maintain an alphabetical index of all 86379  
sellers registered under this chapter and records of the use tax 86380  
reported and paid. Upon request, this information shall be made 86381  
available to the treasurer of state. 86382

~~(C) A remote small seller is not required to register under 86383  
this section. 86384~~

**Sec. 5747.01.** Except as otherwise expressly provided or 86385  
clearly appearing from the context, any term used in this chapter 86386  
that is not otherwise defined in this section has the same meaning 86387  
as when used in a comparable context in the laws of the United 86388  
States relating to federal income taxes or if not used in a 86389  
comparable context in those laws, has the same meaning as in 86390  
section 5733.40 of the Revised Code. Any reference in this chapter 86391  
to the Internal Revenue Code includes other laws of the United 86392  
States relating to federal income taxes. 86393

As used in this chapter: 86394

|                                                                           |       |
|---------------------------------------------------------------------------|-------|
| (A) "Adjusted gross income" or "Ohio adjusted gross income"               | 86395 |
| means federal adjusted gross income, as defined and used in the           | 86396 |
| Internal Revenue Code, adjusted as provided in this section:              | 86397 |
| (1) Add interest or dividends on obligations or securities of             | 86398 |
| any state or of any political subdivision or authority of any             | 86399 |
| state, other than this state and its subdivisions and authorities.        | 86400 |
| (2) Add interest or dividends on obligations of any                       | 86401 |
| authority, commission, instrumentality, territory, or possession          | 86402 |
| of the United States to the extent that the interest or dividends         | 86403 |
| are exempt from federal income taxes but not from state income            | 86404 |
| taxes.                                                                    | 86405 |
| (3) Deduct interest or dividends on obligations of the United             | 86406 |
| States and its territories and possessions or of any authority,           | 86407 |
| commission, or instrumentality of the United States to the extent         | 86408 |
| that the interest or dividends are included in federal adjusted           | 86409 |
| gross income but exempt from state income taxes under the laws of         | 86410 |
| the United States.                                                        | 86411 |
| (4) Deduct disability and survivor's benefits to the extent               | 86412 |
| included in federal adjusted gross income.                                | 86413 |
| (5) Deduct <del>benefits</del> <u>the following, to the extent not</u>    | 86414 |
| <u>otherwise deducted or excluded in computing federal or Ohio</u>        | 86415 |
| <u>adjusted gross income:</u>                                             | 86416 |
| (a) <u>Benefits</u> under Title II of the Social Security Act and         | 86417 |
| tier 1 railroad retirement <del>benefits to the extent included in</del>  | 86418 |
| <del>federal adjusted gross income under section 86 of the Internal</del> | 86419 |
| <del>Revenue Code;</del>                                                  | 86420 |
| (b) <u>Railroad retirement benefits, other than tier 1 railroad</u>       | 86421 |
| <u>retirement benefits, to the extent such amounts are exempt from</u>    | 86422 |
| <u>state taxation under federal law.</u>                                  | 86423 |
| (6) Deduct the amount of wages and salaries, if any, not                  | 86424 |

otherwise allowable as a deduction but that would have been 86425  
allowable as a deduction in computing federal adjusted gross 86426  
income for the taxable year, had the ~~targeted jobs work~~ 86427  
opportunity tax credit allowed and determined under sections 38, 86428  
51, and 52 of the Internal Revenue Code not been in effect. 86429

(7) Deduct any interest or interest equivalent on public 86430  
obligations and purchase obligations to the extent that the 86431  
interest or interest equivalent is included in federal adjusted 86432  
gross income. 86433

(8) Add any loss or deduct any gain resulting from the sale, 86434  
exchange, or other disposition of public obligations to the extent 86435  
that the loss has been deducted or the gain has been included in 86436  
computing federal adjusted gross income. 86437

(9) Deduct or add amounts, as provided under section 5747.70 86438  
of the Revised Code, related to contributions to variable college 86439  
savings program accounts made or tuition units purchased pursuant 86440  
to Chapter 3334. of the Revised Code. 86441

(10)(a) Deduct, to the extent not otherwise allowable as a 86442  
deduction or exclusion in computing federal or Ohio adjusted gross 86443  
income for the taxable year, the amount the taxpayer paid during 86444  
the taxable year for medical care insurance and qualified 86445  
long-term care insurance for the taxpayer, the taxpayer's spouse, 86446  
and dependents. No deduction for medical care insurance under 86447  
division (A)(10)(a) of this section shall be allowed either to any 86448  
taxpayer who is eligible to participate in any subsidized health 86449  
plan maintained by any employer of the taxpayer or of the 86450  
taxpayer's spouse, or to any taxpayer who is entitled to, or on 86451  
application would be entitled to, benefits under part A of Title 86452  
XVIII of the "Social Security Act," 49 Stat. 620 (1935), 42 U.S.C. 86453  
301, as amended. For the purposes of division (A)(10)(a) of this 86454  
section, "subsidized health plan" means a health plan for which 86455  
the employer pays any portion of the plan's cost. The deduction 86456

allowed under division (A)(10)(a) of this section shall be the net 86457  
of any related premium refunds, related premium reimbursements, or 86458  
related insurance premium dividends received during the taxable 86459  
year. 86460

(b) Deduct, to the extent not otherwise deducted or excluded 86461  
in computing federal or Ohio adjusted gross income during the 86462  
taxable year, the amount the taxpayer paid during the taxable 86463  
year, not compensated for by any insurance or otherwise, for 86464  
medical care of the taxpayer, the taxpayer's spouse, and 86465  
dependents, to the extent the expenses exceed seven and one-half 86466  
per cent of the taxpayer's federal adjusted gross income. 86467

(c) For purposes of division (A)(10) of this section, 86468  
"medical care" has the meaning given in section 213 of the 86469  
Internal Revenue Code, subject to the special rules, limitations, 86470  
and exclusions set forth therein, and "qualified long-term care" 86471  
has the same meaning given in section 7702B(c) of the Internal 86472  
Revenue Code. Solely for purposes of division (A)(10)(a) of this 86473  
section, "dependent" includes a person who otherwise would be a 86474  
"qualifying relative" and thus a "dependent" under section 152 of 86475  
the Internal Revenue Code but for the fact that the person fails 86476  
to meet the income and support limitations under section 86477  
152(d)(1)(B) and (C) of the Internal Revenue Code. 86478

(11)(a) Deduct any amount included in federal adjusted gross 86479  
income solely because the amount represents a reimbursement or 86480  
refund of expenses that in any year the taxpayer had deducted as 86481  
an itemized deduction pursuant to section 63 of the Internal 86482  
Revenue Code and applicable United States department of the 86483  
treasury regulations. The deduction otherwise allowed under 86484  
division (A)(11)(a) of this section shall be reduced to the extent 86485  
the reimbursement is attributable to an amount the taxpayer 86486  
deducted under this section in any taxable year. 86487

(b) Add any amount not otherwise included in Ohio adjusted 86488

gross income for any taxable year to the extent that the amount is 86489  
attributable to the recovery during the taxable year of any amount 86490  
deducted or excluded in computing federal or Ohio adjusted gross 86491  
income in any taxable year. 86492

(12) Deduct any portion of the deduction described in section 86493  
1341(a)(2) of the Internal Revenue Code, for repaying previously 86494  
reported income received under a claim of right, that meets both 86495  
of the following requirements: 86496

(a) It is allowable for repayment of an item that was 86497  
included in the taxpayer's adjusted gross income for a prior 86498  
taxable year and did not qualify for a credit under division (A) 86499  
or (B) of section 5747.05 of the Revised Code for that year; 86500

(b) It does not otherwise reduce the taxpayer's adjusted 86501  
gross income for the current or any other taxable year. 86502

(13) Deduct an amount equal to the deposits made to, and net 86503  
investment earnings of, a medical savings account during the 86504  
taxable year, in accordance with section 3924.66 of the Revised 86505  
Code. The deduction allowed by division (A)(13) of this section 86506  
does not apply to medical savings account deposits and earnings 86507  
otherwise deducted or excluded for the current or any other 86508  
taxable year from the taxpayer's federal adjusted gross income. 86509

(14)(a) Add an amount equal to the funds withdrawn from a 86510  
medical savings account during the taxable year, and the net 86511  
investment earnings on those funds, when the funds withdrawn were 86512  
used for any purpose other than to reimburse an account holder 86513  
for, or to pay, eligible medical expenses, in accordance with 86514  
section 3924.66 of the Revised Code; 86515

(b) Add the amounts distributed from a medical savings 86516  
account under division (A)(2) of section 3924.68 of the Revised 86517  
Code during the taxable year. 86518

(15) Add any amount claimed as a credit under section 86519

5747.059 of the Revised Code to the extent that such amount 86520  
satisfies either of the following: 86521

(a) The amount was deducted or excluded from the computation 86522  
of the taxpayer's federal adjusted gross income as required to be 86523  
reported for the taxpayer's taxable year under the Internal 86524  
Revenue Code; 86525

(b) The amount resulted in a reduction of the taxpayer's 86526  
federal adjusted gross income as required to be reported for any 86527  
of the taxpayer's taxable years under the Internal Revenue Code. 86528

(16) Deduct the amount contributed by the taxpayer to an 86529  
individual development account program established by a county 86530  
department of job and family services pursuant to sections 329.11 86531  
to 329.14 of the Revised Code for the purpose of matching funds 86532  
deposited by program participants. On request of the tax 86533  
commissioner, the taxpayer shall provide any information that, in 86534  
the tax commissioner's opinion, is necessary to establish the 86535  
amount deducted under division (A)(16) of this section. 86536

(17)(a)(i) Subject to divisions (A)(17)(a)(iii), (iv), and 86537  
(v) of this section, add five-sixths of the amount of depreciation 86538  
expense allowed by subsection (k) of section 168 of the Internal 86539  
Revenue Code, including the taxpayer's proportionate or 86540  
distributive share of the amount of depreciation expense allowed 86541  
by that subsection to a pass-through entity in which the taxpayer 86542  
has a direct or indirect ownership interest. 86543

(ii) Subject to divisions (A)(17)(a)(iii), (iv), and (v) of 86544  
this section, add five-sixths of the amount of qualifying section 86545  
179 depreciation expense, including the taxpayer's proportionate 86546  
or distributive share of the amount of qualifying section 179 86547  
depreciation expense allowed to any pass-through entity in which 86548  
the taxpayer has a direct or indirect ownership interest. 86549

(iii) Subject to division (A)(17)(a)(v) of this section, for 86550

taxable years beginning in 2012 or thereafter, if the increase in 86551  
income taxes withheld by the taxpayer is equal to or greater than 86552  
ten per cent of income taxes withheld by the taxpayer during the 86553  
taxpayer's immediately preceding taxable year, "two-thirds" shall 86554  
be substituted for "five-sixths" for the purpose of divisions 86555  
(A)(17)(a)(i) and (ii) of this section. 86556

(iv) Subject to division (A)(17)(a)(v) of this section, for 86557  
taxable years beginning in 2012 or thereafter, a taxpayer is not 86558  
required to add an amount under division (A)(17) of this section 86559  
if the increase in income taxes withheld by the taxpayer and by 86560  
any pass-through entity in which the taxpayer has a direct or 86561  
indirect ownership interest is equal to or greater than the sum of 86562  
(I) the amount of qualifying section 179 depreciation expense and 86563  
(II) the amount of depreciation expense allowed to the taxpayer by 86564  
subsection (k) of section 168 of the Internal Revenue Code, and 86565  
including the taxpayer's proportionate or distributive shares of 86566  
such amounts allowed to any such pass-through entities. 86567

(v) If a taxpayer directly or indirectly incurs a net 86568  
operating loss for the taxable year for federal income tax 86569  
purposes, to the extent such loss resulted from depreciation 86570  
expense allowed by subsection (k) of section 168 of the Internal 86571  
Revenue Code and by qualifying section 179 depreciation expense, 86572  
"the entire" shall be substituted for "five-sixths of the" for the 86573  
purpose of divisions (A)(17)(a)(i) and (ii) of this section. 86574

The tax commissioner, under procedures established by the 86575  
commissioner, may waive the add-backs related to a pass-through 86576  
entity if the taxpayer owns, directly or indirectly, less than 86577  
five per cent of the pass-through entity. 86578

(b) Nothing in division (A)(17) of this section shall be 86579  
construed to adjust or modify the adjusted basis of any asset. 86580

(c) To the extent the add-back required under division 86581

(A)(17)(a) of this section is attributable to property generating 86582  
nonbusiness income or loss allocated under section 5747.20 of the 86583  
Revised Code, the add-back shall be situated to the same location 86584  
as the nonbusiness income or loss generated by the property for 86585  
the purpose of determining the credit under division (A) of 86586  
section 5747.05 of the Revised Code. Otherwise, the add-back shall 86587  
be apportioned, subject to one or more of the four alternative 86588  
methods of apportionment enumerated in section 5747.21 of the 86589  
Revised Code. 86590

(d) For the purposes of division (A)(17)(a)(v) of this 86591  
section, net operating loss carryback and carryforward shall not 86592  
include the allowance of any net operating loss deduction 86593  
carryback or carryforward to the taxable year to the extent such 86594  
loss resulted from depreciation allowed by section 168(k) of the 86595  
Internal Revenue Code and by the qualifying section 179 86596  
depreciation expense amount. 86597

(e) For the purposes of divisions (A)(17) and (18) of this 86598  
section: 86599

(i) "Income taxes withheld" means the total amount withheld 86600  
and remitted under sections 5747.06 and 5747.07 of the Revised 86601  
Code by an employer during the employer's taxable year. 86602

(ii) "Increase in income taxes withheld" means the amount by 86603  
which the amount of income taxes withheld by an employer during 86604  
the employer's current taxable year exceeds the amount of income 86605  
taxes withheld by that employer during the employer's immediately 86606  
preceding taxable year. 86607

(iii) "Qualifying section 179 depreciation expense" means the 86608  
difference between (I) the amount of depreciation expense directly 86609  
or indirectly allowed to a taxpayer under section 179 of the 86610  
Internal Revised Code, and (II) the amount of depreciation expense 86611  
directly or indirectly allowed to the taxpayer under section 179 86612

of the Internal Revenue Code as that section existed on December 31, 2002. 86613  
86614

(18)(a) If the taxpayer was required to add an amount under 86615  
division (A)(17)(a) of this section for a taxable year, deduct one 86616  
of the following: 86617

(i) One-fifth of the amount so added for each of the five 86618  
succeeding taxable years if the amount so added was five-sixths of 86619  
qualifying section 179 depreciation expense or depreciation 86620  
expense allowed by subsection (k) of section 168 of the Internal 86621  
Revenue Code; 86622

(ii) One-half of the amount so added for each of the two 86623  
succeeding taxable years if the amount so added was two-thirds of 86624  
such depreciation expense; 86625

(iii) One-sixth of the amount so added for each of the six 86626  
succeeding taxable years if the entire amount of such depreciation 86627  
expense was so added. 86628

(b) If the amount deducted under division (A)(18)(a) of this 86629  
section is attributable to an add-back allocated under division 86630  
(A)(17)(c) of this section, the amount deducted shall be situated 86631  
to the same location. Otherwise, the add-back shall be apportioned 86632  
using the apportionment factors for the taxable year in which the 86633  
deduction is taken, subject to one or more of the four alternative 86634  
methods of apportionment enumerated in section 5747.21 of the 86635  
Revised Code. 86636

(c) No deduction is available under division (A)(18)(a) of 86637  
this section with regard to any depreciation allowed by section 86638  
168(k) of the Internal Revenue Code and by the qualifying section 86639  
179 depreciation expense amount to the extent that such 86640  
depreciation results in or increases a federal net operating loss 86641  
carryback or carryforward. If no such deduction is available for a 86642  
taxable year, the taxpayer may carry forward the amount not 86643

deducted in such taxable year to the next taxable year and add 86644  
that amount to any deduction otherwise available under division 86645  
(A)(18)(a) of this section for that next taxable year. The 86646  
carryforward of amounts not so deducted shall continue until the 86647  
entire addition required by division (A)(17)(a) of this section 86648  
has been deducted. 86649

(19) Deduct, to the extent not otherwise deducted or excluded 86650  
in computing federal or Ohio adjusted gross income for the taxable 86651  
year, the amount the taxpayer received during the taxable year as 86652  
reimbursement for life insurance premiums under section 5919.31 of 86653  
the Revised Code. 86654

(20) Deduct, to the extent not otherwise deducted or excluded 86655  
in computing federal or Ohio adjusted gross income for the taxable 86656  
year, the amount the taxpayer received during the taxable year as 86657  
a death benefit paid by the adjutant general under section 5919.33 86658  
of the Revised Code. 86659

(21) Deduct, to the extent included in federal adjusted gross 86660  
income and not otherwise allowable as a deduction or exclusion in 86661  
computing federal or Ohio adjusted gross income for the taxable 86662  
year, military pay and allowances received by the taxpayer during 86663  
the taxable year for active duty service in the United States 86664  
army, air force, navy, marine corps, or coast guard or reserve 86665  
components thereof or the national guard. The deduction may not be 86666  
claimed for military pay and allowances received by the taxpayer 86667  
while the taxpayer is stationed in this state. 86668

(22) Deduct, to the extent not otherwise allowable as a 86669  
deduction or exclusion in computing federal or Ohio adjusted gross 86670  
income for the taxable year and not otherwise compensated for by 86671  
any other source, the amount of qualified organ donation expenses 86672  
incurred by the taxpayer during the taxable year, not to exceed 86673  
ten thousand dollars. A taxpayer may deduct qualified organ 86674  
donation expenses only once for all taxable years beginning with 86675

taxable years beginning in 2007. 86676

For the purposes of division (A)(22) of this section: 86677

(a) "Human organ" means all or any portion of a human liver, 86678  
pancreas, kidney, intestine, or lung, and any portion of human 86679  
bone marrow. 86680

(b) "Qualified organ donation expenses" means travel 86681  
expenses, lodging expenses, and wages and salary forgone by a 86682  
taxpayer in connection with the taxpayer's donation, while living, 86683  
of one or more of the taxpayer's human organs to another human 86684  
being. 86685

(23) Deduct, to the extent not otherwise deducted or excluded 86686  
in computing federal or Ohio adjusted gross income for the taxable 86687  
year, amounts received by the taxpayer as retired personnel pay 86688  
for service in the uniformed services or reserve components 86689  
thereof, or the national guard, or received by the surviving 86690  
spouse or former spouse of such a taxpayer under the survivor 86691  
benefit plan on account of such a taxpayer's death. If the 86692  
taxpayer receives income on account of retirement paid under the 86693  
federal civil service retirement system or federal employees 86694  
retirement system, or under any successor retirement program 86695  
enacted by the congress of the United States that is established 86696  
and maintained for retired employees of the United States 86697  
government, and such retirement income is based, in whole or in 86698  
part, on credit for the taxpayer's uniformed service, the 86699  
deduction allowed under this division shall include only that 86700  
portion of such retirement income that is attributable to the 86701  
taxpayer's uniformed service, to the extent that portion of such 86702  
retirement income is otherwise included in federal adjusted gross 86703  
income and is not otherwise deducted under this section. Any 86704  
amount deducted under division (A)(23) of this section is not 86705  
included in a taxpayer's adjusted gross income for the purposes of 86706  
section 5747.055 of the Revised Code. No amount may be deducted 86707

under division (A)(23) of this section on the basis of which a 86708  
credit was claimed under section 5747.055 of the Revised Code. 86709

(24) Deduct, to the extent not otherwise deducted or excluded 86710  
in computing federal or Ohio adjusted gross income for the taxable 86711  
year, the amount the taxpayer received during the taxable year 86712  
from the military injury relief fund created in section 5902.05 of 86713  
the Revised Code. 86714

(25) Deduct, to the extent not otherwise deducted or excluded 86715  
in computing federal or Ohio adjusted gross income for the taxable 86716  
year, the amount the taxpayer received as a veterans bonus during 86717  
the taxable year from the Ohio department of veterans services as 86718  
authorized by Section 2r of Article VIII, Ohio Constitution. 86719

(26) Deduct, to the extent not otherwise deducted or excluded 86720  
in computing federal or Ohio adjusted gross income for the taxable 86721  
year, any income derived from a transfer agreement or from the 86722  
enterprise transferred under that agreement under section 4313.02 86723  
of the Revised Code. 86724

(27) Deduct, to the extent not otherwise deducted or excluded 86725  
in computing federal or Ohio adjusted gross income for the taxable 86726  
year, Ohio college opportunity or federal Pell grant amounts 86727  
received by the taxpayer or the taxpayer's spouse or dependent 86728  
pursuant to section 3333.122 of the Revised Code or 20 U.S.C. 86729  
1070a, et seq., and used to pay room or board furnished by the 86730  
educational institution for which the grant was awarded at the 86731  
institution's facilities, including meal plans administered by the 86732  
institution. For the purposes of this division, receipt of a grant 86733  
includes the distribution of a grant directly to an educational 86734  
institution and the crediting of the grant to the enrollee's 86735  
account with the institution. 86736

(28) Deduct from the portion of an individual's federal 86737  
adjusted gross income that is business income, to the extent not 86738

otherwise deducted or excluded in computing federal adjusted gross 86739  
income for the taxable year, one hundred twenty-five thousand 86740  
dollars for each spouse if spouses file separate returns under 86741  
section 5747.08 of the Revised Code or two hundred fifty thousand 86742  
dollars for all other individuals. 86743

(29) Deduct, as provided under section 5747.78 of the Revised 86744  
Code, contributions to ABLE savings accounts made in accordance 86745  
with sections 113.50 to 113.56 of the Revised Code. 86746

(30)(a) Deduct, to the extent not otherwise deducted or 86747  
excluded in computing federal or Ohio adjusted gross income during 86748  
the taxable year, all of the following: 86749

(i) Compensation paid to a qualifying employee described in 86750  
division (A)(14)(a) of section 5703.94 of the Revised Code to the 86751  
extent such compensation is for disaster work conducted in this 86752  
state during a disaster response period pursuant to a qualifying 86753  
solicitation received by the employee's employer; 86754

(ii) Compensation paid to a qualifying employee described in 86755  
division (A)(14)(b) of section 5703.94 of the Revised Code to the 86756  
extent such compensation is for disaster work conducted in this 86757  
state by the employee during the disaster response period on 86758  
critical infrastructure owned or used by the employee's employer; 86759

(iii) Income received by an out-of-state disaster business 86760  
for disaster work conducted in this state during a disaster 86761  
response period, or, if the out-of-state disaster business is a 86762  
pass-through entity, a taxpayer's distributive share of the 86763  
pass-through entity's income from the business conducting disaster 86764  
work in this state during a disaster response period, if, in 86765  
either case, the disaster work is conducted pursuant to a 86766  
qualifying solicitation received by the business. 86767

(b) All terms used in division (A)(30) of this section have 86768  
the same meanings as in section 5703.94 of the Revised Code. 86769

(31) For a taxpayer who is a qualifying Ohio educator, 86770  
deduct, to the extent not otherwise deducted or excluded in 86771  
computing federal or Ohio adjusted gross income for the taxable 86772  
year, the lesser of two hundred fifty dollars or the amount of 86773  
expenses described in subsections (a)(2)(D)(i) and (ii) of section 86774  
62 of the Internal Revenue Code paid or incurred by the taxpayer 86775  
during the taxpayer's taxable year in excess of the amount the 86776  
taxpayer is authorized to deduct for that taxable year under 86777  
subsection (a)(2)(D) of that section. 86778

~~(34)~~(32) Deduct, to the extent not otherwise deducted or 86779  
excluded in computing federal or Ohio adjusted gross income for 86780  
the taxable year, amounts received by the taxpayer as a disability 86781  
severance payment, computed under 10 U.S.C. 1212, following 86782  
discharge or release under honorable conditions from the armed 86783  
forces, as defined by 10 U.S.C. 101. 86784

(33) Deduct, to the extent not otherwise deducted or excluded 86785  
in computing federal adjusted gross income or Ohio adjusted gross 86786  
income, amounts not subject to tax due to an agreement entered 86787  
into under division (A)(2) of section 5747.05 of the Revised Code. 86788

(34) Deduct amounts as provided under section 5747.79 of the 86789  
Revised Code related to the taxpayer's qualifying capital gains 86790  
and deductible payroll. 86791

To the extent a qualifying capital gain described under 86792  
division (A)(34) of this section is business income, the taxpayer 86793  
shall deduct those gains under this division before deducting any 86794  
such gains under division (A)(28) of this section. 86795

(35)(a) For taxable years beginning in or after 2026, deduct, 86796  
to the extent not otherwise deducted or excluded in computing 86797  
federal or Ohio adjusted gross income for the taxable year: 86798

(i) One hundred per cent of the capital gain received by the 86799  
taxpayer in the taxable year from a qualifying interest in an Ohio 86800

venture capital operating company attributable to the company's 86801  
investments in Ohio businesses during the period for which the 86802  
company was an Ohio venture operating company; and 86803

(ii) Fifty per cent of the capital gain received by the 86804  
taxpayer in the taxable year from a qualifying interest in an Ohio 86805  
venture capital operating company attributable to the company's 86806  
investments in all other businesses during the period for which 86807  
the company was an Ohio venture operating company. 86808

(b) Add amounts previously deducted by the taxpayer under 86809  
division (A)(35)(a) of this section if the director of development 86810  
certifies to the tax commissioner that the requirements for the 86811  
deduction were not met. 86812

(c) All terms used in division (A)(35) of this section have 86813  
the same meanings as in section 122.851 of the Revised Code. 86814

(d) To the extent a capital gain described in division 86815  
(A)(35)(a) of this section is business income, the taxpayer shall 86816  
apply that division before applying division (A)(28) of this 86817  
section. 86818

(B) "Business income" means income, including gain or loss, 86819  
arising from transactions, activities, and sources in the regular 86820  
course of a trade or business and includes income, gain, or loss 86821  
from real property, tangible property, and intangible property if 86822  
the acquisition, rental, management, and disposition of the 86823  
property constitute integral parts of the regular course of a 86824  
trade or business operation. "Business income" includes income, 86825  
including gain or loss, from a partial or complete liquidation of 86826  
a business, including, but not limited to, gain or loss from the 86827  
sale or other disposition of goodwill. 86828

(C) "Nonbusiness income" means all income other than business 86829  
income and may include, but is not limited to, compensation, rents 86830  
and royalties from real or tangible personal property, capital 86831

gains, interest, dividends and distributions, patent or copyright 86832  
royalties, or lottery winnings, prizes, and awards. 86833

(D) "Compensation" means any form of remuneration paid to an 86834  
employee for personal services. 86835

(E) "Fiduciary" means a guardian, trustee, executor, 86836  
administrator, receiver, conservator, or any other person acting 86837  
in any fiduciary capacity for any individual, trust, or estate. 86838

(F) "Fiscal year" means an accounting period of twelve months 86839  
ending on the last day of any month other than December. 86840

(G) "Individual" means any natural person. 86841

(H) "Internal Revenue Code" means the "Internal Revenue Code 86842  
of 1986," 100 Stat. 2085, 26 U.S.C.A. 1, as amended. 86843

(I) "Resident" means any of the following: 86844

(1) An individual who is domiciled in this state, subject to 86845  
section 5747.24 of the Revised Code; 86846

(2) The estate of a decedent who at the time of death was 86847  
domiciled in this state. The domicile tests of section 5747.24 of 86848  
the Revised Code are not controlling for purposes of division 86849  
(I)(2) of this section. 86850

(3) A trust that, in whole or part, resides in this state. If 86851  
only part of a trust resides in this state, the trust is a 86852  
resident only with respect to that part. 86853

For the purposes of division (I)(3) of this section: 86854

(a) A trust resides in this state for the trust's current 86855  
taxable year to the extent, as described in division (I)(3)(d) of 86856  
this section, that the trust consists directly or indirectly, in 86857  
whole or in part, of assets, net of any related liabilities, that 86858  
were transferred, or caused to be transferred, directly or 86859  
indirectly, to the trust by any of the following: 86860

(i) A person, a court, or a governmental entity or 86861  
instrumentality on account of the death of a decedent, but only if 86862  
the trust is described in division (I)(3)(e)(i) or (ii) of this 86863  
section; 86864

(ii) A person who was domiciled in this state for the 86865  
purposes of this chapter when the person directly or indirectly 86866  
transferred assets to an irrevocable trust, but only if at least 86867  
one of the trust's qualifying beneficiaries is domiciled in this 86868  
state for the purposes of this chapter during all or some portion 86869  
of the trust's current taxable year; 86870

(iii) A person who was domiciled in this state for the 86871  
purposes of this chapter when the trust document or instrument or 86872  
part of the trust document or instrument became irrevocable, but 86873  
only if at least one of the trust's qualifying beneficiaries is a 86874  
resident domiciled in this state for the purposes of this chapter 86875  
during all or some portion of the trust's current taxable year. If 86876  
a trust document or instrument became irrevocable upon the death 86877  
of a person who at the time of death was domiciled in this state 86878  
for purposes of this chapter, that person is a person described in 86879  
division (I)(3)(a)(iii) of this section. 86880

(b) A trust is irrevocable to the extent that the transferor 86881  
is not considered to be the owner of the net assets of the trust 86882  
under sections 671 to 678 of the Internal Revenue Code. 86883

(c) With respect to a trust other than a charitable lead 86884  
trust, "qualifying beneficiary" has the same meaning as "potential 86885  
current beneficiary" as defined in section 1361(e)(2) of the 86886  
Internal Revenue Code, and with respect to a charitable lead trust 86887  
"qualifying beneficiary" is any current, future, or contingent 86888  
beneficiary, but with respect to any trust "qualifying 86889  
beneficiary" excludes a person or a governmental entity or 86890  
instrumentality to any of which a contribution would qualify for 86891  
the charitable deduction under section 170 of the Internal Revenue 86892

Code. 86893

(d) For the purposes of division (I)(3)(a) of this section, 86894  
the extent to which a trust consists directly or indirectly, in 86895  
whole or in part, of assets, net of any related liabilities, that 86896  
were transferred directly or indirectly, in whole or part, to the 86897  
trust by any of the sources enumerated in that division shall be 86898  
ascertained by multiplying the fair market value of the trust's 86899  
assets, net of related liabilities, by the qualifying ratio, which 86900  
shall be computed as follows: 86901

(i) The first time the trust receives assets, the numerator 86902  
of the qualifying ratio is the fair market value of those assets 86903  
at that time, net of any related liabilities, from sources 86904  
enumerated in division (I)(3)(a) of this section. The denominator 86905  
of the qualifying ratio is the fair market value of all the 86906  
trust's assets at that time, net of any related liabilities. 86907

(ii) Each subsequent time the trust receives assets, a 86908  
revised qualifying ratio shall be computed. The numerator of the 86909  
revised qualifying ratio is the sum of (1) the fair market value 86910  
of the trust's assets immediately prior to the subsequent 86911  
transfer, net of any related liabilities, multiplied by the 86912  
qualifying ratio last computed without regard to the subsequent 86913  
transfer, and (2) the fair market value of the subsequently 86914  
transferred assets at the time transferred, net of any related 86915  
liabilities, from sources enumerated in division (I)(3)(a) of this 86916  
section. The denominator of the revised qualifying ratio is the 86917  
fair market value of all the trust's assets immediately after the 86918  
subsequent transfer, net of any related liabilities. 86919

(iii) Whether a transfer to the trust is by or from any of 86920  
the sources enumerated in division (I)(3)(a) of this section shall 86921  
be ascertained without regard to the domicile of the trust's 86922  
beneficiaries. 86923

(e) For the purposes of division (I)(3)(a)(i) of this section: 86924  
86925

(i) A trust is described in division (I)(3)(e)(i) of this section if the trust is a testamentary trust and the testator of that testamentary trust was domiciled in this state at the time of the testator's death for purposes of the taxes levied under Chapter 5731. of the Revised Code. 86926  
86927  
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86930

(ii) A trust is described in division (I)(3)(e)(ii) of this section if the transfer is a qualifying transfer described in any of divisions (I)(3)(f)(i) to (vi) of this section, the trust is an irrevocable inter vivos trust, and at least one of the trust's qualifying beneficiaries is domiciled in this state for purposes of this chapter during all or some portion of the trust's current taxable year. 86931  
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(f) For the purposes of division (I)(3)(e)(ii) of this section, a "qualifying transfer" is a transfer of assets, net of any related liabilities, directly or indirectly to a trust, if the transfer is described in any of the following: 86938  
86939  
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86941

(i) The transfer is made to a trust, created by the decedent before the decedent's death and while the decedent was domiciled in this state for the purposes of this chapter, and, prior to the death of the decedent, the trust became irrevocable while the decedent was domiciled in this state for the purposes of this chapter. 86942  
86943  
86944  
86945  
86946  
86947

(ii) The transfer is made to a trust to which the decedent, prior to the decedent's death, had directly or indirectly transferred assets, net of any related liabilities, while the decedent was domiciled in this state for the purposes of this chapter, and prior to the death of the decedent the trust became irrevocable while the decedent was domiciled in this state for the purposes of this chapter. 86948  
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(iii) The transfer is made on account of a contractual relationship existing directly or indirectly between the transferor and either the decedent or the estate of the decedent at any time prior to the date of the decedent's death, and the decedent was domiciled in this state at the time of death for purposes of the taxes levied under Chapter 5731. of the Revised Code.

(iv) The transfer is made to a trust on account of a contractual relationship existing directly or indirectly between the transferor and another person who at the time of the decedent's death was domiciled in this state for purposes of this chapter.

(v) The transfer is made to a trust on account of the will of a testator who was domiciled in this state at the time of the testator's death for purposes of the taxes levied under Chapter 5731. of the Revised Code.

(vi) The transfer is made to a trust created by or caused to be created by a court, and the trust was directly or indirectly created in connection with or as a result of the death of an individual who, for purposes of the taxes levied under Chapter 5731. of the Revised Code, was domiciled in this state at the time of the individual's death.

(g) The tax commissioner may adopt rules to ascertain the part of a trust residing in this state.

(J) "Nonresident" means an individual or estate that is not a resident. An individual who is a resident for only part of a taxable year is a nonresident for the remainder of that taxable year.

(K) "Pass-through entity" has the same meaning as in section 5733.04 of the Revised Code.

(L) "Return" means the notifications and reports required to

be filed pursuant to this chapter for the purpose of reporting the 86986  
tax due and includes declarations of estimated tax when so 86987  
required. 86988

(M) "Taxable year" means the calendar year or the taxpayer's 86989  
fiscal year ending during the calendar year, or fractional part 86990  
thereof, upon which the adjusted gross income is calculated 86991  
pursuant to this chapter. 86992

(N) "Taxpayer" means any person subject to the tax imposed by 86993  
section 5747.02 of the Revised Code or any pass-through entity 86994  
that makes the election under division (D) of section 5747.08 of 86995  
the Revised Code. 86996

(O) "Dependents" means one of the following: 86997

(1) For taxable years beginning on or after January 1, 2018, 86998  
and before January 1, 2026, dependents as defined in the Internal 86999  
Revenue Code; 87000

(2) For all other taxable years, dependents as defined in the 87001  
Internal Revenue Code and as claimed in the taxpayer's federal 87002  
income tax return for the taxable year or which the taxpayer would 87003  
have been permitted to claim had the taxpayer filed a federal 87004  
income tax return. 87005

(P) "Principal county of employment" means, in the case of a 87006  
nonresident, the county within the state in which a taxpayer 87007  
performs services for an employer or, if those services are 87008  
performed in more than one county, the county in which the major 87009  
portion of the services are performed. 87010

(Q) As used in sections 5747.50 to 5747.55 of the Revised 87011  
Code: 87012

(1) "Subdivision" means any county, municipal corporation, 87013  
park district, or township. 87014

(2) "Essential local government purposes" includes all 87015

functions that any subdivision is required by general law to 87016  
exercise, including like functions that are exercised under a 87017  
charter adopted pursuant to the Ohio Constitution. 87018

(R) "Overpayment" means any amount already paid that exceeds 87019  
the figure determined to be the correct amount of the tax. 87020

(S) "Taxable income" or "Ohio taxable income" applies only to 87021  
estates and trusts, and means federal taxable income, as defined 87022  
and used in the Internal Revenue Code, adjusted as follows: 87023

(1) Add interest or dividends, net of ordinary, necessary, 87024  
and reasonable expenses not deducted in computing federal taxable 87025  
income, on obligations or securities of any state or of any 87026  
political subdivision or authority of any state, other than this 87027  
state and its subdivisions and authorities, but only to the extent 87028  
that such net amount is not otherwise includible in Ohio taxable 87029  
income and is described in either division (S)(1)(a) or (b) of 87030  
this section: 87031

(a) The net amount is not attributable to the S portion of an 87032  
electing small business trust and has not been distributed to 87033  
beneficiaries for the taxable year; 87034

(b) The net amount is attributable to the S portion of an 87035  
electing small business trust for the taxable year. 87036

(2) Add interest or dividends, net of ordinary, necessary, 87037  
and reasonable expenses not deducted in computing federal taxable 87038  
income, on obligations of any authority, commission, 87039  
instrumentality, territory, or possession of the United States to 87040  
the extent that the interest or dividends are exempt from federal 87041  
income taxes but not from state income taxes, but only to the 87042  
extent that such net amount is not otherwise includible in Ohio 87043  
taxable income and is described in either division (S)(1)(a) or 87044  
(b) of this section; 87045

(3) Add the amount of personal exemption allowed to the 87046

estate pursuant to section 642(b) of the Internal Revenue Code; 87047

(4) Deduct interest or dividends, net of related expenses 87048  
deducted in computing federal taxable income, on obligations of 87049  
the United States and its territories and possessions or of any 87050  
authority, commission, or instrumentality of the United States to 87051  
the extent that the interest or dividends are exempt from state 87052  
taxes under the laws of the United States, but only to the extent 87053  
that such amount is included in federal taxable income and is 87054  
described in either division (S)(1)(a) or (b) of this section; 87055

(5) Deduct the amount of wages and salaries, if any, not 87056  
otherwise allowable as a deduction but that would have been 87057  
allowable as a deduction in computing federal taxable income for 87058  
the taxable year, had the ~~targeted jobs~~ work opportunity tax 87059  
credit allowed under sections 38, 51, and 52 of the Internal 87060  
Revenue Code not been in effect, but only to the extent such 87061  
amount relates either to income included in federal taxable income 87062  
for the taxable year or to income of the S portion of an electing 87063  
small business trust for the taxable year; 87064

(6) Deduct any interest or interest equivalent, net of 87065  
related expenses deducted in computing federal taxable income, on 87066  
public obligations and purchase obligations, but only to the 87067  
extent that such net amount relates either to income included in 87068  
federal taxable income for the taxable year or to income of the S 87069  
portion of an electing small business trust for the taxable year; 87070

(7) Add any loss or deduct any gain resulting from sale, 87071  
exchange, or other disposition of public obligations to the extent 87072  
that such loss has been deducted or such gain has been included in 87073  
computing either federal taxable income or income of the S portion 87074  
of an electing small business trust for the taxable year; 87075

(8) Except in the case of the final return of an estate, add 87076  
any amount deducted by the taxpayer on both its Ohio estate tax 87077

return pursuant to section 5731.14 of the Revised Code, and on its 87078  
federal income tax return in determining federal taxable income; 87079

(9)(a) Deduct any amount included in federal taxable income 87080  
solely because the amount represents a reimbursement or refund of 87081  
expenses that in a previous year the decedent had deducted as an 87082  
itemized deduction pursuant to section 63 of the Internal Revenue 87083  
Code and applicable treasury regulations. The deduction otherwise 87084  
allowed under division (S)(9)(a) of this section shall be reduced 87085  
to the extent the reimbursement is attributable to an amount the 87086  
taxpayer or decedent deducted under this section in any taxable 87087  
year. 87088

(b) Add any amount not otherwise included in Ohio taxable 87089  
income for any taxable year to the extent that the amount is 87090  
attributable to the recovery during the taxable year of any amount 87091  
deducted or excluded in computing federal or Ohio taxable income 87092  
in any taxable year, but only to the extent such amount has not 87093  
been distributed to beneficiaries for the taxable year. 87094

(10) Deduct any portion of the deduction described in section 87095  
1341(a)(2) of the Internal Revenue Code, for repaying previously 87096  
reported income received under a claim of right, that meets both 87097  
of the following requirements: 87098

(a) It is allowable for repayment of an item that was 87099  
included in the taxpayer's taxable income or the decedent's 87100  
adjusted gross income for a prior taxable year and did not qualify 87101  
for a credit under division (A) or (B) of section 5747.05 of the 87102  
Revised Code for that year. 87103

(b) It does not otherwise reduce the taxpayer's taxable 87104  
income or the decedent's adjusted gross income for the current or 87105  
any other taxable year. 87106

(11) Add any amount claimed as a credit under section 87107  
5747.059 of the Revised Code to the extent that the amount 87108

satisfies either of the following: 87109

(a) The amount was deducted or excluded from the computation 87110  
of the taxpayer's federal taxable income as required to be 87111  
reported for the taxpayer's taxable year under the Internal 87112  
Revenue Code; 87113

(b) The amount resulted in a reduction in the taxpayer's 87114  
federal taxable income as required to be reported for any of the 87115  
taxpayer's taxable years under the Internal Revenue Code. 87116

(12) Deduct any amount, net of related expenses deducted in 87117  
computing federal taxable income, that a trust is required to 87118  
report as farm income on its federal income tax return, but only 87119  
if the assets of the trust include at least ten acres of land 87120  
satisfying the definition of "land devoted exclusively to 87121  
agricultural use" under section 5713.30 of the Revised Code, 87122  
regardless of whether the land is valued for tax purposes as such 87123  
land under sections 5713.30 to 5713.38 of the Revised Code. If the 87124  
trust is a pass-through entity investor, section 5747.231 of the 87125  
Revised Code applies in ascertaining if the trust is eligible to 87126  
claim the deduction provided by division (S)(12) of this section 87127  
in connection with the pass-through entity's farm income. 87128

Except for farm income attributable to the S portion of an 87129  
electing small business trust, the deduction provided by division 87130  
(S)(12) of this section is allowed only to the extent that the 87131  
trust has not distributed such farm income. 87132

(13) Add the net amount of income described in section 641(c) 87133  
of the Internal Revenue Code to the extent that amount is not 87134  
included in federal taxable income. 87135

(14) Add or deduct the amount the taxpayer would be required 87136  
to add or deduct under division (A)(17) or (18) of this section if 87137  
the taxpayer's Ohio taxable income were computed in the same 87138  
manner as an individual's Ohio adjusted gross income is computed 87139

|                                                                                                                                                                                                                                                                                                                           |                                           |
|---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-------------------------------------------|
| under this section.                                                                                                                                                                                                                                                                                                       | 87140                                     |
| (T) "School district income" and "school district income tax" have the same meanings as in section 5748.01 of the Revised Code.                                                                                                                                                                                           | 87141<br>87142                            |
| (U) As used in divisions (A)(7), (A)(8), (S)(6), and (S)(7) of this section, "public obligations," "purchase obligations," and "interest or interest equivalent" have the same meanings as in section 5709.76 of the Revised Code.                                                                                        | 87143<br>87144<br>87145<br>87146          |
| (V) "Limited liability company" means any limited liability company formed under Chapter 1705. or 1706. of the Revised Code or under the laws of any other state.                                                                                                                                                         | 87147<br>87148<br>87149                   |
| (W) "Pass-through entity investor" means any person who, during any portion of a taxable year of a pass-through entity, is a partner, member, shareholder, or equity investor in that pass-through entity.                                                                                                                | 87150<br>87151<br>87152<br>87153          |
| (X) "Banking day" has the same meaning as in section 1304.01 of the Revised Code.                                                                                                                                                                                                                                         | 87154<br>87155                            |
| (Y) "Month" means a calendar month.                                                                                                                                                                                                                                                                                       | 87156                                     |
| (Z) "Quarter" means the first three months, the second three months, the third three months, or the last three months of the taxpayer's taxable year.                                                                                                                                                                     | 87157<br>87158<br>87159                   |
| (AA)(1) "Modified business income" means the business income included in a trust's Ohio taxable income after such taxable income is first reduced by the qualifying trust amount, if any.                                                                                                                                 | 87160<br>87161<br>87162                   |
| (2) "Qualifying trust amount" of a trust means capital gains and losses from the sale, exchange, or other disposition of equity or ownership interests in, or debt obligations of, a qualifying investee to the extent included in the trust's Ohio taxable income, but only if the following requirements are satisfied: | 87163<br>87164<br>87165<br>87166<br>87167 |
| (a) The book value of the qualifying investee's physical assets in this state and everywhere, as of the last day of the                                                                                                                                                                                                   | 87168<br>87169                            |

qualifying investee's fiscal or calendar year ending immediately 87170  
prior to the date on which the trust recognizes the gain or loss, 87171  
is available to the trust. 87172

(b) The requirements of section 5747.011 of the Revised Code 87173  
are satisfied for the trust's taxable year in which the trust 87174  
recognizes the gain or loss. 87175

Any gain or loss that is not a qualifying trust amount is 87176  
modified business income, qualifying investment income, or 87177  
modified nonbusiness income, as the case may be. 87178

(3) "Modified nonbusiness income" means a trust's Ohio 87179  
taxable income other than modified business income, other than the 87180  
qualifying trust amount, and other than qualifying investment 87181  
income, as defined in section 5747.012 of the Revised Code, to the 87182  
extent such qualifying investment income is not otherwise part of 87183  
modified business income. 87184

(4) "Modified Ohio taxable income" applies only to trusts, 87185  
and means the sum of the amounts described in divisions (AA)(4)(a) 87186  
to (c) of this section: 87187

(a) The fraction, calculated under section 5747.013, and 87188  
applying section 5747.231 of the Revised Code, multiplied by the 87189  
sum of the following amounts: 87190

(i) The trust's modified business income; 87191

(ii) The trust's qualifying investment income, as defined in 87192  
section 5747.012 of the Revised Code, but only to the extent the 87193  
qualifying investment income does not otherwise constitute 87194  
modified business income and does not otherwise constitute a 87195  
qualifying trust amount. 87196

(b) The qualifying trust amount multiplied by a fraction, the 87197  
numerator of which is the sum of the book value of the qualifying 87198  
investee's physical assets in this state on the last day of the 87199

qualifying investee's fiscal or calendar year ending immediately 87200  
prior to the day on which the trust recognizes the qualifying 87201  
trust amount, and the denominator of which is the sum of the book 87202  
value of the qualifying investee's total physical assets 87203  
everywhere on the last day of the qualifying investee's fiscal or 87204  
calendar year ending immediately prior to the day on which the 87205  
trust recognizes the qualifying trust amount. If, for a taxable 87206  
year, the trust recognizes a qualifying trust amount with respect 87207  
to more than one qualifying investee, the amount described in 87208  
division (AA)(4)(b) of this section shall equal the sum of the 87209  
products so computed for each such qualifying investee. 87210

(c)(i) With respect to a trust or portion of a trust that is 87211  
a resident as ascertained in accordance with division (I)(3)(d) of 87212  
this section, its modified nonbusiness income. 87213

(ii) With respect to a trust or portion of a trust that is 87214  
not a resident as ascertained in accordance with division 87215  
(I)(3)(d) of this section, the amount of its modified nonbusiness 87216  
income satisfying the descriptions in divisions (B)(2) to (5) of 87217  
section 5747.20 of the Revised Code, except as otherwise provided 87218  
in division (AA)(4)(c)(ii) of this section. With respect to a 87219  
trust or portion of a trust that is not a resident as ascertained 87220  
in accordance with division (I)(3)(d) of this section, the trust's 87221  
portion of modified nonbusiness income recognized from the sale, 87222  
exchange, or other disposition of a debt interest in or equity 87223  
interest in a section 5747.212 entity, as defined in section 87224  
5747.212 of the Revised Code, without regard to division (A) of 87225  
that section, shall not be allocated to this state in accordance 87226  
with section 5747.20 of the Revised Code but shall be apportioned 87227  
to this state in accordance with division (B) of section 5747.212 87228  
of the Revised Code without regard to division (A) of that 87229  
section. 87230

If the allocation and apportionment of a trust's income under 87231

divisions (AA)(4)(a) and (c) of this section do not fairly 87232  
represent the modified Ohio taxable income of the trust in this 87233  
state, the alternative methods described in division (C) of 87234  
section 5747.21 of the Revised Code may be applied in the manner 87235  
and to the same extent provided in that section. 87236

(5)(a) Except as set forth in division (AA)(5)(b) of this 87237  
section, "qualifying investee" means a person in which a trust has 87238  
an equity or ownership interest, or a person or unit of government 87239  
the debt obligations of either of which are owned by a trust. For 87240  
the purposes of division (AA)(2)(a) of this section and for the 87241  
purpose of computing the fraction described in division (AA)(4)(b) 87242  
of this section, all of the following apply: 87243

(i) If the qualifying investee is a member of a qualifying 87244  
controlled group on the last day of the qualifying investee's 87245  
fiscal or calendar year ending immediately prior to the date on 87246  
which the trust recognizes the gain or loss, then "qualifying 87247  
investee" includes all persons in the qualifying controlled group 87248  
on such last day. 87249

(ii) If the qualifying investee, or if the qualifying 87250  
investee and any members of the qualifying controlled group of 87251  
which the qualifying investee is a member on the last day of the 87252  
qualifying investee's fiscal or calendar year ending immediately 87253  
prior to the date on which the trust recognizes the gain or loss, 87254  
separately or cumulatively own, directly or indirectly, on the 87255  
last day of the qualifying investee's fiscal or calendar year 87256  
ending immediately prior to the date on which the trust recognizes 87257  
the qualifying trust amount, more than fifty per cent of the 87258  
equity of a pass-through entity, then the qualifying investee and 87259  
the other members are deemed to own the proportionate share of the 87260  
pass-through entity's physical assets which the pass-through 87261  
entity directly or indirectly owns on the last day of the 87262  
pass-through entity's calendar or fiscal year ending within or 87263

with the last day of the qualifying investee's fiscal or calendar 87264  
year ending immediately prior to the date on which the trust 87265  
recognizes the qualifying trust amount. 87266

(iii) For the purposes of division (AA)(5)(a)(iii) of this 87267  
section, "upper level pass-through entity" means a pass-through 87268  
entity directly or indirectly owning any equity of another 87269  
pass-through entity, and "lower level pass-through entity" means 87270  
that other pass-through entity. 87271

An upper level pass-through entity, whether or not it is also 87272  
a qualifying investee, is deemed to own, on the last day of the 87273  
upper level pass-through entity's calendar or fiscal year, the 87274  
proportionate share of the lower level pass-through entity's 87275  
physical assets that the lower level pass-through entity directly 87276  
or indirectly owns on the last day of the lower level pass-through 87277  
entity's calendar or fiscal year ending within or with the last 87278  
day of the upper level pass-through entity's fiscal or calendar 87279  
year. If the upper level pass-through entity directly and 87280  
indirectly owns less than fifty per cent of the equity of the 87281  
lower level pass-through entity on each day of the upper level 87282  
pass-through entity's calendar or fiscal year in which or with 87283  
which ends the calendar or fiscal year of the lower level 87284  
pass-through entity and if, based upon clear and convincing 87285  
evidence, complete information about the location and cost of the 87286  
physical assets of the lower pass-through entity is not available 87287  
to the upper level pass-through entity, then solely for purposes 87288  
of ascertaining if a gain or loss constitutes a qualifying trust 87289  
amount, the upper level pass-through entity shall be deemed as 87290  
owning no equity of the lower level pass-through entity for each 87291  
day during the upper level pass-through entity's calendar or 87292  
fiscal year in which or with which ends the lower level 87293  
pass-through entity's calendar or fiscal year. Nothing in division 87294  
(AA)(5)(a)(iii) of this section shall be construed to provide for 87295

any deduction or exclusion in computing any trust's Ohio taxable income. 87296  
87297

(b) With respect to a trust that is not a resident for the taxable year and with respect to a part of a trust that is not a resident for the taxable year, "qualifying investee" for that taxable year does not include a C corporation if both of the following apply: 87298  
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(i) During the taxable year the trust or part of the trust recognizes a gain or loss from the sale, exchange, or other disposition of equity or ownership interests in, or debt obligations of, the C corporation. 87303  
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(ii) Such gain or loss constitutes nonbusiness income. 87307

(6) "Available" means information is such that a person is able to learn of the information by the due date plus extensions, if any, for filing the return for the taxable year in which the trust recognizes the gain or loss. 87308  
87309  
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(BB) "Qualifying controlled group" has the same meaning as in section 5733.04 of the Revised Code. 87312  
87313

(CC) "Related member" has the same meaning as in section 5733.042 of the Revised Code. 87314  
87315

(DD)(1) For the purposes of division (DD) of this section: 87316

(a) "Qualifying person" means any person other than a qualifying corporation. 87317  
87318

(b) "Qualifying corporation" means any person classified for federal income tax purposes as an association taxable as a corporation, except either of the following: 87319  
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(i) A corporation that has made an election under subchapter S, chapter one, subtitle A, of the Internal Revenue Code for its taxable year ending within, or on the last day of, the investor's taxable year; 87322  
87323  
87324  
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- (ii) A subsidiary that is wholly owned by any corporation 87326  
that has made an election under subchapter S, chapter one, 87327  
subtitle A of the Internal Revenue Code for its taxable year 87328  
ending within, or on the last day of, the investor's taxable year. 87329
- (2) For the purposes of this chapter, unless expressly stated 87330  
otherwise, no qualifying person indirectly owns any asset directly 87331  
or indirectly owned by any qualifying corporation. 87332
- (EE) For purposes of this chapter and Chapter 5751. of the 87333  
Revised Code: 87334
- (1) "Trust" does not include a qualified pre-income tax 87335  
trust. 87336
- (2) A "qualified pre-income tax trust" is any pre-income tax 87337  
trust that makes a qualifying pre-income tax trust election as 87338  
described in division (EE)(3) of this section. 87339
- (3) A "qualifying pre-income tax trust election" is an 87340  
election by a pre-income tax trust to subject to the tax imposed 87341  
by section 5751.02 of the Revised Code the pre-income tax trust 87342  
and all pass-through entities of which the trust owns or controls, 87343  
directly, indirectly, or constructively through related interests, 87344  
five per cent or more of the ownership or equity interests. The 87345  
trustee shall notify the tax commissioner in writing of the 87346  
election on or before April 15, 2006. The election, if timely 87347  
made, shall be effective on and after January 1, 2006, and shall 87348  
apply for all tax periods and tax years until revoked by the 87349  
trustee of the trust. 87350
- (4) A "pre-income tax trust" is a trust that satisfies all of 87351  
the following requirements: 87352
- (a) The document or instrument creating the trust was 87353  
executed by the grantor before January 1, 1972; 87354
- (b) The trust became irrevocable upon the creation of the 87355

trust; and 87356

(c) The grantor was domiciled in this state at the time the trust was created. 87357  
87358

(FF) "Uniformed services" has the same meaning as in 10 U.S.C. 101. 87359  
87360

(GG) "Taxable business income" means the amount by which an individual's business income that is included in federal adjusted gross income exceeds the amount of business income the individual is authorized to deduct under division ~~(A)(31)~~ (A)(28) of this section for the taxable year. 87361  
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(HH) "Employer" does not include a franchisor with respect to the franchisor's relationship with a franchisee or an employee of a franchisee, unless the franchisor agrees to assume that role in writing or a court of competent jurisdiction determines that the franchisor exercises a type or degree of control over the franchisee or the franchisee's employees that is not customarily exercised by a franchisor for the purpose of protecting the franchisor's trademark, brand, or both. For purposes of this division, "franchisor" and "franchisee" have the same meanings as in 16 C.F.R. 436.1. 87366  
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(II) "Modified adjusted gross income" means Ohio adjusted gross income plus any amount deducted under ~~division~~ divisions (A)(28) and (34) of this section for the taxable year. 87376  
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(JJ) "Qualifying Ohio educator" means an individual who, for a taxable year, qualifies as an eligible educator, as that term is defined in section 62 of the Internal Revenue Code, and who holds a certificate, license, or permit described in Chapter 3319. or section 3301.071 of the Revised Code. 87379  
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**Sec. 5747.02.** (A) For the purpose of providing revenue for the support of schools and local government functions, to provide 87384  
87385

relief to property taxpayers, to provide revenue for the general 87386  
revenue fund, and to meet the expenses of administering the tax 87387  
levied by this chapter, there is hereby levied on every 87388  
individual, trust, and estate residing in or earning or receiving 87389  
income in this state, on every individual, trust, and estate 87390  
earning or receiving lottery winnings, prizes, or awards pursuant 87391  
to Chapter 3770. of the Revised Code, on every individual, trust, 87392  
and estate earning or receiving winnings on casino gaming, and on 87393  
every individual, trust, and estate otherwise having nexus with or 87394  
in this state under the Constitution of the United States, an 87395  
annual tax measured as prescribed in divisions (A)(1) to (4) of 87396  
this section. 87397

(1) In the case of trusts, the tax imposed by this section 87398  
shall be measured by modified Ohio taxable income under division 87399  
(D) of this section and levied in the same amount as the tax is 87400  
imposed on estates as prescribed in division (A)(2) of this 87401  
section. 87402

(2) In the case of estates, the tax imposed by this section 87403  
shall be measured by Ohio taxable income. The tax shall be levied 87404  
at the rate of ~~one and forty two thousand seven hundred forty four~~ 87405  
~~hundred thousandths per cent~~ 1.38462% for the first ~~twenty one~~ 87406  
twenty-five thousand ~~seven hundred fifty~~ dollars of such income 87407  
and, for income in excess of that amount, the tax shall be levied 87408  
at the same rates prescribed in division (A)(3) of this section 87409  
for individuals. 87410

(3) In the case of individuals, the tax imposed by this 87411  
section on income other than taxable business income shall be 87412  
measured by Ohio adjusted gross income, less taxable business 87413  
income and less an exemption for the taxpayer, the taxpayer's 87414  
spouse, and each dependent as provided in section 5747.025 of the 87415  
Revised Code. If the balance thus obtained is equal to or less 87416

than ~~twenty-one~~ twenty-five thousand ~~seven hundred fifty~~ dollars, 87417  
no tax shall be imposed on that balance. If the balance thus 87418  
obtained is greater than ~~twenty-one~~ twenty-five thousand ~~seven~~ 87419  
~~hundred fifty~~ dollars, the tax is hereby levied as follows: 87420

OHIO ADJUSTED GROSS INCOME LESS TAXABLE BUSINESS INCOME AND TAX 87421  
EXEMPTIONS (INDIVIDUALS) OR MODIFIED OHIO TAXABLE INCOME (TRUSTS)

OR OHIO TAXABLE INCOME (ESTATES)

More than ~~\$21,750~~ 25,000 but not ~~\$310.47~~ 346.16 plus ~~2.850~~ 2.765% 87422  
more than ~~\$43,450~~ 44,250 of the amount in excess of  
~~\$21,750~~ 25,000

More than ~~\$43,450~~ 44,250 but not ~~\$928.92~~ 878.42 plus ~~3.326~~ 3.226% 87423  
more than ~~\$86,900~~ 88,450 of the amount in excess of  
~~\$43,450~~ 44,250

More than ~~\$86,900~~ 88,450 but not ~~\$2,374.07~~ 2,304.31 plus ~~3.802~~ 87424  
more than ~~\$108,700~~ 110,650 3.688% of the amount in excess of  
~~\$86,900~~ 88,450

More than ~~\$108,700~~ 110,650 but ~~not more than~~ \$3,202.91 3,123.05 plus ~~4.413~~ 87425  
~~\$217,400~~ 3.990% of the amount in excess of  
~~\$108,700~~ 110,650

~~More than \$217,400~~ ~~\$7,999.84~~ plus ~~4.797%~~ of the 87426  
~~amount in excess of \$217,400~~

(4)(a) In the case of individuals, the tax imposed by this 87427  
section on taxable business income shall equal three per cent of 87428  
the result obtained by subtracting any amount allowed under 87429  
division (A)(4)(b) of this section from the individual's taxable 87430  
business income. 87431

(b) If the exemptions allowed to an individual under division 87432  
(A)(3) of this section exceed the taxpayer's Ohio adjusted gross 87433  
income less taxable business income, the excess shall be deducted 87434  
from taxable business income before computing the tax under 87435  
division (A)(4)(a) of this section. 87436

(5) Except as otherwise provided in this division, in August 87437

of each year, the tax commissioner shall make a new adjustment to 87438  
the income amounts prescribed in divisions (A)(2) and (3) of this 87439  
section by multiplying the percentage increase in the gross 87440  
domestic product deflator computed that year under section 87441  
5747.025 of the Revised Code by each of the income amounts 87442  
resulting from the adjustment under this division in the preceding 87443  
year, adding the resulting product to the corresponding income 87444  
amount resulting from the adjustment in the preceding year, and 87445  
rounding the resulting sum to the nearest multiple of fifty 87446  
dollars. The tax commissioner also shall recompute each of the tax 87447  
dollar amounts to the extent necessary to reflect the new 87448  
adjustment of the income amounts. To recompute the tax dollar 87449  
amount corresponding to the lowest tax rate in division (A)(3) of 87450  
this section, the commissioner shall multiply the tax rate 87451  
prescribed in division (A)(2) of this section by the income amount 87452  
specified in that division and as adjusted according to this 87453  
paragraph. The rates of taxation shall not be adjusted. 87454

The adjusted amounts apply to taxable years beginning in the 87455  
calendar year in which the adjustments are made and to taxable 87456  
years beginning in each ensuing calendar year until a calendar 87457  
year in which a new adjustment is made pursuant to this division. 87458  
The tax commissioner shall not make a new adjustment in any year 87459  
in which the amount resulting from the adjustment would be less 87460  
than the amount resulting from the adjustment in the preceding 87461  
year. 87462

(B) If the director of budget and management makes a 87463  
certification to the tax commissioner under division (B) of 87464  
section 131.44 of the Revised Code, the amount of tax as 87465  
determined under divisions (A)(1) to (3) of this section shall be 87466  
reduced by the percentage prescribed in that certification for 87467  
taxable years beginning in the calendar year in which that 87468  
certification is made. 87469

(C)(1) The tax imposed by this section on a trust shall be 87470  
computed by multiplying the Ohio modified taxable income of the 87471  
trust by the rates prescribed by division (A) of this section. 87472

(2) A resident trust may claim a credit against the tax 87473  
computed under division (C) of this section equal to the lesser of 87474  
(a) the tax paid to another state or the District of Columbia on 87475  
the resident trust's modified nonbusiness income, other than the 87476  
portion of the resident trust's nonbusiness income that is 87477  
qualifying investment income as defined in section 5747.012 of the 87478  
Revised Code, or (b) the effective tax rate, based on modified 87479  
Ohio taxable income, multiplied by the resident trust's modified 87480  
nonbusiness income other than the portion of the resident trust's 87481  
nonbusiness income that is qualifying investment income. The 87482  
credit applies before any other applicable credits. 87483

(3) Any credit authorized against the tax imposed by this 87484  
section applies to a trust subject to division (C) of this section 87485  
only if the trust otherwise qualifies for the credit. To the 87486  
extent that the trust distributes income for the taxable year for 87487  
which a credit is available to the trust, the credit shall be 87488  
shared by the trust and its beneficiaries. The tax commissioner 87489  
and the trust shall be guided by applicable regulations of the 87490  
United States treasury regarding the sharing of credits. 87491

(D) For the purposes of this section, "trust" means any trust 87492  
described in Subchapter J of Chapter 1 of the Internal Revenue 87493  
Code, excluding trusts that are not irrevocable as defined in 87494  
division (I)(3)(b) of section 5747.01 of the Revised Code and that 87495  
have no modified Ohio taxable income for the taxable year, 87496  
charitable remainder trusts, qualified funeral trusts and preneed 87497  
funeral contract trusts established pursuant to sections 4717.31 87498  
to 4717.38 of the Revised Code that are not qualified funeral 87499  
trusts, endowment and perpetual care trusts, qualified settlement 87500  
trusts and funds, designated settlement trusts and funds, and 87501

trusts exempted from taxation under section 501(a) of the Internal Revenue Code. 87502  
87503

(E) Nothing in division (A)(3) of this section shall prohibit 87504  
an individual with an Ohio adjusted gross income, less taxable 87505  
business income and exemptions, of ~~twenty-one~~ twenty-five thousand 87506  
~~seven hundred fifty~~ dollars or less from filing a return under 87507  
this chapter to receive a refund of taxes withheld or to claim any 87508  
refundable credit allowed under this chapter. 87509

**Sec. 5747.05.** As used in this section, "income tax" includes 87510  
both a tax on net income and a tax measured by net income. 87511

The following credits shall be allowed against the aggregate 87512  
income tax liability imposed by section 5747.02 of the Revised 87513  
Code on individuals and estates: 87514

(A)(1) The amount of tax otherwise due under section 5747.02 87515  
of the Revised Code on such portion of the combined adjusted gross 87516  
income and business income of any nonresident taxpayer that is not 87517  
allocable or apportionable to this state pursuant to sections 87518  
5747.20 to 5747.23 of the Revised Code. The credit provided under 87519  
this division shall not exceed the total tax due under section 87520  
5747.02 of the Revised Code. 87521

(2) The tax commissioner may enter into an agreement with the 87522  
taxing authorities of any state or of the District of Columbia 87523  
that imposes an income tax to provide that compensation paid in 87524  
this state to a nonresident taxpayer shall not be subject to the 87525  
tax levied in section 5747.02 of the Revised Code so long as 87526  
compensation paid in such other state or in the District of 87527  
Columbia to a resident taxpayer shall likewise not be subject to 87528  
the income tax of such other state or of the District of Columbia. 87529

(B) The lesser of division (B)(1) or (2) of this section: 87530

(1) The aggregate amount of tax otherwise due under section 87531

5747.02 of the Revised Code on such portion of the combined 87532  
adjusted gross income and business income of a resident taxpayer 87533  
that in another state or in the District of Columbia is subjected 87534  
to an income tax. The credit provided under division (B)(1) of 87535  
this section shall not exceed the total tax due under section 87536  
5747.02 of the Revised Code. 87537

(2) The amount of income tax liability to another state or 87538  
the District of Columbia on the portion of the combined adjusted 87539  
gross income and business income of a resident taxpayer that in 87540  
another state or in the District of Columbia is subjected to an 87541  
income tax. The credit provided under division (B)(2) of this 87542  
section shall not exceed the total amount of tax otherwise due 87543  
under section 5747.02 of the Revised Code. 87544

(3) If the credit provided under division (B) of this section 87545  
is affected by a change in either the portion of the combined 87546  
adjusted gross income and business income of a resident taxpayer 87547  
subjected to an income tax in another state or the District of 87548  
Columbia or the amount of income tax liability that has been paid 87549  
to another state or the District of Columbia, the taxpayer shall 87550  
report the change to the tax commissioner within ~~sixty~~ ninety days 87551  
of the change in such form as the commissioner requires. 87552

(a) In the case of an underpayment, the report shall be 87553  
accompanied by payment of any additional tax due as a result of 87554  
the reduction in credit together with interest on the additional 87555  
tax and is a return subject to assessment under section 5747.13 of 87556  
the Revised Code solely for the purpose of assessing any 87557  
additional tax due under this division, together with any 87558  
applicable penalty and interest. It shall not reopen the 87559  
computation of the taxpayer's tax liability under this chapter 87560  
from a previously filed return no longer subject to assessment 87561  
except to the extent that such liability is affected by an 87562  
adjustment to the credit allowed by division (B) of this section. 87563

(b) In the case of an overpayment, an application for refund 87564  
may be filed under this division within the ~~sixty-day~~ ninety-day 87565  
period prescribed for filing the report even if it is beyond the 87566  
period prescribed in section 5747.11 of the Revised Code if it 87567  
otherwise conforms to the requirements of such section. An 87568  
application filed under this division shall only claim refund of 87569  
overpayments resulting from an adjustment to the credit allowed by 87570  
division (B) of this section unless it is also filed within the 87571  
time prescribed in section 5747.11 of the Revised Code. It shall 87572  
not reopen the computation of the taxpayer's tax liability except 87573  
to the extent that such liability is affected by an adjustment to 87574  
the credit allowed by division (B) of this section. 87575

(4) No credit shall be allowed under division (B) of this 87576  
section: 87577

(a) For income tax paid or accrued to another state or to the 87578  
District of Columbia if the taxpayer, when computing federal 87579  
adjusted gross income, has directly or indirectly deducted, or was 87580  
required to directly or indirectly deduct, the amount of that 87581  
income tax; 87582

(b) For compensation that is not subject to the income tax of 87583  
another state or the District of Columbia as the result of an 87584  
agreement entered into by the tax commissioner under division 87585  
(A)(3) of this section; or 87586

(c) For income tax paid or accrued to another state or the 87587  
District of Columbia if the taxpayer fails to furnish such proof 87588  
as the tax commissioner shall require that such income tax 87589  
liability has been paid. 87590

(C) An individual who is a resident for part of a taxable 87591  
year and a nonresident for the remainder of the taxable year is 87592  
allowed the credits under divisions (A) and (B) of this section in 87593  
accordance with rules prescribed by the tax commissioner. In no 87594

event shall the same income be subject to both credits. 87595

(D) The credit allowed under division (A) of this section 87596  
shall be calculated based upon the amount of tax due under section 87597  
5747.02 of the Revised Code after subtracting any other credits 87598  
that precede the credit under that division in the order required 87599  
under section 5747.98 of the Revised Code. The credit allowed 87600  
under division (B) of this section shall be calculated based upon 87601  
the amount of tax due under section 5747.02 of the Revised Code 87602  
after subtracting any other credits that precede the credit under 87603  
that division in the order required under section 5747.98 of the 87604  
Revised Code. 87605

(E)(1) On a joint return filed by a husband and wife, each of 87606  
whom had adjusted gross income of at least five hundred dollars, 87607  
exclusive of interest, dividends and distributions, royalties, 87608  
rent, and capital gains, a credit equal to the lesser of six 87609  
hundred fifty dollars or the percentage shown in column B that 87610  
corresponds with the taxpayer's modified adjusted gross income, 87611  
less exemptions for the taxable year, of the total amount of tax 87612  
due after allowing for any other credit that precedes this credit 87613  
as required under section 5747.98 of the Revised Code: 87614

| A.                               | B.                         |       |
|----------------------------------|----------------------------|-------|
| IF THE MODIFIED ADJUSTED GROSS   | THE CREDIT FOR THE TAXABLE | 87616 |
| INCOME, LESS EXEMPTIONS, FOR THE | YEAR IS:                   |       |
| TAX YEAR IS:                     |                            |       |
| \$25,000 or less                 | 20%                        | 87617 |
| More than \$25,000 but not more  | 15%                        | 87618 |
| than \$50,000                    |                            |       |
| More than \$50,000 but not more  | 10%                        | 87619 |
| than \$75,000                    |                            |       |
| More than \$75,000               | 5%                         | 87620 |

(2) The credit shall be claimed in the order required under 87621  
section 5747.98 of the Revised Code. 87622

(F) No claim for credit under this section shall be allowed 87623  
unless the claimant furnishes such supporting information as the 87624  
tax commissioner prescribes by rules. 87625

**Sec. 5747.065.** (A) If a taxpayer has elected under section 87626  
4141.321 of the Revised Code to have the director of job and 87627  
family services deduct and withhold state income tax from the 87628  
unemployment compensation benefits payable to the taxpayer, the 87629  
director shall deduct and withhold such tax at the rate or rates 87630  
that the director shall prescribe in consultation with the tax 87631  
commissioner. 87632

(B)(1) ~~The~~ On or before the tenth day of each month, the 87633  
director of job and family services shall file ~~returns and pay a~~ 87634  
return electronically with the tax commissioner identifying each 87635  
taxpayer from whose unemployment compensation amounts were 87636  
deducted and withheld under this section during the preceding 87637  
month, the amount of each such deduction and withholding, the 87638  
amount of the unemployment compensation from which each such 87639  
amount was withheld, and any other information required by the 87640  
commissioner. With the return, the director shall remit 87641  
electronically to the commissioner all the amounts deducted and 87642  
withheld in accordance with the requirements of section 5747.07 of 87643  
the Revised Code under this section during the preceding month. 87644

(2) Annually, on or before the thirty-first day of January, 87645  
the director shall issue an information return to each taxpayer 87646  
with respect to whom an amount has been deducted and withheld 87647  
under this section during the preceding calendar year. The 87648  
information return shall show the total amount deducted from the 87649  
taxpayer's unemployment compensation benefits during the preceding 87650  
calendar year and any other information the tax commissioner 87651  
requires. If the director is required under the Internal Revenue 87652  
Code to report federal income tax deducted and withheld from 87653

unemployment compensation benefits, then the director may report 87654  
the information required under this section on that report, as 87655  
authorized by the Internal Revenue Code. 87656

~~(C) Amounts deducted and withheld under this section shall be 87657  
allowed as a credit against payment of the tax imposed by this 87658  
chapter and shall be treated as taxes paid for purposes of section 87659  
5747.09 of the Revised Code. This division applies only to the 87660  
person for whom the amount is deducted and withheld. 87661~~

~~(D)~~ Failure of the director to deduct and withhold the 87662  
required amounts from unemployment compensation benefits or to 87663  
remit amounts withheld as required by this section does not 87664  
relieve a taxpayer from liability for the tax imposed by section 87665  
5747.02 of the Revised Code. 87666

~~(E)~~(D) The director of job and family services may adopt 87667  
rules as necessary to administer this section. 87668

**Sec. 5747.08.** An annual return with respect to the tax 87669  
imposed by section 5747.02 of the Revised Code and each tax 87670  
imposed under Chapter 5748. of the Revised Code shall be made by 87671  
every taxpayer for any taxable year for which the taxpayer is 87672  
liable for the tax imposed by that section or under that chapter, 87673  
unless the total credits allowed under division (E) of section 87674  
5747.05 and divisions (F) and (G) of section 5747.055 of the 87675  
Revised Code for the year are equal to or exceed the tax imposed 87676  
by section 5747.02 of the Revised Code, in which case no return 87677  
shall be required unless the taxpayer is liable for a tax imposed 87678  
pursuant to Chapter 5748. of the Revised Code. 87679

(A) If an individual is deceased, any return or notice 87680  
required of that individual under this chapter shall be made and 87681  
filed by that decedent's executor, administrator, or other person 87682  
charged with the property of that decedent. 87683

(B) If an individual is unable to make a return or notice required by this chapter, the return or notice required of that individual shall be made and filed by the individual's duly authorized agent, guardian, conservator, fiduciary, or other person charged with the care of the person or property of that individual.

(C) Returns or notices required of an estate or a trust shall be made and filed by the fiduciary of the estate or trust.

(D)(1)(a) Except as otherwise provided in division (D)(1)(b) of this section, any pass-through entity may file a single return on behalf of one or more of the entity's investors other than an investor that is a person subject to the tax imposed under section 5733.06 of the Revised Code. The single return shall set forth the name, address, and social security number or other identifying number of each of those pass-through entity investors and shall indicate the distributive share of each of those pass-through entity investor's income taxable in this state in accordance with sections 5747.20 to 5747.231 of the Revised Code. Such pass-through entity investors for whom the pass-through entity elects to file a single return are not entitled to the exemption or credit provided for by sections 5747.02 and 5747.022 of the Revised Code; shall calculate the tax before business credits at the highest rate of tax set forth in section 5747.02 of the Revised Code for the taxable year for which the return is filed; and are entitled to only their distributive share of the business credits as defined in division (D)(2) of this section. A single check drawn by the pass-through entity shall accompany the return in full payment of the tax due, as shown on the single return, for such investors, other than investors who are persons subject to the tax imposed under section 5733.06 of the Revised Code.

(b)(i) A pass-through entity shall not include in such a single return any investor that is a trust to the extent that any

direct or indirect current, future, or contingent beneficiary of 87716  
the trust is a person subject to the tax imposed under section 87717  
5733.06 of the Revised Code. 87718

(ii) A pass-through entity shall not include in such a single 87719  
return any investor that is itself a pass-through entity to the 87720  
extent that any direct or indirect investor in the second 87721  
pass-through entity is a person subject to the tax imposed under 87722  
section 5733.06 of the Revised Code. 87723

(c) Nothing in division (D) of this section precludes the tax 87724  
commissioner from requiring such investors to file the return and 87725  
make the payment of taxes and related interest, penalty, and 87726  
interest penalty required by this section or section 5747.02, 87727  
5747.09, or 5747.15 of the Revised Code. Nothing in division (D) 87728  
of this section precludes such an investor from filing the annual 87729  
return under this section, utilizing the refundable credit equal 87730  
to the investor's proportionate share of the tax paid by the 87731  
pass-through entity on behalf of the investor under division (I) 87732  
of this section, and making the payment of taxes imposed under 87733  
section 5747.02 of the Revised Code. Nothing in division (D) of 87734  
this section shall be construed to provide to such an investor or 87735  
pass-through entity any additional deduction or credit, other than 87736  
the credit provided by division (I) of this section, solely on 87737  
account of the entity's filing a return in accordance with this 87738  
section. Such a pass-through entity also shall make the filing and 87739  
payment of estimated taxes on behalf of the pass-through entity 87740  
investors other than an investor that is a person subject to the 87741  
tax imposed under section 5733.06 of the Revised Code. 87742

(2) For the purposes of this section, "business credits" 87743  
means the credits listed in section 5747.98 of the Revised Code 87744  
excluding the following credits: 87745

(a) The retirement income credit under division (B) of 87746  
section 5747.055 of the Revised Code; 87747

|                                                                                                                |                |
|----------------------------------------------------------------------------------------------------------------|----------------|
| (b) The senior citizen credit under division (F) of section 5747.055 of the Revised Code;                      | 87748<br>87749 |
| (c) The lump sum distribution credit under division (G) of section 5747.055 of the Revised Code;               | 87750<br>87751 |
| (d) The dependent care credit under section 5747.054 of the Revised Code;                                      | 87752<br>87753 |
| (e) The lump sum retirement income credit under division (C) of section 5747.055 of the Revised Code;          | 87754<br>87755 |
| (f) The lump sum retirement income credit under division (D) of section 5747.055 of the Revised Code;          | 87756<br>87757 |
| (g) The lump sum retirement income credit under division (E) of section 5747.055 of the Revised Code;          | 87758<br>87759 |
| (h) The credit for displaced workers who pay for job training under section 5747.27 of the Revised Code;       | 87760<br>87761 |
| (i) The twenty-dollar personal exemption credit under section 5747.022 of the Revised Code;                    | 87762<br>87763 |
| (j) The joint filing credit under division (E) of section 5747.05 of the Revised Code;                         | 87764<br>87765 |
| (k) The nonresident credit under division (A) of section 5747.05 of the Revised Code;                          | 87766<br>87767 |
| (l) The credit for a resident's out-of-state income under division (B) of section 5747.05 of the Revised Code; | 87768<br>87769 |
| (m) The earned income tax credit under section 5747.71 of the Revised Code;                                    | 87770<br>87771 |
| (n) The lead abatement credit under section 5747.26 of the Revised Code;                                       | 87772<br>87773 |
| <u>(o) The credit for education expenses under section 5747.72 of the Revised Code;</u>                        | 87774<br>87775 |
| <u>(p) The credit for tuition paid to a nonchartered nonpublic</u>                                             | 87776          |

school under section 5747.75 of the Revised Code. 87777

(3) The election provided for under division (D) of this 87778  
section applies only to the taxable year for which the election is 87779  
made by the pass-through entity. Unless the tax commissioner 87780  
provides otherwise, this election, once made, is binding and 87781  
irrevocable for the taxable year for which the election is made. 87782  
Nothing in this division shall be construed to provide for any 87783  
deduction or credit that would not be allowable if a nonresident 87784  
pass-through entity investor were to file an annual return. 87785

(4) If a pass-through entity makes the election provided for 87786  
under division (D) of this section, the pass-through entity shall 87787  
be liable for any additional taxes, interest, interest penalty, or 87788  
penalties imposed by this chapter if the tax commissioner finds 87789  
that the single return does not reflect the correct tax due by the 87790  
pass-through entity investors covered by that return. Nothing in 87791  
this division shall be construed to limit or alter the liability, 87792  
if any, imposed on pass-through entity investors for unpaid or 87793  
underpaid taxes, interest, interest penalty, or penalties as a 87794  
result of the pass-through entity's making the election provided 87795  
for under division (D) of this section. For the purposes of 87796  
division (D) of this section, "correct tax due" means the tax that 87797  
would have been paid by the pass-through entity had the single 87798  
return been filed in a manner reflecting the commissioner's 87799  
findings. Nothing in division (D) of this section shall be 87800  
construed to make or hold a pass-through entity liable for tax 87801  
attributable to a pass-through entity investor's income from a 87802  
source other than the pass-through entity electing to file the 87803  
single return. 87804

(E) If a husband and wife file a joint federal income tax 87805  
return for a taxable year, they shall file a joint return under 87806  
this section for that taxable year, and their liabilities are 87807  
joint and several, but, if the federal income tax liability of 87808

either spouse is determined on a separate federal income tax return, they shall file separate returns under this section.

If either spouse is not required to file a federal income tax return and either or both are required to file a return pursuant to this chapter, they may elect to file separate or joint returns, and, pursuant to that election, their liabilities are separate or joint and several. If a husband and wife file separate returns pursuant to this chapter, each must claim the taxpayer's own exemption, but not both, as authorized under section 5747.02 of the Revised Code on the taxpayer's own return.

(F) Each return or notice required to be filed under this section shall contain the signature of the taxpayer or the taxpayer's duly authorized agent and of the person who prepared the return for the taxpayer, and shall include the taxpayer's social security number. Each return shall be verified by a declaration under the penalties of perjury. The tax commissioner shall prescribe the form that the signature and declaration shall take.

(G) Each return or notice required to be filed under this section shall be made and filed as required by section 5747.04 of the Revised Code, on or before the fifteenth day of April of each year, on forms that the tax commissioner shall prescribe, together with remittance made payable to the treasurer of state in the combined amount of the state and all school district income taxes shown to be due on the form.

Upon good cause shown, the commissioner may extend the period for filing any notice or return required to be filed under this section and may adopt rules relating to extensions. If the extension results in an extension of time for the payment of any state or school district income tax liability with respect to which the return is filed, the taxpayer shall pay at the time the tax liability is paid an amount of interest computed at the rate

per annum prescribed by section 5703.47 of the Revised Code on 87841  
that liability from the time that payment is due without extension 87842  
to the time of actual payment. Except as provided in section 87843  
5747.132 of the Revised Code, in addition to all other interest 87844  
charges and penalties, all taxes imposed under this chapter or 87845  
Chapter 5748. of the Revised Code and remaining unpaid after they 87846  
become due, except combined amounts due of one dollar or less, 87847  
bear interest at the rate per annum prescribed by section 5703.47 87848  
of the Revised Code until paid or until the day an assessment is 87849  
issued under section 5747.13 of the Revised Code, whichever occurs 87850  
first. 87851

If the commissioner considers it necessary in order to ensure 87852  
the payment of the tax imposed by section 5747.02 of the Revised 87853  
Code or any tax imposed under Chapter 5748. of the Revised Code, 87854  
the commissioner may require returns and payments to be made 87855  
otherwise than as provided in this section. 87856

To the extent that any provision in this division conflicts 87857  
with any provision in section 5747.026 of the Revised Code, the 87858  
provision in that section prevails. 87859

(H) The amounts withheld ~~by an employer~~ pursuant to section 87860  
5747.06 ~~of the Revised Code, a casino operator pursuant to~~ 87861  
~~section, 5747.062, 5747.063 of the Revised Code, or a lottery~~ 87862  
~~sales agent pursuant to section, 5747.064, 5747.065, or 5747.071~~ 87863  
of the Revised Code shall be allowed to the ultimate recipient of 87864  
the ~~compensation casino winnings, or lottery prize award income~~ as 87865  
credits against payment of the appropriate taxes imposed on the 87866  
ultimate recipient by section 5747.02 and under Chapter 5748. of 87867  
the Revised Code. As used in this division, "ultimate recipient" 87868  
means the person who is required to report income from which 87869  
amounts are withheld pursuant to section 5747.06, 5747.062, 87870  
5747.063, 5747.064, 5747.065, or 5747.071 of the Revised Code on 87871  
the annual return required to be filed under this section. 87872

(I) If a pass-through entity elects to file a single return 87873  
under division (D) of this section and if any investor is required 87874  
to file the annual return and make the payment of taxes required 87875  
by this chapter on account of the investor's other income that is 87876  
not included in a single return filed by a pass-through entity or 87877  
any other investor elects to file the annual return, the investor 87878  
is entitled to a refundable credit equal to the investor's 87879  
proportionate share of the tax paid by the pass-through entity on 87880  
behalf of the investor. The investor shall claim the credit for 87881  
the investor's taxable year in which or with which ends the 87882  
taxable year of the pass-through entity. Nothing in this chapter 87883  
shall be construed to allow any credit provided in this chapter to 87884  
be claimed more than once. For the purpose of computing any 87885  
interest, penalty, or interest penalty, the investor shall be 87886  
deemed to have paid the refundable credit provided by this 87887  
division on the day that the pass-through entity paid the 87888  
estimated tax or the tax giving rise to the credit. 87889

(J) The tax commissioner shall ensure that each return 87890  
required to be filed under this section includes a box that the 87891  
taxpayer may check to authorize a paid tax preparer who prepared 87892  
the return to communicate with the department of taxation about 87893  
matters pertaining to the return. The return or instructions 87894  
accompanying the return shall indicate that by checking the box 87895  
the taxpayer authorizes the department of taxation to contact the 87896  
preparer concerning questions that arise during the processing of 87897  
the return and authorizes the preparer only to provide the 87898  
department with information that is missing from the return, to 87899  
contact the department for information about the processing of the 87900  
return or the status of the taxpayer's refund or payments, and to 87901  
respond to notices about mathematical errors, offsets, or return 87902  
preparation that the taxpayer has received from the department and 87903  
has shown to the preparer. 87904

(K) The tax commissioner shall permit individual taxpayers to 87905  
instruct the department of taxation to cause any refund of 87906  
overpaid taxes to be deposited directly into a checking account, 87907  
savings account, or an individual retirement account or individual 87908  
retirement annuity, or preexisting college savings plan or program 87909  
account offered by the Ohio tuition trust authority under Chapter 87910  
3334. of the Revised Code, as designated by the taxpayer, when the 87911  
taxpayer files the annual return required by this section 87912  
electronically. 87913

~~(L) A taxpayer claiming the deduction under division (A)(31) 87914  
of section 5747.01 of the Revised Code for a taxable year shall 87915  
indicate on the taxpayer's return the north American industry 87916  
classification system code of each business or professional 87917  
activity from which the taxpayer's business income was derived. 87918  
The tax commissioner shall provide space on the return for this 87919  
purpose and shall prescribe, by rule adopted in accordance with 87920  
Chapter 119. of the Revised Code, the manner by which such a 87921  
taxpayer shall determine the taxpayer's proper classification 87922  
codes and business or professional activities from which the 87923  
taxpayer derives business income. 87924~~

~~(M) The tax commissioner may adopt rules to administer this 87925  
section. 87926~~

**Sec. 5747.10.** (A) As used in this section: 87927

(1) "Audited partnership" means a partnership subject to an 87928  
examination by the internal revenue service pursuant to subchapter 87929  
C, chapter 63, subtitle F of the Internal Revenue Code resulting 87930  
in a federal adjustment. 87931

(2)(a) "Direct investor" means a partner or other investor 87932  
that holds a direct interest in a pass-through entity. 87933

(b) "Indirect investor" means a partner or other investor 87934

that holds an interest in a pass-through entity that itself holds 87935  
an interest, directly or through another indirect partner or other 87936  
investor, in a pass-through entity. 87937

(3) "Exempt partner" means a partner that is neither a 87938  
pass-through entity nor a person subject to the tax imposed by 87939  
section 5747.02 of the Revised Code. 87940

(4) "Federal adjustment" means a change to an item or amount 87941  
required to be determined under the Internal Revenue Code that 87942  
directly or indirectly affects a taxpayer's aggregate tax 87943  
liability under section 5747.02 or Chapter 5748. of the Revised 87944  
Code and that results from an action or examination by the 87945  
internal revenue service, or from the filing of an amended federal 87946  
tax return, a claim for a federal tax refund, or an administrative 87947  
adjustment request filed by a partnership under section 6227 of 87948  
the Internal Revenue Code. 87949

(5) "Federal adjustments return" means the form or other 87950  
document prescribed by the tax commissioner for use by a taxpayer 87951  
in reporting final federal adjustments. 87952

(6) "State partnership representative" means either of the 87953  
following: 87954

(a) The person who served as the partnership's representative 87955  
for federal income tax purposes, pursuant to section 6223(a) of 87956  
the Internal Revenue Code, during the corresponding federal 87957  
partnership audit; 87958

(b) The person designated, on a form prescribed by the tax 87959  
commissioner, to serve as the partnership's representative during 87960  
the state partnership audit. The commissioner may establish 87961  
reasonable qualifications and procedures for a person to be 87962  
designated as a state partnership representative under this 87963  
division. 87964

(7) A federal adjustment is "final" or "agreed to or finally 87965

determined for federal income tax purposes" on any of the 87966  
following: 87967

(a) The day after which the period for appeal of a federal 87968  
assessment has expired; 87969

(b) The date on a refund check issued by the internal revenue 87970  
service; or 87971

(c) For agreements required to be signed by the internal 87972  
revenue service and the taxpayer or audited partnership, the date 87973  
on which the last party signed the agreement. 87974

(B)(1) If any of the facts, figures, computations, or 87975  
attachments required in a taxpayer's annual return to determine 87976  
the tax charged by this chapter or Chapter 5748. of the Revised 87977  
Code must be altered as the result of a final federal adjustment, 87978  
and the federal adjustment is not required to be reported under 87979  
division (C) of this section, the taxpayer shall file an amended 87980  
return with the tax commissioner in such form as the commissioner 87981  
requires. The amended return shall be filed not later than ninety 87982  
days after the federal adjustment has been agreed to or finally 87983  
determined for federal income tax purposes. 87984

(2) "One hundred eighty" shall be substituted for "ninety" in 87985  
divisions (B)(1) and (E)(1) of this section if, for any taxable 87986  
year, the final federal adjustment results from taxes paid by the 87987  
taxpayer on an amount described in division ~~(A)(34)~~(A)(32) of 87988  
section 5747.01 of the Revised Code. 87989

(C) Except for adjustments required to be reported for 87990  
federal purposes pursuant to section 6225(a)(2) of the Internal 87991  
Revenue Code and adjustments that are taken into account on a 87992  
federal amended return or similar report filed pursuant to section 87993  
6225(c)(2) of the Internal Revenue Code, partnerships and partners 87994  
shall report final federal adjustments and make payments as 87995  
required under division (C) of this section. 87996

(1) With respect to an action required or permitted to be taken by a partnership under this section, and any petition for reassessment or appeal to the board of tax appeals or any court with respect to such an action, the state partnership representative shall have the sole authority to act on behalf of the audited partnership, and the partnership's direct and indirect investors shall be bound by those actions.

(2) Unless an audited partnership makes the election under division (C)(3) of this section:

(a) The audited partnership, through its state partnership representative, shall do all of the following within ninety days after the federal adjustment is final:

(i) File a federal adjustments return with the tax commissioner, including a copy of the notifications provided under division (C)(2)(a)(ii) of this section;

(ii) Notify each of its direct investors, on a form prescribed by the commissioner, of the investor's distributive share of the final federal adjustments;

(iii) File an amended tax return on behalf of its nonresident direct investors and pay any additional tax that would have been due under sections 5733.41 and 5747.41, or division (D) of section 5747.08, of the Revised Code with respect to those direct investors had the final federal adjustments been reported properly on the original filing.

(b) Each direct investor that is subject to the tax imposed by section 5747.02 of the Revised Code shall file an original or amended tax return to include the investor's distributive share of the adjustments reported to the direct investor under division (C)(2)(a) of this section, and pay any additional tax due, within ninety days after the audited partnership files its federal adjustments return with the commissioner.

(c)(i) Each direct and indirect investor of an audited partnership that is a pass-through entity and all investors in such a pass-through entity that are subject to the filing and payment requirements of Chapters 5733. and 5747. of the Revised Code are subject to the reporting and payment requirements of division (C)(2) or, upon a timely election, division (C)(3) of this section.

(ii) Such direct and indirect investors shall make the required returns and payments within ninety days after the deadline for filing and furnishing statements under section 6226(b)(4) of the Internal Revenue Code and applicable treasury regulations.

(3) If an audited partnership makes the election under this division, the audited partnership, through its state partnership representative, shall do all of the following within ninety days after all federal adjustments are final:

(a) File a federal adjustments return with the tax commissioner indicating the partnership has made the election under division (C)(3) of this section;

(b) Pay the amount of combined additional tax due under division (D)(2) of this section, calculated by multiplying the highest rate of tax set forth in section 5747.02 of the Revised Code by the sum of the following:

(i) The distributive shares of the final federal adjustments that are allocable or apportionable to this state of each investor who is a nonresident taxpayer or pass-through entity;

(ii) The distributive share of the final federal adjustments for each investor who is a resident taxpayer.

(c) Notify each of its direct investors, on a form prescribed by the commissioner, of the investor's distributive share of the final federal adjustments and the amount paid on their behalf

pursuant to division (C)(3)(b) of this section. 88059

(4)(a) A direct investor of an audited partnership is not 88060  
required to file an amended return or pay tax otherwise due under 88061  
section 5747.02 of the Revised Code if the audited partnership 88062  
properly reports and pays the tax under division (C)(3) of this 88063  
section. 88064

(b)(i) Nothing in division (C) of this section precludes a 88065  
direct or indirect investor in the audited partnership from filing 88066  
a return to report the investor's share of the final federal 88067  
adjustments. Such an investor who files a return and reports the 88068  
income related to the final federal adjustments is entitled to a 88069  
refundable credit for taxes paid by the audited partnership under 88070  
division (C)(3)(b) of this section. The credit shall be computed 88071  
and claimed in the same manner as the credit allowed under 88072  
division (I) of section 5747.08 of the Revised Code. 88073

(ii) Notwithstanding division (C)(4)(b)(i) of this section, 88074  
an exempt partner, whether a direct or indirect investor, may file 88075  
an application for refund of its proportionate share of the 88076  
amounts erroneously paid by the audited partnership pursuant to 88077  
division (C)(3)(b) of this section on the exempt partner's behalf. 88078

(5) Upon request by an audited partnership, the tax 88079  
commissioner may agree, in writing, to allow an alternative method 88080  
of reporting and payment than required by ~~divisions~~ division 88081  
(C)(2) or (3) of this section. The request must be submitted to 88082  
the commissioner in writing before the applicable deadline for 88083  
filing a return under division (C)(2)(a) or (3) of this section. 88084  
The commissioner's decision on whether to enter into an agreement 88085  
under this division is not subject to further administrative 88086  
review or appeal. 88087

(6) Nothing in division (C) of this section precludes either 88088  
of the following: 88089

(a) A resident taxpayer from filing a return to claim the credit under division (B) of section 5747.05 or division (D)(2) of section 5747.02 of the Revised Code based upon any amounts paid by the audited partnership on such investor's behalf to another state.

(b) The tax commissioner from issuing an assessment under this chapter against any direct or indirect investor for taxes due from the investor if an audited partnership, or direct and indirect investor of an audited partnership that is a pass-through entity, fails to timely file any return or remit any payment required by this section or underreports income or underpays tax on behalf of an indirect investor who is a resident taxpayer.

(D) In the case of an underpayment, and unless otherwise agreed to in writing by the tax commissioner:

(1) The taxpayer's amended return shall be accompanied by payment of any combined additional tax due together with interest thereon. An amended return required by this section is a return subject to assessment under section 5747.13 of the Revised Code for the purpose of assessing any additional tax due under this section, together with any applicable penalty and interest. It shall not reopen those facts, figures, computations, or attachments from a previously filed return no longer subject to assessment that are not affected, either directly or indirectly, by the final federal adjustment to the taxpayer's federal income tax return.

(2) The audited partnership's federal adjustments return shall be accompanied by payment of any combined additional tax due together with interest thereon. The federal adjustments return required by this section is a return subject to assessment under section 5747.13 of the Revised Code for the purpose of assessing any additional tax due under this section, together with any applicable penalty and interest. It shall not reopen those facts,

figures, computations, or attachments from a previously filed 88122  
return no longer subject to assessment that are not affected, 88123  
either directly or indirectly, by the final federal adjustment. 88124

(3) The tax commissioner may accept estimated payments of the 88125  
tax arising from pending federal adjustments before the date for 88126  
filing a federal adjustments return. The commissioner may adopt 88127  
rules for the payment of such estimated taxes. 88128

(E) In the case of an overpayment, and unless otherwise 88129  
agreed to in writing by the tax commissioner: 88130

(1) A taxpayer may file an application for refund under this 88131  
division within the ninety-day period prescribed for filing the 88132  
amended return even if it is filed beyond the period prescribed in 88133  
section 5747.11 of the Revised Code if it otherwise conforms to 88134  
the requirements of such section. An application filed under this 88135  
division shall claim refund of overpayments resulting from 88136  
alterations to only those facts, figures, computations, or 88137  
attachments required in the taxpayer's annual return that are 88138  
affected, either directly or indirectly, by the final federal 88139  
adjustment to the taxpayer's federal income tax return unless it 88140  
is also filed within the time prescribed in section 5747.11 of the 88141  
Revised Code. It shall not reopen those facts, figures, 88142  
computations, or attachments that are not affected, either 88143  
directly or indirectly, by the adjustment to the taxpayer's 88144  
federal income tax return. 88145

(2)(a) Except as otherwise provided in division (E)(2)(b) of 88146  
this section, an audited partnership may file an application for a 88147  
refund under this division within the ninety-day period prescribed 88148  
for filing the federal adjustments return, even if it is filed 88149  
beyond the period prescribed by section 5747.11 of the Revised 88150  
Code, if it otherwise conforms to the requirements of that 88151  
section. An application filed under this division may claim a 88152  
refund of overpayments resulting only from final federal 88153

adjustments unless it is also filed within the time prescribed by 88154  
section 5747.11 of the Revised Code. It shall not reopen those 88155  
facts, figures, computations, or attachments that are not 88156  
affected, either directly or indirectly, by the federal 88157  
adjustment. 88158

(b) An audited partnership may not file an application for 88159  
refund under division (E) of this section based on final federal 88160  
adjustments described in section 6225(a)(2) of the Internal 88161  
Revenue Code. 88162

(3) Any refund granted to a pass-through entity filing an 88163  
application for refund under division (E) of this section shall be 88164  
reduced by amounts previously claimed as a credit under section 88165  
5747.059 or division (I) of section 5747.08 of the Revised Code by 88166  
the pass-through entity's direct or indirect investors. 88167

(F) Excluding the deadline in division (C)(2)(c)(ii) of this 88168  
section, an audited partnership, or a direct or indirect investor 88169  
of an audited partnership that is a pass-through entity, may 88170  
automatically extend the deadline for reporting, payments, and 88171  
refunds under this section by sixty days if the entity has ten 88172  
thousand or more direct investors and notifies the commissioner of 88173  
such extension, in writing, before the unextended deadline. 88174

**Sec. 5747.72. (A) As used in this section:** 88175

(1) "Qualifying taxpayer" means a taxpayer that is an 88176  
individual with a dependent who is a qualifying student. 88177

(2) "Qualifying student" means a student who was excused from 88178  
the compulsory attendance law for the purpose of home instruction 88179  
under section 3321.04 of the Revised Code for the school year. 88180

(3) "Education expenses" means expenses or fees for any of 88181  
the following items used directly for home instruction of a 88182  
qualifying student: books, supplementary materials, supplies, 88183

computer software, applications, or subscriptions. "Education expenses" does not include expenses or fees for computers or similar electronic devices or accessories thereto. 88184  
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(B) There is hereby allowed a nonrefundable credit against a qualifying taxpayer's aggregate tax liability under section 5747.02 of the Revised Code equal to the lesser of two hundred fifty dollars or the amount of education expenses incurred by the taxpayer in the taxable year for the benefit of one or more of the taxpayer's qualifying students. The credit shall be claimed in the order required under section 5747.98 of the Revised Code. 88187  
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The tax commissioner may request that a qualifying taxpayer claiming a credit under this section furnish information as is necessary to support the claim for the credit under this section, and no credit shall be allowed unless the requested information is provided. 88194  
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**Sec. 5747.73.** (A) As used in this section, "scholarship granting organization" means an entity that is certified as such by the attorney general under division (C) of this section. 88199  
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(B) There is hereby allowed a nonrefundable credit against a taxpayer's aggregate tax liability under section 5747.02 of the Revised Code for a taxpayer that donates cash to scholarship granting organizations during the taxable year. The credit shall equal the amount of cash donations, except that the credit shall not exceed, for any taxable year, seven hundred fifty dollars. The credit shall be claimed in the order required under section 5747.98 of the Revised Code. 88202  
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If the taxpayer is a direct or indirect investor in a pass-through entity that donates cash to scholarship granting organizations during the taxable year, the taxpayer may claim its proportionate or distributive share of the credit allowed under this section, except that the share that may be claimed by all 88210  
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such investors may not exceed seven hundred fifty dollars for any taxable year. 88215  
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The credit authorized by this section is not allowed unless the taxpayer claiming the credit provides to the tax commissioner, in the form and manner required by the commissioner, a copy of a receipt or other document issued by the scholarship granting organization acknowledging the taxpayer's contribution to the organization and the amount of the contribution. The commissioner may require a taxpayer to furnish any other information necessary to support a claim for the credit. No credit shall be allowed unless a copy of such document or other required information is provided. 88217  
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(C) An entity may apply to the attorney general, on forms and in the manner prescribed by the attorney general, to be certified so that contributions to the entity qualify for the tax credit authorized under this section. The attorney general shall certify an entity as a scholarship granting organization if the entity submits information and documentation, to the attorney general's satisfaction, establishing that the entity satisfies the following: 88227  
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(1) It is a religious or nonreligious nonprofit organization exempt from federal taxation under section 501(a) of the Internal Revenue Code as an organization described in section 501(c)(3) of the Internal Revenue Code. 88235  
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(2) It primarily awards academic scholarships for primary and secondary school students. 88239  
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(3) It prioritizes awarding its scholarships to low-income primary and secondary school students. 88241  
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The attorney general shall notify the applicant of the attorney general's determination within thirty days after the attorney general receives the application. The attorney general 88243  
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shall maintain a list of all scholarship granting organizations. 88246  
As soon as is practicable after compiling or updating this list, 88247  
the attorney general shall furnish the list to the tax 88248  
commissioner, who shall post the list or updated list to the 88249  
department of taxation's web site. 88250

The attorney general shall adopt rules necessary to determine 88251  
eligibility for and administer the credit authorized under this 88252  
section. 88253

**Sec. 5747.75.** A nonrefundable credit is allowed against a 88254  
taxpayer's aggregate liability under section 5747.02 of the 88255  
Revised Code for taxpayers with one or more dependents who attend 88256  
a nonchartered nonpublic school. To qualify for the credit, the 88257  
total federal adjusted gross income of the taxpayer and, if filing 88258  
a joint return, the taxpayer's spouse for the taxable year must be 88259  
less than one hundred thousand dollars. The amount of the credit 88260  
shall equal the lesser of the total tuition paid by the taxpayer 88261  
and, if filing a joint return, the taxpayer's spouse during the 88262  
taxable year for all of the taxpayer's dependents to attend such a 88263  
school or the following amount, as applicable: 88264

(A) If the taxpayer's or, if filing a joint return, the 88265  
taxpayer's and the taxpayer's spouses' total income is less than 88266  
fifty thousand dollars for the taxable year, five hundred dollars; 88267

(B) If the taxpayer's or, if filing a joint return, the 88268  
taxpayer's and the taxpayer's spouses' total income equals or 88269  
exceeds fifty thousand dollars but is less than one hundred 88270  
thousand dollars for the taxable year, one thousand dollars. 88271

The credit shall be claimed in the order prescribed by 88272  
section 5747.98 of the Revised Code. 88273

**Sec. 5747.79.** (A) As used in this section and division 88274  
(A)(34) of section 5747.01 of the Revised Code: 88275

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|---------------------------------------------------------------------------|-------|
| <u>(1) "Qualifying capital gain" means a capital gain from the</u>        | 88276 |
| <u>sale of an interest in an entity reported for the taxable year to</u>  | 88277 |
| <u>the internal revenue service pursuant to the Internal Revenue</u>      | 88278 |
| <u>Code, to the extent that such capital gain is not otherwise</u>        | 88279 |
| <u>deducted or excluded in computing federal or Ohio adjusted gross</u>   | 88280 |
| <u>income for the taxable year, provided that all of the following</u>    | 88281 |
| <u>apply:</u>                                                             | 88282 |
| <u>(a) The taxpayer that sold the interest either:</u>                    | 88283 |
| <u>(i) Materially participated in the activities of the entity</u>        | 88284 |
| <u>for the five years immediately preceding the time of sale. For the</u> | 88285 |
| <u>purposes of this division, a taxpayer materially participates in</u>   | 88286 |
| <u>the activities of the entity if the taxpayer meets the</u>             | 88287 |
| <u>requirements of divisions (a)(1), (2), (3), (4), or (7) of 26</u>      | 88288 |
| <u>C.F.R. 1.469-5T.</u>                                                   | 88289 |
| <u>(ii) Directly or indirectly made a venture capital investment</u>      | 88290 |
| <u>of at least one million dollars in the entity. As used in this</u>     | 88291 |
| <u>division, "venture capital investment" has the same meaning as in</u>  | 88292 |
| <u>division (d)(3) of 29 C.F.R. 2510.3-101.</u>                           | 88293 |
| <u>(b) The entity is incorporated, registered, or organized in</u>        | 88294 |
| <u>this state during the five years immediately preceding the time of</u> | 88295 |
| <u>sale.</u>                                                              | 88296 |
| <u>(c) The entity is headquartered in this state during the five</u>      | 88297 |
| <u>years immediately preceding the time of sale.</u>                      | 88298 |
| <u>(2) A "sale of an interest in an entity" includes the sale,</u>        | 88299 |
| <u>exchange, or other disposition of stock, a membership interest, or</u> | 88300 |
| <u>any other equity or ownership interest, owned directly or</u>          | 88301 |
| <u>indirectly by the taxpayer, in an entity that conducts a trade or</u>  | 88302 |
| <u>business in this state.</u>                                            | 88303 |
| <u>(3) "Qualifying payroll" means the amount of compensation</u>          | 88304 |
| <u>used to determine the withholding obligations in division (A) of</u>   | 88305 |
| <u>section 5747.06 of the Revised Code and paid over one of the</u>       | 88306 |

following periods by the entity whose sale generated the 88307  
qualifying capital gain: 88308

(a) The five calendar years immediately preceding the time of 88309  
sale for a taxpayer described in division (A)(1)(a)(i) of this 88310  
section; 88311

(b) The investment period, not to exceed the five calendar 88312  
years, immediately preceding the time of sale for a taxpayer 88313  
described in division (A)(1)(a)(ii) of this section. 88314

"Qualifying payroll" does not include any amounts paid to the 88315  
taxpayer, or the taxpayer's spouse, parents, grandparents, 88316  
children, or grandchildren. 88317

(4) "Deductible payroll" means the qualifying payroll of the 88318  
entity in which a taxpayer sold an ownership interest multiplied 88319  
by the percentage of the interest in the entity the taxpayer sold. 88320

(B) In computing Ohio adjusted gross income for taxable years 88321  
beginning in or after 2026, a deduction from federal adjusted 88322  
gross income is allowed to a taxpayer that realizes a qualifying 88323  
capital gain during the taxable year. The deduction shall equal 88324  
the lesser of the taxpayer's qualifying capital gain or the 88325  
deductible payroll. 88326

(C) If a taxpayer has multiple capital gains from the sale of 88327  
interests in different entities during the taxable year, the 88328  
following apply: 88329

(1) Each capital gain must meet the requirements of divisions 88330  
(A)(1)(a) to (c) of this section to be classified as a qualifying 88331  
capital gain. 88332

(2) The deduction shall equal the lesser of the taxpayer's 88333  
qualifying capital gain from the sale of each entity or the 88334  
deductible payroll attributable to that entity. The deduction 88335  
amounts related to each entity shall then be aggregated to 88336

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| <u>determine the total deduction allowed.</u>                            | 88337 |
| <u>(D) On request of the tax commissioner, the taxpayer shall</u>        | 88338 |
| <u>provide any information that, in the commissioner's opinion, is</u>   | 88339 |
| <u>necessary to establish the amount deducted under division (A)(34)</u> | 88340 |
| <u>of section 5747.01 of the Revised Code.</u>                           | 88341 |
| <b>Sec. 5747.98.</b> (A) To provide a uniform procedure for              | 88342 |
| calculating a taxpayer's aggregate tax liability under section           | 88343 |
| 5747.02 of the Revised Code, a taxpayer shall claim any credits to       | 88344 |
| which the taxpayer is entitled in the following order:                   | 88345 |
| Either the retirement income credit under division (B) of                | 88346 |
| section 5747.055 of the Revised Code or the lump sum retirement          | 88347 |
| income credits under divisions (C), (D), and (E) of that section;        | 88348 |
| Either the senior citizen credit under division (F) of                   | 88349 |
| section 5747.055 of the Revised Code or the lump sum distribution        | 88350 |
| credit under division (G) of that section;                               | 88351 |
| The dependent care credit under section 5747.054 of the                  | 88352 |
| Revised Code;                                                            | 88353 |
| The credit for displaced workers who pay for job training                | 88354 |
| under section 5747.27 of the Revised Code;                               | 88355 |
| The campaign contribution credit under section 5747.29 of the            | 88356 |
| Revised Code;                                                            | 88357 |
| The twenty-dollar personal exemption credit under section                | 88358 |
| 5747.022 of the Revised Code;                                            | 88359 |
| The joint filing credit under division (G) of section 5747.05            | 88360 |
| of the Revised Code;                                                     | 88361 |
| The earned income credit under section 5747.71 of the Revised            | 88362 |
| Code;                                                                    | 88363 |
| <u>The nonrefundable credit for education expenses under section</u>     | 88364 |
| <u>5747.72 of the Revised Code;</u>                                      | 88365 |

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| <u>The nonrefundable credit for donations to scholarship</u>             | 88366 |
| <u>granting organizations under section 5747.73 of the Revised Code;</u> | 88367 |
| <u>The nonrefundable credit for tuition paid to a nonchartered</u>       | 88368 |
| <u>nonpublic school under section 5747.75 of the Revised Code;</u>       | 88369 |
| The credit for adoption of a minor child under section                   | 88370 |
| 5747.37 of the Revised Code;                                             | 88371 |
| The nonrefundable job retention credit under division (B) of             | 88372 |
| section 5747.058 of the Revised Code;                                    | 88373 |
| The enterprise zone credit under section 5709.66 of the                  | 88374 |
| Revised Code;                                                            | 88375 |
| The credit for purchases of qualifying grape production                  | 88376 |
| property under section 5747.28 of the Revised Code;                      | 88377 |
| The small business investment credit under section 5747.81 of            | 88378 |
| the Revised Code;                                                        | 88379 |
| The nonrefundable lead abatement credit under section 5747.26            | 88380 |
| of the Revised Code;                                                     | 88381 |
| The opportunity zone investment credit under section 122.84              | 88382 |
| of the Revised Code;                                                     | 88383 |
| The enterprise zone credits under section 5709.65 of the                 | 88384 |
| Revised Code;                                                            | 88385 |
| The research and development credit under section 5747.331 of            | 88386 |
| the Revised Code;                                                        | 88387 |
| The credit for rehabilitating a historic building under                  | 88388 |
| section 5747.76 of the Revised Code;                                     | 88389 |
| The nonresident credit under division (A) of section 5747.05             | 88390 |
| of the Revised Code;                                                     | 88391 |
| The credit for a resident's out-of-state income under                    | 88392 |
| division (B) of section 5747.05 of the Revised Code;                     | 88393 |
| The refundable motion picture and Broadway theatrical                    | 88394 |

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| production credit under section 5747.66 of the Revised Code;                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                      | 88395                                                                                           |
| The refundable jobs creation credit or job retention credit<br>under division (A) of section 5747.058 of the Revised Code;                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                        | 88396<br>88397                                                                                  |
| The refundable credit for taxes paid by a qualifying entity<br>granted under section 5747.059 of the Revised Code;                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                | 88398<br>88399                                                                                  |
| The refundable credits for taxes paid by a qualifying<br>pass-through entity granted under division (I) of section 5747.08<br>of the Revised Code;                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                | 88400<br>88401<br>88402                                                                         |
| The refundable credit under section 5747.80 of the Revised<br>Code for losses on loans made to the Ohio venture capital program<br>under sections 150.01 to 150.10 of the Revised Code;                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                           | 88403<br>88404<br>88405                                                                         |
| The refundable credit for rehabilitating a historic building<br>under section 5747.76 of the Revised Code.                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                        | 88406<br>88407                                                                                  |
| (B) For any credit, except the refundable credits enumerated<br>in this section and the credit granted under division (H) of<br>section 5747.08 of the Revised Code, the amount of the credit for<br>a taxable year shall not exceed the taxpayer's aggregate amount of<br>tax due under section 5747.02 of the Revised Code, after allowing<br>for any other credit that precedes it in the order required under<br>this section. Any excess amount of a particular credit may be<br>carried forward if authorized under the section creating that<br>credit. Nothing in this chapter shall be construed to allow a<br>taxpayer to claim, directly or indirectly, a credit more than once<br>for a taxable year. | 88408<br>88409<br>88410<br>88411<br>88412<br>88413<br>88414<br>88415<br>88416<br>88417<br>88418 |
| <b>Sec. 5751.01.</b> As used in this chapter:                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                     | 88419                                                                                           |
| (A) "Person" means, but is not limited to, individuals,<br>combinations of individuals of any form, receivers, assignees,<br>trustees in bankruptcy, firms, companies, joint-stock companies,<br>business trusts, estates, partnerships, limited liability<br>partnerships, limited liability companies, associations, joint                                                                                                                                                                                                                                                                                                                                                                                      | 88420<br>88421<br>88422<br>88423<br>88424                                                       |

ventures, clubs, societies, for-profit corporations, S 88425  
corporations, qualified subchapter S subsidiaries, qualified 88426  
subchapter S trusts, trusts, entities that are disregarded for 88427  
federal income tax purposes, and any other entities. 88428

(B) "Consolidated elected taxpayer" means a group of two or 88429  
more persons treated as a single taxpayer for purposes of this 88430  
chapter as the result of an election made under section 5751.011 88431  
of the Revised Code. 88432

(C) "Combined taxpayer" means a group of two or more persons 88433  
treated as a single taxpayer for purposes of this chapter under 88434  
section 5751.012 of the Revised Code. 88435

(D) "Taxpayer" means any person, or any group of persons in 88436  
the case of a consolidated elected taxpayer or combined taxpayer 88437  
treated as one taxpayer, required to register or pay tax under 88438  
this chapter. "Taxpayer" does not include excluded persons. 88439

(E) "Excluded person" means any of the following: 88440

(1) Any person with not more than one hundred fifty thousand 88441  
dollars of taxable gross receipts during the calendar year. 88442  
Division (E)(1) of this section does not apply to a person that is 88443  
a member of a consolidated elected taxpayer; 88444

(2) A public utility that paid the excise tax imposed by 88445  
section 5727.24 or 5727.30 of the Revised Code based on one or 88446  
more measurement periods that include the entire tax period under 88447  
this chapter, except that a public utility that is a combined 88448  
company is a taxpayer with regard to the following gross receipts: 88449

(a) Taxable gross receipts directly attributed to a public 88450  
utility activity, but not directly attributed to an activity that 88451  
is subject to the excise tax imposed by section 5727.24 or 5727.30 88452  
of the Revised Code; 88453

(b) Taxable gross receipts that cannot be directly attributed 88454

to any activity, multiplied by a fraction whose numerator is the taxable gross receipts described in division (E)(2)(a) of this section and whose denominator is the total taxable gross receipts that can be directly attributed to any activity;

(c) Except for any differences resulting from the use of an accrual basis method of accounting for purposes of determining gross receipts under this chapter and the use of the cash basis method of accounting for purposes of determining gross receipts under section 5727.24 of the Revised Code, the gross receipts directly attributed to the activity of a natural gas company shall be determined in a manner consistent with division (D) of section 5727.03 of the Revised Code.

As used in division (E)(2) of this section, "combined company" and "public utility" have the same meanings as in section 5727.01 of the Revised Code.

(3) A financial institution, as defined in section 5726.01 of the Revised Code, that paid the tax imposed by section 5726.02 of the Revised Code based on one or more taxable years that include the entire tax period under this chapter;

(4) A person directly or indirectly owned by one or more financial institutions, as defined in section 5726.01 of the Revised Code, that paid the tax imposed by section 5726.02 of the Revised Code based on one or more taxable years that include the entire tax period under this chapter.

For the purposes of division (E)(4) of this section, a person owns another person under the following circumstances:

(a) In the case of corporations issuing capital stock, one corporation owns another corporation if it owns fifty per cent or more of the other corporation's capital stock with current voting rights;

(b) In the case of a limited liability company, one person

owns the company if that person's membership interest, as defined 88486  
in section 1705.01 or 1706.01 of the Revised Code as applicable, 88487  
is fifty per cent or more of the combined membership interests of 88488  
all persons owning such interests in the company; 88489

(c) In the case of a partnership, trust, or other 88490  
unincorporated business organization other than a limited 88491  
liability company, one person owns the organization if, under the 88492  
articles of organization or other instrument governing the affairs 88493  
of the organization, that person has a beneficial interest in the 88494  
organization's profits, surpluses, losses, or distributions of 88495  
fifty per cent or more of the combined beneficial interests of all 88496  
persons having such an interest in the organization. 88497

(5) A domestic insurance company or foreign insurance 88498  
company, as defined in section 5725.01 of the Revised Code, that 88499  
paid the insurance company premiums tax imposed by section 5725.18 88500  
or Chapter 5729. of the Revised Code, or an unauthorized insurance 88501  
company whose gross premiums are subject to tax under section 88502  
3905.36 of the Revised Code based on one or more measurement 88503  
periods that include the entire tax period under this chapter; 88504

(6) A person that solely facilitates or services one or more 88505  
securitizations of phase-in-recovery property pursuant to a final 88506  
financing order as those terms are defined in section 4928.23 of 88507  
the Revised Code. For purposes of this division, "securitization" 88508  
means transferring one or more assets to one or more persons and 88509  
then issuing securities backed by the right to receive payment 88510  
from the asset or assets so transferred. 88511

(7) Except as otherwise provided in this division, a 88512  
pre-income tax trust as defined in section 5747.01 of the Revised 88513  
Code and any pass-through entity of which such pre-income tax 88514  
trust owns or controls, directly, indirectly, or constructively 88515  
through related interests, more than five per cent of the 88516  
ownership or equity interests. If the pre-income tax trust has 88517

made a qualifying pre-income tax trust election under division 88518  
(EE) of section 5747.01 of the Revised Code, then the trust and 88519  
the pass-through entities of which it owns or controls, directly, 88520  
indirectly, or constructively through related interests, more than 88521  
five per cent of the ownership or equity interests, shall not be 88522  
excluded persons for purposes of the tax imposed under section 88523  
5751.02 of the Revised Code. 88524

(8) Nonprofit organizations or the state and its agencies, 88525  
instrumentalities, or political subdivisions. 88526

(F) Except as otherwise provided in divisions (F)(2), (3), 88527  
and (4) of this section, "gross receipts" means the total amount 88528  
realized by a person, without deduction for the cost of goods sold 88529  
or other expenses incurred, that contributes to the production of 88530  
gross income of the person, including the fair market value of any 88531  
property and any services received, and any debt transferred or 88532  
forgiven as consideration. 88533

(1) The following are examples of gross receipts: 88534

(a) Amounts realized from the sale, exchange, or other 88535  
disposition of the taxpayer's property to or with another; 88536

(b) Amounts realized from the taxpayer's performance of 88537  
services for another; 88538

(c) Amounts realized from another's use or possession of the 88539  
taxpayer's property or capital; 88540

(d) Any combination of the foregoing amounts. 88541

(2) "Gross receipts" excludes the following amounts: 88542

(a) Interest income except interest on credit sales; 88543

(b) Dividends and distributions from corporations, and 88544  
distributive or proportionate shares of receipts and income from a 88545  
pass-through entity as defined under section 5733.04 of the 88546  
Revised Code; 88547

(c) Receipts from the sale, exchange, or other disposition of 88548  
an asset described in section 1221 or 1231 of the Internal Revenue 88549  
Code, without regard to the length of time the person held the 88550  
asset. Notwithstanding section 1221 of the Internal Revenue Code, 88551  
receipts from hedging transactions also are excluded to the extent 88552  
the transactions are entered into primarily to protect a financial 88553  
position, such as managing the risk of exposure to (i) foreign 88554  
currency fluctuations that affect assets, liabilities, profits, 88555  
losses, equity, or investments in foreign operations; (ii) 88556  
interest rate fluctuations; or (iii) commodity price fluctuations. 88557  
As used in division (F)(2)(c) of this section, "hedging 88558  
transaction" has the same meaning as used in section 1221 of the 88559  
Internal Revenue Code and also includes transactions accorded 88560  
hedge accounting treatment under statement of financial accounting 88561  
standards number 133 of the financial accounting standards board. 88562  
For the purposes of division (F)(2)(c) of this section, the actual 88563  
transfer of title of real or tangible personal property to another 88564  
entity is not a hedging transaction. 88565

(d) Proceeds received attributable to the repayment, 88566  
maturity, or redemption of the principal of a loan, bond, mutual 88567  
fund, certificate of deposit, or marketable instrument; 88568

(e) The principal amount received under a repurchase 88569  
agreement or on account of any transaction properly characterized 88570  
as a loan to the person; 88571

(f) Contributions received by a trust, plan, or other 88572  
arrangement, any of which is described in section 501(a) of the 88573  
Internal Revenue Code, or to which Title 26, Subtitle A, Chapter 88574  
1, Subchapter (D) of the Internal Revenue Code applies; 88575

(g) Compensation, whether current or deferred, and whether in 88576  
cash or in kind, received or to be received by an employee, former 88577  
employee, or the employee's legal successor for services rendered 88578  
to or for an employer, including reimbursements received by or for 88579

an individual for medical or education expenses, health insurance 88580  
premiums, or employee expenses, or on account of a dependent care 88581  
spending account, legal services plan, any cafeteria plan 88582  
described in section 125 of the Internal Revenue Code, or any 88583  
similar employee reimbursement; 88584

(h) Proceeds received from the issuance of the taxpayer's own 88585  
stock, options, warrants, puts, or calls, or from the sale of the 88586  
taxpayer's treasury stock; 88587

(i) Proceeds received on the account of payments from 88588  
insurance policies, except those proceeds received for the loss of 88589  
business revenue; 88590

(j) Gifts or charitable contributions received; membership 88591  
dues received by trade, professional, homeowners', or condominium 88592  
associations; and payments received for educational courses, 88593  
meetings, meals, or similar payments to a trade, professional, or 88594  
other similar association; and fundraising receipts received by 88595  
any person when any excess receipts are donated or used 88596  
exclusively for charitable purposes; 88597

(k) Damages received as the result of litigation in excess of 88598  
amounts that, if received without litigation, would be gross 88599  
receipts; 88600

(l) Property, money, and other amounts received or acquired 88601  
by an agent on behalf of another in excess of the agent's 88602  
commission, fee, or other remuneration; 88603

(m) Tax refunds, other tax benefit recoveries, and 88604  
reimbursements for the tax imposed under this chapter made by 88605  
entities that are part of the same combined taxpayer or 88606  
consolidated elected taxpayer group, and reimbursements made by 88607  
entities that are not members of a combined taxpayer or 88608  
consolidated elected taxpayer group that are required to be made 88609  
for economic parity among multiple owners of an entity whose tax 88610

obligation under this chapter is required to be reported and paid 88611  
entirely by one owner, pursuant to the requirements of sections 88612  
5751.011 and 5751.012 of the Revised Code; 88613

(n) Pension reversions; 88614

(o) Contributions to capital; 88615

(p) Sales or use taxes collected as a vendor or an 88616  
out-of-state seller on behalf of the taxing jurisdiction from a 88617  
consumer or other taxes the taxpayer is required by law to collect 88618  
directly from a purchaser and remit to a local, state, or federal 88619  
tax authority; 88620

(q) In the case of receipts from the sale of cigarettes, 88621  
tobacco products, or vapor products by a wholesale dealer, retail 88622  
dealer, distributor, manufacturer, vapor distributor, or seller, 88623  
all as defined in section 5743.01 of the Revised Code, an amount 88624  
equal to the federal and state excise taxes paid by any person on 88625  
or for such cigarettes, tobacco products, or vapor products under 88626  
subtitle E of the Internal Revenue Code or Chapter 5743. of the 88627  
Revised Code; 88628

(r) In the case of receipts from the sale, transfer, 88629  
exchange, or other disposition of motor fuel as "motor fuel" is 88630  
defined in section 5736.01 of the Revised Code, an amount equal to 88631  
the value of the motor fuel, including federal and state motor 88632  
fuel excise taxes and receipts from billing or invoicing the tax 88633  
imposed under section 5736.02 of the Revised Code to another 88634  
person; 88635

(s) In the case of receipts from the sale of beer or 88636  
intoxicating liquor, as defined in section 4301.01 of the Revised 88637  
Code, by a person holding a permit issued under Chapter 4301. or 88638  
4303. of the Revised Code, an amount equal to federal and state 88639  
excise taxes paid by any person on or for such beer or 88640  
intoxicating liquor under subtitle E of the Internal Revenue Code 88641

or Chapter 4301. or 4305. of the Revised Code; 88642

(t) Receipts realized by a new motor vehicle dealer or used 88643  
motor vehicle dealer, as defined in section 4517.01 of the Revised 88644  
Code, from the sale or other transfer of a motor vehicle, as 88645  
defined in that section, to another motor vehicle dealer for the 88646  
purpose of resale by the transferee motor vehicle dealer, but only 88647  
if the sale or other transfer was based upon the transferee's need 88648  
to meet a specific customer's preference for a motor vehicle; 88649

(u) Receipts from a financial institution described in 88650  
division (E)(3) of this section for services provided to the 88651  
financial institution in connection with the issuance, processing, 88652  
servicing, and management of loans or credit accounts, if such 88653  
financial institution and the recipient of such receipts have at 88654  
least fifty per cent of their ownership interests owned or 88655  
controlled, directly or constructively through related interests, 88656  
by common owners; 88657

(v) Receipts realized from administering anti-neoplastic 88658  
drugs and other cancer chemotherapy, biologicals, therapeutic 88659  
agents, and supportive drugs in a physician's office to patients 88660  
with cancer; 88661

(w) Funds received or used by a mortgage broker that is not a 88662  
dealer in intangibles, other than fees or other consideration, 88663  
pursuant to a table-funding mortgage loan or warehouse-lending 88664  
mortgage loan. Terms used in division (F)(2)(w) of this section 88665  
have the same meanings as in section 1322.01 of the Revised Code, 88666  
except "mortgage broker" means a person assisting a buyer in 88667  
obtaining a mortgage loan for a fee or other consideration paid by 88668  
the buyer or a lender, or a person engaged in table-funding or 88669  
warehouse-lending mortgage loans that are first lien mortgage 88670  
loans. 88671

(x) Property, money, and other amounts received by a 88672

professional employer organization, as defined in section 4125.01 88673  
of the Revised Code, or an alternate employer organization, as 88674  
defined in section 4133.01 of the Revised Code, from a client 88675  
employer, as defined in either of those sections as applicable, in 88676  
excess of the administrative fee charged by the professional 88677  
employer organization or the alternate employer organization to 88678  
the client employer; 88679

(y) In the case of amounts retained as commissions by a 88680  
permit holder under Chapter 3769. of the Revised Code, an amount 88681  
equal to the amounts specified under that chapter that must be 88682  
paid to or collected by the tax commissioner as a tax and the 88683  
amounts specified under that chapter to be used as purse money; 88684

(z) Qualifying distribution center receipts as determined 88685  
under section 5751.40 of the Revised Code. 88686

(aa) Receipts of an employer from payroll deductions relating 88687  
to the reimbursement of the employer for advancing moneys to an 88688  
unrelated third party on an employee's behalf; 88689

(bb) Cash discounts allowed and taken; 88690

(cc) Returns and allowances; 88691

(dd) Bad debts from receipts on the basis of which the tax 88692  
imposed by this chapter was paid in a prior quarterly tax payment 88693  
period. For the purpose of this division, "bad debts" means any 88694  
debts that have become worthless or uncollectible between the 88695  
preceding and current quarterly tax payment periods, have been 88696  
uncollected for at least six months, and that may be claimed as a 88697  
deduction under section 166 of the Internal Revenue Code and the 88698  
regulations adopted under that section, or that could be claimed 88699  
as such if the taxpayer kept its accounts on the accrual basis. 88700  
"Bad debts" does not include repossessed property, uncollectible 88701  
amounts on property that remains in the possession of the taxpayer 88702  
until the full purchase price is paid, or expenses in attempting 88703

to collect any account receivable or for any portion of the debt 88704  
recovered; 88705

(ee) Any amount realized from the sale of an account 88706  
receivable to the extent the receipts from the underlying 88707  
transaction giving rise to the account receivable were included in 88708  
the gross receipts of the taxpayer; 88709

(ff) Any receipts directly attributed to a transfer agreement 88710  
or to the enterprise transferred under that agreement under 88711  
section 4313.02 of the Revised Code. 88712

(gg) Qualified uranium receipts as determined under section 88713  
5751.41 of the Revised Code. 88714

(hh) In the case of amounts collected by a licensed casino 88715  
operator from casino gaming, amounts in excess of the casino 88716  
operator's gross casino revenue. In this division, "casino 88717  
operator" and "casino gaming" have the meanings defined in section 88718  
3772.01 of the Revised Code, and "gross casino revenue" has the 88719  
meaning defined in section 5753.01 of the Revised Code. 88720

(ii) Receipts realized from the sale of agricultural 88721  
commodities by an agricultural commodity handler, both as defined 88722  
in section 926.01 of the Revised Code, that is licensed by the 88723  
director of agriculture to handle agricultural commodities in this 88724  
state. 88725

(jj) Qualifying integrated supply chain receipts as 88726  
determined under section 5751.42 of the Revised Code. 88727

(kk) In the case of a railroad company described in division 88728  
(D)(9) of section 5727.01 of the Revised Code that purchases dyed 88729  
diesel fuel directly from a supplier as defined by section 5736.01 88730  
of the Revised Code, an amount equal to the product of the number 88731  
of gallons of dyed diesel fuel purchased directly from such a 88732  
supplier multiplied by the average wholesale price for a gallon of 88733  
diesel fuel as determined under section 5736.02 of the Revised 88734

Code for the period during which the fuel was purchased multiplied 88735  
by a fraction, the numerator of which equals the rate of tax 88736  
levied by section 5736.02 of the Revised Code less the rate of tax 88737  
computed in section 5751.03 of the Revised Code, and the 88738  
denominator of which equals the rate of tax computed in section 88739  
5751.03 of the Revised Code. 88740

(ll) Receipts realized by an out-of-state disaster business 88741  
from disaster work conducted in this state during a disaster 88742  
response period pursuant to a qualifying solicitation received by 88743  
the business. Terms used in division (F)(2)(ll) of this section 88744  
have the same meanings as in section 5703.94 of the Revised Code. 88745

(mm) In the case of receipts from the sale or transfer of a 88746  
mortgage-backed security or a mortgage loan by a mortgage lender 88747  
holding a valid certificate of registration issued under Chapter 88748  
1322. of the Revised Code or by a person that is a member of the 88749  
mortgage lender's consolidated elected taxpayer group, an amount 88750  
equal to the principal balance of the mortgage loan. 88751

(nn) Amounts of excess surplus of the state insurance fund 88752  
received by the taxpayer from the Ohio bureau of workers' 88753  
compensation pursuant to rules adopted under section 4123.321 of 88754  
the Revised Code. 88755

(oo) Except as otherwise provided in division (B) of section 88756  
5751.091 of the Revised Code, receipts of a megaproject supplier 88757  
from sales of tangible personal property directly to a megaproject 88758  
operator in this state, provided the supplier holds a certificate 88759  
issued under section 5751.052 of the Revised Code for the calendar 88760  
year in which the sales are made, and provided both the operator 88761  
and supplier hold a certificate issued under division (D)(7) of 88762  
section 122.17 of the Revised Code on the first day of that 88763  
calendar year; 88764

(pp) Any receipts for which the tax imposed by this chapter 88765

is prohibited by the constitution or laws of the United States or 88766  
the constitution of this state. 88767

(3) In the case of a taxpayer when acting as a real estate 88768  
broker, "gross receipts" includes only the portion of any fee for 88769  
the service of a real estate broker, or service of a real estate 88770  
salesperson associated with that broker, that is retained by the 88771  
broker and not paid to an associated real estate salesperson or 88772  
another real estate broker. For the purposes of this division, 88773  
"real estate broker" and "real estate salesperson" have the same 88774  
meanings as in section 4735.01 of the Revised Code. 88775

(4) A taxpayer's method of accounting for gross receipts for 88776  
a tax period shall be the same as the taxpayer's method of 88777  
accounting for federal income tax purposes for the taxpayer's 88778  
federal taxable year that includes the tax period. If a taxpayer's 88779  
method of accounting for federal income tax purposes changes, its 88780  
method of accounting for gross receipts under this chapter shall 88781  
be changed accordingly. 88782

(G) "Taxable gross receipts" means gross receipts sitused to 88783  
this state under section 5751.033 of the Revised Code. 88784

(H) A person has "substantial nexus with this state" if any 88785  
of the following applies. The person: 88786

(1) Owns or uses a part or all of its capital in this state; 88787

(2) Holds a certificate of compliance with the laws of this 88788  
state authorizing the person to do business in this state; 88789

(3) Has bright-line presence in this state; 88790

(4) Otherwise has nexus with this state to an extent that the 88791  
person can be required to remit the tax imposed under this chapter 88792  
under the Constitution of the United States. 88793

(I) A person has "bright-line presence" in this state for a 88794  
reporting period and for the remaining portion of the calendar 88795

year if any of the following applies. The person: 88796

(1) Has at any time during the calendar year property in this 88797  
state with an aggregate value of at least fifty thousand dollars. 88798  
For the purpose of division (I)(1) of this section, owned property 88799  
is valued at original cost and rented property is valued at eight 88800  
times the net annual rental charge. 88801

(2) Has during the calendar year payroll in this state of at 88802  
least fifty thousand dollars. Payroll in this state includes all 88803  
of the following: 88804

(a) Any amount subject to withholding by the person under 88805  
section 5747.06 of the Revised Code; 88806

(b) Any other amount the person pays as compensation to an 88807  
individual under the supervision or control of the person for work 88808  
done in this state; and 88809

(c) Any amount the person pays for services performed in this 88810  
state on its behalf by another. 88811

(3) Has during the calendar year taxable gross receipts of at 88812  
least five hundred thousand dollars. 88813

(4) Has at any time during the calendar year within this 88814  
state at least twenty-five per cent of the person's total 88815  
property, total payroll, or total gross receipts. 88816

(5) Is domiciled in this state as an individual or for 88817  
corporate, commercial, or other business purposes. 88818

(J) "Tangible personal property" has the same meaning as in 88819  
section 5739.01 of the Revised Code. 88820

(K) "Internal Revenue Code" means the Internal Revenue Code 88821  
of 1986, 100 Stat. 2085, 26 U.S.C. 1, as amended. Any term used in 88822  
this chapter that is not otherwise defined has the same meaning as 88823  
when used in a comparable context in the laws of the United States 88824  
relating to federal income taxes unless a different meaning is 88825

clearly required. Any reference in this chapter to the Internal Revenue Code includes other laws of the United States relating to federal income taxes.

(L) "Calendar quarter" means a three-month period ending on the thirty-first day of March, the thirtieth day of June, the thirtieth day of September, or the thirty-first day of December.

(M) "Tax period" means the calendar quarter or calendar year on the basis of which a taxpayer is required to pay the tax imposed under this chapter.

(N) "Calendar year taxpayer" means a taxpayer for which the tax period is a calendar year.

(O) "Calendar quarter taxpayer" means a taxpayer for which the tax period is a calendar quarter.

(P) "Agent" means a person authorized by another person to act on its behalf to undertake a transaction for the other, including any of the following:

(1) A person receiving a fee to sell financial instruments;

(2) A person retaining only a commission from a transaction with the other proceeds from the transaction being remitted to another person;

(3) A person issuing licenses and permits under section 1533.13 of the Revised Code;

(4) A lottery sales agent holding a valid license issued under section 3770.05 of the Revised Code;

(5) A person acting as an agent of the division of liquor control under section 4301.17 of the Revised Code.

(Q) "Received" includes amounts accrued under the accrual method of accounting.

(R) "Reporting person" means a person in a consolidated

elected taxpayer or combined taxpayer group that is designated by 88855  
that group to legally bind the group for all filings and tax 88856  
liabilities and to receive all legal notices with respect to 88857  
matters under this chapter, or, for the purposes of section 88858  
5751.04 of the Revised Code, a separate taxpayer that is not a 88859  
member of such a group. 88860

(S) "Megaproject," "megaproject operator," and "megaproject 88861  
supplier" have the same meanings as in section 122.17 of the 88862  
Revised Code. 88863

**Sec. 5751.02.** (A) For the purpose of funding the needs of 88864  
this state and its local governments, there is hereby levied a 88865  
commercial activity tax on each person with taxable gross receipts 88866  
for the privilege of doing business in this state. For the 88867  
purposes of this chapter, "doing business" means engaging in any 88868  
activity, whether legal or illegal, that is conducted for, or 88869  
results in, gain, profit, or income, at any time during a calendar 88870  
year. Persons on which the commercial activity tax is levied 88871  
include, but are not limited to, persons with substantial nexus 88872  
with this state. The tax imposed under this section is not a 88873  
transactional tax and is not subject to Public Law No. 86-272, 73 88874  
Stat. 555. The tax imposed under this section is in addition to 88875  
any other taxes or fees imposed under the Revised Code. The tax 88876  
levied under this section is imposed on the person receiving the 88877  
gross receipts and is not a tax imposed directly on a purchaser. 88878  
The tax imposed by this section is an annual privilege tax for the 88879  
calendar year that, in the case of calendar year taxpayers, is the 88880  
annual tax period and, in the case of calendar quarter taxpayers, 88881  
contains all quarterly tax periods in the calendar year. A 88882  
taxpayer is subject to the annual privilege tax for doing business 88883  
during any portion of such calendar year. 88884

(B) The tax imposed by this section is a tax on the taxpayer 88885

and shall not be billed or invoiced to another person. Even if the tax or any portion thereof is billed or invoiced and separately stated, such amounts remain part of the price for purposes of the sales and use taxes levied under Chapters 5739. and 5741. of the Revised Code. Nothing in division (B) of this section prohibits:

(1) A person from including in the price charged for a good or service an amount sufficient to recover the tax imposed by this section; or

(2) A lessor from including an amount sufficient to recover the tax imposed by this section in a lease payment charged, or from including such an amount on a billing or invoice pursuant to the terms of a written lease agreement providing for the recovery of the lessor's tax costs. The recovery of such costs shall be based on an estimate of the total tax cost of the lessor during the tax period, as the tax liability of the lessor cannot be calculated until the end of that period.

(C)(1) The commercial activities tax receipts fund is hereby created in the state treasury and shall consist of money arising from the tax imposed under this chapter. ~~Sixty five one hundredths~~ One-half of one per cent of the money credited to that fund shall be credited to the revenue enhancement fund and shall be used to defray the costs incurred by the department of taxation in administering the tax imposed by this chapter and in implementing tax reform measures. The remainder of the money in the commercial activities tax receipts fund shall first be credited to the commercial activity tax motor fuel receipts fund, pursuant to division (C)(2) of this section, and the remainder shall be credited in the following percentages each fiscal year to the general revenue fund, to the school district tangible property tax replacement fund, which is hereby created in the state treasury for the purpose of making the payments described in section 5709.92 of the Revised Code, and to the local government tangible

property tax replacement fund, which is hereby created in the 88918  
state treasury for the purpose of making the payments described in 88919  
section 5709.93 of the Revised Code, in the following percentages: 88920

| Fiscal year            | General Revenue<br>Fund | School District<br>Tangible<br>Property Tax<br>Replacement Fund | Local Government<br>Tangible<br>Property Tax<br>Replacement Fund |       |
|------------------------|-------------------------|-----------------------------------------------------------------|------------------------------------------------------------------|-------|
| 2014 and 2015          | 50.0%                   | 35.0%                                                           | 15.0%                                                            | 88922 |
| 2016 and 2017          | 75.0%                   | 20.0%                                                           | 5.0%                                                             | 88923 |
| 2018 and<br>thereafter | 85.0%                   | 13.0%                                                           | 2.0%                                                             | 88924 |

(2) Not later than the twentieth day of February, May, 88925  
August, and November of each year, the commissioner shall provide 88926  
for payment from the commercial activities tax receipts fund to 88927  
the commercial activity tax motor fuel receipts fund an amount 88928  
that bears the same ratio to the balance in the commercial 88929  
activities tax receipts fund that (a) the taxable gross receipts 88930  
attributed to motor fuel used for propelling vehicles on public 88931  
highways as indicated by returns filed by the tenth day of that 88932  
month for a liability that is due and payable on or after July 1, 88933  
2013, for a tax period ending before July 1, 2014, bears to (b) 88934  
all taxable gross receipts as indicated by those returns for such 88935  
liabilities. 88936

(D)(1) If the total amount in the school district tangible 88937  
property tax replacement fund is insufficient to make all payments 88938  
under section 5709.92 of the Revised Code at the times the 88939  
payments are to be made, the director of budget and management 88940  
shall transfer from the general revenue fund to the school 88941  
district tangible property tax replacement fund the difference 88942  
between the total amount to be paid and the amount in the school 88943  
district tangible property tax replacement fund. 88944

(2) If the total amount in the local government tangible 88945

property tax replacement fund is insufficient to make all payments 88946  
under section 5709.93 of the Revised Code at the times the 88947  
payments are to be made, the director of budget and management 88948  
shall transfer from the general revenue fund to the local 88949  
government tangible property tax replacement fund the difference 88950  
between the total amount to be paid and the amount in the local 88951  
government tangible property tax replacement fund. 88952

(E)(1) On or after the first day of June of each year, the 88953  
director of budget and management may transfer any balance in the 88954  
school district tangible property tax replacement fund to the 88955  
general revenue fund. 88956

(2) On or after the first day of June of each year, the 88957  
director of budget and management may transfer any balance in the 88958  
local government tangible property tax replacement fund to the 88959  
general revenue fund. 88960

(F)(1) There is hereby created in the state treasury the 88961  
commercial activity tax motor fuel receipts fund. 88962

(2) On or before the fifteenth day of June of each fiscal 88963  
year beginning with fiscal year 2015, the director of the Ohio 88964  
public works commission shall certify to the director of budget 88965  
and management the amount of debt service paid from the general 88966  
revenue fund in the current fiscal year on bonds issued to finance 88967  
or assist in the financing of the cost of local subdivision public 88968  
infrastructure capital improvement projects, as provided for in 88969  
Sections 2k, 2m, 2p, and 2s of Article VIII, Ohio Constitution, 88970  
that are attributable to costs for construction, reconstruction, 88971  
maintenance, or repair of public highways and bridges and other 88972  
statutory highway purposes. That certification shall allocate the 88973  
total amount of debt service paid from the general revenue fund 88974  
and attributable to those costs in the current fiscal year 88975  
according to the applicable section of the Ohio Constitution under 88976  
which the bonds were originally issued. 88977

(3) On or before the thirtieth day of June of each fiscal year beginning with fiscal year 2015, the director of budget and management shall determine an amount up to but not exceeding the amount certified under division (F)(2) of this section and shall reserve that amount from the cash balance in the petroleum activity tax public highways fund or the commercial activity tax motor fuel receipts fund for transfer to the general revenue fund at times and in amounts to be determined by the director. The director shall transfer the cash balance in the petroleum activity tax public highways fund or the commercial activity tax motor fuel receipts fund in excess of the amount so reserved to the highway operating fund on or before the thirtieth day of June of the current fiscal year.

**Sec. 5751.03.** (A) Except as provided in division (B) of this section, the tax levied under this section for each tax period shall be the product of two and six-tenths mills per dollar times the remainder of the taxpayer's taxable gross receipts for the tax period after subtracting the exclusion amount provided for in division (C) of this section.

(B) Notwithstanding division (C) of this section, the tax on the first one million dollars in taxable gross receipts each calendar year shall be calculated as follows:

(1) For taxpayers with annual taxable gross receipts of one million dollars or less for the immediately preceding calendar year, one hundred fifty dollars;

(2) For taxpayers with annual taxable gross receipts greater than one million dollars, but less than or equal to two million dollars for the immediately preceding calendar year, eight hundred dollars;

(3) For taxpayers with annual taxable gross receipts greater than two million dollars, but less than or equal to four million

dollars for the immediately preceding calendar year, two thousand 89009  
one hundred dollars; 89010

(4) For taxpayers with annual taxable gross receipts greater 89011  
than four million dollars for the immediately preceding calendar 89012  
year, two thousand six hundred dollars. 89013

The tax imposed under division (B)(1) of this section shall 89014  
be paid not later than the tenth day of May of each year along 89015  
with the annual tax return. The tax imposed under divisions 89016  
(B)(2), (3), and (4) of this section shall be paid not later than 89017  
the tenth day of May of each year along with the first quarter tax 89018  
return. 89019

(C)(1) Each taxpayer may exclude the first one million 89020  
dollars of taxable gross receipts for a calendar year. Calendar 89021  
quarter taxpayers shall apply the full exclusion amount to the 89022  
first calendar quarter return the taxpayer files that calendar 89023  
year and may carry forward and apply any unused exclusion amount 89024  
to subsequent calendar quarters within that same calendar year. 89025

(2) A taxpayer switching from a calendar year tax period to a 89026  
calendar quarter tax period may, for the first quarter of the 89027  
change, apply the full one-million-dollar exclusion amount to the 89028  
first calendar quarter return the taxpayer files that calendar 89029  
year. Such taxpayers may carry forward and apply any unused 89030  
exclusion amount to subsequent calendar quarters within that same 89031  
calendar year. The tax rate shall be based on the rate imposed 89032  
that calendar quarter when the taxpayer switches from a calendar 89033  
year to a calendar quarter tax period. 89034

(3) A taxpayer shall not exclude more than one million 89035  
dollars pursuant to division (C) of this section in a calendar 89036  
year. 89037

**Sec. 5751.052.** (A) On or before the first day of October of 89038

each year, a megaproject operator or the operator's reporting person shall certify to the tax commissioner a list of megaproject suppliers the operator anticipates will sell tangible personal property directly to the operator in the ensuing calendar year. The list shall include the name, address, and federal identification number of each megaproject supplier. On or before the first day of the following November, the commissioner shall issue a certificate to the megaproject operator and to each megaproject supplier included in that list. The certificate shall include the name of the megaproject operator, the name of the megaproject supplier, and the certificate's issuance date.

(B) A megaproject operator or reporting person that certifies a list to the tax commissioner under division (A) of this section shall notify the commissioner of any change to that list, including additions to or subtractions from the list or changes in the name or entity type of any megaproject supplier included in the list, within sixty days after the date the operator becomes aware of the change. Within thirty days after receiving that notification, the commissioner shall issue a revised certificate to the megaproject operator and to each megaproject supplier included in the revised list. The revised certificate shall include the name of the megaproject operator, the name of the megaproject supplier, and the certificate's issuance date, which shall be the date the revision becomes effective.

(C) Each megaproject operator and megaproject supplier that is issued a certificate under division (A) or (B) of this section shall maintain a copy of the certificate for four years from the date the certificate is issued.

**Sec. 5751.091.** (A) If a taxpayer excludes from its taxable gross receipts amounts described under division (F)(2)(oo) of section 5751.01 of the Revised Code for a tax period in which the

taxpayer does not qualify for that exclusion for any portion of 89070  
that tax period, the taxpayer shall remit to the tax commissioner 89071  
a payment equal to the product of the following: (a) the cost of 89072  
all property received in this state by a megaproject operator from 89073  
the taxpayer during that tax period, multiplied by (b) the tax 89074  
rate prescribed in division (A) of section 5751.03 of the Revised 89075  
Code. The charge shall be levied and collected as a tax imposed 89076  
under this chapter. 89077

(B) A taxpayer required to remit a payment under division (A) 89078  
of this section for three consecutive calendar years may not 89079  
exclude from the taxpayer's taxable gross receipts any amounts 89080  
described in division (F)(2)(oo) of section 5751.01 of the Revised 89081  
Code for any tax period in any following calendar year. 89082

**Sec. 5751.40.** (A) As used in this section and division 89083  
(F)(2)(z) of section 5751.01 of the Revised Code: 89084

(1) "Qualifying distribution center receipts" means receipts 89085  
of a supplier from qualified property that is delivered to a 89086  
qualified distribution center, multiplied by a quantity that 89087  
equals one minus the Ohio delivery percentage. If the qualified 89088  
distribution center is a refining facility, "supplier" includes 89089  
all dealers, brokers, processors, sellers, vendors, cosigners, and 89090  
distributors of qualified property. 89091

(2) "Qualified property" means tangible personal property 89092  
delivered to a qualified distribution center that is shipped to 89093  
that qualified distribution center solely for further shipping by 89094  
the qualified distribution center to another location in this 89095  
state or elsewhere or, in the case of gold, silver, platinum, or 89096  
palladium delivered to a refining facility solely for refining to 89097  
a grade and fineness acceptable for delivery to a registered 89098  
commodities exchange. "Further shipping" includes storing and 89099

repackaging property into smaller or larger bundles, so long as 89100  
the property is not subject to further manufacturing or 89101  
processing. "Refining" is limited to extracting impurities from 89102  
gold, silver, platinum, or palladium through smelting or some 89103  
other process at a refining facility. 89104

(3) "Qualified distribution center" means a warehouse, a 89105  
facility similar to a warehouse, or a refining facility in this 89106  
state that, for the qualifying year, is operated by a person that 89107  
is not part of a combined taxpayer group and that has a qualifying 89108  
certificate. All warehouses or facilities similar to warehouses 89109  
that are operated by persons in the same taxpayer group and that 89110  
are located within one mile of each other shall be treated as one 89111  
qualified distribution center. All refining facilities that are 89112  
operated by persons in the same taxpayer group and that are 89113  
located in the same or adjacent counties may be treated as one 89114  
qualified distribution center. 89115

(4) "Qualifying year" means the calendar year to which the 89116  
qualifying certificate applies. 89117

(5) "Qualifying period" means the period of the first day of 89118  
July of the second year preceding the qualifying year through the 89119  
thirtieth day of June of the year preceding the qualifying year. 89120

(6) "Qualifying certificate" means the certificate issued by 89121  
the tax commissioner after the operator of a distribution center 89122  
files an annual application with the commissioner under division 89123  
(B) of this section. 89124

(7) "Ohio delivery percentage" means the proportion of the 89125  
total property delivered to a destination inside Ohio from the 89126  
qualified distribution center during the qualifying period 89127  
compared with total deliveries from such distribution center 89128  
everywhere during the qualifying period. 89129

(8) "Refining facility" means one or more buildings located 89130

in a county in the Appalachian region of this state as defined by 89131  
section 107.21 of the Revised Code and utilized for refining or 89132  
smelting gold, silver, platinum, or palladium to a grade and 89133  
fineness acceptable for delivery to a registered commodities 89134  
exchange. 89135

(9) "Registered commodities exchange" means a board of trade, 89136  
such as New York mercantile exchange, inc. or commodity exchange, 89137  
inc., designated as a contract market by the commodity futures 89138  
trading commission under the "Commodity Exchange Act," 7 U.S.C. 1 89139  
et seq., as amended. 89140

(10) "Ineligible operator's supplier tax liability" means an 89141  
amount equal to the tax liability of all suppliers of a 89142  
distribution center had the distribution center not been issued a 89143  
qualifying certificate for the qualifying year. Ineligible 89144  
operator's supplier tax liability shall not include interest or 89145  
penalties. 89146

(B) For purposes of division (B) of this section, "supplier" 89147  
excludes any person that is part of the consolidated elected 89148  
taxpayer group, if applicable, of the operator of the qualified 89149  
distribution center. 89150

(1) An application for a qualifying certificate to be a 89151  
qualified distribution center shall be filed, and an annual fee 89152  
paid, for each qualified distribution center on or before the 89153  
first day of September before the qualifying year or within 89154  
forty-five days after the distribution center opens, whichever is 89155  
later. The applicant must substantiate to the commissioner's 89156  
satisfaction that, for the qualifying period, all persons 89157  
operating the distribution center have more than fifty per cent of 89158  
the cost of the qualified property shipped to a location such that 89159  
it would be situated outside this state under the provisions of 89160  
division (E) of section 5751.033 of the Revised Code. The 89161  
applicant must also substantiate that the distribution center 89162

cumulatively had costs from its suppliers equal to or exceeding 89163  
five hundred million dollars during the qualifying period. 89164

The commissioner may require an applicant to have an 89165  
independent certified public accountant certify that the 89166  
calculation of the minimum thresholds required for a qualified 89167  
distribution center by the operator of a distribution center has 89168  
been made in accordance with generally accepted accounting 89169  
principles. The commissioner shall issue or deny the issuance of a 89170  
certificate within sixty days after the receipt of the 89171  
application. A denial is subject to appeal under section 5717.02 89172  
of the Revised Code. If the operator files a timely appeal under 89173  
section 5717.02 of the Revised Code, the operator shall be granted 89174  
a qualifying certificate effective for the remainder of the 89175  
qualifying year or until the appeal is finalized, whichever is 89176  
earlier. If the operator does not prevail in the appeal, the 89177  
operator shall pay the ineligible operator's supplier tax 89178  
liability. 89179

(2) If the distribution center is new and was not open for 89180  
the entire qualifying period, the operator of the distribution 89181  
center may request that the commissioner grant a qualifying 89182  
certificate. If the certificate is granted and it is later 89183  
determined that more than fifty per cent of the qualified property 89184  
during that year was not shipped to a location such that it would 89185  
be situated outside of this state under the provisions of division 89186  
(E) of section 5751.033 of the Revised Code or if it is later 89187  
determined that the person that operates the distribution center 89188  
had average monthly costs from its suppliers of less than forty 89189  
million dollars during that year, then the operator of the 89190  
distribution center shall pay the ineligible operator's supplier 89191  
tax liability. 89192

(3) The commissioner may grant a qualifying certificate to a 89193  
distribution center that does not qualify as a qualified 89194

distribution center for an entire qualifying period if the 89195  
operator of the distribution center demonstrates that the business 89196  
operations of the distribution center have changed or will change 89197  
such that the distribution center will qualify as a qualified 89198  
distribution center within thirty-six months after the date the 89199  
operator first applies for a certificate. If, at the end of that 89200  
thirty-six-month period, the business operations of the 89201  
distribution center have not changed such that the distribution 89202  
center qualifies as a qualified distribution center, the operator 89203  
of the distribution center shall pay the ineligible operator's 89204  
supplier tax liability for each year that the distribution center 89205  
received a certificate but did not qualify as a qualified 89206  
distribution center. For each year the distribution center 89207  
receives a certificate under division (B)(3) of this section, the 89208  
distribution center shall pay all applicable fees required under 89209  
this section and shall submit an updated business plan showing the 89210  
progress the distribution center made toward qualifying as a 89211  
qualified distribution center during the preceding year. 89212

(4) An operator may appeal a determination under division 89213  
~~(B)(1)~~(B)(2) or ~~(2)~~(3) of this section that the ineligible 89214  
operator is liable for the operator's supplier tax liability as a 89215  
result of not qualifying as a qualified distribution center, as 89216  
provided in section 5717.02 of the Revised Code. 89217

(C)(1) When filing an application for a qualifying 89218  
certificate under division (B)(1) of this section, the operator of 89219  
a qualified distribution center also shall provide documentation, 89220  
as the commissioner requires, for the commissioner to ascertain 89221  
the Ohio delivery percentage. The commissioner, upon issuing the 89222  
qualifying certificate, also shall certify the Ohio delivery 89223  
percentage. The operator of the qualified distribution center may 89224  
appeal the commissioner's certification of the Ohio delivery 89225  
percentage in the same manner as an appeal is taken from the 89226

denial of a qualifying certificate under division (B)(1) of this section. 89227  
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(2) In the case where the distribution center is new and not open for the entire qualifying period, the operator shall make a good faith estimate of an Ohio delivery percentage for use by suppliers in their reports of taxable gross receipts for the remainder of the qualifying period. The operator of the facility shall disclose to the suppliers that such Ohio delivery percentage is an estimate and is subject to recalculation. By the due date of the next application for a qualifying certificate, the operator shall determine the actual Ohio delivery percentage for the estimated qualifying period and proceed as provided in division (C)(1) of this section with respect to the calculation and recalculation of the Ohio delivery percentage. The supplier is required to file, within sixty days after receiving notice from the operator of the qualified distribution center, amended reports for the impacted calendar quarter or quarters or calendar year, whichever the case may be. Any additional tax liability or tax overpayment shall be subject to interest but shall not be subject to the imposition of any penalty so long as the amended returns are timely filed. 89229  
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(3) The operator of a distribution center that receives a qualifying certificate under division (B)(3) of this section shall make a good faith estimate of the Ohio delivery percentage that the operator estimates will apply to the distribution center at the end of the thirty-six-month period after the operator first applied for a qualifying certificate under that division. The result of the estimate shall be multiplied by a factor of one and seventy-five one-hundredths. The product of that calculation shall be the Ohio delivery percentage used by suppliers in their reports of taxable gross receipts for each qualifying year that the distribution center receives a qualifying certificate under 89248  
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division (B)(3) of this section, except that, if the product is 89259  
less than five per cent, the Ohio delivery percentage used shall 89260  
be five per cent and that, if the product exceeds forty-nine per 89261  
cent, the Ohio delivery percentage used shall be forty-nine per 89262  
cent. 89263

(D) Qualifying certificates and Ohio delivery percentages 89264  
issued by the commissioner shall be open to public inspection and 89265  
shall be timely published by the commissioner. A supplier relying 89266  
in good faith on a certificate issued under this section shall not 89267  
be subject to tax on the qualifying distribution center receipts 89268  
under this section and division (F)(2)(z) of section 5751.01 of 89269  
the Revised Code. An operator receiving a qualifying certificate 89270  
is liable for the ineligible operator's supplier tax liability for 89271  
each year the operator received a certificate but did not qualify 89272  
as a qualified distribution center. 89273

(E) The tax commissioner shall determine an ineligible 89274  
operator's supplier tax liability based on information that the 89275  
commissioner may request from the operator of the distribution 89276  
center. An operator shall provide a list of all suppliers of the 89277  
distribution center and the corresponding costs of qualified 89278  
property for the qualifying year at issue within sixty days of a 89279  
request by the commissioner under this division. 89280

(F) The annual fee for a qualifying certificate shall be one 89281  
hundred thousand dollars for each qualified distribution center. 89282  
If a qualifying certificate is not issued, the annual fee is 89283  
subject to refund after the exhaustion of all appeals provided for 89284  
in division (B)(1) of this section. The first one hundred thousand 89285  
dollars of the annual application fees collected each calendar 89286  
year shall be credited to the revenue enhancement fund. The 89287  
remainder of the annual application fees collected shall be 89288  
distributed in the same manner required under section 5751.20 of 89289  
the Revised Code. 89290

(G) The tax commissioner may require that adequate security 89291  
be posted by the operator of the distribution center on appeal 89292  
when the commissioner disagrees that the applicant has met the 89293  
minimum thresholds for a qualified distribution center as set 89294  
forth in this section. 89295

**Sec. 5902.09.** (A) As used in this section, ~~"AMVETS" means the~~ 89296  
~~American Veterans of World War II (AMVETS), Department of Ohio.;~~ 89297  
89298

"Electroencephalogram (EEG) combined transcranial magnetic 89299  
stimulation" means treatment in which transcranial magnetic 89300  
stimulation (TMS) frequency pulses are tuned to the patient's 89301  
physiology and biometric data, at the time of each treatment, 89302  
using a pre- and post-TMS EEG. 89303

"First responder" has the meaning defined in section 2903.01 89304  
of the Revised Code. 89305

"Law enforcement officer" has the meaning defined in section 89306  
9.69 of the Revised Code. 89307

(B) The directors of veterans services and mental health and 89308  
addiction services shall establish a pilot program to make 89309  
electroencephalogram (EEG) combined transcranial magnetic 89310  
stimulation available for veterans, first responders, and law 89311  
enforcement officers with substance use disorders or, mental 89312  
illness, sleep disorders, traumatic brain injuries, sexual trauma, 89313  
post traumatic stress disorder and accompanying comorbidities, 89314  
concussions or other brain trauma, or other issues and shall 89315  
operate the program for three years identified by the individual's 89316  
qualified medical practitioner as issues that would warrant 89317  
treatment under the program. The program shall be operated in 89318  
conjunction with a supplier selected under this section. 89319

(C) The directors by mutual agreement shall choose a location 89320

for the pilot program and for up to ten branch sites, and shall 89321  
enter into a contract for the purchase of services related to the 89322  
pilot program. A branch site may be a mobile unit or an EEG 89323  
combined neuromodulation portable unit if the directors determine 89324  
that mobile units or EEG combined neuromodulation portable units 89325  
are necessary to expand access to care. The contract shall include 89326  
provisions requiring the supplier to create, ~~implement, operate~~ 89327  
and conduct a clinical trial, and to establish and operate a 89328  
clinical practice, to evaluate outcomes of the pilot program 89329  
clinical trial and the clinical practice, to choose a location for 89330  
the pilot program, to expend payments received from the state as 89331  
needed for purposes of the program, and to report quarterly 89332  
regarding the pilot program to the president of the senate and to 89333  
the standing committee of the senate that generally considers 89334  
legislation regarding veterans affairs. 89335

(D) There is the electroencephalogram (EEG) combined 89336  
transcranial magnetic stimulation fund in the state treasury. It 89337  
shall consist of moneys appropriated to it by the general 89338  
assembly. The directors, with the approval of the controlling 89339  
board, may authorize a disbursement from the fund for services 89340  
rendered under the contract. 89341

(E) One or both of the directors shall adopt rules under 89342  
Chapter 119. of the Revised Code as necessary to administer this 89343  
section, ~~including a.~~ 89344

(F) The supplier, in conducting the clinical trial and in 89345  
operating the clinical practice, shall adhere to all of the 89346  
following: 89347

(1) The United States food and drug administration 89348  
regulations governing the conduct of clinical practice and 89349  
clinical trials; 89350

(2) A peer-to-peer support network shall be made available by 89351

the supplier to any individual receiving treatment under the 89352  
program. 89353

(3) The program protocol shall use adapted stimulation 89354  
frequency and intensity modulation based on EEG and motor 89355  
threshold testing as well as clinical symptoms and signs, and 89356  
biometrics. 89357

(4) Each individual who receives treatment under the program 89358  
also shall receive pre- and post-neurophysiological monitoring, 89359  
with EEG and autonomic nervous systems assessments, daily 89360  
checklists of symptoms of alcohol, opioid, or other substance use, 89361  
and weekly medical counseling and wellness programming, and also 89362  
shall participate in the peer-to-peer support network established 89363  
by the supplier. 89364

(5) ~~rule requiring that clinical~~ Clinical protocols and 89365  
outcomes ~~are~~ of the clinical trial, and of any treatment provided 89366  
by the clinical practice, shall be collected and reported 89367  
quarterly in a report provided by the supplier. ~~The~~ to the 89368  
directors of veterans services and mental health and addiction 89369  
services and to the United States food and drug administration. 89370

(6) Any individual who receives treatment at the clinical 89371  
practice shall be eligible for a minimum of two 89372  
electroencephalograms during the course of the individual's 89373  
treatment. 89374

(7) ~~The report shall also~~ required by this section shall 89375  
include a thorough accounting of the use and expenditure of all 89376  
funds received from the state under this section. 89377

~~(F)~~(G) Contracts entered into under this section are subject 89378  
to section 9.231 and Chapter 125. of the Revised Code. 89379

**Sec. 5919.34.** (A) As used in this section: 89380

(1) "Academic term" means any one of the following: 89381

|                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                          |                                                                                                          |
|------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|----------------------------------------------------------------------------------------------------------|
| (a) Fall term, which consists of fall semester or fall quarter, as appropriate;                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                          | 89382<br>89383                                                                                           |
| (b) Winter term, which consists of winter semester, winter quarter, or spring semester, as appropriate;                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                  | 89384<br>89385                                                                                           |
| (c) Spring term, which consists of spring quarter;                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                       | 89386                                                                                                    |
| (d) Summer term, which consists of summer semester or summer quarter, as appropriate.                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                    | 89387<br>89388                                                                                           |
| (2) "Eligible applicant" means any individual to whom all of the following apply:                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                        | 89389<br>89390                                                                                           |
| (a) The individual does not possess a baccalaureate degree.                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                              | 89391                                                                                                    |
| (b) The individual has enlisted, re-enlisted, or extended current enlistment in the Ohio national guard or is an individual to which division (F) of this section applies.                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                               | 89392<br>89393<br>89394                                                                                  |
| (c) The individual is actively enrolled as a full-time or part-time student for at least three credit hours of course work in a semester or quarter in a two-year or four-year degree-granting program at a state institution of higher education or a private institution of higher education, <del>or</del> in a diploma-granting program at a state or private institution of higher education that is a school of nursing, <u>or in a credential-certifying program, licensing program, trade certification program, or apprenticeship program for an in-demand occupation as identified by the adjutant general and the chancellor of higher education, in consultation with the governor's office of workforce transformation.</u> | 89395<br>89396<br>89397<br>89398<br>89399<br>89400<br>89401<br>89402<br>89403<br>89404<br>89405<br>89406 |
| (d) The individual has not accumulated ninety-six eligibility units under division (E) of this section.                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                  | 89407<br>89408                                                                                           |
| (3) "State institution of higher education" means any state university or college as defined in division (A)(1) of section 3345.12 of the Revised Code, community college established under                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                              | 89409<br>89410<br>89411                                                                                  |

Chapter 3354. of the Revised Code, state community college 89412  
established under Chapter 3358. of the Revised Code, university 89413  
branch established under Chapter 3355. of the Revised Code, or 89414  
technical college established under Chapter 3357. of the Revised 89415  
Code. 89416

(4) "Private institution of higher education" means an Ohio 89417  
institution of higher education that is nonprofit and has received 89418  
a certificate of authorization pursuant to Chapter 1713. of the 89419  
Revised Code, that is a private institution exempt from regulation 89420  
under Chapter 3332. of the Revised Code as prescribed in section 89421  
3333.046 of the Revised Code, or that holds a certificate of 89422  
registration and program authorization issued by the state board 89423  
of career colleges and schools pursuant to section 3332.05 of the 89424  
Revised Code. 89425

(5) "Tuition" means the charges imposed to attend an 89426  
institution of higher education and includes general and 89427  
instructional fees. "Tuition" does not include laboratory fees, 89428  
room and board, or other similar fees and charges. 89429

(B) There is hereby created a scholarship program to be known 89430  
as the Ohio national guard scholarship program. 89431

(C)(1) The adjutant general shall approve scholarships for 89432  
all eligible applicants. The adjutant general shall process all 89433  
applications for scholarships for each academic term in the order 89434  
in which they are received. The scholarships shall be made without 89435  
regard to financial need. At no time shall one person be placed in 89436  
priority over another because of sex, race, or religion. 89437

(2) The adjutant general shall develop and provide a written 89438  
explanation that informs all eligible scholarship recipients that 89439  
the recipient may become ineligible and liable for repayment for 89440  
an amount of scholarship payments received in accordance with 89441  
division (G) of this section. The written explanation shall be 89442

reviewed by the scholarship recipient before acceptance of the 89443  
scholarship and before acceptance of an enlistment, warrant, 89444  
commission, or appointment for a term not less than the 89445  
recipient's remaining term in the national guard or in the active 89446  
duty component of the United States armed forces. 89447

(D)(1) Except as provided in divisions (I) and (J) of this 89448  
section, for each academic term that an eligible applicant is 89449  
approved for a scholarship under this section and either remains a 89450  
current member in good standing of the Ohio national guard or is 89451  
eligible for a scholarship under division (F)(1) of this section, 89452  
the institution of higher education in which the applicant is 89453  
enrolled shall, if the applicant's enlistment obligation extends 89454  
beyond the end of that academic term or if division (F)(1) of this 89455  
section applies, be paid on the applicant's behalf the applicable 89456  
one of the following amounts: 89457

(a) If the institution is a state institution of higher 89458  
education, an amount equal to one hundred per cent of the 89459  
institution's tuition charges; 89460

(b) If the institution is a nonprofit private institution or 89461  
a private institution exempt from regulation under Chapter 3332. 89462  
of the Revised Code as prescribed in section 3333.046 of the 89463  
Revised Code, an amount equal to one hundred per cent of the 89464  
average tuition charges of all state universities; 89465

(c) If the institution is an institution that holds a 89466  
certificate of registration from the state board of career 89467  
colleges and schools, the lesser of the following: 89468

(i) An amount equal to one hundred per cent of the 89469  
institution's tuition; 89470

(ii) An amount equal to one hundred per cent of the average 89471  
tuition charges of all state universities, as that term is defined 89472  
in section 3345.011 of the Revised Code. 89473

(2) The adjutant general and the chancellor ~~of higher~~ 89474  
~~education~~ may jointly adopt rules to require the use of other 89475  
federal educational financial assistance programs, including such 89476  
programs offered by the United States department of defense, for 89477  
which an applicant is eligible based on the applicant's military 89478  
service. If such rules are adopted, the rules shall require that 89479  
financial assistance received by a scholarship recipient under 89480  
those programs be applied to all eligible expenses prior to the 89481  
use of scholarship funds awarded under this section. Scholarship 89482  
funds awarded under this section shall then be applied to the 89483  
recipient's remaining eligible expenses. 89484

(3) An eligible applicant's scholarship shall not be reduced 89485  
by the amount of that applicant's benefits under "the Montgomery 89486  
G.I. Bill Act of 1984," Pub. L. No. 98-525, 98 Stat. 2553 (1984). 89487

(E) A scholarship recipient under this section shall be 89488  
entitled to receive scholarships under this section for the number 89489  
of quarters or semesters it takes the recipient to accumulate 89490  
ninety-six eligibility units as determined under divisions (E)(1) 89491  
to (3) of this section. 89492

(1) To determine the maximum number of semesters or quarters 89493  
for which a recipient is entitled to a scholarship under this 89494  
section, the adjutant general shall convert a recipient's credit 89495  
hours of enrollment for each academic term into eligibility units 89496  
in accordance with the following table: 89497

|                  | The         |          |               |         |       |
|------------------|-------------|----------|---------------|---------|-------|
| Number of        | following   |          | The following | 89499   |       |
| credit hours     | number of   |          | number of     | 89500   |       |
| of enrollment    | eligibility |          | eligibility   | 89501   |       |
| in an academic   | units if a  |          | units if a    | 89502   |       |
| term             | equals      | semester | or            | quarter | 89503 |
|                  |             |          |               |         | 89504 |
| 12 or more hours |             | 12 units |               | 8 units | 89505 |

|                    |         |         |       |
|--------------------|---------|---------|-------|
| 9 but less than 12 | 9 units | 6 units | 89506 |
| 6 but less than 9  | 6 units | 4 units | 89507 |
| 3 but less than 6  | 3 units | 2 units | 89508 |

(2) A scholarship recipient under this section may continue to apply for scholarships under this section until the recipient has accumulated ninety-six eligibility units.

(3) If a scholarship recipient withdraws from courses prior to the end of an academic term so that the recipient's enrollment for that academic term is less than three credit hours, no scholarship shall be paid on behalf of that person for that academic term. Except as provided in division (F)(3) of this section, if a scholarship has already been paid on behalf of the person for that academic term, the adjutant general shall add to that person's accumulated eligibility units the number of eligibility units for which the scholarship was paid.

(F) This division applies to any eligible applicant called into active duty on or after September 11, 2001. As used in this division, "active duty" means active duty pursuant to an executive order of the president of the United States, an act of the congress of the United States, or section 5919.29 or 5923.21 of the Revised Code.

(1) For a period of up to five years from when an individual's enlistment obligation in the Ohio national guard ends, an individual to whom this division applies is eligible for scholarships under this section for those academic terms that were missed or could have been missed as a result of the individual's call into active duty. Scholarships shall not be paid for the academic term in which an eligible applicant's enlistment obligation ends unless an applicant is eligible under this division for a scholarship for such academic term due to previous active duty.

(2) When an individual to whom this division applies

withdraws or otherwise fails to complete courses, for which 89538  
scholarships have been awarded under this section, because the 89539  
individual was called into active duty, the institution of higher 89540  
education shall grant the individual a leave of absence from the 89541  
individual's education program and shall not impose any academic 89542  
penalty for such withdrawal or failure to complete courses. 89543  
Division (F)(2) of this section applies regardless of whether or 89544  
not the scholarship amount was paid to the institution of higher 89545  
education. 89546

(3) If an individual to whom this division applies withdraws 89547  
or otherwise fails to complete courses because the individual was 89548  
called into active duty, and if scholarships for those courses 89549  
have already been paid, either: 89550

(a) The adjutant general shall not add to that person's 89551  
accumulated eligibility units calculated under division (E) of 89552  
this section the number of eligibility units for the academic 89553  
courses or term for which the scholarship was paid and the 89554  
institution of higher education shall repay the scholarship amount 89555  
to the state. 89556

(b) The adjutant general shall add to that individual's 89557  
accumulated eligibility units calculated under division (E) of 89558  
this section the number of eligibility units for the academic 89559  
courses or term for which the scholarship was paid if the 89560  
institution of higher education agrees to permit the individual to 89561  
complete the remainder of the academic courses in which the 89562  
individual was enrolled at the time the individual was called into 89563  
active duty. 89564

(4) No individual who is discharged from the Ohio national 89565  
guard under other than honorable conditions shall be eligible for 89566  
scholarships under this division. 89567

(G) A scholarship recipient under this section who fails to 89568

complete the term of enlistment, re-enlistment, or extension of 89569  
current enlistment the recipient was serving at the time a 89570  
scholarship was paid on behalf of the recipient under this section 89571  
is liable to the state for repayment of a percentage of all Ohio 89572  
national guard scholarships paid on behalf of the recipient under 89573  
this section, plus interest at the rate of ten per cent per annum 89574  
calculated from the dates the scholarships were paid. This 89575  
percentage shall equal the percentage of the current term of 89576  
enlistment, re-enlistment, or extension of enlistment a recipient 89577  
has not completed as of the date the recipient is discharged from 89578  
the Ohio national guard. 89579

The attorney general may commence a civil action on behalf of 89580  
the chancellor to recover the amount of the scholarships and the 89581  
interest provided for in this division and the expenses incurred 89582  
in prosecuting the action, including court costs and reasonable 89583  
attorney's fees. A scholarship recipient is not liable under this 89584  
division if the recipient's failure to complete the term of 89585  
enlistment being served at the time a scholarship was paid on 89586  
behalf of the recipient under this section is due to the 89587  
recipient's death or discharge from the national guard due to 89588  
disability. 89589

(H) On or before the first day of each academic term, the 89590  
adjutant general shall provide an eligibility roster to the 89591  
chancellor and to each institution of higher education at which 89592  
one or more scholarship recipients have applied for enrollment. 89593  
The institution shall use the roster to certify the actual 89594  
full-time or part-time enrollment of each scholarship recipient 89595  
listed as enrolled at the institution and return the roster to the 89596  
adjutant general and the chancellor. Except as provided in 89597  
division (J) of this section, the chancellor shall provide for 89598  
payment of the appropriate number and amount of scholarships to 89599  
each institution of higher education pursuant to division (D) of 89600

this section. If an institution of higher education fails to 89601  
certify the actual enrollment of a scholarship recipient listed as 89602  
enrolled at the institution within thirty days of the end of an 89603  
academic term, the institution shall not be eligible to receive 89604  
payment from the Ohio national guard scholarship program or from 89605  
the individual enrollee. The adjutant general shall report on a 89606  
semiannual basis to the director of budget and management, the 89607  
speaker of the house of representatives, the president of the 89608  
senate, and the chancellor the number of Ohio national guard 89609  
scholarship recipients, the size of the scholarship-eligible 89610  
population, and a projection of the cost of the program for the 89611  
remainder of the biennium. 89612

(I) The chancellor and the adjutant general may adopt rules 89613  
pursuant to Chapter 119. of the Revised Code governing the 89614  
administration and fiscal management of the Ohio national guard 89615  
scholarship program and the procedure by which the chancellor and 89616  
the department of the adjutant general may modify the amount of 89617  
scholarships a member receives based on the amount of other state 89618  
financial aid a member receives. 89619

(J) The adjutant general, the chancellor, and the director, 89620  
or their designees, shall jointly estimate the costs of the Ohio 89621  
national guard scholarship program for each upcoming fiscal 89622  
biennium, and shall report that estimate prior to the beginning of 89623  
the fiscal biennium to the chairpersons of the finance committees 89624  
in the general assembly. During each fiscal year of the biennium, 89625  
the adjutant general, the chancellor, and the director, or their 89626  
designees, shall meet regularly to monitor the actual costs of the 89627  
Ohio national guard scholarship program and update cost 89628  
projections for the remainder of the biennium as necessary. If the 89629  
amounts appropriated for the Ohio national guard scholarship 89630  
program and any funds in the Ohio national guard scholarship 89631  
reserve fund and the Ohio national guard scholarship donation fund 89632

are not adequate to provide scholarships in the amounts specified 89633  
in division (D)(1) of this section for all eligible applicants, 89634  
the chancellor shall do all of the following: 89635

(1) Notify each private institution of higher education, 89636  
where a scholarship recipient is enrolled, that, by accepting the 89637  
Ohio national guard scholarship program as payment for all or part 89638  
of the institution's tuition, the institution agrees that if the 89639  
chancellor reduces the amount of each scholarship, the institution 89640  
shall provide each scholarship recipient a grant or tuition waiver 89641  
in an amount equal to the amount the recipient's scholarship was 89642  
reduced by the chancellor. 89643

(2) Reduce the amount of each scholarship under division 89644  
(D)(1)(a) of this section proportionally based on the amount of 89645  
remaining available funds. Each state institution of higher 89646  
education shall provide each scholarship recipient under division 89647  
(D)(1)(a) of this section a grant or tuition waiver in an amount 89648  
equal to the amount the recipient's scholarship was reduced by the 89649  
chancellor. 89650

(K) Notwithstanding division (A) of section 127.14 of the 89651  
Revised Code, the controlling board shall not transfer all or part 89652  
of any appropriation for the Ohio national guard scholarship 89653  
program. 89654

(L) The chancellor and the adjutant general may apply for, 89655  
and may receive and accept grants, and may receive and accept 89656  
gifts, bequests, and contributions, from public and private 89657  
sources, including agencies and instrumentalities of the United 89658  
States and this state, and shall deposit the grants, gifts, 89659  
bequests, or contributions into the national guard scholarship 89660  
donation fund. 89661

**Sec. 6101.48.** After the conservancy appraisal record as 89662  
approved by the court, or that part of it from which no appeal is 89663

pending, has been filed with the secretary of the conservancy 89664  
district as provided in section 6101.37 of the Revised Code, from 89665  
time to time, as the affairs of the district demand it, the board 89666  
of directors of the conservancy district shall levy on all real 89667  
property and on all public corporations, upon which benefits have 89668  
been appraised, an assessment of the portion of the benefits that 89669  
is found necessary by the board to pay the cost of the execution 89670  
of the official plan, including superintendence of construction 89671  
and administration, plus one-ninth of that total to be added for 89672  
contingencies, but not to exceed in the total of principal the 89673  
appraised benefits so adjudicated. 89674

The assessment shall be apportioned to and levied on each 89675  
tract of land or other property and each public corporation in the 89676  
district in proportion to the benefits appraised, and not in 89677  
excess of the benefits appraised. Interest at a rate not to exceed 89678  
the rate provided in section 9.95 of the Revised Code, payable 89679  
semiannually, shall be included in and added to the assessment, 89680  
but the interest shall not be considered as a part of the cost in 89681  
determining whether or not the expenses and costs of making the 89682  
improvement are equal to or in excess of the benefits appraised. 89683

After the assessment is levied, the board shall report it to 89684  
the court for confirmation. Upon the entry of the order of the 89685  
court confirming the assessment, the clerk of the court shall 89686  
transmit a certified copy of the order to the governing or taxing 89687  
body of each political subdivision assessed, and the governing or 89688  
taxing body shall receive and file the order. Thereafter, the 89689  
board may order the issuance of notes in an amount not exceeding 89690  
ninety per cent of the assessment in anticipation of the 89691  
collection of the assessment. 89692

After the court has confirmed the assessment, the secretary 89693  
of the conservancy district, at the expense of the district, shall 89694  
prepare an assessment record named "Conservancy Assessment Record 89695

of ..... District." It shall contain a notation of the items of 89696  
property appraised and the public corporations to which benefits 89697  
have been appraised, the total amount of benefits appraised 89698  
against each item or public corporation, and the total assessment 89699  
levied against each item or public corporation. If successive 89700  
levies of assessment are made for the execution of the official 89701  
plan and the acquisition or construction of improvements, the 89702  
conservancy assessment record shall contain suitable notations to 89703  
show the number of levies and the amount of each, to the end that 89704  
the conservancy assessment record may disclose the aggregate of 89705  
all such levies made up to that time. 89706

Upon the completion of the conservancy assessment record, it 89707  
shall be signed and certified by the president of the board and by 89708  
the secretary of the conservancy district and placed on file and 89709  
shall become a permanent record in the office of the district. 89710  
After the expiration of the thirty-day period for the payment of 89711  
assessments as provided by section 6101.49 of the Revised Code, a 89712  
copy of that part of the conservancy assessment record affecting 89713  
lands or public corporations in any county shall be filed with the 89714  
county auditor of the county. 89715

If it is found at any time that the total amount of 89716  
assessments levied is insufficient to pay the cost of works set 89717  
out in the official plan or of additional work done, the board may 89718  
make an additional levy to provide funds to complete the work, 89719  
provided the total of all levies of the assessment exclusive of 89720  
interest does not exceed the total of benefits appraised. 89721

For tax years 2020 to 2024, qualifying real property, as 89722  
defined in section 727.031 of the Revised Code, is exempt from 89723  
special assessments levied under this section, provided no 89724  
delinquent special assessments and related interest and penalties 89725  
are levied or assessed against any property owned by the owner and 89726  
operator of the qualifying real property for that tax year. 89727

Sec. 6101.53. To maintain, operate, and preserve the 89728  
reservoirs, ditches, drains, dams, levies, canals, sewers, pumping 89729  
stations, treatment and disposal works, or other properties or 89730  
improvements acquired or made pursuant to this chapter, to 89731  
strengthen, repair, and restore the same, when needed, and to 89732  
defray the current expenses of the conservancy district, the board 89733  
of directors of the district may, upon the substantial completion 89734  
of the improvements and on or before the thirtieth day of 89735  
September in each year thereafter, levy an assessment upon each 89736  
tract or parcel of land and upon each public corporation within 89737  
the district, subject to assessments under this chapter, to be 89738  
known as a conservancy maintenance assessment. No assessment shall 89739  
be made with respect to works and improvements acquired or 89740  
constructed for the purpose of providing a water supply for 89741  
domestic, industrial, and public use within the district, when the 89742  
water supply can be metered or measured when furnished to persons 89743  
or public corporations. If the district, for the benefit of one or 89744  
more persons or political subdivisions, provides a water supply 89745  
that recharges underground aquifers and thereby replenishes wells 89746  
or provides a source of water for new wells, or increases the 89747  
natural low flow of a stream used for water supply, or creates an 89748  
impoundment, in such a way that the augmented use of water cannot 89749  
be metered or measured for individual or public consumption, the 89750  
board may make a maintenance assessment against benefited property 89751  
and public corporations in the same manner provided in this 89752  
section for maintenance of other properties or improvements. 89753

The maintenance assessment shall be apportioned upon the 89754  
basis of the total appraisal of benefits accruing for original and 89755  
subsequent construction, shall not exceed one per cent of the 89756  
total appraisal of benefits in any one year unless the court by 89757  
its order authorizes an assessment of a larger percentage, shall 89758  
not be less than two dollars, and shall be certified to the county 89759

auditor of each county in which lands of the district are located 89760  
in the conservancy assessment record but in a separate column in 89761  
like manner and at the same time as the annual installment of the 89762  
assessment levied under section 6101.48 of the Revised Code is 89763  
certified, under the heading maintenance assessment. The auditor 89764  
shall certify the same to the county treasurer of the county at 89765  
the same time that the auditor certifies the annual installment of 89766  
the assessments levied under that section, and the sum of the 89767  
levies for any tract or public corporation may be certified as a 89768  
single item. The treasurer shall demand and collect the 89769  
maintenance assessment and make return of it, and shall be liable 89770  
for the same penalties for failure to do so as are provided for 89771  
the annual installment of the assessment levied under section 89772  
6101.48 of the Revised Code. 89773

The amount of the maintenance assessment paid by any parcel 89774  
of land or public corporation shall not be credited against the 89775  
benefits assessed against the parcel of land or public 89776  
corporation, but the maintenance assessment shall be in addition 89777  
to any assessment that has been or can be levied under section 89778  
6101.48 of the Revised Code. 89779

To maintain, operate, and preserve the works and improvements 89780  
of the district acquired or constructed for the purpose of 89781  
providing a water supply, to strengthen, repair, and restore the 89782  
same, and to defray the current expenses of the district for this 89783  
purpose, the board may impose rates for the sale of water to 89784  
public corporations and persons within the district. The rates to 89785  
be charged for the water shall be fixed and adjusted by the board 89786  
at intervals of not less than one year, so that the income thus 89787  
produced will be adequate to provide a maintenance fund for the 89788  
purpose of water supply. Contracts for supplying water to public 89789  
corporations and persons shall be entered into before the service 89790  
is rendered by the district. Contracts shall specify the maximum 89791

quantity of water to be furnished to the public corporation or 89792  
person, and the quantity shall be fixed so as equitably to 89793  
distribute the supply. Preference shall be given to water supply 89794  
furnished to public corporations for domestic and public uses. 89795  
Bills for water supplied to public corporations shall be rendered 89796  
at regular intervals and shall be payable from the waterworks fund 89797  
of the public corporation or, if it is not sufficient, from the 89798  
general fund. 89799

For tax years 2020 to 2024, qualifying real property, as 89800  
defined in section 727.031 of the Revised Code, is exempt from 89801  
special assessments levied under this section, provided no 89802  
delinquent special assessments and related interest and penalties 89803  
are levied or assessed against any property owned by the owner and 89804  
operator of the qualifying real property for that tax year. 89805

**Sec. 6109.121.** (A) ~~Not later than one hundred twenty days~~ 89806  
~~after the effective date of this section, the~~ The director of 89807  
environmental protection shall adopt rules in accordance with 89808  
Chapter 119. of the Revised Code that do all of the following: 89809

(1) Require the owner or operator of a community or 89810  
nontransient noncommunity water system to conduct sampling of the 89811  
system for lead and copper; 89812

(2) Establish a schedule for lead and copper sampling 89813  
applicable to the owner or operator of a community or nontransient 89814  
noncommunity water system that, at a minimum, does both of the 89815  
following: 89816

(a) Allows the director, in establishing the schedule, to 89817  
consider the following factors when determining if a community or 89818  
nontransient noncommunity water system must conduct sampling at 89819  
least once annually: 89820

(i) The age of the water system; 89821

|                                                                                                                                                                                                                                                                                         |                                           |
|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-------------------------------------------|
| (ii) Whether corrosion control requirements are met;                                                                                                                                                                                                                                    | 89822                                     |
| (iii) Any other relevant risk factors, as determined by the director, including aging infrastructure likely to contain lead service lines.                                                                                                                                              | 89823<br>89824<br>89825                   |
| (b) Requires the owner or operator of a system where such risk factors are identified to conduct sampling at least once annually until the risk factors are mitigated in accordance with rules.                                                                                         | 89826<br>89827<br>89828<br>89829          |
| (3) Require the owner or operator of a community or nontransient noncommunity water system to provide collected samples to a certified laboratory for analysis;                                                                                                                         | 89830<br>89831<br>89832                   |
| (4) Authorize the director to require additional sampling for pH level and other water quality parameters to determine if corrosion control requirements are met;                                                                                                                       | 89833<br>89834<br>89835                   |
| (5) Authorize the director to establish corrosion control requirements for community and nontransient noncommunity water systems;                                                                                                                                                       | 89836<br>89837<br>89838                   |
| (6) Require the owner or operator of a community or nontransient noncommunity water system to conduct a new or updated corrosion control treatment study and submit a new or updated corrosion control treatment plan not later than eighteen months after any of the following events: | 89839<br>89840<br>89841<br>89842<br>89843 |
| (a) The system changes or adds a source from which water is obtained.                                                                                                                                                                                                                   | 89844<br>89845                            |
| (b) The system makes a substantial change in water treatment.                                                                                                                                                                                                                           | 89846                                     |
| (c) The system operates outside of acceptable ranges for lead, copper, pH, or other corrosion indicators, as determined by the director.                                                                                                                                                | 89847<br>89848<br>89849                   |
| (d) Any other event determined by the director to have the potential to impact the water quality or corrosiveness of water in                                                                                                                                                           | 89850<br>89851                            |

the system. 89852

(7) Authorize the director to waive the requirement to 89853  
conduct a new or updated corrosion control study established in 89854  
rules adopted under division (A)(6) of this section in appropriate 89855  
circumstances; 89856

(8) When the owner or operator of a community or nontransient 89857  
noncommunity water system is required to complete a corrosion 89858  
control treatment study and submit a plan in accordance with rules 89859  
adopted under division (A)(6) of this section, require the owner 89860  
or operator to complete the study and submit the plan to the 89861  
director for approval even if sampling results conducted 89862  
subsequent to the initiation of the study and plan do not exceed 89863  
the lead action level established in rules adopted under this 89864  
chapter; 89865

(9) When the owner or operator of a community or nontransient 89866  
noncommunity water system is required to complete a corrosion 89867  
control treatment study and submit a plan in accordance with rules 89868  
adopted under division (A)(6) of this section, require the owner 89869  
or operator to submit to the director an interim status report of 89870  
actions taken to implement the corrosion control study six months 89871  
and twelve months from the date of initiation of the corrosion 89872  
control study requirement; 89873

(10) Establish a lead threshold for individual taps; 89874

(11) Establish and revise content for public education 89875  
materials; 89876

(12) Authorize the director to develop procedures and 89877  
requirements to document that notices were provided by the owner 89878  
or operator of a community or nontransient noncommunity water 89879  
system as required under the rules adopted under division 89880  
~~(C)~~(A)(15) of this section; 89881

(13) ~~Notwithstanding section 6109.23 of the Revised Code,~~ 89882

~~establish the following Authorize the director to assess 89883  
administrative penalties in accordance with section 6109.23 of the 89884  
Revised Code for violations of the notice requirements established 89885  
in rules adopted under divisions (C)(1)(A)(15)(b) and 89886  
(C)(3)(a)(c)(i) of this section that are applicable to a community 89887  
or nontransient noncommunity water system.;~~ 89888

~~(a) For a violation of division (C)(1) of this section by a 89889  
system that serves not less than twenty five people, but not more 89890  
than three thousand three hundred people, an administrative 89891  
penalty of twenty five dollars per day for each day that the 89892  
system failed to provide each notice;~~ 89893

~~(b) For a violation of division (C)(1) of this section by a 89894  
system that serves more than three thousand three hundred people, 89895  
but not more than ten thousand people, an administrative penalty 89896  
of fifty dollars per day for each day that the system failed to 89897  
provide each notice;~~ 89898

~~(c) For a violation of division (C)(1) of this section by a 89899  
system that serves more than ten thousand people, but not more 89900  
than twenty five thousand people, an administrative penalty of 89901  
seventy five dollars per day for each day that the system failed 89902  
to provide each notice;~~ 89903

~~(d) For a violation of division (C)(1) of this section by a 89904  
system that serves more than twenty five thousand people, an 89905  
administrative penalty of one hundred dollars per day for each day 89906  
that the system failed to provide each notice;~~ 89907

~~(e) For a violation of division (C)(3)(a) of this section by 89908  
a system that serves not less than twenty five people, but not 89909  
more than three thousand three hundred people, an administrative 89910  
penalty of two hundred fifty dollars per day for each day the 89911  
system failed to provide the notice;~~ 89912

~~(f) For a violation of division (C)(3)(a) of this section by 89913~~

~~a system that serves more than three thousand three hundred  
people, but not more than ten thousand people, an administrative  
penalty of five hundred dollars per day for each day the system  
failed to provide the notice;~~

~~(g) For a violation of division (C)(3)(a) of this section by  
a system that serves more than ten thousand people, but not more  
than twenty five thousand people, an administrative penalty of  
seven hundred fifty dollars per day for each day the system failed  
to provide the notice;~~

~~(h) For a violation of division (C)(3)(a) of this section by  
a system that serves more than twenty five thousand people, an  
administrative penalty of one thousand dollars per day for each  
day the system failed to provide the notice.~~

~~(B) A (14) Require a laboratory that receives a lead or  
copper tap water sample from a community or nontransient  
noncommunity water system shall to do both of the following:~~

~~(1)(a) Complete a lead or copper analysis of the sample, as  
applicable, not later than thirty business days after the receipt  
of the sample;~~

~~(2)(b) Not later than the end of the next business day  
following the day the analysis of the sample is completed, report  
the results of the analysis and all identifying information about  
where the sample was collected to the community or nontransient  
noncommunity water system and the director.~~

~~(C) The (15) Require the owner or operator of a community or  
nontransient noncommunity water system shall to do all of the  
following, as applicable, with regard to laboratory results  
received under rules adopted under division (B)(2)(A)(14) of this  
section:~~

~~(1) Not later than two business days after the receipt of the  
laboratory results (a) If the laboratory results show that a~~

sample from an individual tap is below the applicable lead 89945  
threshold as established in rules adopted under this chapter, 89946  
provide notice of the results of each individual tap sample to the 89947  
owner and persons served at the residence or other structure where 89948  
the tap was sampled within a time period specified in rules that 89949  
is not more than thirty business days after the receipt of the 89950  
laboratory results; 89951

~~(2)~~(b) If the results show that a sample from an individual 89952  
tap is above the applicable lead threshold as established under 89953  
rules adopted under this chapter, provide notice of the results of 89954  
each individual tap sample to the owner and persons served at the 89955  
residence or other structure where the tap was sampled within a 89956  
time period specified in rules that is not more than two business 89957  
days after the receipt of the laboratory results, and do all of 89958  
the following, as applicable: 89959

~~(a)~~(i) For the owner or operator of a nontransient 89960  
noncommunity water system, immediately remove from service all 89961  
fixtures identified as contributing to elevated lead levels; 89962

~~(b)~~(ii) For the owner or operator of a community water 89963  
system, include in the system's annual consumer confidence report 89964  
the lead or copper laboratory results, an explanation of the 89965  
associated health risks, what actions consumers of the system can 89966  
take to reduce health risks, and the actions the system is taking 89967  
to reduce public exposure; 89968

~~(c)~~(iii) Not later than two business days after the receipt 89969  
of the laboratory results, provide information on the availability 89970  
of health screening and blood lead level testing to the owner and 89971  
persons served at the residence or other structure where the 89972  
sample was collected and provide notice of the laboratory results 89973  
to the applicable local board of health. 89974

~~(3)~~(c) If the laboratory results show that the community or 89975

nontransient noncommunity water system exceeds the lead action 89976  
level established in rules adopted under this chapter, do all of 89977  
the following, as applicable: 89978

~~(a)~~(i) Not later than two business days after the receipt of 89979  
the laboratory results, provide notice to all of the system's 89980  
water consumers that the system exceeds the lead action level. The 89981  
owner or operator shall provide the notice in a form specified by 89982  
the director. 89983

~~(b)~~(ii) Not later than five business days after the receipt 89984  
of the laboratory results by the owner or operator of a community 89985  
water system, provide information on the availability of tap water 89986  
testing for lead to all consumers served by the system who are 89987  
known or likely to have lead service lines, lead pipes, or lead 89988  
solder as identified in the map required to be completed by rules 89989  
adopted under division ~~(F)~~(A)(18) of this section; 89990

~~(c)~~(iii) Not later than thirty business days after the 89991  
receipt of the laboratory results, make an analysis of laboratory 89992  
results available to all consumers served by the system, comply 89993  
with public education requirements established in rules adopted 89994  
under this chapter that apply when a public water system exceeds 89995  
the lead action level, and provide information to consumers served 89996  
by the system about the availability of health screenings and 89997  
blood lead level testing in the area served by the water system; 89998

~~(d)~~(iv) Subject to rules adopted under division (A)(7) of 89999  
this section, perform a corrosion control treatment study and 90000  
submit a corrosion control treatment plan to the director not 90001  
later than eighteen months after the date on which laboratory 90002  
results were received by the owner or operator indicating that the 90003  
system exceeded the lead action level. 90004

~~(D)~~ Not (16) Require that not later than five business days 90005  
after the receipt of the laboratory results, the owner or operator 90006

shall certify to the director that the owner or operator has 90007  
complied with the requirements of rules adopted under divisions 90008  
~~(C)(1)(A)(15)(b), (C)(2)(e)(A)(15)(c)(i), (C)(3)(a), and (C)~~ 90009  
~~(3)(b)(A)(15)(c)(ii)~~ of this section, as applicable. 90010

~~(E) If (17) Require that if~~ the owner or operator of a 90011  
community or nontransient noncommunity water system fails to 90012  
provide the notices required under rules adopted under division 90013  
~~(C)(1)(A)(15)(b)~~ or ~~(C)(3)(a)(c)(i)~~ of this section, the director 90014  
shall provide those notices beginning ten business days from the 90015  
date that the director receives laboratory results under the rules 90016  
adopted under division ~~(B)(A)(14)~~ of this section. 90017

~~(F) Not later than six months after the effective date of~~ 90018  
~~this section, the owner or operator of a community or nontransient~~ 90019  
~~noncommunity water system shall do all of the following, as~~ 90020  
~~applicable:~~ 90021

~~(1) For the owner or operator of a community water system,~~ 90022  
~~identify and map areas of the system that are known or are likely~~ 90023  
~~to contain lead service lines and identify characteristics of~~ 90024  
~~buildings served by the system that may contain lead piping,~~ 90025  
~~solder, or fixtures;~~ 90026

~~(2) For the owner or operator of a nontransient noncommunity~~ 90027  
~~water system, identify and map areas of the system with lead~~ 90028  
~~piping, solder, or fixtures in buildings served by the system;~~ 90029

~~(3) Submit a copy of the applicable map to the department of~~ 90030  
~~health and the department of job and family services;~~ 90031

~~(4) Submit a report to the director containing at least both~~ 90032  
~~of the following:~~ 90033

~~(a) The applicable map;~~ 90034

~~(b) A list of sampling locations that are tier I sites used~~ 90035  
~~to collect samples as required by rules adopted under this~~ 90036

~~chapter, including contact information for the owner and occupant  
of each sampling site.~~ 90037  
90038

~~(G) The owner or operator of a community or nontransient  
noncommunity water system shall update and resubmit the  
information required under division (F) of this section once every  
five years beginning five years after the date of the initial  
submission.~~ 90039  
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~~(H) The director shall provide financial assistance from the  
drinking water assistance fund established under section 6109.22  
of the Revised Code to community water systems and nontransient  
noncommunity water systems for the purpose of fulfilling the  
mapping requirements under division (F) of this section and  
complying with corrosion control requirements established in rules  
adopted under division (A) of this section. In addition, the (18)  
Require the owner or operator of a community or nontransient  
noncommunity water system to submit a map to the director showing  
areas of the system that are known or are likely to contain lead  
service lines and identifying characteristics of buildings served  
by the system that may contain lead piping, solder, or fixtures.  
The rules shall, at a minimum, require the owner or operator to do  
all of the following:~~ 90044  
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~~(a) Submit a copy of the applicable map to the department of  
health and the department of job and family services;~~ 90058  
90059

~~(b) Submit a report to the director containing at least the  
applicable map and a list of sampling locations that are tier I  
sites used to collect samples as required by rules adopted under  
this chapter, including contact information for the owner and  
occupant of each sampling site;~~ 90060  
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~~(c) Update and resubmit the information required by divisions  
(A)(18)(a) and (b) of this section according to a schedule  
determined by the director, but not less frequently than required~~ 90065  
90066  
90067

under the Safe Drinking Water Act. 90068

(B) The director shall post information on the environmental 90069  
protection agency's web site about ~~other~~ sources of funding that 90070  
are available to assist communities with lead service line 90071  
identification and replacement and schools with fountain and 90072  
water-service fixture replacement. 90073

~~(I)~~(C) As required by the director, an owner or operator of a 90074  
nontransient noncommunity water system that is a school or child 90075  
day-care center shall collect additional tap water samples in 90076  
buildings identified in the map required to be completed by rules 90077  
adopted under division ~~(F)~~(A)(18) of this section. 90078

~~(J)~~(D) As used in this section: 90079

(1) "Child day-care center" has the same meaning as in 90080  
section 5104.01 of the Revised Code. 90081

(2) "School" means a school operated by the board of 90082  
education of a city, local, exempted village, or joint vocational 90083  
school district, the governing board of an educational service 90084  
center, the governing authority of a community school established 90085  
under Chapter 3314. of the Revised Code, the governing body of a 90086  
science, technology, engineering, and mathematics school 90087  
established under Chapter 3326. of the Revised Code, the board of 90088  
trustees of a college-preparatory boarding school established 90089  
under Chapter 3328. of the Revised Code, or the governing 90090  
authority of a chartered or nonchartered nonpublic school. 90091

(3) "Local board of health" means the applicable board of 90092  
health of a city or general health district or the authority 90093  
having the duties of a board of health under section 3709.05 of 90094  
the Revised Code. 90095

**Sec. 6111.027.** (A) Mitigation for impacts to isolated 90096  
wetlands under sections 6111.02 to 6111.027 shall be conducted in 90097

accordance with the following ratios: 90098

(1) For category 1 and category 2 isolated wetlands, other 90099  
than forested category 2 isolated wetlands, mitigation located at 90100  
an approved wetland mitigation bank shall be conducted, or 90101  
mitigation shall be paid for under an in-lieu fee mitigation 90102  
program, at a rate of two times the size of the area of isolated 90103  
wetland that is being impacted. 90104

(2) For forested category 2 isolated wetlands, mitigation 90105  
located at an approved wetland mitigation bank shall be conducted, 90106  
or mitigation shall be paid for under an in-lieu fee mitigation 90107  
program, at a rate of two and one-half times the size of the area 90108  
of isolated wetland that is being impacted. 90109

(3) All other mitigation shall be subject to mitigation 90110  
ratios established in ~~division (F)~~ of rule 3745-1-54 of the 90111  
Administrative Code. 90112

(B) Mitigation that involves the enhancement or preservation 90113  
of isolated wetlands shall be calculated and performed in 90114  
accordance with rule 3745-1-54 of the Administrative Code. 90115

(C) An applicant for coverage under a general state isolated 90116  
wetland permit or for an individual state isolated wetland permit 90117  
under sections 6111.022 to 6111.024 of the Revised Code shall 90118  
demonstrate that the mitigation site will be protected long term 90119  
and that appropriate practicable management measures are, or will 90120  
be, in place to restrict harmful activities that jeopardize the 90121  
mitigation. 90122

**Sec. 6111.13.** (A) As used in this section: 90123

(1) "Method detection limit" has the same meaning as in 40 90124  
C.F.R. part 136, appendix B, and shall be determined in accordance 90125  
with the procedures set forth in that appendix. 90126

(2) "Practical quantification level" means a concentration 90127  
that is five times the method detection limit for the most 90128  
sensitive available analytical procedure currently approved under 90129  
40 C.F.R. part 136 for a pollutant unless the director of 90130  
environmental protection, by rules adopted in accordance with 90131  
Chapter 119. of the Revised Code, establishes a different 90132  
practical quantification level for the pollutant that is 90133  
consistent with and no more stringent than the appropriate 90134  
national consensus standard or other generally accepted standard. 90135

(B) Notwithstanding any other provisions of this chapter to 90136  
the contrary, and until the director has adopted rules specifying 90137  
a different basis for determining compliance consistent with and 90138  
no more stringent than an appropriate national consensus standard 90139  
or other generally accepted standard, if a discharge limit is set 90140  
below the practical quantification level for a particular 90141  
parameter, any value reported ~~at or~~ below the practical 90142  
quantification level shall be considered to be in compliance with 90143  
that limit. 90144

(C) Whenever a discharge limit for a pollutant is less than 90145  
the practical quantification level, the director may require the 90146  
permit holder to identify the possible sources of that pollutant. 90147  
The director, by rule, may specify additional actions that the 90148  
permit holder may be required to take when the director finds the 90149  
actions to be necessary to prevent or mitigate significant adverse 90150  
effects on public health or environmental quality. Failure of a 90151  
permit holder to comply with additional actions required by the 90152  
director under this division constitutes a violation of the permit 90153  
holder's discharge permit. 90154

**Sec. 6301.06.** (A) The chief elected official or officials of 90155  
a local area shall create a local board to carry out the functions 90156  
described in section 107(d) of the Workforce Innovation and 90157

Opportunity Act, 29 U.S.C. 3122(d). The chief elected official or 90158  
officials shall appoint members of the local board in accordance 90159  
with the requirements of section 107(b)(2) of the Workforce 90160  
Innovation and Opportunity Act, 29 U.S.C. 3122(b)(2). 90161

(B) Members of the local board serve at the pleasure of the 90162  
chief elected official or officials of the local area. Members 90163  
shall not be compensated but may be reimbursed for actual, 90164  
reasonable, and necessary expenses incurred in the performance of 90165  
their duties as board members. Those expenses shall be paid from 90166  
funds allocated pursuant to section 6301.03 of the Revised Code. 90167

The chief elected official or officials of a local area may 90168  
provide office space, staff, or other administrative support as 90169  
needed to the board. For purposes of section 102.02 of the Revised 90170  
Code, members of the board are not public officials or employees. 90171

(C) The chief elected official or officials of a local area 90172  
shall adopt a process for appointing members to the local board 90173  
for the local area. 90174

~~(E)(D)(1) The requirement in division (C) of section 121.22~~ 90175  
~~of the Revised Code that a member of a public body be present in~~ 90176  
~~person at a meeting open to the public to be part of a quorum or~~ 90177  
~~to vote does not apply to a local board if the board holds a~~ 90178  
~~meeting by interactive video conference or teleconference in the~~ 90179  
~~following manner:~~ 90180

(a) The board establishes a primary meeting location that is 90181  
open and accessible to the public; 90182

(b) Meeting-related materials that are available before the 90183  
meeting are sent via electronic mail, facsimile, hand-delivery, or 90184  
United States postal service to each board member; 90185

(c) In the case of an interactive video conference, the board 90186  
causes a clear video and audio connection to be established that 90187  
enables all meeting participants at the primary meeting location 90188

to see and hear each board member; 90189

(d) In the case of a teleconference, the board causes a clear audio connection to be established that enables all meeting participants at the primary meeting location to hear each board member; 90190  
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(e) All board members have the capability to receive meeting-related materials that are distributed during the board meeting; 90194  
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(f) A roll call voice vote is recorded for each vote taken; 90197

(g) The minutes of the board meeting identify which board members remotely attended the meeting by interactive video conference or teleconference. 90198  
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(2) If the board holds a meeting by interactive video conference or teleconference in the manner described in division (D)(1) of this section, use of an interactive video conference is preferred, but nothing in this section prohibits the board from conducting its meetings by teleconference or by a combination of interactive video conference and teleconference at the same meeting. 90201  
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(3) The board shall adopt rules in accordance with Chapter 119. of the Revised Code that are necessary to implement division (D)(1) of this section, including rules that do all of the following: 90208  
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(a) Authorize board members to remotely attend a board meeting by interactive video conference or teleconference, or by a combination thereof, in lieu of attending the meeting in person; 90212  
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(b) Establish a minimum number of board members that must be physically present in person at the primary meeting location if the board conducts a meeting by interactive video conference or teleconference; 90215  
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(c) Require that not more than one board member remotely attending a board meeting by teleconference is permitted to be physically present at the same remote location; 90219  
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(d) Establish geographic restrictions for participation in meetings by interactive video conference and by teleconference; 90222  
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(e) Establish a policy for distributing and circulating meeting-related materials to board members, the public, and the media in advance of or during a meeting at which board members are permitted to attend by interactive video conference or teleconference; 90224  
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(f) Establish a method for verifying the identity of a board member who remotely attends a meeting by teleconference. 90229  
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(E) The chief elected official or officials of a local area may contract with the local board. The parties shall specify in the contract the workforce development activities that the local board is to administer and shall establish in the contract standards, including performance standards, for the local board's operation. The contract may include any other provisions that the chief elected official or officials consider necessary. 90231  
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(F) The chief elected official or officials may contract with any government or private entity to enhance the administration of local workforce development activities for which the local board is responsible. The entity with which the chief elected official or officials contract is not required to be located in the local area in which the chief elected official or officials serve as chief elected executive officer. 90238  
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(G)(1) As used in this division, "public library" means a library that is open to the public and that is one of the following: 90245  
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(a) A library that is maintained and regulated under section 715.13 of the Revised Code; 90248  
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|                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                      |                                                                                                                                                                         |
|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| (b) A library that is created, maintained, and regulated under Chapter 3375. of the Revised Code;                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                    | 90250<br>90251                                                                                                                                                          |
| (c) A library that is created and maintained by a public or private school, college, university, or other educational institution;                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                   | 90252<br>90253<br>90254                                                                                                                                                 |
| (d) A library that is created and maintained by a historical or charitable organization, institution, association, or society.                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                       | 90255<br>90256                                                                                                                                                          |
| (2) Not later than September 1, 2018, and every two years thereafter, an OhioMeansJobs center operator shall enter into a memorandum of understanding with one or more public libraries to facilitate collaboration and coordination of workforce programs and education and job training resources.                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                 | 90257<br>90258<br>90259<br>90260<br>90261                                                                                                                               |
| <b>Section 101.02.</b> That existing sections 1.14, 5.2247, 9.08, 9.318, 9.47, 9.821, 9.822, 9.83, 102.02, 103.11, 103.22, 103.41, 103.60, 105.41, 107.03, 109.02, 109.08, 109.111, 109.112, 109.32, 109.57, 109.572, 109.79, 109.803, 111.16, 111.27, 111.28, 111.48, 117.04, 117.05, 117.06, 117.09, 117.13, 117.22, 121.02, 121.03, 121.07, 121.08, 121.084, 121.22, 122.01, 122.011, 122.041, 122.09, 122.15, 122.151, 122.153, 122.154, 122.156, 122.17, 122.171, 122.178, 122.23, 122.403, 122.42, 122.60, 122.601, 122.603, 122.65, 122.72, 122.73, 122.74, 122.751, 122.76, 122.77, 122.78, 122.79, 122.82, 122.84, 122.85, 122.87, 122.89, 122.90, 122.92, 122.98, 123.01, 123.02, 123.151, 123.152, 123.153, 123.154, 124.136, 124.152, 124.19, 125.02, 125.035, 125.04, 125.05, 125.08, 125.081, 125.09, 125.111, 125.112, 125.14, 125.18, 125.65, 125.832, 125.95, 126.021, 126.37, 126.60, 127.13, 128.55, 131.02, 131.025, 131.43, 131.50, 133.06, 135.02, 135.143, 135.45, 149.11, 149.311, 149.43, 149.434, 153.59, 155.011, 166.01, 166.03, 166.27, 167.03, 169.05, 173.38, 173.381, 173.39, 173.391, 173.392, 173.393, 174.01, 174.02, 183.021, 183.33, 184.01, 184.173, 187.03, 301.30, 307.921, 307.93, 319.54, 321.27, 323.153, 325.19, 329.12, | 90262<br>90263<br>90264<br>90265<br>90266<br>90267<br>90268<br>90269<br>90270<br>90271<br>90272<br>90273<br>90274<br>90275<br>90276<br>90277<br>90278<br>90279<br>90280 |

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5919.34, 6101.48, 6101.53, 6109.121, 6111.027, 6111.13, and 90363  
6301.06 of the Revised Code are hereby repealed. 90364

**Section 105.01.** That sections 109.802, 111.29, 117.49, 90365  
117.50, 122.404, 149.08, 183.12, 183.13, 183.14, 183.15, 183.16, 90366  
183.17, 184.011, 341.121, 1503.012, 1509.76, 1533.38, 1546.24, 90367  
3301.0724, 3301.122, 3301.46, 3301.922, 3310.08, 3310.09, 3310.55, 90368  
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5124.199, 5124.211, 5124.231, 5124.28, 5126.12, 5126.121, 5165.25, 90375

5167.172, 5701.15, and 5741.032 of the Revised Code are hereby 90376  
repealed. 90377

**Section 110.10.** That the version of section 3319.227 of the 90378  
Revised Code that is scheduled to take effect April 12, 2023, be 90379  
amended to read as follows: 90380

**Sec. 3319.227.** (A) Notwithstanding any other provision of the 90381  
Revised Code or any rule adopted by the state board of education 90382  
to the contrary, the state board shall issue a resident educator 90383  
license under section 3319.22 of the Revised Code to each person 90384  
who is assigned to teach in this state as a participant in the 90385  
teach for America program and who satisfies the following 90386  
conditions for the duration of the program: 90387

(1) Holds a bachelor's degree from an accredited institution 90388  
of higher education; 90389

(2) Maintained a cumulative undergraduate grade point average 90390  
of at least 2.5 out of 4.0, or its equivalent; 90391

(3) Has passed an examination prescribed by the state board 90392  
in the subject area to be taught; 90393

(4) Has successfully completed the summer training institute 90394  
operated by teach for America; 90395

(5) Remains an active member of the teach for America 90396  
two-year support program. 90397

(B) The state board shall issue a resident educator license 90398  
under this section for teaching in any grade level or subject area 90399  
for which a person may obtain a resident educator license under 90400  
section 3319.22 of the Revised Code. The state board shall not 90401  
adopt rules establishing any additional qualifications for the 90402  
license beyond those specified in this section. 90403

(C) Notwithstanding any other provision of the Revised Code 90404  
or any rule adopted by the state board to the contrary, the state 90405  
board shall issue a resident educator license under section 90406  
3319.22 of the Revised Code to any applicant who has completed at 90407  
least two years of teaching in another state as a participant in 90408  
the teach for America program and meets all of the conditions of 90409  
divisions (A)(1) to (4) of this section. The state board shall 90410  
credit an applicant under this division as having completed the 90411  
teacher residency program under section 3319.223 of the Revised 90412  
Code. 90413

(D) In order to place teachers in this state, the teach for 90414  
America program shall enter into an agreement with one or more 90415  
accredited four-year public or private institutions of higher 90416  
education in the state to provide optional training of teach for 90417  
America participants for the purpose of enabling those 90418  
participants to complete an optional master's degree or an 90419  
equivalent amount of coursework. Nothing in this division shall 90420  
require any teach for America participant to complete a master's 90421  
degree as a condition of holding a license issued under this 90422  
section. 90423

(E) The superintendent of public instruction, on behalf of 90424  
the state board, shall ~~revoke~~ inactivate a resident educator 90425  
license issued to a participant in the teach for America program 90426  
who is assigned to teach in this state if the participant resigns 90427  
or is dismissed from the program prior to completion of the 90428  
two-year teach for America support program. The inactivation of a 90429  
license under this division does not constitute a suspension or 90430  
revocation of the license by the state board under section 3319.31 90431  
of the Revised Code and the state board and the state 90432  
superintendent need not provide the person with an opportunity for 90433  
a hearing with respect to the inactivation. 90434

**Section 110.11.** That the existing version of section 3319.227 90435  
of the Revised Code that is scheduled to take effect April 12, 90436  
2023, is hereby repealed. 90437

**Section 110.12.** Sections 110.10 and 110.11 of this act take 90438  
effect on April 12, 2023. 90439

**Section 110.22.** The versions of sections 109.572, 121.22, 90440  
1322.10, 1322.21, 1561.12, 1561.23, 2915.081, 2915.082, 3319.31, 90441  
3770.073, 3772.01, 4709.10, 4755.06, 4755.08, 4755.11, 4755.47, 90442  
4755.64, 4757.10, and 4779.28 of the Revised Code presented as 90443  
existing law in this act are the versions of those sections as 90444  
they result from H.B. 263 of the 133rd General Assembly, which 90445  
sections take effect on October 9, 2021. The amendments made to 90446  
those sections by this act, H.B. 110 of the 134th General 90447  
Assembly, take effect as provided in sections of this act prefixed 90448  
with numbers in the 812s. The taking effect of this act's 90449  
amendments to those sections does not accelerate the effective 90450  
date of the changes to those sections by H.B. 263 of the 133rd 90451  
General Assembly. 90452

**Section 130.10.** That sections 111.15, 140.01, 3701.07, 90453  
3701.351, 3701.503, 3701.5010, 3701.63, 3701.69, 3701.83, 3702.30, 90454  
3702.31, 3702.51, 3702.52, 3702.521, 3702.55, 3702.592, 3702.593, 90455  
3705.30, 3705.41, 3711.01, 3711.02, 3711.04, 3711.05, 3711.06, 90456  
3711.10, 3711.12, 3711.14, 3711.30, 3727.70, 3781.112, 3901.40, 90457  
3929.67, 4723.431, 4723.481, 4730.411, 4731.31, and 4761.01 be 90458  
amended and sections 3722.01, 3722.02, 3722.03, 3722.04, 3722.05, 90459  
3722.06, 3722.07, 3722.08, 3722.09, 3722.10, 3722.11, 3722.12, 90460  
3722.13, 3722.14, and 3722.99 of the Revised Code be enacted to 90461  
read as follows: 90462

**Sec. 111.15.** (A) As used in this section: 90463

(1) "Rule" includes any rule, regulation, bylaw, or standard 90464  
having a general and uniform operation adopted by an agency under 90465  
the authority of the laws governing the agency; any appendix to a 90466  
rule; and any internal management rule. "Rule" does not include 90467  
any guideline adopted pursuant to section 3301.0714 of the Revised 90468  
Code, any order respecting the duties of employees, any finding, 90469  
any determination of a question of law or fact in a matter 90470  
presented to an agency, or any rule promulgated pursuant to 90471  
Chapter 119. or division (C)(1) or (2) of section 5117.02 of the 90472  
Revised Code. "Rule" includes any amendment or rescission of a 90473  
rule. 90474

(2) "Agency" means any governmental entity of the state and 90475  
includes, but is not limited to, any board, department, division, 90476  
commission, bureau, society, council, institution, state college 90477  
or university, community college district, technical college 90478  
district, or state community college. "Agency" does not include 90479  
the general assembly, the controlling board, the adjutant 90480  
general's department, or any court. 90481

(3) "Internal management rule" means any rule, regulation, 90482  
bylaw, or standard governing the day-to-day staff procedures and 90483  
operations within an agency. 90484

(B)(1) Any rule, other than a rule of an emergency nature, 90485  
adopted by any agency pursuant to this section shall be effective 90486  
on the tenth day after the day on which the rule in final form and 90487  
in compliance with division (B)(3) of this section is filed as 90488  
follows: 90489

(a) The rule shall be filed in electronic form with both the 90490  
secretary of state and the director of the legislative service 90491  
commission; 90492

(b) The rule shall be filed in electronic form with the joint 90493  
committee on agency rule review. Division (B)(1)(b) of this 90494

section does not apply to any rule to which division (D) of this 90495  
section does not apply. 90496

An agency that adopts or amends a rule that is subject to 90497  
division (D) of this section shall assign a review date to the 90498  
rule that is not later than five years after its effective date. 90499  
If a review date assigned to a rule exceeds the five-year maximum, 90500  
the review date for the rule is five years after its effective 90501  
date. A rule with a review date is subject to review under section 90502  
106.03 of the Revised Code. This paragraph does not apply to a 90503  
rule of a state college or university, community college district, 90504  
technical college district, or state community college. 90505

If an agency in adopting a rule designates an effective date 90506  
that is later than the effective date provided for by division 90507  
(B)(1) of this section, the rule if filed as required by such 90508  
division shall become effective on the later date designated by 90509  
the agency. 90510

Any rule that is required to be filed under division (B)(1) 90511  
of this section is also subject to division (D) of this section if 90512  
not exempted by that division. 90513

If a rule incorporates a text or other material by reference, 90514  
the agency shall comply with sections 121.71 to 121.75 of the 90515  
Revised Code. 90516

(2) A rule of an emergency nature necessary for the immediate 90517  
preservation of the public peace, health, or safety shall state 90518  
the reasons for the necessity. The emergency rule, in final form 90519  
and in compliance with division (B)(3) of this section, shall be 90520  
filed in electronic form with the secretary of state, the director 90521  
of the legislative service commission, and the joint committee on 90522  
agency rule review. The emergency rule is effective immediately 90523  
upon completion of the latest filing, except that if the agency in 90524  
adopting the emergency rule designates an effective date, or date 90525

and time of day, that is later than the effective date and time 90526  
provided for by division (B)(2) of this section, the emergency 90527  
rule if filed as required by such division shall become effective 90528  
at the later date, or later date and time of day, designated by 90529  
the agency. 90530

Except as provided in section 107.43 of the Revised Code, an 90531  
emergency rule becomes invalid at the end of the one hundred 90532  
twentieth day it is in effect. Prior to that date, the agency may 90533  
file the emergency rule as a nonemergency rule in compliance with 90534  
division (B)(1) of this section. The agency may not refile the 90535  
emergency rule in compliance with division (B)(2) of this section 90536  
so that, upon the emergency rule becoming invalid under such 90537  
division, the emergency rule will continue in effect without 90538  
interruption for another one hundred twenty-day period. 90539

The adoption of an emergency rule under division (B)(2) of 90540  
this section in response to a state of emergency, as defined under 90541  
section 107.42 of the Revised Code, may be invalidated by the 90542  
general assembly, in whole or in part, by adopting a concurrent 90543  
resolution in accordance with section 107.43 of the Revised Code. 90544

(3) An agency shall file a rule under division (B)(1) or (2) 90545  
of this section in compliance with the following standards and 90546  
procedures: 90547

(a) The rule shall be numbered in accordance with the 90548  
numbering system devised by the director for the Ohio 90549  
administrative code. 90550

(b) The rule shall be prepared and submitted in compliance 90551  
with the rules of the legislative service commission. 90552

(c) The rule shall clearly state the date on which it is to 90553  
be effective and the date on which it will expire, if known. 90554

(d) Each rule that amends or rescinds another rule shall 90555  
clearly refer to the rule that is amended or rescinded. Each 90556

amendment shall fully restate the rule as amended. 90557

If the director of the legislative service commission or the 90558  
director's designee gives an agency notice pursuant to section 90559  
103.05 of the Revised Code that a rule filed by the agency is not 90560  
in compliance with the rules of the legislative service 90561  
commission, the agency shall within thirty days after receipt of 90562  
the notice conform the rule to the rules of the commission as 90563  
directed in the notice. 90564

(C) All rules filed pursuant to divisions (B)(1)(a) and (2) 90565  
of this section shall be recorded by the secretary of state and 90566  
the director under the title of the agency adopting the rule and 90567  
shall be numbered according to the numbering system devised by the 90568  
director. The secretary of state and the director shall preserve 90569  
the rules in an accessible manner. Each such rule shall be a 90570  
public record open to public inspection and may be transmitted to 90571  
any law publishing company that wishes to reproduce it. 90572

(D) At least sixty-five days before a board, commission, 90573  
department, division, or bureau of the government of the state 90574  
files a rule under division (B)(1) of this section, it shall file 90575  
the full text of the proposed rule in electronic form with the 90576  
joint committee on agency rule review, and the proposed rule is 90577  
subject to legislative review and invalidation under section 90578  
106.021 of the Revised Code. If a state board, commission, 90579  
department, division, or bureau makes a revision in a proposed 90580  
rule after it is filed with the joint committee, the state board, 90581  
commission, department, division, or bureau shall promptly file 90582  
the full text of the proposed rule in its revised form in 90583  
electronic form with the joint committee. A state board, 90584  
commission, department, division, or bureau shall also file the 90585  
rule summary and fiscal analysis prepared under section 106.024 of 90586  
the Revised Code in electronic form along with a proposed rule, 90587  
and along with a proposed rule in revised form, that is filed 90588

under this division. If a proposed rule has an adverse impact on 90589  
businesses, the state board, commission, department, division, or 90590  
bureau also shall file the business impact analysis, any 90591  
recommendations received from the common sense initiative office, 90592  
and the associated memorandum of response, if any, in electronic 90593  
form along with the proposed rule, or the proposed rule in revised 90594  
form, that is filed under this division. 90595

A proposed rule that is subject to legislative review under 90596  
this division may not be adopted and filed in final form under 90597  
division (B)(1) of this section unless the proposed rule has been 90598  
filed with the joint committee on agency rule review under this 90599  
division and the time for the joint committee to review the 90600  
proposed rule has expired without recommendation of a concurrent 90601  
resolution to invalidate the proposed rule. 90602

As used in this division, "commission" includes the public 90603  
utilities commission when adopting rules under a federal or state 90604  
statute. 90605

This division does not apply to any of the following: 90606

(1) A proposed rule of an emergency nature; 90607

(2) A rule proposed under section 1121.05, 1121.06, 1349.33, 90608  
1707.201, 1733.412, 4123.29, 4123.34, 4123.341, 4123.342, 4123.40, 90609  
4123.411, 4123.44, or 4123.442 of the Revised Code; 90610

(3) A rule proposed by an agency other than a board, 90611  
commission, department, division, or bureau of the government of 90612  
the state; 90613

(4) A proposed internal management rule of a board, 90614  
commission, department, division, or bureau of the government of 90615  
the state; 90616

(5) Any proposed rule that must be adopted verbatim by an 90617  
agency pursuant to federal law or rule, to become effective within 90618

sixty days of adoption, in order to continue the operation of a 90619  
federally reimbursed program in this state, so long as the 90620  
proposed rule contains both of the following: 90621

(a) A statement that it is proposed for the purpose of 90622  
complying with a federal law or rule; 90623

(b) A citation to the federal law or rule that requires 90624  
verbatim compliance. 90625

(6) ~~An initial rule proposed by the director of health to 90626  
impose safety standards and quality of care standards with respect 90627  
to a health service specified in section 3702.11 of the Revised 90628  
Code, or an initial rule proposed by the director of health to 90629  
impose quality standards on a health care facility as defined in 90630  
section 3702.30 of the Revised Code, if section 3702.12 of the 90631  
Revised Code requires that the rule be adopted under this section;~~ 90632

(7) A rule of the state lottery commission pertaining to 90633  
instant game rules. 90634

If a rule is exempt from legislative review under division 90635  
(D)(5) of this section, and if the federal law or rule pursuant to 90636  
which the rule was adopted expires, is repealed or rescinded, or 90637  
otherwise terminates, the rule is thereafter subject to 90638  
legislative review under division (D) of this section. 90639

Whenever a state board, commission, department, division, or 90640  
bureau files a proposed rule or a proposed rule in revised form 90641  
under division (D) of this section, it shall also file the full 90642  
text of the same proposed rule or proposed rule in revised form in 90643  
electronic form with the secretary of state and the director of 90644  
the legislative service commission. A state board, commission, 90645  
department, division, or bureau shall file the rule summary and 90646  
fiscal analysis prepared under section 106.024 of the Revised Code 90647  
in electronic form along with a proposed rule or proposed rule in 90648  
revised form that is filed with the secretary of state or the 90649

director of the legislative service commission. 90650

**Sec. 140.01.** As used in this chapter: 90651

(A) "Hospital agency" means any public hospital agency or any 90652  
nonprofit hospital agency. 90653

(B) "Public hospital agency" means any county, board of 90654  
county hospital trustees established pursuant to section 339.02 of 90655  
the Revised Code, county hospital commission established pursuant 90656  
to section 339.14 of the Revised Code, municipal corporation, new 90657  
community authority organized under Chapter 349. of the Revised 90658  
Code, joint township hospital district, state or municipal 90659  
university or college operating or authorized to operate a 90660  
hospital facility, or the state. 90661

(C) "Nonprofit hospital agency" means a corporation or 90662  
association not for profit, no part of the net earnings of which 90663  
inures or may lawfully inure to the benefit of any private 90664  
shareholder or individual, that has authority to own or operate a 90665  
hospital facility or provides or is to provide services to one or 90666  
more other hospital agencies. 90667

(D) "Governing body" means, in the case of a county, the 90668  
board of county commissioners or other legislative body; in the 90669  
case of a board of county hospital trustees, the board; in the 90670  
case of a county hospital commission, the commission; in the case 90671  
of a municipal corporation, the council or other legislative 90672  
authority; in the case of a new community authority, its board of 90673  
trustees; in the case of a joint township hospital district, the 90674  
joint township district hospital board; in the case of a state or 90675  
municipal university or college, its board of trustees or board of 90676  
directors; in the case of a nonprofit hospital agency, the board 90677  
of trustees or other body having general management of the agency; 90678  
and, in the case of the state, the director of development 90679  
~~services~~ or the Ohio higher educational facility commission. 90680

(E) "Hospital facilities" means buildings, structures and 90681  
other improvements, additions thereto and extensions thereof, 90682  
furnishings, equipment, and real estate and interests in real 90683  
estate, used or to be used for or in connection with one or more 90684  
hospitals, emergency, intensive, intermediate, extended, 90685  
long-term, or self-care facilities, diagnostic and treatment and 90686  
out-patient facilities, facilities related to programs for home 90687  
health services, clinics, laboratories, public health centers, 90688  
research facilities, and rehabilitation facilities, for or 90689  
pertaining to diagnosis, treatment, care, or rehabilitation of 90690  
sick, ill, injured, infirm, impaired, disabled, or handicapped 90691  
persons, or the prevention, detection, and control of disease, and 90692  
also includes education, training, and food service facilities for 90693  
health professions personnel, housing facilities for such 90694  
personnel and their families, and parking and service facilities 90695  
in connection with any of the foregoing; and includes any one, 90696  
part of, or any combination of the foregoing; and further includes 90697  
site improvements, utilities, machinery, facilities, furnishings, 90698  
and any separate or connected buildings, structures, improvements, 90699  
sites, utilities, facilities, or equipment to be used in, or in 90700  
connection with the operation or maintenance of, or supplementing 90701  
or otherwise related to the services or facilities to be provided 90702  
by, any one or more of such hospital facilities. 90703

(F) "Costs of hospital facilities" means the costs of 90704  
acquiring hospital facilities or interests in hospital facilities, 90705  
including membership interests in nonprofit hospital agencies, 90706  
costs of constructing hospital facilities, costs of improving one 90707  
or more hospital facilities, including reconstructing, 90708  
rehabilitating, remodeling, renovating, and enlarging, costs of 90709  
equipping and furnishing such facilities, and all financing costs 90710  
pertaining thereto, including, without limitation thereto, costs 90711  
of engineering, architectural, and other professional services, 90712  
designs, plans, specifications and surveys, and estimates of cost, 90713

costs of tests and inspections, the costs of any indemnity or 90714  
surety bonds and premiums on insurance, all related direct or 90715  
allocable administrative expenses pertaining thereto, fees and 90716  
expenses of trustees, depositories, and paying agents for the 90717  
obligations, cost of issuance of the obligations and financing 90718  
charges and fees and expenses of financial advisors, attorneys, 90719  
accountants, consultants and rating services in connection 90720  
therewith, capitalized interest on the obligations, amounts 90721  
necessary to establish reserves as required by the bond 90722  
proceedings, the reimbursement of all moneys advanced or applied 90723  
by the hospital agency or others or borrowed from others for the 90724  
payment of any item or items of costs of such facilities, and all 90725  
other expenses necessary or incident to planning or determining 90726  
feasibility or practicability with respect to such facilities, and 90727  
such other expenses as may be necessary or incident to the 90728  
acquisition, construction, reconstruction, rehabilitation, 90729  
remodeling, renovation, enlargement, improvement, equipment, and 90730  
furnishing of such facilities, the financing thereof, and the 90731  
placing of the same in use and operation, including any one, part 90732  
of, or combination of such classes of costs and expenses, and 90733  
means the costs of refinancing obligations issued by, or 90734  
reimbursement of money advanced by, nonprofit hospital agencies or 90735  
others the proceeds of which were used for the payment of costs of 90736  
hospital facilities, if the governing body of the public hospital 90737  
agency determines that the refinancing or reimbursement advances 90738  
the purposes of this chapter, whether or not the refinancing or 90739  
reimbursement is in conjunction with the acquisition or 90740  
construction of additional hospital facilities. 90741

(G) "Hospital receipts" means all moneys received by or on 90742  
behalf of a hospital agency from or in connection with the 90743  
ownership, operation, acquisition, construction, improvement, 90744  
equipping, or financing of any hospital facilities, including, 90745  
without limitation thereto, any rentals and other moneys received 90746

from the lease, sale, or other disposition of hospital facilities, 90747  
and any gifts, grants, interest subsidies, or other moneys 90748  
received under any federal program for assistance in financing the 90749  
costs of hospital facilities, and any other gifts, grants, and 90750  
donations, and receipts therefrom, available for financing the 90751  
costs of hospital facilities. 90752

(H) "Obligations" means bonds, notes, or other evidences of 90753  
indebtedness or obligation, including interest coupons pertaining 90754  
thereto, issued or issuable by a public hospital agency to pay 90755  
costs of hospital facilities. 90756

(I) "Bond service charges" means principal, interest, and 90757  
call premium, if any, required to be paid on obligations. 90758

(J) "Bond proceedings" means one or more ordinances, 90759  
resolutions, trust agreements, indentures, and other agreements or 90760  
documents, and amendments and supplements to the foregoing, or any 90761  
combination thereof, authorizing or providing for the terms, 90762  
including any variable interest rates, and conditions applicable 90763  
to, or providing for the security of, obligations and the 90764  
provisions contained in such obligations. 90765

(K) "Nursing home" has the same meaning as in division (A)(1) 90766  
of section 5701.13 of the Revised Code. 90767

(L) "Residential care facility" has the same meaning as in 90768  
division (A)(2) of section 5701.13 of the Revised Code. 90769

(M) "Independent living facility" means any self-care 90770  
facility or other housing facility designed or used as a residence 90771  
for elderly persons. An "independent living facility" does not 90772  
include a residential facility, or that part of a residential 90773  
facility, that is any of the following: 90774

(1) A hospital ~~required to be certified by section 3727.02 of~~ 90775  
~~the Revised Code;~~ 90776

|                                                                                                                                                                                                                                                                                                                                                                                                                                                                   |                                                             |
|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-------------------------------------------------------------|
| (2) A nursing home or residential care facility;                                                                                                                                                                                                                                                                                                                                                                                                                  | 90777                                                       |
| (3) A facility operated by a hospice care program licensed under section 3712.04 of the Revised Code and used for the program's hospice patients;                                                                                                                                                                                                                                                                                                                 | 90778<br>90779<br>90780                                     |
| (4) A residential facility licensed by the department of mental health and addiction services under section 5119.34 of the Revised Code that provides accommodations, supervision, and personal care services for three to sixteen unrelated adults;                                                                                                                                                                                                              | 90781<br>90782<br>90783<br>90784                            |
| (5) A residential facility licensed by the department of mental health and addiction services under section 5119.34 of the Revised Code that is not a residential facility described in division (M)(4) of this section;                                                                                                                                                                                                                                          | 90785<br>90786<br>90787<br>90788                            |
| (6) A facility licensed to operate an opioid treatment program under section 5119.37 of the Revised Code;                                                                                                                                                                                                                                                                                                                                                         | 90789<br>90790                                              |
| (7) A community addiction services provider, as defined in section 5119.01 of the Revised Code;                                                                                                                                                                                                                                                                                                                                                                   | 90791<br>90792                                              |
| (8) A residential facility licensed under section 5123.19 of the Revised Code or a facility providing services under a contract with the department of developmental disabilities under section 5123.18 of the Revised Code;                                                                                                                                                                                                                                      | 90793<br>90794<br>90795<br>90796                            |
| (9) A residential facility used as part of a hospital to provide housing for staff of the hospital or students pursuing a course of study at the hospital.                                                                                                                                                                                                                                                                                                        | 90797<br>90798<br>90799                                     |
| <del>Sec. 3701.07. (A) The director of health shall adopt rules in accordance with Chapter 119. of the Revised Code defining and classifying hospitals and dispensaries and providing for the reporting of information by hospitals and dispensaries. Except as otherwise provided in the Revised Code, the rules providing for the reporting of information shall not require inclusion of any confidential patient data or any information concerning the</del> | 90800<br>90801<br>90802<br>90803<br>90804<br>90805<br>90806 |

~~financial condition, income, expenses, or net worth of the~~ 90807  
~~facilities. The rules may require the reporting of information in~~ 90808  
~~the following categories:~~ 90809

~~(1) Information needed to identify and classify the~~ 90810  
~~institution;~~ 90811

~~(2) Information on facilities and type and volume of services~~ 90812  
~~provided by the institution;~~ 90813

~~(3) The number of beds listed by category of care provided;~~ 90814

~~(4) The number of licensed or certified professional~~ 90815  
~~employees by classification;~~ 90816

~~(5) The number of births that occurred at the institution the~~ 90817  
~~previous calendar year;~~ 90818

~~(6) Any other information that the director considers~~ 90819  
~~relevant to the safety of patients served by the institution.~~ 90820

~~Every hospital and dispensary, public or private, annually~~ 90821  
~~shall register with and report to the department of health.~~ 90822  
~~Reports shall be submitted in the manner prescribed in rules~~ 90823  
~~adopted under this division.~~ 90824

~~(B) Every governmental entity or private nonprofit~~ 90825  
~~corporation or association whose employees or representatives are~~ 90826  
~~defined as residents' rights advocates under divisions (E)(1) and~~ 90827  
~~(2) of section 3721.10 of the Revised Code shall register with the~~ 90828  
~~department of health on forms furnished by the director of health~~ 90829  
~~and shall provide such reasonable identifying information as the~~ 90830  
~~director may prescribe.~~ 90831

~~The department shall compile a list of the governmental~~ 90832  
~~entities, corporations, or associations registering under this~~ 90833  
~~division and shall update the list annually. Copies of the list~~ 90834  
~~shall be made available to nursing home administrators as defined~~ 90835  
~~in division (C) of section 3721.10 of the Revised Code.~~ 90836

Sec. 3701.351. (A) The governing body of every hospital shall 90837  
set standards and procedures to be applied by the hospital and its 90838  
medical staff in considering and acting upon applications for 90839  
staff membership or professional privileges. These standards and 90840  
procedures shall be available for public inspection. 90841

(B) The governing body of any hospital, in considering and 90842  
acting upon applications for staff membership or professional 90843  
privileges within the scope of the applicants' respective 90844  
licensures, shall not discriminate against a qualified person 90845  
solely on the basis of whether that person is licensed to practice 90846  
medicine, osteopathic medicine, or podiatry, is licensed to 90847  
practice dentistry or psychology, or is licensed to practice 90848  
nursing as an advanced practice registered nurse. Staff membership 90849  
or professional privileges shall be considered and acted on in 90850  
accordance with standards and procedures established under 90851  
division (A) of this section. ~~This section does not permit a~~ 90852  
~~psychologist to admit a patient to a hospital in violation of~~ 90853  
~~section 3727.06 of the Revised Code.~~ 90854

(C) The governing body of any hospital that ~~is licensed to~~ 90855  
~~provide~~ provides maternity services, in considering and acting 90856  
upon applications for clinical privileges, shall not discriminate 90857  
against a qualified person solely on the basis that the person is 90858  
authorized to practice nurse-midwifery. An application from a 90859  
certified nurse-midwife who is not employed by the hospital shall 90860  
contain the name of a physician member of the hospital's medical 90861  
staff who holds clinical privileges in obstetrics at that hospital 90862  
and who has agreed to be the collaborating physician for the 90863  
applicant in accordance with section 4723.43 of the Revised Code. 90864

(D) Any person may apply to the court of common pleas for 90865  
temporary or permanent injunctions restraining a violation of 90866  
division (A), (B), or (C) of this section. This action is an 90867

additional remedy not dependent on the adequacy of the remedy at 90868  
law. 90869

(E)(1) If a hospital does not provide or permit the provision 90870  
of any diagnostic or treatment service for mental or emotional 90871  
disorders or any other service that may be legally performed by a 90872  
psychologist licensed under Chapter 4732. of the Revised Code, 90873  
this section does not require the hospital to provide or permit 90874  
the provision of any such service and the hospital shall be exempt 90875  
from requirements of this section pertaining to psychologists. 90876

(2) This section does not impair the right of a hospital to 90877  
enter into an employment, personal service, or any other kind of 90878  
contract with a licensed psychologist, upon any such terms as the 90879  
parties may mutually agree, for the provision of any service that 90880  
may be legally performed by a licensed psychologist. 90881

**Sec. 3701.503.** As used in sections 3701.504 to 3701.509 of 90882  
the Revised Code: 90883

(A) "Parent" means either parent, unless the parents are 90884  
separated or divorced or their marriage has been dissolved or 90885  
annulled, in which case "parent" means the parent who is the 90886  
residential parent and legal custodian. 90887

(B) "Guardian" has the same meaning as in section 2111.01 of 90888  
the Revised Code. 90889

(C) "Custodian" means, except as used in division (A) of this 90890  
section, a government agency or an individual, other than the 90891  
parent or guardian, with legal or permanent custody of a child as 90892  
defined in section 2151.011 of the Revised Code. 90893

(D) "Hearing screening" means the identification of newborns 90894  
and infants who may have a hearing impairment, through the use of 90895  
a physiologic test. 90896

(E) "Hearing evaluation" means evaluation through the use of 90897

|                                                                                                                                                                                                                                                                                                 |                                           |
|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-------------------------------------------|
| audiological procedures by an audiologist or physician.                                                                                                                                                                                                                                         | 90898                                     |
| (F) "Hearing impairment" means a loss of hearing in one or both ears in the frequency region important for speech recognition and comprehension.                                                                                                                                                | 90899<br>90900<br>90901                   |
| (G) "Newborn" means a child who is less than thirty days old.                                                                                                                                                                                                                                   | 90902                                     |
| (H) "Infant" means a child who is at least thirty days but less than twenty-four months old.                                                                                                                                                                                                    | 90903<br>90904                            |
| (I) "Freestanding birthing center" <del>has the same meaning as in section 3702.141 of the Revised Code</del> <u>means any facility in which deliveries routinely occur, regardless of whether the facility is located on the campus of another health care facility.</u>                       | 90905<br>90906<br>90907<br>90908          |
| (J) "Physician" means an individual authorized under Chapter 4731. of the Revised Code to practice medicine and surgery or osteopathic medicine and surgery.                                                                                                                                    | 90909<br>90910<br>90911                   |
| (K) "Audiologist" means an individual authorized under section 4753.07 of the Revised Code to practice audiology.                                                                                                                                                                               | 90912<br>90913                            |
| (L) "Hospital" means a hospital that has a maternity unit or newborn nursery.                                                                                                                                                                                                                   | 90914<br>90915                            |
| (M) "Maternity unit" means any unit or place in a hospital where women are regularly received and provided care during all or part of the maternity cycle, except that "maternity unit" does not include an emergency department or similar place dedicated to providing emergency health care. | 90916<br>90917<br>90918<br>90919<br>90920 |
| (N) "Board of health" means the board of health of a city or general health district or the authority having the duties of a board of health under section 3709.05 of the Revised Code.                                                                                                         | 90921<br>90922<br>90923                   |
| <b>Sec. 3701.5010.</b> (A) As used in this section:                                                                                                                                                                                                                                             | 90924                                     |
| (1) "Critical congenital heart defects screening" means the identification of a newborn that may have a critical congenital                                                                                                                                                                     | 90925<br>90926                            |

heart defect, through the use of a physiologic test. 90927

(2) "Freestanding birthing center" ~~has the same meaning as in~~ 90928  
~~section 3702.141 of the Revised Code~~ has the same meaning as in 90929  
section 3701.503 of the Revised Code. 90930

(3) "Hospital," "maternity unit," "newborn," and "physician" 90931  
have the same meanings as in section 3701.503 of the Revised Code. 90932

(4) "Pulse oximetry" means a noninvasive test that estimates 90933  
the percentage of hemoglobin in blood that is saturated with 90934  
oxygen. 90935

(B) Except as provided in division (C) of this section, each 90936  
hospital and each freestanding birthing center shall conduct a 90937  
critical congenital heart defects screening on each newborn born 90938  
in the hospital or center, unless the newborn is being transferred 90939  
to another hospital. The screening shall be performed before 90940  
discharge. If the newborn is transferred to another hospital, that 90941  
hospital shall conduct the screening when determined to be 90942  
medically appropriate. The hospital or center shall promptly 90943  
notify the newborn's parent, guardian, or custodian and attending 90944  
physician of the screening results. 90945

(C) A hospital or freestanding birthing center shall not 90946  
conduct a critical congenital heart defects screening if the 90947  
newborn's parent objects on the grounds that the screening 90948  
conflicts with the parent's religious tenets and practices. 90949

(D)(1) The director of health shall adopt rules in accordance 90950  
with Chapter 119. of the Revised Code establishing standards and 90951  
procedures for the screening required by this section, including 90952  
all of the following: 90953

(a) Designating the person or persons responsible for causing 90954  
the screening to be performed; 90955

(b) Specifying screening equipment and methods; 90956

|                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                         |                                                                               |
|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-------------------------------------------------------------------------------|
| (c) Identifying when the screening should be performed;                                                                                                                                                                                                                                                                                                                                                                                                                                                                                 | 90957                                                                         |
| (d) Providing notice of the required screening to the newborn's parent, guardian, or custodian;                                                                                                                                                                                                                                                                                                                                                                                                                                         | 90958<br>90959                                                                |
| (e) Communicating screening results to the newborn's parent, guardian, or custodian and attending physician;                                                                                                                                                                                                                                                                                                                                                                                                                            | 90960<br>90961                                                                |
| (f) Reporting screening results to the department of health;                                                                                                                                                                                                                                                                                                                                                                                                                                                                            | 90962                                                                         |
| (g) Referring newborns that receive abnormal screening results to providers of follow-up services.                                                                                                                                                                                                                                                                                                                                                                                                                                      | 90963<br>90964                                                                |
| (2) In adopting rules under division (D)(1)(b) of this section, the director shall specify screening equipment and methods that include the use of pulse oximetry or other screening equipment and methods that detect critical congenital heart defects at least as accurately as pulse oximetry. The screening equipment and methods specified shall be consistent with recommendations issued by nationally recognized organizations that advocate on behalf of medical professionals or individuals with cardiovascular conditions. | 90965<br>90966<br>90967<br>90968<br>90969<br>90970<br>90971<br>90972<br>90973 |
| <b>Sec. 3701.63.</b> (A) As used in this section and sections 3701.64, 3701.66, and 3701.67 of the Revised Code:                                                                                                                                                                                                                                                                                                                                                                                                                        | 90974<br>90975                                                                |
| (1) "Child day-care center," "type A family day-care home," and "licensed type B family day-care home" have the same meanings as in section 5104.01 of the Revised Code.                                                                                                                                                                                                                                                                                                                                                                | 90976<br>90977<br>90978                                                       |
| (2) "Child care facility" means a child day-care center, a type A family day-care home, or a licensed type B family day-care home.                                                                                                                                                                                                                                                                                                                                                                                                      | 90979<br>90980<br>90981                                                       |
| (3) "Foster caregiver" has the same meaning as in section 5103.02 of the Revised Code.                                                                                                                                                                                                                                                                                                                                                                                                                                                  | 90982<br>90983                                                                |
| (4) "Freestanding birthing center" <del>has the same meaning as in section 3702.141 of the Revised Code</del> <u>has the same meaning as in</u>                                                                                                                                                                                                                                                                                                                                                                                         | 90984<br>90985                                                                |

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| <u>section 3701.503 of the Revised Code.</u>                                                                                                                                                                                                                                                                            | 90986                                     |
| (5) " <del>Hospital</del> " <del>means a hospital classified pursuant to rules adopted under section 3701.07 of the Revised Code as a general hospital or children's hospital and</del> <u>has the same meaning as in section 3722.01 of the Revised Code</u> to which either of the following applies:                 | 90987<br>90988<br>90989<br>90990<br>90991 |
| (a) The hospital has a maternity unit.                                                                                                                                                                                                                                                                                  | 90992                                     |
| (b) The hospital receives for care infants who have been transferred to it from other facilities and who have never been discharged to their residences following birth.                                                                                                                                                | 90993<br>90994<br>90995                   |
| (6) "Infant" means a child who is less than one year of age.                                                                                                                                                                                                                                                            | 90996                                     |
| (7) "Maternity unit" means the distinct portion of a hospital <del>licensed as a maternity unit under Chapter 3711. of the Revised Code</del> <u>in which maternity services are provided.</u>                                                                                                                          | 90997<br>90998<br>90999                   |
| (8) "Other person responsible for the infant" includes a foster caregiver.                                                                                                                                                                                                                                              | 91000<br>91001                            |
| (9) "Parent" means either parent, unless the parents are separated or divorced or their marriage has been dissolved or annulled, in which case "parent" means the parent who is the residential parent and legal custodian of the child. "Parent" also means a prospective adoptive parent with whom a child is placed. | 91002<br>91003<br>91004<br>91005<br>91006 |
| (10) "Shaken baby syndrome" means signs and symptoms, including, but not limited to, retinal hemorrhages in one or both eyes, subdural hematoma, or brain swelling, resulting from the violent shaking or the shaking and impacting of the head of an infant or small child.                                            | 91007<br>91008<br>91009<br>91010<br>91011 |
| (B) The director of health shall establish the shaken baby syndrome education program by doing all of the following:                                                                                                                                                                                                    | 91012<br>91013                            |
| (1) Developing educational materials that present readily comprehensible information on shaken baby syndrome;                                                                                                                                                                                                           | 91014<br>91015                            |

|                                                                                                                                                                                                                                                                                  |                                           |
|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-------------------------------------------|
| (2) Making available on the department of health web site in an easily accessible format the educational materials developed under division (B)(1) of this section;                                                                                                              | 91016<br>91017<br>91018                   |
| (3) Annually assessing the effectiveness of the shaken baby syndrome education program by doing all of the following:                                                                                                                                                            | 91019<br>91020                            |
| (a) Evaluating the reports received pursuant to section 5101.135 of the Revised Code;                                                                                                                                                                                            | 91021<br>91022                            |
| (b) Reviewing the content of the educational materials to determine if updates or improvements should be made;                                                                                                                                                                   | 91023<br>91024                            |
| (c) Reviewing the manner in which the educational materials are distributed, as described in section 3701.64 of the Revised Code, to determine if modifications to that manner should be made.                                                                                   | 91025<br>91026<br>91027                   |
| (C) In meeting the requirements under division (B) of this section, the director shall develop educational materials that, to the extent possible, minimize administrative or financial burdens on any of the entities or persons listed in section 3701.64 of the Revised Code. | 91028<br>91029<br>91030<br>91031<br>91032 |
| <b>Sec. 3701.69.</b> (A)(1) The department of health shall create a Down syndrome information sheet that includes all of the following:                                                                                                                                          | 91033<br>91034<br>91035                   |
| (a) A description of Down syndrome, including its causes, effects on development, and potential complications;                                                                                                                                                                   | 91036<br>91037                            |
| (b) Diagnostic tests;                                                                                                                                                                                                                                                            | 91038                                     |
| (c) Options for treatment and therapy;                                                                                                                                                                                                                                           | 91039                                     |
| (d) Contact information for local, state, and national organizations that provide Down syndrome educational and support services and programs.                                                                                                                                   | 91040<br>91041<br>91042                   |
| (2) With respect to the medical information included in the information sheet, the department shall include only information                                                                                                                                                     | 91043<br>91044                            |

that is current and based on medical evidence. 91045

(3) The department shall periodically review and update the 91046  
information sheet and shall make it available on the department's 91047  
internet web site. 91048

(B) If a patient under the care of any of the following 91049  
health care professionals or facilities receives either a test 91050  
result indicating Down syndrome or a prenatal or postnatal 91051  
diagnosis of Down syndrome, the health care professional or 91052  
facility shall provide to the patient or the patient's 91053  
representative a copy of the information sheet created under 91054  
division (A) of this section: 91055

(1) A physician authorized under Chapter 4731. of the Revised 91056  
Code to practice medicine and surgery or osteopathic medicine and 91057  
surgery; 91058

(2) A certified nurse-midwife who holds a certificate of 91059  
authority issued under Chapter 4723. of the Revised Code; 91060

(3) A genetic counselor licensed under Chapter 4778. of the 91061  
Revised Code; 91062

(4) A hospital ~~registered under section 3701.07 of the~~ 91063  
~~Revised Code~~ licensed under Chapter 3722. of the Revised Code that 91064  
operates a maternity unit or newborn care nursery; 91065

(5) A ~~maternity unit, newborn care nursery, or~~ maternity home 91066  
licensed under Chapter 3711. of the Revised Code; 91067

(6) A freestanding birthing center licensed under section 91068  
3702.30 of the Revised Code. 91069

**Sec. 3701.83.** There is hereby created in the state treasury 91070  
the general operations fund. Moneys in the fund shall be used for 91071  
the purposes specified in sections 3701.04, 3701.344, ~~3702.20,~~ 91072  
3711.16, 3717.45, 3718.06, 3721.02, 3721.022, 3729.07, 3733.43, 91073  
3748.04, 3748.05, 3748.07, 3748.12, 3748.13, 3749.04, 3749.07, 91074

4736.06, and 4769.09 of the Revised Code. 91075

**Sec. 3702.30.** (A) As used in this section: 91076

(1) "Ambulatory surgical facility" means a facility in which 91077  
surgical services are provided to patients who do not require 91078  
hospitalization for inpatient care, the duration of services for 91079  
any patient does not extend beyond twenty-four hours after the 91080  
patient's admission, and to which any of the following apply: 91081

(a) The surgical services are provided in a building that is 91082  
separate from another building in which inpatient care is 91083  
provided, regardless of whether the separate building is part of 91084  
the same organization as the building in which inpatient care is 91085  
provided. 91086

(b) The surgical services are provided within a building in 91087  
which inpatient care is provided and the entity that operates the 91088  
portion of the building where the surgical services are provided 91089  
is not the entity that operates the remainder of the building. 91090

(c) The facility is held out to any person or government 91091  
entity as an ambulatory surgical facility or similar facility by 91092  
means of signage, advertising, or other promotional efforts. 91093

"Ambulatory surgical facility" does not include a hospital 91094  
emergency department, hospital provider-based department that is 91095  
otherwise licensed under Chapter 3722. of the Revised Code, or an 91096  
office of a physician, podiatrist, or dentist. 91097

(2) "Health care facility" means any of the following: 91098

(a) An ambulatory surgical facility; 91099

(b) A freestanding dialysis center; 91100

(c) A freestanding inpatient rehabilitation facility; 91101

(d) A freestanding birthing center; 91102

(e) A freestanding radiation therapy center; 91103

(f) A freestanding or mobile diagnostic imaging center. 91104

(B) By rule adopted in accordance with sections 3702.12 and 91105  
3702.13 of the Revised Code, the director of health shall 91106  
establish quality standards for health care facilities. The 91107  
standards may incorporate accreditation standards or other quality 91108  
standards established by any entity recognized by the director. 91109

In the case of an ambulatory surgical facility, the standards 91110  
shall require the ambulatory surgical facility to maintain an 91111  
infection control program. The purposes of the program are to 91112  
minimize infections and communicable diseases and facilitate a 91113  
functional and sanitary environment consistent with standards of 91114  
professional practice. To achieve these purposes, ambulatory 91115  
surgical facility staff managing the program shall create and 91116  
administer a plan designed to prevent, identify, and manage 91117  
infections and communicable diseases; ensure that the program is 91118  
directed by a qualified professional trained in infection control; 91119  
ensure that the program is an integral part of the ambulatory 91120  
surgical facility's quality assessment and performance improvement 91121  
program; and implement in an expeditious manner corrective and 91122  
preventive measures that result in improvement. 91123

(C) Every ambulatory surgical facility shall require that 91124  
each physician who practices at the facility comply with all 91125  
relevant provisions in the Revised Code that relate to the 91126  
obtaining of informed consent from a patient. 91127

(D) The director shall issue a license to each health care 91128  
facility that makes application for a license and demonstrates to 91129  
the director that it meets the quality standards established by 91130  
the rules adopted under division (B) of this section and satisfies 91131  
the informed consent compliance requirements specified in division 91132  
(C) of this section. 91133

(E)(1) Except as provided in division (H) of this section and 91134

in section 3702.301 of the Revised Code, no health care facility shall operate without a license issued under this section.

The general assembly does not intend for the provisions of this section or section 3702.301 of the Revised Code that establish health care facility licensing requirements or exemptions to have an effect on any third-party payments that may be available for the services provided by either a licensed health care facility or an entity exempt from licensure.

(2) If the department of health finds that a physician who practices at a health care facility is not complying with any provision of the Revised Code related to the obtaining of informed consent from a patient, the department shall report its finding to the state medical board, the physician, and the health care facility.

(3) Division (E)(2) of this section does not create, and shall not be construed as creating, a new cause of action or substantive legal right against a health care facility and in favor of a patient who allegedly sustains harm as a result of the failure of the patient's physician to obtain informed consent from the patient prior to performing a procedure on or otherwise caring for the patient in the health care facility.

(F) The rules adopted under division (B) of this section shall include all of the following:

(1) Provisions governing application for, renewal, suspension, and revocation of a license under this section;

(2) Provisions governing orders issued pursuant to section 3702.32 of the Revised Code for a health care facility to cease its operations or to prohibit certain types of services provided by a health care facility;

(3) Provisions governing the imposition under section 3702.32 of the Revised Code of civil penalties for violations of this

section or the rules adopted under this section, including a scale 91166  
for determining the amount of the penalties; 91167

(4) Provisions specifying the form inspectors must use when 91168  
conducting inspections of ambulatory surgical facilities. 91169

(G) An ambulatory surgical facility that performs or induces 91170  
abortions shall comply with section 3701.791 of the Revised Code. 91171

(H) The following entities are not required to obtain a 91172  
license as a freestanding diagnostic imaging center issued under 91173  
this section: 91174

(1) A hospital registered under section 3701.07 of the 91175  
Revised Code that provides diagnostic imaging; 91176

(2) An entity that is reviewed as part of a hospital 91177  
accreditation or certification program and that provides 91178  
diagnostic imaging; 91179

(3) An ambulatory surgical facility that provides diagnostic 91180  
imaging in conjunction with or during any portion of a surgical 91181  
procedure. 91182

**Sec. 3702.31.** (A) The quality monitoring and inspection fund 91183  
is hereby created in the state treasury. The director of health 91184  
shall use the fund to administer and enforce this section and 91185  
sections ~~3702.11 to 3702.20~~, 3702.30, 3702.301, 3702.32, and 91186  
3702.33 of the Revised Code and rules adopted pursuant to those 91187  
sections. The director shall deposit in the fund any moneys 91188  
collected pursuant to this section or section 3702.32 of the 91189  
Revised Code. All investment earnings of the fund shall be 91190  
credited to the fund. 91191

(B) The director of health shall adopt rules pursuant to 91192  
Chapter 119. of the Revised Code establishing fees for both of the 91193  
following: 91194

(1) Initial and renewal license applications submitted under 91195

section 3702.30 of the Revised Code. The fees established under 91196  
division (B)(1) of this section shall not exceed the actual and 91197  
necessary costs of performing the activities described in division 91198  
(A) of this section. 91199

(2) Inspections conducted under section ~~3702.15~~ or 3702.30 of 91200  
the Revised Code. The fees established under division (B)(2) of 91201  
this section shall not exceed the actual and necessary costs 91202  
incurred during an inspection, including any indirect costs 91203  
incurred by the department for staff, salary, or other 91204  
administrative costs. The director of health shall provide to each 91205  
health care facility or provider inspected pursuant to section 91206  
~~3702.15~~ or 3702.30 of the Revised Code a written statement of the 91207  
fee. The statement shall itemize and total the costs incurred. 91208  
Within fifteen days after receiving a statement from the director, 91209  
the facility or provider shall forward the total amount of the fee 91210  
to the director. 91211

(3) The fees described in divisions (B)(1) and (2) of this 91212  
section shall meet both of the following requirements: 91213

(a) ~~For each service described in section 3702.11 of the~~ 91214  
~~Revised Code, the fee shall not exceed one thousand seven hundred~~ 91215  
~~fifty dollars annually, except that the~~ The total fees charged to 91216  
a health care provider under this section shall not exceed five 91217  
thousand dollars annually. 91218

(b) The fee shall exclude any costs reimbursable by the 91219  
United States centers for medicare and medicaid services as part 91220  
of the certification process for the medicare program established 91221  
under Title XVIII of the "Social Security Act," 79 Stat. 286 91222  
(1935), 42 U.S.C.A. 1395, as amended, and the medicaid program 91223  
established under Title XIX of the "Social Security Act," 79 Stat. 91224  
286 (1965), 42 U.S.C. 1396. 91225

(4) The director shall not establish a fee for any service 91226

for which a licensure or inspection fee is paid by the health care 91227  
provider to a state agency for the same or similar licensure or 91228  
inspection. 91229

**Sec. 3702.51.** As used in sections 3702.51 to 3702.62 of the 91230  
Revised Code: 91231

(A) "Applicant" means any person that submits an application 91232  
for a certificate of need and who is designated in the application 91233  
as the applicant. 91234

(B) "Person" means any individual, corporation, business 91235  
trust, estate, firm, partnership, association, joint stock 91236  
company, insurance company, government unit, or other entity. 91237

(C) "Certificate of need" means a written approval granted by 91238  
the director of health to an applicant to authorize conducting a 91239  
reviewable activity. 91240

(D) "Service area" means the current and projected primary 91241  
and secondary service areas to which the long-term care facility 91242  
is, or will be, providing long-term care services. 91243

(E) "Primary service area" means the geographic region, 91244  
usually comprised of the Ohio zip code in which the long-term care 91245  
facility is located and contiguous zip codes, from which 91246  
approximately seventy-five to eighty per cent of the facility's 91247  
residents currently originate or are expected to originate. 91248

(F) "Secondary service area" means the geographic region, 91249  
usually comprised of Ohio zip codes not included in the primary 91250  
service area, excluding isolated exceptions, from which the 91251  
facility's remaining residents currently originate or are expected 91252  
to originate. 91253

(G) "Third-party payer" means a health insuring corporation 91254  
licensed under Chapter 1751. of the Revised Code, a health 91255  
maintenance organization as defined in division (I) of this 91256

section, an insurance company that issues sickness and accident 91257  
insurance in conformity with Chapter 3923. of the Revised Code, a 91258  
state-financed health insurance program under Chapter 3701. or 91259  
4123. of the Revised Code, the medicaid program, or any 91260  
self-insurance plan. 91261

(H) "Government unit" means the state and any county, 91262  
municipal corporation, township, or other political subdivision of 91263  
the state, or any department, division, board, or other agency of 91264  
the state or a political subdivision. 91265

(I) "Health maintenance organization" means a public or 91266  
private organization organized under the law of any state that is 91267  
qualified under section 1310(d) of Title XIII of the "Public 91268  
Health Service Act," 87 Stat. 931 (1973), 42 U.S.C. 300e-9. 91269

(J) "Existing long-term care facility" means either of the 91270  
following: 91271

(1) A long-term care facility that is licensed or otherwise 91272  
authorized to operate in this state in accordance with applicable 91273  
law, including a county home or a county nursing home that is 91274  
certified under Title XVIII or Title XIX of the "Social Security 91275  
Act," 49 Stat. 620 (1935), 42 U.S.C. 301, as amended, is staffed 91276  
and equipped to provide long-term care services, and is actively 91277  
providing long-term care services; 91278

(2) A long-term care facility that is licensed or otherwise 91279  
authorized to operate in this state in accordance with applicable 91280  
law, including a county home or a county nursing home that is 91281  
certified under Title XVIII or Title XIX of the "Social Security 91282  
Act," 49 Stat. 620 (1935), 42 U.S.C. 301, as amended, or that has 91283  
beds ~~registered under section 3701.07~~ reported in an application 91284  
submitted under section 3722.03 of the Revised Code as skilled 91285  
nursing beds or long-term care beds and has provided long-term 91286  
care services for at least three hundred sixty-five consecutive 91287

days within the twenty-four months immediately preceding the date 91288  
a certificate of need application is filed with the director of 91289  
health. 91290

(K) "State" means the state of Ohio, including, but not 91291  
limited to, the general assembly, the supreme court, the offices 91292  
of all elected state officers, and all departments, boards, 91293  
offices, commissions, agencies, institutions, and other 91294  
instrumentalities of the state of Ohio. "State" does not include 91295  
political subdivisions. 91296

(L) "Political subdivision" means a municipal corporation, 91297  
township, county, school district, and all other bodies corporate 91298  
and politic responsible for governmental activities only in 91299  
geographic areas smaller than that of the state to which the 91300  
sovereign immunity of the state attaches. 91301

(M) "Affected person" means: 91302

(1) An applicant for a certificate of need, including an 91303  
applicant whose application was reviewed comparatively with the 91304  
application in question; 91305

(2) The person that requested the reviewability ruling in 91306  
question; 91307

(3) Any person that resides or regularly uses long-term care 91308  
facilities within the service area served or to be served by the 91309  
long-term care services that would be provided under the 91310  
certificate of need or reviewability ruling in question; 91311

(4) Any long-term care facility that is located in the 91312  
service area where the long-term care services would be provided 91313  
under the certificate of need or reviewability ruling in question; 91314

(5) Third-party payers that reimburse long-term care 91315  
facilities for services in the service area where the long-term 91316  
care services would be provided under the certificate of need or 91317

reviewability ruling in question. 91318

(N) "Long-term care facility" means, except as provided in 91319  
section 3702.594 of the Revised Code, any of the following: 91320

(1) A nursing home licensed under section 3721.02 of the 91321  
Revised Code or by a political subdivision certified under section 91322  
3721.09 of the Revised Code; 91323

(2) The portion of any facility, including a county home or 91324  
county nursing home, that is certified as a skilled nursing 91325  
facility or a nursing facility under Title XVIII or XIX of the 91326  
"Social Security Act"; 91327

(3) The portion of any hospital that contains beds ~~registered~~ 91328  
~~under section 3701.07~~ reported in an application submitted under 91329  
section 3722.03 of the Revised Code as skilled nursing beds or 91330  
long-term care beds. 91331

(O) "Long-term care bed" or "bed" means a bed that is 91332  
categorized as one of the following: 91333

(1) A bed that is located in a facility that is a nursing 91334  
home licensed under section 3721.02 of the Revised Code or a 91335  
facility licensed by a political subdivision certified under 91336  
section 3721.09 of the Revised Code and is included in the 91337  
authorized maximum licensed capacity of the facility; 91338

(2) A bed that is located in the portion of any facility, 91339  
including a county home or county nursing home, that is certified 91340  
as a skilled nursing facility under the medicare program or a 91341  
nursing facility under the medicaid program and is included in the 91342  
authorized maximum certified capacity of that portion of the 91343  
facility; 91344

(3) A bed that is ~~registered under section 3701.07 of the~~ 91345  
~~Revised Code~~ reported in an application submitted under section 91346  
3722.03 of the Revised Code as a skilled nursing bed, a long-term 91347

care bed, or a special skilled nursing bed; 91348

(4) A bed in a county home or county nursing home that has 91349  
been certified under section 5155.38 of the Revised Code as having 91350  
been in operation on July 1, 1993, and is eligible for licensure 91351  
as a nursing home bed; 91352

(5) A bed held as an approved bed under a certificate of need 91353  
approved by the director. 91354

A bed cannot simultaneously be both a bed described in 91355  
division (0)(1), (2), (3), or (4) of this section and a bed 91356  
described in division (0)(5) of this section. 91357

(P) "Reviewability ruling" means a ruling issued by the 91358  
director of health under division (A) of section 3702.52 of the 91359  
Revised Code as to whether a particular proposed project is or is 91360  
not a reviewable activity. 91361

(Q) "County nursing home" has the same meaning as in section 91362  
5155.31 of the Revised Code. 91363

(R) "Principal participant" means both of the following: 91364

(1) A person who has an ownership or controlling interest of 91365  
at least five per cent in an applicant, in a long-term care 91366  
facility that is the subject of an application for a certificate 91367  
of need, or in the owner or operator of the applicant or such a 91368  
facility; 91369

(2) An officer, director, trustee, or general partner of an 91370  
applicant, of a long-term care facility that is the subject of an 91371  
application for a certificate of need, or of the owner or operator 91372  
of the applicant or such a facility. 91373

(S) "Actual harm but not immediate jeopardy deficiency" means 91374  
a deficiency that, under 42 C.F.R. 488.404, either constitutes a 91375  
pattern of deficiencies resulting in actual harm that is not 91376  
immediate jeopardy or represents widespread deficiencies resulting 91377

in actual harm that is not immediate jeopardy. 91378

(T) "Immediate jeopardy deficiency" means a deficiency that, 91379  
under 42 C.F.R. 488.404, either constitutes a pattern of 91380  
deficiencies resulting in immediate jeopardy to resident health or 91381  
safety or represents widespread deficiencies resulting in 91382  
immediate jeopardy to resident health or safety. 91383

(U) "Existing bed" or "existing long-term care bed" means a 91384  
bed from an existing long-term care facility, a bed described in 91385  
division (O)(5) of this section, or a bed correctly reported as a 91386  
long-term care bed pursuant to section 5155.38 of the Revised 91387  
Code. 91388

**Sec. 3702.52.** The director of health shall administer a state 91389  
certificate of need program in accordance with sections 3702.51 to 91390  
3702.62 of the Revised Code and rules adopted under those 91391  
sections. Administration of the program shall include both a 91392  
standard review process and an expedited review process. 91393

(A) The director shall issue rulings on whether a particular 91394  
proposed project is a reviewable activity. The director shall 91395  
issue a ruling not later than forty-five days after receiving a 91396  
request for a ruling accompanied by the information needed to make 91397  
the ruling, except that if an expedited review is requested, the 91398  
ruling shall be issued not later than thirty days after receiving 91399  
the request for a ruling accompanied by the information needed to 91400  
make the ruling. If the director does not issue a ruling in the 91401  
required time, the project shall be considered to have been ruled 91402  
not a reviewable activity. 91403

(B)(1) Each application for a certificate of need shall be 91404  
submitted to the director on forms and in the manner prescribed by 91405  
the director. An application for which expedited review is 91406  
requested must meet the same requirements as all other 91407  
applications. 91408

Each application shall include a plan for obligating the capital expenditures or implementing the proposed project on a timely basis in accordance with section 3702.524 of the Revised Code. Each application shall also include all other information required by rules adopted under division (B) of section 3702.57 of the Revised Code.

(2) Each application shall be accompanied by the application fee established in rules adopted under division (G) of section 3702.57 of the Revised Code. Application fees received by the director under this division shall be deposited into the state treasury to the credit of the certificate of need fund, which is hereby created. The director shall use the fund only to pay the costs of administering sections ~~3702.11 to 3702.20~~, 3702.30, and 3702.51 to 3702.62 of the Revised Code and rules adopted under those sections. An application fee is nonrefundable unless the director determines that the application cannot be accepted.

(3) The director shall review applications for certificates of need. As part of a review, the director shall determine whether an application is complete. The director shall not consider an application to be complete unless the application meets all criteria for a complete application specified in rules adopted under section 3702.57 of the Revised Code. For an application being considered under the standard review process, the director shall mail to the applicant a written notice that the application is complete, or a written request for additional information, not later than thirty days after receiving an application or a response to an earlier request for information. For an application for which expedited review is requested, the director's notice or request shall be mailed not later than fourteen days after the director receives the application or a response to an earlier request for information. Except as provided in section 3702.522 of the Revised Code, the director shall not make more than two

requests for additional information. For either the standard or 91441  
expedited review process, the director shall make a final 91442  
determination regarding an application's completeness and issue a 91443  
notice of the determination not later than one hundred eighty days 91444  
after the date the director received the initial application. 91445

The director's determination that an application is not 91446  
complete is final and not subject to appeal. 91447

(4) Except as necessary to comply with a subpoena issued 91448  
under division (F) of this section, after a notice of completeness 91449  
has been received, no person shall make revisions to information 91450  
that was submitted to the director before the director mailed the 91451  
notice of completeness or knowingly discuss in person or by 91452  
telephone the merits of the application with the director. A 91453  
person may supplement an application after a notice of 91454  
completeness has been received by submitting clarifying 91455  
information to the director. 91456

(C) All of the following apply to the process of granting or 91457  
denying a certificate of need: 91458

(1) If the project proposed in a certificate of need 91459  
application meets all of the applicable certificate of need 91460  
criteria for approval under sections 3702.51 to 3702.62 of the 91461  
Revised Code and the rules adopted under those sections, the 91462  
director shall grant a certificate of need for all or part of the 91463  
project that is the subject of the application by the applicable 91464  
deadline specified in division (C)(4) of this section or any 91465  
extension of it under division (C)(5) of this section. 91466

(2) The director's grant of a certificate of need does not 91467  
affect, and sets no precedent for, the director's decision to 91468  
grant or deny other applications for similar reviewable 91469  
activities. 91470

(3) Any affected person may submit written comments regarding 91471

an application. The director shall consider all written comments 91472  
received by the forty-fifth day after the application is submitted 91473  
to the director, except that to be considered in an expedited 91474  
review, written comments must be received by the twenty-first day 91475  
after the application is submitted. 91476

(4) Except as provided in division (C)(5) of this section, 91477  
the director shall grant or deny certificate of need applications 91478  
not later than sixty days after mailing the notice of completeness 91479  
unless the application is receiving expedited review. If the 91480  
application is receiving expedited review, the director shall 91481  
grant or deny the application not later than forty-five days after 91482  
mailing the notice of completeness. 91483

(5) Except as provided in division (C)(6) of this section, 91484  
the director or the applicant may extend the deadline prescribed 91485  
in division (C)(4) of this section once, for no longer than thirty 91486  
days, by written notice before the end of the deadline prescribed 91487  
by division (C)(4) of this section. An extension by the director 91488  
under division (C)(5) of this section shall apply to all 91489  
applications that are in comparative review. 91490

(6) No applicant in a comparative review may extend the 91491  
deadline specified in division (C)(4) of this section. 91492

(7) If the director does not grant or deny the certificate by 91493  
the applicable deadline specified in division (C)(4) of this 91494  
section or any extension of it under division (C)(5) of this 91495  
section, the certificate shall be considered to have been granted. 91496

(8) In granting a certificate of need, the director shall 91497  
specify as the maximum capital expenditure the certificate holder 91498  
may obligate under the certificate a figure equal to one hundred 91499  
ten per cent of the approved project cost. 91500

(9) In granting a certificate of need, the director may grant 91501  
the certificate with conditions that must be met by the holder of 91502

the certificate. 91503

(D) When a certificate of need is granted for a project under 91504  
which beds are to be relocated, upon completion of the project for 91505  
which the certificate of need was granted a number of beds equal 91506  
to the number of beds relocated shall cease to be operated in the 91507  
long-term care facility from which they are relocated, except that 91508  
the beds may continue to be operated for not more than fifteen 91509  
days to allow relocation of residents to the facility to which the 91510  
beds have been relocated. Notwithstanding section 3721.03 of the 91511  
Revised Code, if the relocated beds are in a home licensed under 91512  
Chapter 3721. of the Revised Code, the facility's license is 91513  
automatically reduced by the number of beds relocated effective 91514  
fifteen days after the beds are relocated. If the beds are in a 91515  
facility that is certified as a skilled nursing facility or 91516  
nursing facility under Title XVIII or XIX of the "Social Security 91517  
Act," the certification for the beds shall be surrendered. If the 91518  
beds are ~~registered under section 3701.07~~ reported in an 91519  
application submitted under section 3722.03 of the Revised Code as 91520  
skilled nursing beds or long-term care beds, the director shall 91521  
remove the beds from registration not later than fifteen days 91522  
after the beds are relocated. 91523

(E) During the period beginning with the granting of a 91524  
certificate of need and ending five years after implementation of 91525  
the reviewable activity for which the certificate was granted, the 91526  
director shall monitor the activities of the person granted the 91527  
certificate to determine whether the reviewable activity is 91528  
conducted in substantial accordance with the certificate. A 91529  
reviewable activity shall not be determined to be not in 91530  
substantial accordance with the certificate of need solely because 91531  
of either of the following: 91532

(1) A decrease in bed capacity; 91533

(2) A change in the owner or operator of the facility unless 91534

any of the circumstances specified in division (B) of section 3702.59 of the Revised Code apply to the new owner or operator.

(F) When reviewing applications for certificates of need, considering appeals under section 3702.60 of the Revised Code, or monitoring activities of persons granted certificates of need, the director may issue and enforce, in the manner provided in section 119.09 of the Revised Code, subpoenas and subpoenas duces tecum to compel a person to testify and produce documents relevant to review of the application, consideration of the appeal, or monitoring of the activities. In addition, the director or the director's designee may visit the sites where the activities are or will be conducted.

(G) The director may withdraw certificates of need.

(H) All long-term care facilities shall submit to the director, upon request, any information prescribed by rules adopted under division (H) of section 3702.57 of the Revised Code that is necessary to conduct reviews of certificate of need applications and to develop criteria for reviews.

(I) Any decision to grant or deny a certificate of need shall consider the special needs and circumstances resulting from moral and ethical values and the free exercise of religious rights of long-term care facilities administered by religious organizations, and the special needs and circumstances of inner city and rural communities.

**Sec. 3702.521.** (A) Reviews of applications for certificates of need to recategorize hospital beds to skilled nursing beds shall be conducted in accordance with this division and rules adopted by the director of health.

(1) No hospital recategorizing beds shall apply for a certificate of need for more than twenty skilled nursing beds.

(2) No beds for which a certificate of need is requested 91565  
under this division shall be reviewed under or counted in any 91566  
formula developed under rules adopted by the director for the 91567  
purpose of determining the number of long-term care beds that may 91568  
be needed within the state. 91569

(3) No beds shall be approved under this division unless the 91570  
hospital certifies and demonstrates in the application that the 91571  
beds will be dedicated to patients with a length of stay of no 91572  
more than thirty days. 91573

(4) No beds shall be approved under this division unless the 91574  
hospital can satisfactorily demonstrate in the application that it 91575  
is routinely unable to place the patients planned for the beds in 91576  
accessible skilled nursing facilities. 91577

(5) In developing rules to implement this division, the 91578  
director shall give special attention to the required 91579  
documentation of the need for such beds, including the efforts 91580  
made by the hospital to place patients in suitable skilled nursing 91581  
facilities, and special attention to the appropriate size of units 91582  
with such beds given the historical pattern of the applicant 91583  
hospital's documented difficulty in placing skilled nursing 91584  
patients. 91585

(B) For assistance in monitoring the use of hospital beds 91586  
recategorized as skilled nursing beds after August 5, 1989, the 91587  
director shall adopt rules specifying appropriate quarterly 91588  
procedures for reporting to the department of health. 91589

(C) A patient may stay in a hospital bed that, after August 91590  
5, 1989, has been recategorized as a skilled nursing bed for more 91591  
than thirty days if the hospital is able to demonstrate that it 91592  
made a good faith effort to place the patient in an accessible 91593  
skilled nursing facility acceptable to the patient within the 91594  
thirty-day period, but was unable to do so. 91595

(D) No hospital bed recategorized after August 5, 1989, as a skilled nursing bed shall be covered by a provider agreement under the medicaid program.

(E) Nothing in this section requires a hospital to place a patient in any nursing home if the patient does not wish to be placed in the nursing home. Nothing in this section limits the ability of a hospital to file a certificate of need application for the addition of long-term care beds that meet the definition of "home" in section 3721.01 of the Revised Code. Nothing in this section limits the ability of the director to grant certificates of need necessary for hospitals to engage in demonstration projects authorized by the federal government for the purpose of enhancing long-term quality of care and cost containment. Nothing in this section limits the ability of hospitals to develop swing bed programs in accordance with federal regulations.

No hospital that is granted a certificate of need after August 5, 1989, to recategorize hospital beds as skilled nursing beds is subject to sections 3721.01 to 3721.09 of the Revised Code. If the portion of the hospital in which the recategorized beds are located is certified as a skilled nursing facility under Title XVIII of the "Social Security Act," 49 Stat. 620 (1935), 42 U.S.C.A. 301, as amended, that portion of the hospital is subject to sections 3721.10 to 3721.17 and sections 3721.21 to 3721.34 of the Revised Code. If the beds are ~~registered pursuant to section 3701.07 of the Revised Code~~ reported in an application submitted under section 3722.03 of the Revised Code as long-term care beds, the beds are subject to sections 5168.40 to 5168.56 of the Revised Code.

**Sec. 3702.55.** A person that the director of health determines has violated section 3702.53 of the Revised Code shall cease conducting the activity that constitutes the violation or

utilizing the facility resulting from the violation not later than 91627  
thirty days after the person receives the notice mailed under 91628  
section 3702.532 of the Revised Code or, if the person appeals the 91629  
director's determination under section 3702.60 of the Revised 91630  
Code, thirty days after the person receives an order upholding the 91631  
director's determination that is not subject to further appeal. 91632

If any person determined to have violated section 3702.53 of 91633  
the Revised Code fails to cease conducting an activity or using a 91634  
facility as required by this section or if the person continues to 91635  
seek payment or reimbursement for services rendered or costs 91636  
incurred in conducting the activity as prohibited by section 91637  
3702.56 of the Revised Code, in addition to the penalties imposed 91638  
under section 3702.54 or 3702.541 of the Revised Code: 91639

~~(A) The director of health may refuse to include any beds 91640  
involved in the activity in the bed capacity of a hospital for 91641  
purposes of registration under section 3701.07 of the Revised 91642  
Code; 91643~~

~~(B)~~ The director of health may refuse to license, or may 91644  
revoke a license or reduce bed capacity previously granted to, a 91645  
hospice care program under section 3712.04 of the Revised Code; a 91646  
nursing home, residential care facility, or home for the aging 91647  
under section 3721.02 of the Revised Code; or any beds within any 91648  
of those facilities that are involved in the activity; 91649

~~(C)~~(B) A political subdivision certified under section 91650  
3721.09 of the Revised Code may refuse to license, or may revoke a 91651  
license or reduce bed capacity previously granted to, a nursing 91652  
home, residential care facility, or home for the aging, or any 91653  
beds within any of those facilities that are involved in the 91654  
activity; 91655

~~(D)~~(C) The director of mental health and addiction services 91656  
may refuse to license under section 5119.33 of the Revised Code, 91657

or may revoke a license or reduce bed capacity previously granted 91658  
to, a hospital receiving mentally ill persons or beds within such 91659  
a hospital that are involved in the activity; 91660

~~(E)~~(D) The department of medicaid may refuse to enter into a 91661  
provider agreement that includes a facility, beds, or services 91662  
that result from the activity. 91663

**Sec. 3702.592.** (A) The director of health shall accept, for 91664  
review under section 3702.52 of the Revised Code, certificate of 91665  
need applications for any of the following purposes if the 91666  
proposed increase in beds is attributable to a replacement or 91667  
relocation of existing beds from an existing long-term care 91668  
facility within the same county: 91669

(1) Approval of beds in a new long-term care facility or an 91670  
increase of beds in an existing long-term care facility if the 91671  
beds are proposed to be licensed as nursing home beds under 91672  
Chapter 3721. of the Revised Code; 91673

(2) Approval of beds in a new county home or new county 91674  
nursing home, or an increase of beds in an existing county home or 91675  
existing county nursing home if the beds are proposed to be 91676  
certified as skilled nursing facility beds under the medicare 91677  
program, Title XVIII of the "Social Security Act," 49 Stat. 286 91678  
(1965), 42 U.S.C. 1395, as amended, or nursing facility beds under 91679  
the medicaid program, Title XIX of the "Social Security Act," 49 91680  
Stat. 286 (1965), 42 U.S.C. 1396, as amended; 91681

(3) An increase of hospital beds ~~registered pursuant to~~ 91682  
~~section 3701.07 of the Revised Code~~ reported in an application 91683  
submitted under section 3722.03 of the Revised Code as long-term 91684  
care beds; 91685

(4) An increase of hospital beds ~~registered pursuant to~~ 91686  
~~section 3701.07 of the Revised Code~~ reported in an application 91687

submitted under section 3722.03 of the Revised Code as special 91688  
skilled nursing beds that were originally authorized by and are 91689  
operated in accordance with section 3702.521 of the Revised Code. 91690

(B) The director shall accept applications described in 91691  
division (A) of this section at any time. 91692

**Sec. 3702.593.** (A) At the times specified in this section, 91693  
the director of health shall accept, for review under section 91694  
3702.52 of the Revised Code, certificate of need applications for 91695  
any of the following purposes if the proposed increase in beds is 91696  
attributable solely to relocation of existing beds from an 91697  
existing long-term care facility in a county with excess beds to a 91698  
long-term care facility in a county in which there are fewer 91699  
long-term care beds than the county's bed need: 91700

(1) Approval of beds in a new long-term care facility or an 91701  
increase of beds in an existing long-term care facility if the 91702  
beds are proposed to be licensed as nursing home beds under 91703  
Chapter 3721. of the Revised Code; 91704

(2) Approval of beds in a new county home or new county 91705  
nursing home, or an increase of beds in an existing county home or 91706  
existing county nursing home if the beds are proposed to be 91707  
certified as skilled nursing facility beds under the medicare 91708  
program, Title XVIII of the "Social Security Act," 49 Stat. 286 91709  
(1965), 42 U.S.C. 1395, as amended, or nursing facility beds under 91710  
the medicaid program, Title XIX of the "Social Security Act," 49 91711  
Stat. 286 (1965), 42 U.S.C. 1396, as amended; 91712

(3) An increase of hospital beds ~~registered pursuant to~~ 91713  
~~section 3701.07 of the Revised Code~~ reported in an application 91714  
submitted under section 3722.03 of the Revised Code as long-term 91715  
care beds. 91716

(B) For the purpose of implementing this section, the 91717

director shall do all of the following: 91718

(1) Not later than October 1, 2023, and every four years 91719  
thereafter, determine the long-term care bed supply for each 91720  
county, which shall consist of all of the following: 91721

(a) Nursing home beds licensed under Chapter 3721. of the 91722  
Revised Code; 91723

(b) Beds certified as skilled nursing facility beds under the 91724  
medicare program or nursing facility beds under the medicaid 91725  
program; 91726

(c) Beds in any portion of a hospital that are properly 91727  
~~registered under section 3701.07~~ reported in an application 91728  
submitted under section 3722.03 of the Revised Code as skilled 91729  
nursing beds, long-term care beds, or special skilled nursing 91730  
beds; 91731

(d) Beds in a county home or county nursing home that are 91732  
certified under section 5155.38 of the Revised Code as having been 91733  
in operation on July 1, 1993, and are eligible for licensure as 91734  
nursing home beds; 91735

(e) Beds described in division (O)(5) of section 3702.51 of 91736  
the Revised Code. 91737

(2) Determine the long-term care bed occupancy rate for the 91738  
state at the time the determination is made; 91739

(3) For each county, determine the county's bed need by 91740  
identifying the number of long-term care beds that would be needed 91741  
in the county in order for the statewide occupancy rate for a 91742  
projected population aged sixty-five and older to be ninety per 91743  
cent. 91744

In determining each county's bed need, the director shall use 91745  
the formula developed in rules adopted under section 3702.57 of 91746  
the Revised Code. A determination shall be made not later than 91747

October 1, 2023, and every four years thereafter. After each 91748  
determination is made, the director shall publish the county's bed 91749  
need on the web site maintained by the department of health. 91750

(C) The director's consideration of an application for a 91751  
certificate of need that would increase the number of beds in a 91752  
county shall be consistent with the county's bed need determined 91753  
under division (B) of this section except as follows: 91754

(1) If a county's occupancy rate is less than eighty-five per 91755  
cent, the county shall be considered to have no need for 91756  
additional beds. 91757

(2) Even if a county is determined not to need any additional 91758  
long-term care beds, the director may approve an increase in beds 91759  
equal to up to ten per cent of the county's bed supply if the 91760  
county's occupancy rate is greater than ninety per cent. 91761

(D)(1) For the review process used in considering certificate 91762  
of need applications, the director shall establish a review period 91763  
that begins January 1, 2020, and ends December 31, 2023. 91764  
Thereafter, the review period for each review process shall begin 91765  
on the first day of January following the end of the previous 91766  
review period and shall be four years. 91767

(2) Certificate of need applications shall be accepted during 91768  
the first month of the review period and reviewed through the 91769  
thirtieth day of September of the year in which the review period 91770  
begins. 91771

(E) The director shall consider certificate of need 91772  
applications in accordance with all of the following: 91773

(1) The number of beds approved for a county shall include 91774  
only beds available for relocation from another county and shall 91775  
not exceed the bed need of the receiving county; 91776

(2) The director shall consider the existence of community 91777

resources serving persons who are age sixty-five or older or 91778  
disabled that are demonstrably effective in providing alternatives 91779  
to long-term care facility placement. 91780

(3) The director shall approve relocation of beds from a 91781  
county only if, after the relocation, the number of beds remaining 91782  
in the county will exceed the county's bed need by at least one 91783  
hundred beds; 91784

(4) The director shall approve relocation of beds from a 91785  
long-term care facility only if, after the relocation, the number 91786  
of beds in the facility's service area is at least equal to the 91787  
state bed need rate. For purposes of this division, a facility's 91788  
service area shall be either of the following: 91789

(a) The census tract in which the facility is located, if the 91790  
facility is located in an area designated by the United States 91791  
secretary of health and human services as a health professional 91792  
shortage area under the "Public Health Service Act," 88 Stat. 682 91793  
(1944), 42 U.S.C. 254(e), as amended; 91794

(b) The area that is within a fifteen-mile radius of the 91795  
facility's location, if the facility is not located in a health 91796  
professional shortage area. 91797

(F) Applications made under this section are subject to 91798  
comparative review if two or more applications are submitted 91799  
during the same review period and any of the following applies: 91800

(1) The applications propose to relocate beds from the same 91801  
county and the number of beds for which certificates of need are 91802  
being requested totals more than the number of beds available in 91803  
the county from which the beds are to be relocated. 91804

(2) The applications propose to relocate beds to the same 91805  
county and the number of beds for which certificates of need are 91806  
being requested totals more than the number of beds needed in the 91807  
county to which the beds are to be relocated. 91808

(3) The applications propose to relocate beds from the same 91809  
service area and the number of beds left in the service area from 91810  
which the beds are being relocated would be less than the state 91811  
bed need rate determined by the director. 91812

(G) In determining which applicants should receive preference 91813  
in the comparative review process, the director shall consider all 91814  
of the following as weighted priorities: 91815

(1) Whether the beds will be part of a continuing care 91816  
retirement community; 91817

(2) Whether the beds will serve an underserved population, 91818  
such as low-income individuals, individuals with disabilities, or 91819  
individuals who are members of racial or ethnic minority groups; 91820

(3) Whether the project in which the beds will be included 91821  
will provide alternatives to institutional care, such as adult 91822  
day-care, home health care, respite or hospice care, mobile meals, 91823  
residential care, independent living, or congregate living 91824  
services; 91825

(4) Whether the long-term care facility's owner or operator 91826  
will participate in medicaid waiver programs for alternatives to 91827  
institutional care; 91828

(5) Whether the project in which the beds will be included 91829  
will reduce alternatives to institutional care by converting 91830  
residential care beds or other alternative care beds to long-term 91831  
care beds; 91832

(6) Whether the facility in which the beds will be placed has 91833  
positive resident and family satisfaction surveys; 91834

(7) Whether the facility in which the beds will be placed has 91835  
fewer than fifty long-term care beds; 91836

(8) Whether the long-term care facility in which the beds 91837  
will be placed is located within the service area of a hospital 91838

and is designed to accept patients for rehabilitation after an 91839  
in-patient hospital stay; 91840

(9) Whether the long-term care facility in which the beds 91841  
will be placed is or proposes to become a nurse aide training and 91842  
testing site; 91843

(10) The rating, under the centers for medicare and medicaid 91844  
services' five star nursing home quality rating system, of the 91845  
long-term care facility in which the beds will be placed. 91846

(H) A person who has submitted an application under this 91847  
section that is not subject to comparative review may revise the 91848  
site of the proposed project pursuant to section 3702.522 of the 91849  
Revised Code. 91850

(I) When a certificate of need application is approved, in 91851  
addition to the actions required by division (D) of section 91852  
3702.52 of the Revised Code, the long-term care facility from 91853  
which the beds were relocated shall reduce the number of beds 91854  
operated in the facility by a number of beds equal to at least ten 91855  
per cent of the number of beds relocated. If these beds are in a 91856  
home licensed under Chapter 3721. of the Revised Code, the 91857  
long-term care facility shall have the beds removed from the 91858  
license. If the beds are in a facility that is certified as a 91859  
skilled nursing facility or nursing facility under Title XVIII or 91860  
XIX of the "Social Security Act," the facility shall surrender the 91861  
certification of these beds. If the beds are ~~registered~~ reported 91862  
in an application submitted under section 3722.03 of the Revised 91863  
Code as skilled nursing beds or long-term care beds ~~under section~~ 91864  
~~3701.07 of the Revised Code~~, the long-term care facility shall 91865  
surrender the registration for these beds. This reduction shall be 91866  
made not later than the completion date of the project for which 91867  
the beds were relocated. 91868

**Sec. 3705.30.** (A) As used in this section: 91869

(1) ~~"Freestanding birthing center" has the same meaning as in section 3702.141 of the Revised Code~~ has the same meaning as in section 3701.503 of the Revised Code. 91870  
91871  
91872

(2) ~~"Hospital" means a hospital classified under section 3701.07 of the Revised Code as a general hospital or children's hospital~~ has the same meaning as in section 3722.01 of the Revised Code. 91873  
91874  
91875  
91876

(3) "Physician" means an individual authorized under Chapter 4731. of the Revised Code to practice medicine and surgery or osteopathic medicine and surgery. 91877  
91878  
91879

(B) The director of health shall establish and, if funds for this purpose are available, implement a statewide birth defects information system for the collection of information concerning congenital anomalies, stillbirths, and abnormal conditions of newborns. 91880  
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(C) If the system is implemented under division (B) of this section, all of the following apply: 91885  
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(1) The director may require each physician, hospital, and freestanding birthing center to report to the system information concerning all patients under five years of age with a primary diagnosis of a congenital anomaly or abnormal condition. The director shall not require a hospital, freestanding birthing center, or physician to report to the system any information that is reported to the director or department of health under another provision of the Revised Code or Administrative Code. 91887  
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(2) On request, each physician, hospital, and freestanding birthing center shall give the director or authorized employees of the department of health access to the medical records of any patient described in division (C)(1) of this section. The department shall pay the costs of copying any medical records pursuant to this division. 91895  
91896  
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(3) The director may review vital statistics records and 91901  
shall consider expanding the list of congenital anomalies and 91902  
abnormal conditions of newborns reported on birth certificates 91903  
pursuant to section 3705.08 of the Revised Code. 91904

(D) A physician, hospital, or freestanding birthing center 91905  
that provides information to the system under division (C) of this 91906  
section shall not be subject to criminal or civil liability for 91907  
providing the information. 91908

**Sec. 3705.41.** (A) As used in this section: 91909

(1) "Freestanding birthing center" ~~has the same meaning as in~~ 91910  
~~section 3702.141 of the Revised Code~~ has the same meaning as in 91911  
section 3701.503 of the Revised Code. 91912

(2) "Funeral services worker" means a person licensed as a 91913  
funeral director or embalmer under Chapter 4717. of the Revised 91914  
Code or an individual responsible for the direct final disposition 91915  
of a deceased person. 91916

(3) "Hospital" ~~means a hospital classified pursuant to rules~~ 91917  
~~adopted under section 3701.07 of the Revised Code as a general~~ 91918  
~~hospital or children's hospital and to which either of the~~ 91919  
~~following applies:~~ 91920

~~(a) The hospital has a maternity unit.~~ 91921

~~(b) The hospital receives for care infants who have been~~ 91922  
~~transferred to it from other facilities and who have never been~~ 91923  
~~discharged to their residences following birth~~ has the same 91924  
meaning as in section 3722.01 of the Revised Code. 91925

~~(4) "Maternity unit" means the distinct portion of a hospital~~ 91926  
~~licensed as a maternity unit under Chapter 3711. of the Revised~~ 91927  
~~Code.~~ 91928

(B) At least annually, the state registrar shall offer to 91929  
provide training for appropriate staff of hospitals and 91930

freestanding birthing centers, as well as funeral services 91931  
workers, on their responsibilities under the laws of this state 91932  
and any rules adopted pursuant to those laws pertaining to vital 91933  
records. If provided, the training shall cover correct data entry 91934  
procedures and time limits for reporting vital statistics 91935  
information for the purpose of ensuring accuracy and consistency 91936  
of the system of vital statistics. 91937

**Sec. 3711.01.** As used in this chapter: 91938

(A) "Board of health" means a board of health of a city or 91939  
general health district or the authority having the duties of a 91940  
board of health under section 3709.05 of the Revised Code. 91941

(B) "Maternity home" means a facility for pregnant girls and 91942  
women where accommodations, medical care, and social services are 91943  
provided during the prenatal and postpartal periods. "Maternity 91944  
home" does not include a private residence where obstetric or 91945  
newborn services are received by a resident of the home. 91946

~~(C) "Maternity unit" means a distinct portion of a hospital 91947  
in which inpatient care is provided to women during all or part of 91948  
the maternity cycle. 91949~~

~~(D) "Newborn care nursery" means a distinct portion of a 91950  
hospital in which inpatient care is provided to infants. "Newborn 91951  
care nursery" includes a distinct portion of a hospital in which 91952  
intensive care is provided to infants. 91953~~

**Sec. 3711.02.** (A) Except as provided in division (B) of this 91954  
section, no person shall operate ~~any of the following, a maternity~~ 91955  
home unless the person holds the appropriate license issued under 91956  
this chapter and the license is valid. 91957

~~(1) A maternity unit; 91958~~

~~(2) A newborn care nursery; 91959~~

~~(3) A maternity home.~~ 91960

(B) Division (A) of this section does not apply to a health 91961  
care facility, as defined in section 3702.30 of the Revised Code. 91962

**Sec. 3711.04.** Each person seeking to operate a ~~maternity~~ 91963  
~~unit, newborn care nursery, or~~ maternity home shall apply to the 91964  
director of health for a license under this chapter. The 91965  
application shall be submitted in the form and manner prescribed 91966  
by the director in rules adopted under section 3711.12 of the 91967  
Revised Code. 91968

~~A single application and license is required if an applicant~~ 91969  
~~will operate both a maternity unit and newborn care nursery.~~ 91970

**Sec. 3711.05.** (A) The director of health shall review all 91971  
applications received under section 3711.04 of the Revised Code. 91972  
On receipt of a complete application, the director shall send a 91973  
copy of the application to the board of health of the city or 91974  
general health district in which the ~~maternity unit, newborn care~~ 91975  
~~nursery, or~~ maternity home is to be operated. 91976

Unless the board finds that an applicant is not in compliance 91977  
with an applicable health regulation adopted by the board, the 91978  
board shall approve the application. The board shall notify the 91979  
director of its determination to approve or disapprove the 91980  
application. If the board does not notify the director of its 91981  
determination by the end of the thirtieth day after the board 91982  
receives the copy of the application, the application is deemed to 91983  
have been approved by the board. 91984

(B) The director shall issue a license to an applicant if all 91985  
of the following requirements are met: 91986

(1) The board of health approves the application or the 91987  
application is deemed to have been approved; 91988

(2) The applicant meets the standards specified in rules 91989  
adopted under section 3711.12 of the Revised Code; 91990

(3) The applicant passes the inspection required by section 91991  
3711.06 of the Revised Code. 91992

(C) On issuance of a license, the director shall notify the 91993  
board of health to which the application was sent under division 91994  
(A) of this section. In the notice, the director shall specify the 91995  
terms that apply to the license. 91996

**Sec. 3711.06.** The director of health shall inspect each 91997  
~~maternity unit, newborn care nursery, or~~ maternity home for which 91998  
a person has applied for an initial license under section 3711.04 91999  
of the Revised Code prior to issuing the license. Inspections 92000  
shall be conducted in accordance with inspection criteria, 92001  
procedures, and guidelines adopted by the director under section 92002  
3711.12 of the Revised Code. 92003

**Sec. 3711.10.** The director of health shall monitor compliance 92004  
with this chapter and the rules adopted under it. The director may 92005  
conduct inspections of a ~~maternity unit, newborn care nursery, or~~ 92006  
maternity home as necessary to adequately monitor compliance with 92007  
this chapter and the rules adopted under it. The inspections may 92008  
be scheduled or random. 92009

The board of health of the city or general health district in 92010  
which a ~~maternity unit, newborn care nursery, or~~ maternity home is 92011  
located may conduct inspections of the ~~unit, nursery, or~~ home as 92012  
necessary to adequately monitor compliance with any applicable 92013  
health regulation adopted by the board. The inspections may be 92014  
scheduled or random. 92015

**Sec. 3711.12.** (A) The director of health shall adopt rules in 92016  
accordance with Chapter 119. of the Revised Code as the director 92017

considers necessary to implement the requirements of this chapter 92018  
for licensure and operation of ~~maternity units, newborn care~~ 92019  
~~nurseries, and~~ maternity homes. The rules shall include provisions 92020  
for the following: 92021

(1) Licensure application forms and procedures; 92022

(2) Renewal procedures, including procedures that address the 92023  
right of the director of health, at the director's sole 92024  
discretion, to conduct an inspection prior to renewal of a 92025  
license; 92026

(3) Initial license fees and license renewal fees; 92027

(4) Fees for inspections conducted by the director under 92028  
section 3711.10 of the Revised Code; 92029

(5) Safety standards, quality-of-care standards, and 92030  
quality-of-care data reporting requirements; 92031

(6) Reporting and auditing requirements; 92032

(7) Inspection criteria, procedures, and guidelines; 92033

(8) Application forms to be used and procedures to be 92034  
followed in applying under section 3711.13 of the Revised Code for 92035  
a variance or waiver of any of the requirements of the rules 92036  
adopted under this section regarding the operation of a maternity 92037  
home; 92038

(9) Any other rules necessary to implement this chapter. 92039

(B) When adopting rules under this section, the director 92040  
shall give consideration to recommendations regarding obstetric 92041  
and newborn care issued by the American college of obstetricians 92042  
and gynecologists; American academy of pediatrics; American 92043  
academy of family physicians; American society of 92044  
anesthesiologists; American college of nurse-midwives; United 92045  
States centers for disease control and prevention; association of 92046

women's health, obstetric and neonatal nurses; and association of 92047  
perioperative registered nurses, or their successor organizations. 92048

**Sec. 3711.14.** (A) In accordance with Chapter 119. of the 92049  
Revised Code, the director of health may do any of the following: 92050

(1) Impose a civil penalty of not less than one thousand 92051  
dollars and not more than two hundred fifty thousand dollars on a 92052  
person who violates a provision of this chapter or the rules 92053  
adopted under it; 92054

(2) Summarily suspend, in accordance with division (B) of 92055  
this section, a license issued under this chapter if the director 92056  
believes there is clear and convincing evidence that the continued 92057  
operation of a ~~maternity unit, newborn care nursery, or~~ maternity 92058  
home presents a danger of immediate and serious harm to the 92059  
public; 92060

(3) Revoke a license issued under this chapter if the 92061  
director determines that a violation of a provision of this 92062  
chapter or the rules adopted under it has occurred in such a 92063  
manner as to pose an imminent threat of serious physical or 92064  
life-threatening danger. 92065

(B) If the director suspends a license under division (A)(2) 92066  
of this section, the director shall issue a written order of 92067  
suspension and cause it to be delivered by certified mail or in 92068  
person in accordance with section 119.07 of the Revised Code. The 92069  
order shall not be subject to suspension by the court while an 92070  
appeal filed under section 119.12 of the Revised Code is pending. 92071  
If the individual subject to the suspension requests an 92072  
adjudication, the date set for the adjudication shall be within 92073  
fifteen days but not earlier than seven days after the individual 92074  
makes the request, unless another date is agreed to by both the 92075  
individual and the director. The summary suspension shall remain 92076  
in effect, unless reversed by the director, until a final 92077

adjudication order issued by the director pursuant to this section 92078  
and Chapter 119. of the Revised Code becomes effective. 92079

The director shall issue a final adjudication order not later 92080  
than ninety days after completion of the adjudication. If the 92081  
director does not issue a final order within the ninety-day 92082  
period, the summary suspension shall be void, but any final 92083  
adjudication order issued subsequent to the ninety-day period 92084  
shall not be affected. 92085

(C) If the director issues an order revoking or suspending a 92086  
license issued under this chapter and the license holder continues 92087  
to operate a ~~maternity unit, newborn care nursery, or~~ maternity 92088  
home, the director may ask the attorney general to apply to the 92089  
court of common pleas of the county in which the person is located 92090  
for an order enjoining the person from operating the ~~unit,~~ 92091  
~~nursery, or~~ home. The court shall grant the order on a showing 92092  
that the person is operating the ~~unit, nursery, or~~ home. 92093

**Sec. 3711.30.** (A) As used in this section, "opioid" means 92094  
~~opium, opium derivatives, and synthetic opium substitutes~~ an 92095  
opioid analgesic as defined in section 3719.01 of the Revised 92096  
Code. 92097

(B) Each ~~maternity unit, newborn care nursery, and~~ maternity 92098  
home shall report to the department of health the number of 92099  
newborns born to residents of this state in the ~~unit, nursery, or~~ 92100  
home during the preceding calendar quarter that were diagnosed as 92101  
opioid dependent at birth. The reports shall be submitted not 92102  
later than thirty days after the end of each quarter and shall not 92103  
include any patient-identifying information. 92104

(C) The department shall establish standards and procedures 92105  
for reporting the information required by this section. The 92106  
information reported under this section shall not be used for law 92107  
enforcement purposes or disclosed to law enforcement authorities. 92108

(D) The department shall compile the information submitted 92109  
under this section and make a summary of that information 92110  
available to the public not later than ninety days after the end 92111  
of each calendar year. 92112

Sec. 3722.01. As used in this chapter: 92113

(A) "Children's hospital" means either of the following: 92114

(1) A hospital that provides general pediatric medical and 92115  
surgical care in which at least seventy-five per cent of annual 92116  
inpatient discharges for the preceding two calendar years were 92117  
individuals less than eighteen years of age; 92118

(2) A distinct portion of a hospital that provides general 92119  
pediatric medical and surgical care, has a total of at least one 92120  
hundred fifty pediatric special care and pediatric acute care 92121  
beds, and in which at least seventy-five per cent of annual 92122  
inpatient discharges for the preceding two calendar years were 92123  
individuals less than eighteen years of age. 92124

(B) "Health care service" means any of the following: 92125

(1) Pediatric intensive care; 92126

(2) Solid organ and bone marrow transplantation; 92127

(3) Stem cell harvesting and reinfusion; 92128

(4) Cardiac catheterization; 92129

(5) Open heart surgery; 92130

(6) Operation of linear accelerators; 92131

(7) Operation of cobalt radiation therapy units; 92132

(8) Operation of gamma knives. 92133

(C) "Hospital" means an institution or facility that provides 92134  
inpatient medical or surgical services for a continuous period 92135  
longer than twenty-four hours. "Hospital" includes a children's 92136

hospital. 92137

(D) "Political subdivision" means a county, township, municipal corporation, or other body corporate and politic responsible for governmental activities in a geographic area smaller than that of the state. 92138  
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(E) "State university" has the same meaning as in section 3345.12 of the Revised Code. 92142  
92143

**Sec. 3722.02.** (A) It is the intent of the General Assembly in enacting Chapter 3722. of the Revised Code to require each hospital operating in this state to be licensed by the director of health. Beginning on the date that is three years after the effective date of this section, any reference to a hospital contained in the Revised Code in a chapter other than Chapter 3722. of the Revised Code shall be construed to mean a hospital licensed under Chapter 3722. of the Revised Code. 92144  
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(B) Beginning on the date that is three years after the effective date of this section, no person and no political subdivision, agency, or instrumentality of this state shall operate a hospital without holding a license issued by the director of health under section 3722.03 of the Revised Code. 92152  
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(C) Division (A) of this section does not apply to any of the following: 92157  
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(1) A hospital operated by the federal government; 92159

(2) An ambulatory surgical facility or other health care facility licensed as described in section 3702.30 of the Revised Code; 92160  
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(3) A nursing home or residential care facility licensed under Chapter 3721. of the Revised Code; 92163  
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(4) A hospital or inpatient unit licensed under section 5119.33 of the Revised Code; 92165  
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| <u>(5) A residential facility as defined in section 5119.34 of the Revised Code;</u>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                     | 92167 |
|                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                          | 92168 |
| <u>(6) A residential facility as defined in section 5123.19 of the Revised Code;</u>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                     | 92169 |
|                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                          | 92170 |
| <u>(7) A community addiction services provider as defined in section 5119.01 of the Revised Code;</u>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                    | 92171 |
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| <u>(8) A facility providing services under a contract with the department of developmental disabilities under section 5123.18 of the Revised Code;</u>                                                                                                                                                                                                                                                                                                                                                                                                                                   | 92173 |
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| <u>(9) A facility operated by a hospice care program licensed under section 3712.04 of the Revised Code and that is used exclusively for the care of hospice patients;</u>                                                                                                                                                                                                                                                                                                                                                                                                               | 92176 |
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| <u>(10) A facility operated by a pediatric respite care program licensed under section 3712.041 of the Revised Code and that is used exclusively for the care of pediatric respite care patients;</u>                                                                                                                                                                                                                                                                                                                                                                                    | 92179 |
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|                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                          | 92181 |
| <u>(11) The site where a health care practice is operated, regardless of whether the practice is organized as an individual or group practice;</u>                                                                                                                                                                                                                                                                                                                                                                                                                                       | 92182 |
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|                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                          | 92184 |
| <u>(12) A clinic providing ambulatory patient services where patients are not regularly admitted as inpatients;</u>                                                                                                                                                                                                                                                                                                                                                                                                                                                                      | 92185 |
|                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                          | 92186 |
| <u>(13) An institution for the sick that is operated exclusively for patients who use spiritual means for healing and for whom the acceptance of medical care is inconsistent with their religious beliefs, accredited by a national accrediting organization, exempt from federal income taxation under section 501 of the Internal Revenue Code of 1986, 26 U.S.C. 1, and providing twenty-four-hour nursing care pursuant to the exemption from the licensing requirements of Chapter 4723. of the Revised Code described in division (E) of section 4723.32 of the Revised Code.</u> | 92187 |
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| <u>(D)(1) If the director of health determines that a hospital</u>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                       | 92196 |

is operating without a license in violation of this section, the 92197  
director shall do any of the following: 92198

(a) Notify the hospital that it is operating without a 92199  
license and provide it with an opportunity to apply for licensure, 92200  
but only within the thirty-day period beginning on the date the 92201  
hospital received the director's notice; 92202

(b) Direct the hospital to cease operations; 92203

(c) Impose a civil penalty of not more than two hundred fifty 92204  
thousand dollars; 92205

(d) In addition to the penalty described in division 92206  
(D)(1)(c) of this section, impose a penalty of not less than one 92207  
thousand dollars and not more than ten thousand dollars for each 92208  
day the hospital operates without a license. 92209

(2) If the hospital described in division (D)(1) of this 92210  
section continues to operate without a license, the director may 92211  
petition the court of common pleas of the county in which the 92212  
hospital is located for an order enjoining the hospital from 92213  
operating. 92214

**Sec. 3722.03.** (A) Subject to division (D) of this section, 92215  
each person or political subdivision, agency, or instrumentality 92216  
of this state, including a state university, seeking to operate a 92217  
hospital shall apply to the director of health for a license to 92218  
operate a hospital. 92219

The director of health shall not consider any application for 92220  
licensure until the date that is one year after the effective date 92221  
of this section. An application shall be submitted in the form and 92222  
manner prescribed by the director in rules adopted under section 92223  
3722.06 of the Revised Code. 92224

(B) To be eligible for a license, an applicant must satisfy 92225  
all of the following: 92226

(1) Have submitted a complete application, which includes identifying the main hospital location and any location operated by the hospital pursuant to 42 C.F.R. 413.65 and paying the fee specified in rules adopted under section 3722.06 of the Revised Code; 92227  
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(2) Be certified under Title XVIII of the "Social Security Act," 42 U.S.C. 1395aa, or accredited by a national accrediting organization approved by the federal centers for medicare and medicaid services in accordance with 42 U.S.C. 1395bb(a), or, in the case of a new hospital, eligible under rules adopted under section 3722.06 of the Revised Code; 92232  
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(3) Demonstrate the ability to comply with standards established in rules adopted under section 3722.06 of the Revised Code; 92238  
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(4) Specify the number of beds for the hospital, including skilled nursing beds, long-term care beds, and special skilled nursing beds. 92241  
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(C)(1) If the applicant satisfies the requirements described in division (B) of this section, the director shall issue to the applicant a license to operate a hospital. 92244  
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(2) A license issued under this section is valid for a three-year period unless revoked or suspended. A license expires on the date that is three years from the date of issuance and may be renewed for additional three-year periods. Applications for renewal shall be submitted to the director in a manner prescribed in rules adopted under section 3722.06 of the Revised Code. 92247  
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(3) Both of the following apply to a license issued under this section: 92253  
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(a) The license is valid only for the hospital identified in the application. 92255  
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(b) The license holder shall post a copy of the license in a conspicuous place in the hospital. 92257  
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(D) This section does not prohibit the director of health from issuing a license to a hospital that does either or both of the following: 92259  
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(1) Occupies space in a building that is also used by another hospital or hospitals; 92262  
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(2) Occupies one or more buildings located on the same campus as buildings used by another hospital or hospitals. 92264  
92265

**Sec. 3722.04.** If a hospital licensed under this chapter is assigned, sold, or transferred to a new owner, within thirty days of the assignment, sale, or transfer, the new owner shall apply to the director of health for a license transfer. The application shall be submitted to the director in the form and manner prescribed in rules adopted under section 3722.06 of the Revised Code. 92266  
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The new owner is responsible for compliance with any action taken or proposed by the director under section 3722.07 or 3722.08 of the Revised Code. If a notice has been issued under section 119.07 of the Revised Code, the new owner becomes party to the notice. 92273  
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**Sec. 3722.05.** (A) Upon the filing of an initial application for licensure under section 3722.03 of the Revised Code, the director of health may inspect the hospital prior to issuing or denying the applicant a license to operate a hospital. An applicant may avoid such an inspection if the applicant submits with the application a copy of the hospital's most recent final on-site survey report from the federal centers for medicare and medicaid services or an accrediting organization approved under 42 U.S.C. 1395bb(a) demonstrating that the hospital is certified or 92278  
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accredited. 92287

(B) When filing an application to renew a license issued 92288  
under section 3722.03 of the Revised Code, an applicant may avoid 92289  
an inspection by the director if the applicant submits with the 92290  
application a copy of the hospital's most recent final on-site 92291  
survey report from the federal centers for medicare and medicaid 92292  
services or an accrediting organization approved under 42 U.S.C. 92293  
1395bb(a) demonstrating that the hospital is certified or 92294  
accredited. 92295

(C) For purposes of this section, a final on-site survey 92296  
report from the federal centers for medicare and medicaid services 92297  
or an accrediting organization submitted in accordance with this 92298  
section is confidential and is not a public record under section 92299  
149.43 of the Revised Code. 92300

(D) At least once every thirty-six months, the director shall 92301  
inspect each licensed hospital's maternity unit, newborn care 92302  
nursery, and any unit providing health care services. 92303

(E) The director may at any time inspect a licensed hospital 92304  
in order to address an incident that may impact public health, 92305  
respond to a complaint submitted to the director, or otherwise 92306  
ensure the safety of patients cared for by the hospital. 92307

(F) Any inspection conducted under this section is subject to 92308  
a fee. Upon conducting the inspection, the director shall provide 92309  
the applicant or license holder with a fee statement. Not later 92310  
than fifteen days after receiving the fee statement, the applicant 92311  
or license holder shall submit to the director the total amount of 92312  
the fee. 92313

**Sec. 3722.06.** (A) Not later than the date that is one year 92314  
after the effective date of this section, the director of health 92315  
shall adopt rules establishing health, safety, welfare, and 92316

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|---------------------------------------------------------------------------|-------|
| <u>quality standards for hospitals licensed under this chapter,</u>       | 92317 |
| <u>including standards for all of the following:</u>                      | 92318 |
| <u>(1) Maternity units;</u>                                               | 92319 |
| <u>(2) Newborn care nurseries;</u>                                        | 92320 |
| <u>(3) Health care services.</u>                                          | 92321 |
| <u>(B) Not later than the date that is one year after the</u>             | 92322 |
| <u>effective date of this section, the director shall adopt rules</u>     | 92323 |
| <u>establishing standards and procedures for the licensure of</u>         | 92324 |
| <u>hospitals, including all of the following:</u>                         | 92325 |
| <u>(1) Procedures for applying and renewing licenses as</u>               | 92326 |
| <u>described in section 3722.03 of the Revised Code;</u>                  | 92327 |
| <u>(2) Procedures for transferring licenses as described in</u>           | 92328 |
| <u>section 3722.04 of the Revised Code;</u>                               | 92329 |
| <u>(3) Procedures for inspections following complaints;</u>               | 92330 |
| <u>(4) Subject to division (C)(1) of this section, fees for</u>           | 92331 |
| <u>initial applications, license renewals, and license transfers, as</u>  | 92332 |
| <u>well as inspections conducted under section 3722.05 of the Revised</u> | 92333 |
| <u>Code;</u>                                                              | 92334 |
| <u>(5) Subject to division (C)(2) of this section, standards and</u>      | 92335 |
| <u>procedures for imposing civil penalties as described in section</u>    | 92336 |
| <u>3722.07 of the Revised Code;</u>                                       | 92337 |
| <u>(6) Subject to division (C)(3) of this section, standards and</u>      | 92338 |
| <u>procedures for correcting violations, including through the</u>        | 92339 |
| <u>submission of correction plans;</u>                                    | 92340 |
| <u>(7) Standards and procedures for identifying, monitoring,</u>          | 92341 |
| <u>managing, reporting, and reducing exposures to risk conditions,</u>    | 92342 |
| <u>such as Legionella, including through the use of environmental</u>     | 92343 |
| <u>facility assessments, the development of water management plans,</u>   | 92344 |
| <u>and the use of disinfection measures;</u>                              | 92345 |

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|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|----------------------------------------------------|
| <u>(8) Standards and procedures for data reporting;</u>                                                                                                                                                                                                                                                                                               | 92346                                              |
| <u>(9) Standards and procedures for emergency preparedness;</u>                                                                                                                                                                                                                                                                                       | 92347                                              |
| <u>(10) Standards and procedures for the provision of technical assistance as described in section 3722.09 of the Revised Code;</u>                                                                                                                                                                                                                   | 92348<br>92349                                     |
| <u>(11) Standards and procedures for new hospitals to demonstrate eligibility as described in division (B)(2) of section 3722.03 of the Revised Code;</u>                                                                                                                                                                                             | 92350<br>92351<br>92352                            |
| <u>(12) Standards and procedures to address changes to a hospital's license, including adding or removing a location of the hospital.</u>                                                                                                                                                                                                             | 92353<br>92354<br>92355                            |
| <u>(C)(1) In the case of an inspection fee described in division (B)(4) of this section, the director shall establish an amount to cover only the cost of the inspection. All other fees established under that division shall be limited to what is necessary to support the hospital licensure program.</u>                                         | 92356<br>92357<br>92358<br>92359<br>92360          |
| <u>(2) The director shall establish a scale for use in determining the amount of a civil penalty that may be imposed under section 3722.07 of the Revised Code. The scale shall include per day amounts for ongoing violations. The total amount of a civil penalty shall not exceed two hundred fifty thousand dollars for each violation.</u>       | 92361<br>92362<br>92363<br>92364<br>92365<br>92366 |
| <u>(3) The director shall accept a corrective action plan that also was accepted by the federal centers for medicare and medicaid services or an accrediting organization approved under 42 U.S.C. 1395bb(a) provided that the plan was submitted to the centers or organization in response to the same deficiencies identified by the director.</u> | 92367<br>92368<br>92369<br>92370<br>92371<br>92372 |
| <u>(D) The director may adopt any other rules as necessary to implement this chapter.</u>                                                                                                                                                                                                                                                             | 92373<br>92374                                     |
| <u>(E) When adopting rules under this section, all of the</u>                                                                                                                                                                                                                                                                                         | 92375                                              |

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| <u>following apply:</u>                                                                                                                                                                                                                                   | 92376                            |
| <u>(1) The director shall adopt the rules in accordance with Chapter 119. of the Revised Code;</u>                                                                                                                                                        | 92377<br>92378                   |
| <u>(2) Any rules adopted are not subject to division (F) of section 121.95 of the Revised Code;</u>                                                                                                                                                       | 92379<br>92380                   |
| <u>(3) The director shall collaborate with representatives of this state's hospital industry to maximize the public health utility of rules adopted under this section and limit the administrative burden of and costs of complying with such rules.</u> | 92381<br>92382<br>92383<br>92384 |
| <u>(4) The director shall not adopt rules that conflict with requirements under federal laws or regulations.</u>                                                                                                                                          | 92385<br>92386                   |
| <b><u>Sec. 3722.07.</u></b> (A) <u>Each hospital licensed under this chapter shall comply with the requirements of this chapter and the rules adopted under it.</u>                                                                                       | 92387<br>92388<br>92389          |
| <u>(B) In accordance with Chapter 119. of the Revised Code, if the director of health finds that a license holder has violated any requirement of this chapter or the rules adopted under it, the director may do any of the following:</u>               | 92390<br>92391<br>92392<br>92393 |
| <u>(1) Impose a civil penalty of not less than one thousand dollars and not more than two hundred fifty thousand dollars;</u>                                                                                                                             | 92394<br>92395                   |
| <u>(2) Require the license holder to submit a plan to correct or mitigate the violation;</u>                                                                                                                                                              | 92396<br>92397                   |
| <u>(3) Suspend a health care service or revoke a license issued under this chapter if the director determines that the license holder is not in substantial compliance with this chapter or the rules adopted under it.</u>                               | 92398<br>92399<br>92400<br>92401 |
| <u>(C)(1) If the director takes action under division (B)(3) of this section, the director shall give written notice of proposed action to the hospital. The notice shall specify all of the</u>                                                          | 92402<br>92403<br>92404          |

following: 92405

(a) The nature of the conditions giving rise to the director's judgment; 92406  
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(b) The measures that the director determines the hospital must take to respond to the conditions; 92408  
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(c) The date, which shall be not later than thirty days after the notice is delivered, on which the director intends to suspend the health care service or revoke the license if the conditions are not corrected and the director determines that the license holder has not come into substantial compliance with this chapter or the rules adopted under it. 92410  
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(2) If the licensed hospital notifies the director, within the period of time specified in division (C)(1)(c) of this section, that the conditions giving rise to the director's determination have been corrected and that the hospital is in substantial compliance with this chapter and the rules adopted under it, the director shall conduct an inspection. The director may suspend the health care service or revoke the license if the director determines on the basis of the inspection that the conditions have not been corrected and the license holder has not come into substantial compliance with this chapter or the rules adopted under it. 92416  
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(3) If the licensed hospital fails to notify the director, within the period of time specified in division (C)(1)(c) of this section, that the conditions giving rise to the director's determination have been corrected and that the hospital is in substantial compliance with this chapter and the rules adopted under it, the director may suspend the health care service or revoke the license. 92427  
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(D) If the director suspends a health care service or revokes a license under division (C) of this section, the director shall 92434  
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issue a written order of suspension or revocation and cause it to 92436  
be delivered by certified mail or in person in accordance with 92437  
section 119.07 of the Revised Code. If the license holder subject 92438  
to the suspension or revocation requests an adjudication, the date 92439  
set for the adjudication shall be within seven days after the 92440  
license holder makes the request, unless another date is agreed to 92441  
by both the individual and the director. The suspension or 92442  
revocation shall remain in effect, unless reversed by the 92443  
director, until a final adjudication order issued by the director 92444  
pursuant to this section and Chapter 119. of the Revised Code 92445  
becomes effective. 92446

The director shall issue a final adjudication order not later 92447  
than fourteen days after completion of the adjudication. If the 92448  
director does not issue a final order within the fourteen-day 92449  
period, the suspension or revocation is void, but any final 92450  
adjudication order issued subsequent to the fourteen-day period 92451  
shall not be affected. 92452

(E) If the director issues a final adjudication order 92453  
suspending a health care service or suspending or revoking a 92454  
license issued under this chapter and the license holder continues 92455  
to operate a hospital, the director may ask the attorney general 92456  
to apply to the court of common pleas of the county in which the 92457  
hospital is located for an order enjoining the license holder from 92458  
operating the hospital. 92459

**Sec. 3722.08.** (A) As used in this section, "imminent threat 92460  
of harm" means imminent danger of serious physical or 92461  
life-threatening harm to one or more occupants of a hospital. 92462

(B) If, in the judgment of the director of health, an 92463  
imminent threat of harm exists at any licensed hospital, the 92464  
director may petition the court of common pleas of the county in 92465  
which the hospital is located for such injunctive relief as is 92466

necessary to close the hospital, suspend a service within the 92467  
hospital, transfer one or more occupants to other hospitals or 92468  
other appropriate care settings, or otherwise eliminate the 92469  
imminent threat of harm. The court has jurisdiction to grant such 92470  
injunctive relief upon a showing that there is an imminent threat 92471  
of harm. In such court proceeding, the hospital shall have an 92472  
opportunity, before the court enters an order granting injunctive 92473  
relief, to present evidence to the court that an imminent threat 92474  
of harm does not exist or has been remedied. 92475

(C)(1) If the director determines that an imminent threat of 92476  
harm exists at a licensed hospital and elects not to immediately 92477  
seek injunctive relief under division (B) of this section, the 92478  
director may give written notice of proposed action to the 92479  
hospital. The notice shall specify all of the following: 92480

(a) The nature of the conditions giving rise to the imminent 92481  
threat of harm; 92482

(b) The measures that the director determines the hospital 92483  
must take to respond to the conditions; 92484

(c) The date on which the director intends to seek injunctive 92485  
relief under division (B) of this section if the director 92486  
determines that an imminent threat of harm remains at the 92487  
hospital. 92488

(2) If the licensed hospital notifies the director, within 92489  
the time specified pursuant to division (C)(1)(c) of this section, 92490  
that it believes the conditions giving rise to the imminent threat 92491  
of harm have been substantially corrected, the director shall 92492  
conduct an inspection to determine whether an imminent threat of 92493  
harm remains. If the director determines on the basis of the 92494  
inspection that an imminent threat of harm remains, the director 92495  
may petition under division (B) of this section for injunctive 92496  
relief. 92497

(D) On finding that the imminent threat of harm for which injunctive relief was granted under division (B) of this section has been eliminated and that the hospital has demonstrated the capacity to prevent the imminent threat of harm from recurring, the court shall lift the injunctive relief. 92498  
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If the imminent threat of harm cannot be eliminated practicably within a reasonable time, the court may order the hospital to close, transfer all patients to other hospitals or other appropriate care settings, or suspend a service. 92503  
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(E) The director of health shall give notice of proposed action under this section to the following: 92507  
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(1) The hospital's administrator; 92509

(2) The hospital's statutory agent. 92510

A notice shall be delivered by hand or certified mail. If mailed, the notice shall be addressed to the persons specified in this section, as indicated in the department of health's records. If hand delivered, the notice shall be delivered to persons who would reasonably appear to the average prudent person to have authority to accept them. 92511  
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**Sec. 3722.09.** (A) The director of health may provide each licensed hospital with technical assistance in all of the following areas: 92517  
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(1) Infectious diseases, including measures to prevent and control their spread; 92520  
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(2) Quality improvement projects, including health equity and disparities; 92522  
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(3) Population health initiatives; 92524

(4) Data analytics; 92525

(5) Workforce recruitment and development. 92526

(B) The director may engage with one or more quality improvement organizations to assist in providing technical assistance. The director may terminate the assistance of a quality improvement organization at any time. 92527  
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(C) The director may use any fees and civil penalties collected under this chapter to fund the provision of technical assistance to licensed hospitals, including contracting with entities to provide training or technical assistance as determined necessary by the director. 92531  
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Sec. 3722.10. Each hospital licensed under this chapter shall have a governing board to oversee the hospital's management, operation, and control. The governing board shall be responsible for overseeing the appointment, reappointment, and assignment of privileges to medical staff as described in section 3701.351 of the Revised Code. 92536  
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Sec. 3722.11. (A) "Opioid" means opioid analgesic as defined in section 3719.01 of the Revised Code. 92542  
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(B) Beginning on the date that is three years after the effective date of this section, each hospital licensed under this chapter that operates a maternity unit or newborn care nursery shall report to the director of health the number of newborns born to residents of this state in the unit or nursery during the preceding calendar quarter that were diagnosed as opioid dependent at birth. The reports shall be submitted not later than thirty days after the end of each quarter and shall not include any patient-identifying information. A third-party organization may report as described in this division on behalf of the hospital. 92544  
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(C) The director shall establish standards and procedures for reporting the information required by this section, including reporting submitted by third-party organizations. The information 92554  
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reported under this section shall not be used for law enforcement 92557  
purposes or disclosed to law enforcement authorities. 92558

(D) The director shall compile the information submitted 92559  
under this section and make a summary of that information 92560  
available to the public not later than ninety days after the end 92561  
of each calendar year. 92562

**Sec. 3722.12.** (A) Beginning on the date that is three years 92563  
after the effective date of this section, each hospital shall 92564  
report to the director of health the contagious, environmental, or 92565  
infectious diseases, illnesses, or health conditions or unusual 92566  
infectious agents or biological toxins for which it provides 92567  
treatment to patients. A third-party organization may report as 92568  
described in this division on behalf of the hospital. 92569

(B) The director shall adopt rules that do all of the 92570  
following: 92571

(1) Specify the diseases, illnesses, conditions, infectious 92572  
agents, and biological toxins to be reported under this section; 92573

(2) Specify the frequency with which a hospital shall report 92574  
to the director under this section; 92575

(3) Prescribe the manner in which a hospital or third-party 92576  
organization shall report to the director under this section. 92577

(C) Any information reported under this section shall be 92578  
considered protected health information as described in section 92579  
3701.17 of the Revised Code and shall be released only in 92580  
accordance with that section. Information that does not identify 92581  
an individual may be released in summary, statistical, or 92582  
aggregate form. 92583

**Sec. 3722.13.** All initial license fees, renewal fees, fees 92584  
for inspections conducted by the director of health and civil 92585

penalties collected under this chapter shall be deposited in the 92586  
state treasury to the credit of the general operations fund 92587  
created under section 3701.83 of the Revised Code. The moneys 92588  
shall be used solely for purposes of administering and enforcing 92589  
this chapter and the rules adopted under it. 92590

Sec. 3722.14. From the effective date of this section until 92591  
the date that is three years after the effective date of this 92592  
section, the requirements of this chapter apply only to a hospital 92593  
that has obtained a license to operate issued under section 92594  
3722.03 of the Revised Code. Beginning on the date that is three 92595  
years after the effective date of this section, each hospital is 92596  
subject to the requirements of this chapter. 92597

Sec. 3722.99. Beginning on the date that is three years from 92598  
the effective date of this section, whoever violates division (B) 92599  
of section 3722.02 of the Revised Code is guilty of a misdemeanor 92600  
of the first degree and shall be liable for an additional penalty 92601  
of one thousand dollars for each day of operation in violation of 92602  
such division. 92603

Sec. 3727.70. As used in this section and sections 3727.71 to 92604  
3727.79 of the Revised Code: 92605

(A) "Admission" means a patient's admission to a hospital on 92606  
an inpatient basis by a health care professional ~~specified in~~ 92607  
~~division (B)(1) of section 3727.06 of the Revised Code.~~ 92608

(B) "After-care" means assistance provided by a lay caregiver 92609  
to a patient in the patient's residence after the patient's 92610  
discharge and includes only the caregiving needs of the patient at 92611  
the time of discharge. 92612

(C) "Discharge" means the discharge or release of a patient 92613  
who has been admitted to a hospital on an inpatient basis from the 92614

hospital directly to the patient's residence. "Discharge" does not include the transfer of a patient to another facility or setting.

(D) "Discharging health care professional" means a health care professional who is authorized ~~by division (B)(1) of section 3727.06 of the Revised Code~~ to admit a patient to a hospital and who has assumed responsibility for directing the creation of the patient's discharge plan under section 3727.75 of the Revised Code.

(E) "Guardian" has the same meaning as in section 2133.01 of the Revised Code.

(F) "Lay caregiver" means an adult designated under section 3727.71 of the Revised Code to provide after-care to a patient.

(G) "Lay caregiver designation" means the designation of a lay caregiver for a patient as described in section 3727.71 of the Revised Code.

(H)(1) "Patient's residence" means either of the following:

(a) The dwelling that a patient or the patient's guardian considers to be the patient's home;

(b) The dwelling of a relative or other individual who has agreed to temporarily house the patient following discharge and who has communicated this fact to hospital staff.

(2) "Patient's residence" does not include any of the following:

(a) A hospital;

(b) A nursing home, residential care facility, county home, or district home, as defined in section 3721.01 of the Revised Code;

(c) A veterans' home operated under Chapter 5907. of the Revised Code;

|                                                                                                                                                                                                                                                                                                                                                                                                                                                 |                                                             |
|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-------------------------------------------------------------|
| (d) A residential facility, as defined in section 5119.34 of the Revised Code;                                                                                                                                                                                                                                                                                                                                                                  | 92644<br>92645                                              |
| (e) A residential facility, as defined in section 5123.19 of the Revised Code;                                                                                                                                                                                                                                                                                                                                                                  | 92646<br>92647                                              |
| (f) A hospice care program, as defined in section 3712.01 of the Revised Code;                                                                                                                                                                                                                                                                                                                                                                  | 92648<br>92649                                              |
| (g) A freestanding inpatient rehabilitation facility licensed under section 3702.30 of the Revised Code;                                                                                                                                                                                                                                                                                                                                        | 92650<br>92651                                              |
| (h) Another facility similar to one specified in this division.                                                                                                                                                                                                                                                                                                                                                                                 | 92652<br>92653                                              |
| <b>Sec. 3781.112.</b> (A) As used in this section, "secured facility" means any of the following:                                                                                                                                                                                                                                                                                                                                               | 92654<br>92655                                              |
| (1) A <del>maternity unit, newborn care nursery, or</del> maternity home licensed under Chapter 3711. of the Revised Code;                                                                                                                                                                                                                                                                                                                      | 92656<br>92657                                              |
| (2) A pediatric intensive care unit <del>subject to rules adopted by the director of health pursuant to section 3702.11 of the Revised Code;</del>                                                                                                                                                                                                                                                                                              | 92658<br>92659<br>92660                                     |
| (3) A <del>children's hospital, as defined in section 3727.01</del> <u>hospital licensed under Chapter 3722.</u> of the Revised Code;                                                                                                                                                                                                                                                                                                           | 92661<br>92662                                              |
| (4) A hospital <del>that is</del> licensed under section 5119.33 of the Revised Code to receive mentally ill persons;                                                                                                                                                                                                                                                                                                                           | 92663<br>92664                                              |
| (5) The portion of a nursing home licensed under section 3721.02 of the Revised Code or in accordance with section 3721.09 of the Revised Code in which specialized care is provided to residents of the nursing home who have physical or mental conditions that require a resident to be restricted in the resident's freedom of movement for the health and safety of the resident, the staff attending the resident, or the general public. | 92665<br>92666<br>92667<br>92668<br>92669<br>92670<br>92671 |
| (B) A secured facility may take reasonable steps in                                                                                                                                                                                                                                                                                                                                                                                             | 92672                                                       |

accordance with rules the board of building standards adopts under 92673  
division (A) of section 3781.10 of the Revised Code and in 92674  
accordance with the state fire code the fire marshal adopts under 92675  
section 3737.82 of the Revised Code, to deny egress to confine and 92676  
protect patients or residents of the secured facility who are not 92677  
capable of self-preservation. A secured facility that wishes to 92678  
deny egress to those patients or residents may use delayed-egress 92679  
doors and electronically coded doors to deny egress, on the 92680  
condition that those doors are installed and used in accordance 92681  
with rules the board of building standards adopts under division 92682  
(A) of section 3781.10 of the Revised Code and in accordance with 92683  
the state fire code the fire marshal adopts under section 3737.82 92684  
of the Revised Code. A secured facility also may install 92685  
controlled-egress locks, in compliance with rules the board of 92686  
building standards adopts under division (A) of section 3781.10 of 92687  
the Revised Code and in compliance with the state fire code the 92688  
fire marshal adopts under section 3737.82 of the Revised Code, in 92689  
areas of the secured facility where patients or residents who have 92690  
physical or mental conditions that would endanger the patients or 92691  
residents, the staff attending the patients or residents, or the 92692  
general public if those patients or residents are not restricted 92693  
in their freedom of movement. A secured facility that uses 92694  
delayed-egress doors and electronically coded doors, 92695  
controlled-egress locks, or both, shall do both of the following: 92696

(1) Provide continuous, twenty-four-hour custodial care to 92697  
the patients or residents of the facility; 92698

(2) Establish a system to evacuate patients or residents in 92699  
the event of fire or other emergency. 92700

**Sec. 3901.40.** No insurance company, health insuring 92701  
corporation, or self-insurance plan authorized to do business in 92702  
this state shall include or provide in its policies or subscriber 92703

agreements for benefit payments or reimbursement for services in 92704  
any hospital which is not ~~certified or accredited as provided in~~ 92705  
~~division (A) of section 3727.02~~ licensed under Chapter 3722. of 92706  
the Revised Code. No hospital located in this state shall charge 92707  
any insurance company, health insuring corporation, federal, 92708  
state, or local government agency, or person for any services 92709  
rendered unless the hospital is ~~certified or accredited as~~ 92710  
~~provided in division (A) of section 3727.02~~ licensed under Chapter 92711  
3722. of the Revised Code. "Hospital" as used in this section 92712  
means only those institutions included within the definition of 92713  
that term contained in section 3727.01 of the Revised Code, and 92714  
the prohibitions in this section do not apply to facilities 92715  
excluded from that definition. 92716

**Sec. 3929.67.** (A) A medical liability insurance policy that 92717  
insures a physician or podiatrist, written by or on behalf of the 92718  
medical liability underwriting association pursuant to sections 92719  
3929.62 to 3929.70 of the Revised Code, may only be cancelled 92720  
during the term of the policy for one of the following reasons: 92721

(1) Nonpayment of premiums; 92722

(2) The license of the insured to practice medicine and 92723  
surgery, osteopathic medicine and surgery, or podiatric medicine 92724  
and surgery has been suspended or revoked; 92725

(3) The insured's failure to meet minimum eligibility and 92726  
underwriting standards; 92727

(4) The occurrence of a change in the individual risk that 92728  
substantially increases any hazard insured against after the 92729  
coverage has been issued or renewed, except to the extent that the 92730  
medical liability underwriting association reasonably should have 92731  
foreseen the change or contemplated the risk in writing the 92732  
policy; 92733

(5) Discovery of fraud or material misrepresentation in the procurement of insurance or with respect to any claim submitted thereunder. 92734  
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(B) A medical liability insurance policy that insures a hospital, written by or on behalf of the medical liability underwriting association pursuant to sections 3929.62 to 3929.70 of the Revised Code, may only be cancelled during the term of the policy for one of the following reasons: 92737  
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(1) Nonpayment of premiums; 92742

(2) The hospital is not ~~certified or accredited in accordance with~~ licensed under Chapter ~~3727~~ 3722. of the Revised Code; 92743  
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(3) An injunction against the hospital has been granted under section ~~3727.05~~ 3722.08 of the Revised Code; 92745  
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(4) The insured's failure to meet minimum eligibility and underwriting standards; 92747  
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(5) The occurrence of a change in the individual risk that substantially increases any hazard insured against after the coverage has been issued or renewed, except to the extent that the medical liability underwriting association reasonably should have foreseen the change or contemplated the risk in writing the policy; 92749  
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(6) Discovery of fraud or material misrepresentation in the procurement of insurance or with respect to any claim submitted thereunder. 92755  
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**Sec. 4723.431.** (A)(1) An advanced practice registered nurse who is designated as a clinical nurse specialist, certified nurse-midwife, or certified nurse practitioner may practice only in accordance with a standard care arrangement entered into with each physician or podiatrist with whom the nurse collaborates. A copy of the standard care arrangement shall be retained on file by 92758  
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the nurse's employer. Prior approval of the standard care arrangement by the board of nursing is not required, but the board may periodically review it for compliance with this section.

A clinical nurse specialist, certified nurse-midwife, or certified nurse practitioner may enter into a standard care arrangement with one or more collaborating physicians or podiatrists. If a collaborating physician or podiatrist enters into standard care arrangements with more than five nurses, the physician or podiatrist shall not collaborate at the same time with more than five nurses in the prescribing component of their practices.

Not later than thirty days after first engaging in the practice of nursing as a clinical nurse specialist, certified nurse-midwife, or certified nurse practitioner, the nurse shall submit to the board the name and business address of each collaborating physician or podiatrist. Thereafter, the nurse shall notify the board of any additions or deletions to the nurse's collaborating physicians or podiatrists. Except as provided in division (D) of this section, the notice must be provided not later than thirty days after the change takes effect.

(2) All of the following conditions apply with respect to the practice of a collaborating physician or podiatrist with whom a clinical nurse specialist, certified nurse-midwife, or certified nurse practitioner may enter into a standard care arrangement:

(a) The physician or podiatrist must be authorized to practice in this state.

(b) Except as provided in division (A)(2)(c) of this section, the physician or podiatrist must be practicing in a specialty that is the same as or similar to the nurse's nursing specialty.

(c) If the nurse is a clinical nurse specialist who is

certified as a psychiatric-mental health CNS by the American 92794  
nurses credentialing center or a certified nurse practitioner who 92795  
is certified as a psychiatric-mental health NP by the American 92796  
nurses credentialing center, the nurse may enter into a standard 92797  
care arrangement with a physician but not a podiatrist and the 92798  
collaborating physician must be practicing in one of the following 92799  
specialties: 92800

- (i) Psychiatry; 92801
- (ii) Pediatrics; 92802
- (iii) Primary care or family practice. 92803

(B) A standard care arrangement shall be in writing and shall 92804  
contain all of the following: 92805

- (1) Criteria for referral of a patient by the clinical nurse 92806  
specialist, certified nurse-midwife, or certified nurse 92807  
practitioner to a collaborating physician or podiatrist or another 92808  
physician or podiatrist; 92809
- (2) A process for the clinical nurse specialist, certified 92810  
nurse-midwife, or certified nurse practitioner to obtain a 92811  
consultation with a collaborating physician or podiatrist or 92812  
another physician or podiatrist; 92813
- (3) A plan for coverage in instances of emergency or planned 92814  
absences of either the clinical nurse specialist, certified 92815  
nurse-midwife, or certified nurse practitioner or a collaborating 92816  
physician or podiatrist that provides the means whereby a 92817  
physician or podiatrist is available for emergency care; 92818
- (4) The process for resolution of disagreements regarding 92819  
matters of patient management between the clinical nurse 92820  
specialist, certified nurse-midwife, or certified nurse 92821  
practitioner and a collaborating physician or podiatrist; 92822
- (5) Any other criteria required by rule of the board adopted 92823

pursuant to section 4723.07 or 4723.50 of the Revised Code. 92824

(C)(1) A standard care arrangement entered into pursuant to 92825  
this section may permit a clinical nurse specialist, certified 92826  
nurse-midwife, or certified nurse practitioner to supervise 92827  
services provided by a home health agency as defined in section 92828  
3701.881 of the Revised Code. 92829

(2) A standard care arrangement entered into pursuant to this 92830  
section may permit a clinical nurse specialist, certified 92831  
nurse-midwife, or certified nurse practitioner to admit a patient 92832  
to a hospital ~~in accordance with section 3727.06 of the Revised~~ 92833  
~~Code.~~ 92834

(D)(1) Except as provided in division (D)(2) of this section, 92835  
if a physician or podiatrist terminates the collaboration between 92836  
the physician or podiatrist and a certified nurse-midwife, 92837  
certified nurse practitioner, or clinical nurse specialist before 92838  
their standard care arrangement expires, all of the following 92839  
apply: 92840

(a) The physician or podiatrist must give the nurse written 92841  
or electronic notice of the termination. 92842

(b) Once the nurse receives the termination notice, the nurse 92843  
must notify the board of nursing of the termination as soon as 92844  
practicable by submitting to the board a copy of the physician's 92845  
or podiatrist's termination notice. 92846

(c) Notwithstanding the requirement of section 4723.43 of the 92847  
Revised Code that the nurse practice in collaboration with a 92848  
physician or podiatrist, the nurse may continue to practice under 92849  
the existing standard care arrangement without a collaborating 92850  
physician or podiatrist for not more than one hundred twenty days 92851  
after submitting to the board a copy of the termination notice. 92852

(2) In the event that the collaboration between a physician 92853  
or podiatrist and a certified nurse-midwife, certified nurse 92854

practitioner, or clinical nurse specialist terminates because of 92855  
the physician's or podiatrist's death, the nurse must notify the 92856  
board of the death as soon as practicable. The nurse may continue 92857  
to practice under the existing standard care arrangement without a 92858  
collaborating physician or podiatrist for not more than one 92859  
hundred twenty days after notifying the board of the physician's 92860  
or podiatrist's death. 92861

(E) Nothing in this section prohibits a hospital from hiring 92862  
a clinical nurse specialist, certified nurse-midwife, or certified 92863  
nurse practitioner as an employee and negotiating standard care 92864  
arrangements on behalf of the employee as necessary to meet the 92865  
requirements of this section. A standard care arrangement between 92866  
the hospital's employee and the employee's collaborating physician 92867  
is subject to approval by the medical staff and governing body of 92868  
the hospital prior to implementation of the arrangement at the 92869  
hospital. 92870

**Sec. 4723.481.** This section establishes standards and 92871  
conditions regarding the authority of an advanced practice 92872  
registered nurse who is designated as a clinical nurse specialist, 92873  
certified nurse-midwife, or certified nurse practitioner to 92874  
prescribe and personally furnish drugs and therapeutic devices 92875  
under a license issued under section 4723.42 of the Revised Code. 92876

(A) Except as provided in division (F) of this section, a 92877  
clinical nurse specialist, certified nurse-midwife, or certified 92878  
nurse practitioner shall not prescribe or furnish any drug or 92879  
therapeutic device that is listed on the exclusionary formulary 92880  
established in rules adopted under section 4723.50 of the Revised 92881  
Code. 92882

(B) The prescriptive authority of a clinical nurse 92883  
specialist, certified nurse-midwife, or certified nurse 92884  
practitioner shall not exceed the prescriptive authority of the 92885

collaborating physician or podiatrist, including the collaborating 92886  
physician's authority to treat chronic pain with controlled 92887  
substances and products containing tramadol as described in 92888  
section 4731.052 of the Revised Code. 92889

(C)(1) Except as provided in division (C)(2) or (3) of this 92890  
section, a clinical nurse specialist, certified nurse-midwife, or 92891  
certified nurse practitioner may prescribe to a patient a schedule 92892  
II controlled substance only if all of the following are the case: 92893

(a) The patient has a terminal condition, as defined in 92894  
section 2133.01 of the Revised Code. 92895

(b) A physician initially prescribed the substance for the 92896  
patient. 92897

(c) The prescription is for an amount that does not exceed 92898  
the amount necessary for the patient's use in a single, 92899  
seventy-two-hour period. 92900

(2) The restrictions on prescriptive authority in division 92901  
(C)(1) of this section do not apply if a clinical nurse 92902  
specialist, certified nurse-midwife, or certified nurse 92903  
practitioner issues the prescription to the patient from any of 92904  
the following locations: 92905

(a) A hospital ~~registered under section 3701.07~~ as defined in 92906  
section 3722.01 of the Revised Code; 92907

(b) An entity owned or controlled, in whole or in part, by a 92908  
hospital or by an entity that owns or controls, in whole or in 92909  
part, one or more hospitals; 92910

(c) A health care facility operated by the department of 92911  
mental health and addiction services or the department of 92912  
developmental disabilities; 92913

(d) A nursing home licensed under section 3721.02 of the 92914  
Revised Code or by a political subdivision certified under section 92915

|                                                                                                                                                                                                                                                                                                                                                                                                                                                                             |                                                                      |
|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|----------------------------------------------------------------------|
| 3721.09 of the Revised Code;                                                                                                                                                                                                                                                                                                                                                                                                                                                | 92916                                                                |
| (e) A county home or district home operated under Chapter 5155. of the Revised Code that is certified under the medicare or medicaid program;                                                                                                                                                                                                                                                                                                                               | 92917<br>92918<br>92919                                              |
| (f) A hospice care program, as defined in section 3712.01 of the Revised Code;                                                                                                                                                                                                                                                                                                                                                                                              | 92920<br>92921                                                       |
| (g) A community mental health services provider, as defined in section 5122.01 of the Revised Code;                                                                                                                                                                                                                                                                                                                                                                         | 92922<br>92923                                                       |
| (h) An ambulatory surgical facility, as defined in section 3702.30 of the Revised Code;                                                                                                                                                                                                                                                                                                                                                                                     | 92924<br>92925                                                       |
| (i) A freestanding birthing center, as defined in section <del>3702.141</del> <u>3701.503</u> of the Revised Code;                                                                                                                                                                                                                                                                                                                                                          | 92926<br>92927                                                       |
| (j) A federally qualified health center, as defined in section 3701.047 of the Revised Code;                                                                                                                                                                                                                                                                                                                                                                                | 92928<br>92929                                                       |
| (k) A federally qualified health center look-alike, as defined in section 3701.047 of the Revised Code;                                                                                                                                                                                                                                                                                                                                                                     | 92930<br>92931                                                       |
| (l) A health care office or facility operated by the board of health of a city or general health district or the authority having the duties of a board of health under section 3709.05 of the Revised Code;                                                                                                                                                                                                                                                                | 92932<br>92933<br>92934<br>92935                                     |
| (m) A site where a medical practice is operated, but only if the practice is comprised of one or more physicians who also are owners of the practice; the practice is organized to provide direct patient care; and the clinical nurse specialist, certified nurse-midwife, or certified nurse practitioner providing services at the site has a standard care arrangement and collaborates with at least one of the physician owners who practices primarily at that site; | 92936<br>92937<br>92938<br>92939<br>92940<br>92941<br>92942<br>92943 |
| (n) A residential care facility, as defined in section 3721.01 of the Revised Code.                                                                                                                                                                                                                                                                                                                                                                                         | 92944<br>92945                                                       |

(3) A clinical nurse specialist, certified nurse-midwife, or 92946  
certified nurse practitioner shall not issue to a patient a 92947  
prescription for a schedule II controlled substance from a 92948  
convenience care clinic even if the clinic is owned or operated by 92949  
an entity specified in division (C)(2) of this section. 92950

(D) A pharmacist who acts in good faith reliance on a 92951  
prescription issued by a clinical nurse specialist, certified 92952  
nurse-midwife, or certified nurse practitioner under division 92953  
(C)(2) of this section is not liable for or subject to any of the 92954  
following for relying on the prescription: damages in any civil 92955  
action, prosecution in any criminal proceeding, or professional 92956  
disciplinary action by the state board of pharmacy under Chapter 92957  
4729. of the Revised Code. 92958

(E) A clinical nurse specialist, certified nurse-midwife, or 92959  
certified nurse practitioner shall comply with section 3719.061 of 92960  
the Revised Code if the nurse prescribes for a minor, as defined 92961  
in that section, an opioid analgesic, as defined in section 92962  
3719.01 of the Revised Code. 92963

(F) Until the board of nursing establishes a new formulary in 92964  
rules adopted under section 4723.50 of the Revised Code, a 92965  
clinical nurse specialist, certified nurse-midwife, or certified 92966  
nurse practitioner who prescribes or furnishes any drug or 92967  
therapeutic device shall do so in accordance with the formulary 92968  
established by the board prior to ~~the effective date of this~~ 92969  
~~amendment~~ April 6, 2017. 92970

**Sec. 4730.411.** (A) Except as provided in division (B) or (C) 92971  
of this section, a physician assistant may prescribe to a patient 92972  
a schedule II controlled substance only if all of the following 92973  
are the case: 92974

(1) The patient is in a terminal condition, as defined in 92975  
section 2133.01 of the Revised Code. 92976

|                                                                                                                                                                                                  |                                  |
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| (2) The physician assistant's supervising physician initially prescribed the substance for the patient.                                                                                          | 92977<br>92978                   |
| (3) The prescription is for an amount that does not exceed the amount necessary for the patient's use in a single, twenty-four-hour period.                                                      | 92979<br>92980<br>92981          |
| (B) The restrictions on prescriptive authority in division (A) of this section do not apply if a physician assistant issues the prescription to the patient from any of the following locations: | 92982<br>92983<br>92984<br>92985 |
| (1) A hospital <del>registered under section 3701.07</del> <u>as defined in section 3722.01</u> of the Revised Code;                                                                             | 92986<br>92987                   |
| (2) An entity owned or controlled, in whole or in part, by a hospital or by an entity that owns or controls, in whole or in part, one or more hospitals;                                         | 92988<br>92989<br>92990          |
| (3) A health care facility operated by the department of mental health and addiction services or the department of developmental disabilities;                                                   | 92991<br>92992<br>92993          |
| (4) A nursing home licensed under section 3721.02 of the Revised Code or by a political subdivision certified under section 3721.09 of the Revised Code;                                         | 92994<br>92995<br>92996          |
| (5) A county home or district home operated under Chapter 5155. of the Revised Code that is certified under the medicare or medicaid program;                                                    | 92997<br>92998<br>92999          |
| (6) A hospice care program, as defined in section 3712.01 of the Revised Code;                                                                                                                   | 93000<br>93001                   |
| (7) A community mental health services provider, as defined in section 5122.01 of the Revised Code;                                                                                              | 93002<br>93003                   |
| (8) An ambulatory surgical facility, as defined in section 3702.30 of the Revised Code;                                                                                                          | 93004<br>93005                   |
| (9) A freestanding birthing center, as defined in section                                                                                                                                        | 93006                            |

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| <del>3702.141</del> <u>3701.503</u> of the Revised Code;                                                                                                                                                                                                                                                                                                                                                     | 93007                                                       |
| (10) A federally qualified health center, as defined in section 3701.047 of the Revised Code;                                                                                                                                                                                                                                                                                                                | 93008<br>93009                                              |
| (11) A federally qualified health center look-alike, as defined in section 3701.047 of the Revised Code;                                                                                                                                                                                                                                                                                                     | 93010<br>93011                                              |
| (12) A health care office or facility operated by the board of health of a city or general health district or the authority having the duties of a board of health under section 3709.05 of the Revised Code;                                                                                                                                                                                                | 93012<br>93013<br>93014<br>93015                            |
| (13) A site where a medical practice is operated, but only if the practice is comprised of one or more physicians who also are owners of the practice; the practice is organized to provide direct patient care; and the physician assistant has entered into a supervisory agreement with at least one of the physician owners who practices primarily at that site.                                        | 93016<br>93017<br>93018<br>93019<br>93020<br>93021          |
| (C) A physician assistant shall not issue to a patient a prescription for a schedule II controlled substance from a convenience care clinic even if the convenience care clinic is owned or operated by an entity specified in division (B) of this section.                                                                                                                                                 | 93022<br>93023<br>93024<br>93025<br>93026                   |
| (D) A pharmacist who acts in good faith reliance on a prescription issued by a physician assistant under division (B) of this section is not liable for or subject to any of the following for relying on the prescription: damages in any civil action, prosecution in any criminal proceeding, or professional disciplinary action by the state board of pharmacy under Chapter 4729. of the Revised Code. | 93027<br>93028<br>93029<br>93030<br>93031<br>93032<br>93033 |
| <b>Sec. 4731.31.</b> (A) As used in this section:                                                                                                                                                                                                                                                                                                                                                            | 93034                                                       |
| (1) "Rural hospital" means a hospital agency, as defined in section 140.01 of the Revised Code, that meets all of the                                                                                                                                                                                                                                                                                        | 93035<br>93036                                              |

following criteria: 93037

(a) Is in compliance with ~~section 3727.02 of the Revised Code~~ 93038  
~~and the registration requirement of division (A) of section~~ 93039  
~~3701.07 Chapter 3722.~~ of the Revised Code; 93040

(b) Is located in a county that has a population of less than 93041  
one hundred twenty-five thousand. 93042

(2) "Physician" means an individual authorized under Chapter 93043  
4731. of the Revised Code to practice medicine and surgery, 93044  
osteopathic medicine and surgery, or podiatric medicine and 93045  
surgery. 93046

(B) Subject to division (C) of this section, a rural hospital 93047  
or a health care facility that is owned or operated by a rural 93048  
hospital may employ a physician. A hospital or facility that 93049  
employs a physician in accordance with this section is not engaged 93050  
in the practice of medicine and surgery, osteopathic medicine and 93051  
surgery, or podiatric medicine and surgery in violation of section 93052  
4731.41, 4731.43, or 4731.60 of the Revised Code. 93053

(C) No rural hospital or health care facility owned or 93054  
operated by a rural hospital shall do either of the following: 93055

(1) Control the professional clinical judgment exercised 93056  
within accepted and prevailing standards of practice of a 93057  
physician employed pursuant to this section in rendering care, 93058  
treatment, or professional advice to an individual patient; 93059

(2) Require that a physician be employed by the hospital or 93060  
facility as a condition of granting the physician privileges to 93061  
practice within the hospital or facility. 93062

**Sec. 4761.01.** As used in this chapter: 93063

(A) "Respiratory care" means rendering or offering to render 93064  
to individuals, groups, organizations, or the public any service 93065  
involving the evaluation of cardiopulmonary function, the 93066

treatment of cardiopulmonary impairment, the assessment of 93067  
treatment effectiveness, and the care of patients with 93068  
deficiencies and abnormalities associated with the cardiopulmonary 93069  
system. The practice of respiratory care includes: 93070

(1) Obtaining, analyzing, testing, measuring, and monitoring 93071  
blood and gas samples in the determination of cardiopulmonary 93072  
parameters and related physiologic data, including flows, 93073  
pressures, and volumes, and the use of equipment employed for this 93074  
purpose; 93075

(2) Administering, monitoring, recording the results of, and 93076  
instructing in the use of medical gases, aerosols, and 93077  
bronchopulmonary hygiene techniques, including drainage, 93078  
aspiration, and sampling, and applying, maintaining, and 93079  
instructing in the use of artificial airways, ventilators, and 93080  
other life support equipment employed in the treatment of 93081  
cardiopulmonary impairment and provided in collaboration with 93082  
other licensed health care professionals responsible for providing 93083  
care; 93084

(3) Performing cardiopulmonary resuscitation and respiratory 93085  
rehabilitation techniques; 93086

(4) Administering medications for the testing or treatment of 93087  
cardiopulmonary impairment. 93088

(B) "Respiratory care professional" means a person who is 93089  
licensed under this chapter to practice the full range of services 93090  
described in division (A) of this section. 93091

(C) "Physician" means an individual authorized under Chapter 93092  
4731. of the Revised Code to practice medicine and surgery or 93093  
osteopathic medicine and surgery. 93094

(D) "Registered nurse" means an individual licensed under 93095  
Chapter 4723. of the Revised Code to engage in the practice of 93096  
nursing as a registered nurse. 93097

|                                                                                                                                                                                                                                                                                                                                                                                                                             |                                                             |
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| (E) "Hospital" <del>means a facility that meets the operating standards of section 3727.02</del> <u>has the same meaning as in section 3722.01</u> of the Revised Code.                                                                                                                                                                                                                                                     | 93098<br>93099<br>93100                                     |
| (F) "Nursing facility" has the same meaning as in section 5165.01 of the Revised Code.                                                                                                                                                                                                                                                                                                                                      | 93101<br>93102                                              |
| (G) "Advanced practice registered nurse" has the same meaning as in section 4723.01 of the Revised Code.                                                                                                                                                                                                                                                                                                                    | 93103<br>93104                                              |
| (H) "Physician assistant" means an individual who holds a valid license to practice as a physician assistant issued under Chapter 4730. of the Revised Code.                                                                                                                                                                                                                                                                | 93105<br>93106<br>93107                                     |
| <b>Section 130.11.</b> That existing sections 111.15, 140.01, 3701.07, 3701.351, 3701.503, 3701.5010, 3701.63, 3701.69, 3701.83, 3702.30, 3702.31, 3702.51, 3702.52, 3702.521, 3702.55, 3702.592, 3702.593, 3705.30, 3705.41, 3711.01, 3711.02, 3711.04, 3711.05, 3711.06, 3711.10, 3711.12, 3711.14, 3711.30, 3727.70, 3781.112, 3901.40, 3929.67, 4723.431, 4723.481, 4730.411, 4731.31, and 4761.01 are hereby repealed. | 93108<br>93109<br>93110<br>93111<br>93112<br>93113<br>93114 |
| <b>Section 130.12.</b> That sections 3702.11, 3702.12, 3702.13, 3702.14, 3702.141, 3702.15, 3702.16, 3702.18, 3702.19, 3702.20, 3727.01, 3727.02, 3727.03, 3727.04, 3727.05, 3727.06, 3727.07, 3727.99, and 5703.95 of the Revised Code are hereby repealed.                                                                                                                                                                | 93115<br>93116<br>93117<br>93118                            |
| <b>Section 130.13.</b> (A) The amendment and repeal of Revised Code sections by Sections 130.10, 130.11, and 130.12 of this act take effect on the date that is three years after the effective date of this section.                                                                                                                                                                                                       | 93119<br>93120<br>93121<br>93122                            |
| (B) The enactment of sections 3722.01, 3722.02, 3722.03, 3722.04, 3722.05, 3722.06, 3722.07, 3722.08, 3722.09, 3722.10, 3722.11, 3722.12, 3722.13, 3722.14, and 3722.99 of the Revised Code by Section 130.10 of this act takes effect on the effective                                                                                                                                                                     | 93123<br>93124<br>93125<br>93126                            |

date of this section. 93127

**Section 130.14.** (A) Not later than the date that is three 93128  
years from the effective date of this section, each hospital shall 93129  
comply with the requirements for initial licensure as established 93130  
under Chapter 3722. of the Revised Code and rules adopted under it 93131  
by the director of health. As each hospital is licensed, the 93132  
director of health, or designee, shall assign the hospital to one 93133  
of three licensure groups. The first group shall renew its license 93134  
at the end of the first year. The second group shall renew its 93135  
license at the end of the second year. The third group shall renew 93136  
its license at the end of the third year. 93137

(B)(1) All initial licenses issued shall contain the renewal 93138  
date according to division (A) of this section. Each hospital 93139  
shall renew by the renewal date, meet the renewal application 93140  
requirements established in rule, and pay the fee as set forth in 93141  
division (B)(2) of this section. 93142

(2) Each hospital that renews its license in the first year 93143  
shall pay a renewal fee that is one-third of the renewal fee 93144  
established in rules adopted by the director of health. Each 93145  
hospital that renews its license in the second year shall pay a 93146  
renewal fee that is two-thirds of the renewal fee established in 93147  
rules adopted by the director of health. Each hospital that renews 93148  
its license in the third year shall pay the renewal fee as 93149  
established in rules adopted by the director of health. 93150

(3) Each renewal license issued under this section shall be 93151  
valid for three years such that each year thereafter one-third of 93152  
hospitals will renew their licenses. 93153

(C) Renewal licenses issued under division (B) of this 93154  
section shall be renewed following the renewal procedure set forth 93155  
in rule, including payment of the renewal fee. 93156

Section 130.20. That sections 9.78, 9.79, and 4798.01 of the Revised Code be amended to read as follows:

Sec. 9.78. (A) As used in this section:

(1) "License" means an authorization evidenced by a license, certificate, registration, permit, card, or other authority that is issued or conferred by a licensing authority to an individual by which the individual has or claims the privilege to engage in a profession, occupation, or occupational activity over which the licensing authority has jurisdiction. "License" does not include a registration under section 101.72, 101.92, or 121.62 of the Revised Code.

(2) "Licensing authority" means both of the following:

(a) A board, commission, or other entity that issues licenses under Title XLVII or any other provision of the Revised Code to practice an occupation or profession;

(b) A political subdivision that issues a license or that charges a fee for an individual to practice an occupation or profession in that political subdivision.

(B) An individual who has been convicted of any criminal offense may request, at any time, that a licensing authority determine whether the individual's criminal conviction disqualifies the individual from obtaining a license issued or conferred by the licensing authority. An individual making such a request shall include details of the individual's criminal conviction and any payment required by the licensing authority. A licensing authority may charge a fee of not more than twenty-five dollars for each request made under this section, to reimburse the costs it incurs in making the determination.

Not later than thirty days after receiving a request under this section, the licensing authority shall inform the individual

whether, based on the criminal record information submitted, the individual is disqualified from receiving or holding the license about which the individual inquired. A licensing authority is not bound by a determination made under this section, if, on further investigation, the licensing authority determines that the individual's criminal convictions differ from the information presented in the determination request.

(C) A licensing authority shall make all of the following available to the public on the licensing authority's internet web site:

(1) A list of all criminal offenses of which conviction of that offense shall disqualify an individual from obtaining a license issued or conferred by the licensing authority;

(2) That a disqualification referenced in division (C)(1) of this section may be overcome if the individual applying for the license or, as applicable, the individual's employee, holds a certificate of qualification for employment issued under section 2953.25 of the Revised Code or a certificate of achievement and employability issued under section 2961.22 of the Revised Code;

(3) A reference to the certificate of qualification for employment web site maintained by the department of rehabilitation and correction.

(D) A licensing authority shall include on any form, policy, manual, or other material that lists criminal offenses, the conviction of which would disqualify an individual from obtaining a license issued or conferred by that licensing authority, a statement that a disqualification may be overcome by the individual applying for the license or, as applicable, by the individual's employee, holding a certificate of qualification for employment issued under section 2953.25 of the Revised Code or a certificate of achievement and employability issued under section

2961.22 of the Revised Code, including a reference to the 93218  
certificate of qualification for employment web site maintained by 93219  
the department of rehabilitation and correction. 93220

(E) Any predetermination form, nonconviction statement form, 93221  
or other form used by a licensing authority to determine whether a 93222  
conviction or adjudication record disqualifies an applicant from 93223  
obtaining a particular license shall include a section requesting 93224  
the applicant to provide information if they are a recipient of a 93225  
certificate of qualification for employment under section 2953.25 93226  
of the Revised Code or a certificate of achievement and 93227  
employability under section 2961.22 of the Revised Code. 93228

**Sec. 9.79.** (A) As used in this section: 93229

(1) "License" means an authorization evidenced by a license, 93230  
certificate, registration, permit, card, or other authority that 93231  
is issued or conferred by a licensing authority to an individual 93232  
by which the individual has or claims the privilege to engage in a 93233  
profession, occupation, or occupational activity over which the 93234  
licensing authority has jurisdiction. "License" does not include a 93235  
registration under section 101.72, 101.92, or 121.62 of the 93236  
Revised Code. 93237

(2) "Licensing authority" means a state agency that issues 93238  
licenses under Title XLVII or any other provision of the Revised 93239  
Code to practice an occupation or profession. 93240

(3) "Offense of violence" has the same meaning as in section 93241  
2901.01 of the Revised Code. 93242

(4) "Sexually oriented offense" has the same meaning as in 93243  
section 2950.01 of the Revised Code. 93244

(5) "State agency" has the same meaning as in section 1.60 of 93245  
the Revised Code. 93246

(6) "Community control sanction" has the same meaning as in 93247

section 2929.01 of the Revised Code. 93248

(7) "Post-release control sanction" has the same meaning as 93249  
in section 2967.01 of the Revised Code. 93250

(8) "Fiduciary duty" means a duty to act for someone else's 93251  
benefit, while subordinating one's personal interest to that of 93252  
the other person. 93253

(B)(1) Notwithstanding any provision of the Revised Code to 93254  
the contrary, for each type of license issued or conferred by a 93255  
licensing authority, the licensing authority shall establish 93256  
within one hundred eighty days after the effective date of this 93257  
section a list of specific criminal offenses for which a 93258  
conviction, judicial finding of guilt, or plea of guilty may 93259  
disqualify an individual from obtaining an initial license. The 93260  
licensing authority shall make the list available to the public on 93261  
the licensing authority's web site pursuant to division (C) of 93262  
section 9.78 of the Revised Code. The licensing authority, in 93263  
adopting the list, shall do both of the following: 93264

(a) Identify each disqualifying offense by name or by the 93265  
Revised Code section number that creates the offense; 93266

(b) Include in the list only criminal offenses that are 93267  
directly related to the duties and responsibilities of the 93268  
licensed occupation. 93269

(2) The licensing authority may include in the list an 93270  
existing or former municipal ordinance or law of this or any other 93271  
state or the United States that is substantially equivalent to any 93272  
section or offense included in the list adopted under division 93273  
(B)(1) of this section. 93274

(C)(1) Except as provided in division (C)(2) or (D) of this 93275  
section, a licensing authority shall not refuse to issue an 93276  
initial license to an individual based on any of the following: 93277

|                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                           |                                                                      |
|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|----------------------------------------------------------------------|
| (a) Solely or in part on a conviction of, judicial finding of guilt of, or plea of guilty to an offense;                                                                                                                                                                                                                                                                                                                                                                                                  | 93278<br>93279                                                       |
| (b) A criminal charge that does not result in a conviction, judicial finding of guilt, or plea of guilty;                                                                                                                                                                                                                                                                                                                                                                                                 | 93280<br>93281                                                       |
| (c) A nonspecific qualification such as "moral turpitude" or lack of "moral character";                                                                                                                                                                                                                                                                                                                                                                                                                   | 93282<br>93283                                                       |
| (d) A disqualifying offense included on the list adopted under division (B) of this section, if consideration of that offense occurs after the time periods permitted in division (D) of this section.                                                                                                                                                                                                                                                                                                    | 93284<br>93285<br>93286<br>93287                                     |
| (2) If the individual was convicted of, found guilty pursuant to a judicial finding of, or pleaded guilty to a disqualifying offense included in the list adopted under division (B) of this section for the license for which the individual applied, the licensing authority may take the conviction, judicial finding of guilt, or plea of guilty into consideration in accordance with division (D) of this section.                                                                                  | 93288<br>93289<br>93290<br>93291<br>93292<br>93293<br>93294          |
| (D)(1) A licensing authority that may, under this section, consider a conviction of, judicial finding of guilt of, or plea of guilty to an offense in determining whether to refuse to issue an initial license to an individual shall consider all of the following factors and shall use a preponderance of the evidence standard in evaluating those factors to determine whether the conviction, judicial finding of guilt, or plea of guilty disqualifies the individual from receiving the license: | 93295<br>93296<br>93297<br>93298<br>93299<br>93300<br>93301<br>93302 |
| (a) The nature and seriousness of the offense for which the individual was convicted, found guilty pursuant to a judicial finding, or pleaded guilty;                                                                                                                                                                                                                                                                                                                                                     | 93303<br>93304<br>93305                                              |
| (b) The passage of time since the individual committed the offense;                                                                                                                                                                                                                                                                                                                                                                                                                                       | 93306<br>93307                                                       |

(c) The relationship of the offense to the ability, capacity, 93308  
and fitness required to perform the duties and discharge the 93309  
responsibilities of the occupation; 93310

(d) Any evidence of mitigating rehabilitation or treatment 93311  
undertaken by the individual, including whether the individual has 93312  
been issued a certificate of qualification for employment under 93313  
section 2953.25 of the Revised Code or a certificate of 93314  
achievement and employability under section 2961.22 of the Revised 93315  
Code; 93316

(e) Whether the denial of a license is reasonably necessary 93317  
to ensure public safety. 93318

(2) A licensing authority may take a disqualifying offense 93319  
into account only during the following time periods: 93320

(a) For a conviction of, judicial finding of guilt of, or 93321  
plea of guilty to a disqualifying offense that does not involve a 93322  
breach of fiduciary duty and that is not an offense of violence or 93323  
a sexually oriented offense, whichever of the following is later, 93324  
provided the individual was not convicted of, found guilty 93325  
pursuant to a judicial finding of, and did not enter a plea of 93326  
guilty to any other offense during the applicable period: 93327

(i) Five years from the date of conviction, judicial finding 93328  
of guilt, or plea of guilty; 93329

(ii) Five years from the date of the release from 93330  
incarceration; 93331

(iii) The time period specified in division (D)(3) of this 93332  
section. 93333

(b) For a conviction of, judicial finding of guilt of, or 93334  
plea of guilty to a disqualifying offense that involves a breach 93335  
of fiduciary duty and that is not an offense of violence or a 93336  
sexually oriented offense, whichever of the following is later, 93337

provided the individual was not convicted of, found guilty 93338  
pursuant to a judicial finding of, and did not enter a plea of 93339  
guilty to any other offense during the applicable period: 93340

(i) Ten years from the date of conviction, judicial finding 93341  
of guilt, or plea of guilty; 93342

(ii) Ten years from the date of the release from 93343  
incarceration; 93344

(iii) The time period specified in division (D)(4) of this 93345  
section. 93346

(c) For a conviction of, judicial finding of guilt of, or 93347  
plea of guilty to a disqualifying offense that is an offense of 93348  
violence or a sexually oriented offense, any time. 93349

(3) If an individual is subject to a community control 93350  
sanction, parole, or post-release control sanction based on a 93351  
conviction of, judicial finding of guilt of, or plea of guilty to 93352  
a disqualifying offense that is not an offense of violence or a 93353  
sexually oriented offense, a licensing authority may take the 93354  
offense into account during the following time periods: 93355

(a) If the community control sanction, parole, or 93356  
post-release control sanction was for a term of less than five 93357  
years, the period of the community control sanction, parole, or 93358  
post-release control sanction plus the number of years after the 93359  
date of final discharge of the community control sanction, parole, 93360  
or post-release control sanction necessary to equal five years; 93361

(b) If the community control sanction, parole, or 93362  
post-release control sanction was for a term of five years or 93363  
more, the period of the community control sanction, parole, or 93364  
post-release control sanction. 93365

(4) If an individual is subject to a community control 93366  
sanction, parole, or post-release control sanction based on a 93367

conviction of, judicial finding of guilt of, or plea of guilty to 93368  
a disqualifying offense that involved a breach of fiduciary duty 93369  
and that is not an offense of violence or a sexually oriented 93370  
offense, a licensing authority may take the offense into account 93371  
during the following time periods: 93372

(a) If the community control sanction, parole, or 93373  
post-release control sanction was for a term of less than ten 93374  
years, for the period of the community control sanction, parole, 93375  
or post-release control sanction plus the number of years after 93376  
the date of final discharge of the community control sanction, 93377  
parole, or post-release control sanction necessary to equal ten 93378  
years; 93379

(b) If the community control sanction, parole, or 93380  
post-release control sanction was for a term of ten years or more, 93381  
the period of the community control sanction, parole, or 93382  
post-release control sanction. 93383

(E) If a licensing authority refuses to issue an initial 93384  
license to an individual pursuant to division (D) of this section, 93385  
the licensing authority shall notify the individual in writing of 93386  
all of the following: 93387

(1) The grounds and reasons for the refusal, including an 93388  
explanation of the licensing authority's application of the 93389  
factors under division (D) of this section to the evidence the 93390  
licensing authority used to reach the decision; 93391

(2) The individual's right to a hearing regarding the 93392  
licensing authority's decision under section 119.06 of the Revised 93393  
Code; 93394

(3) The earliest date the individual may reapply for a 93395  
license; 93396

(4) Notice that evidence of rehabilitation may be considered 93397  
on reapplication. 93398

(F) In an administrative hearing or civil action reviewing a licensing authority's refusal to issue an initial license under this section, the licensing authority has the burden of proof on the question of whether the individual's conviction of, judicial finding of guilt of, or plea of guilty to an offense directly relates to the licensed occupation.

(G) A licensing authority that is authorized by law to limit or otherwise place restrictions on a license may do so to comply with the terms and conditions of a community control sanction, post-release control sanction, or an intervention plan established in accordance with section 2951.041 of the Revised Code.

(H) Each licensing authority shall adopt any rules that it determines are necessary to implement this section.

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

(1) Any position for which appointment requires compliance with section 109.77 of the Revised Code or in which an individual may satisfy the requirements for appointment or election by complying with that section;

(2) Any position for which federal law requires disqualification from licensure or employment based on a conviction of, judicial finding of guilt of, or plea of guilty to an offense;

(3) Community-based long-term care services certificates and community-based long-term care services contracts or grants issued under section 173.381 of the Revised Code;

(4) Certifications of a provider to provide community-based long-term care services under section 173.391 of the Revised Code;

(5) Certificates of authority to a health insuring corporation issued under section 1751.05 of the Revised Code;

(6) Licenses to operate a home or residential care facility

|                                                                                                                                                                                                                                                                                                                                                                                                                           |                                                             |
|---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-------------------------------------------------------------|
| issued under section 3721.07 of the Revised Code;                                                                                                                                                                                                                                                                                                                                                                         | 93429                                                       |
| (7) Certificates of authority to make contracts of indemnity issued under section 3931.10 of the Revised Code.                                                                                                                                                                                                                                                                                                            | 93430<br>93431                                              |
| (J) Nothing in this section prohibits a licensing authority from considering either of the following when making a determination whether to issue a license to an individual:                                                                                                                                                                                                                                             | 93432<br>93433<br>93434                                     |
| (1) Past disciplinary action taken by the licensing authority against the individual;                                                                                                                                                                                                                                                                                                                                     | 93435<br>93436                                              |
| (2) Past disciplinary action taken against the individual by an authority in another state that issues a license that is substantially similar to the license for which the individual applies.                                                                                                                                                                                                                           | 93437<br>93438<br>93439<br>93440                            |
| (K) Notwithstanding any provision of the Revised Code to the contrary, if a licensing authority issues a license to an individual after considering a conviction of, judicial finding of guilt of, or plea of guilty to an offense under division (D) of this section, the licensing authority shall not refuse to renew the individual's license based on that conviction, judicial finding of guilt, or plea of guilty. | 93441<br>93442<br>93443<br>93444<br>93445<br>93446<br>93447 |
| <b>Sec. 4798.01.</b> (A) As used in this chapter:                                                                                                                                                                                                                                                                                                                                                                         | 93448                                                       |
| "Certification" means a voluntary program in which a private organization or the state grants nontransferable recognition to an individual who meets personal qualifications established by the private organization or state law.                                                                                                                                                                                        | 93449<br>93450<br>93451<br>93452                            |
| "Individual" means a natural person.                                                                                                                                                                                                                                                                                                                                                                                      | 93453                                                       |
| "Lawful occupation" means a course of conduct, pursuit, or profession that includes the sale of goods or services that are not themselves illegal to sell irrespective of whether the individual selling the goods or services is subject to an occupational regulation.                                                                                                                                                  | 93454<br>93455<br>93456<br>93457<br>93458                   |

"Least restrictive regulation" means the public policy of 93459  
relying on one of the following, listed from the least to the most 93460  
restrictive, as a means of consumer protection: market 93461  
competition; third-party or consumer-created ratings and reviews; 93462  
private certification; specific private civil cause of action to 93463  
remedy consumer harm; actions under Chapter 1345. of the Revised 93464  
Code; regulation of the process of providing the specific goods or 93465  
services to consumers; inspection; bonding or insurance; 93466  
registration; government certification; specialty occupational 93467  
license for medical reimbursement; and occupational license. 93468

"Occupational license" means nontransferable authorization in 93469  
law that an individual must possess in order to perform a lawful 93470  
occupation for compensation based on meeting personal 93471  
qualifications established by statute, or by a rule authorized by 93472  
statute. "Occupational license" does not include a commercial or 93473  
other driver's license issued under the Revised Code. 93474

"Occupational licensing board" means any board, commission, 93475  
committee, or council, or any other similar state public body, and 93476  
any administrative department enumerated under section 121.02 of 93477  
the Revised Code, and any agency, division, or office of state 93478  
government, that issues an occupational license. "Occupational 93479  
licensing board" does not include a committee or office created 93480  
under section 101.34 of the Revised Code. 93481

"Occupational regulation" means a statute, policy, rule, 93482  
adjudication order, practice, or other state law requiring an 93483  
individual to possess certain personal qualifications to use an 93484  
occupational title or work in a lawful occupation. "Occupational 93485  
regulation" includes registration, certification, and occupational 93486  
license. "Occupational regulation" excludes a business license, 93487  
facility license, building permit, or zoning and land use 93488  
regulation, except to the extent those laws regulate an 93489  
individual's personal qualifications to perform a lawful 93490

occupation, and excludes sections of the Revised Code related to 93491  
commercial or other driver's license. 93492

"Personal qualifications" mean criteria related to an 93493  
individual's personal background and characteristics including 93494  
completion of an approved educational program, satisfactory 93495  
performance on an examination, work experience, other evidence of 93496  
attainment of requisite skills or knowledge, moral standing, 93497  
criminal history, and completion of continuing education. 93498

"Registration" means a requirement to give notice to the 93499  
government that may include the individual's name and address, the 93500  
individual's agent for service of process, the location of the 93501  
activity to be performed, and a description of the service the 93502  
individual provides. "Registration" does not include personal 93503  
qualifications but may require a bond or insurance. 93504

"Specialty occupational license for medical reimbursement" is 93505  
a nontransferable authorization in law for an individual to 93506  
qualify for payment or reimbursement from a government agency, for 93507  
providing identified medical services, based on meeting personal 93508  
qualifications established in law, which may be recognized by a 93509  
private company. 93510

(B) For purposes of this chapter: 93511

(1) The terms "certification" and "registration" are not 93512  
synonymous with "occupational license." 93513

(2) The use of the words "certification" and "certified" in 93514  
other statutes to mean requiring an individual to meet certain 93515  
personal qualifications to work legally shall be interpreted for 93516  
the purposes of this chapter as requiring an individual to meet 93517  
the requirements of an "occupational license." 93518

(3) The use of the words "registration" and "registered" in 93519  
other statutes to mean requiring an individual to meet certain 93520  
personal qualifications to work legally shall be interpreted for 93521

the purposes of this chapter as requiring an individual to meet 93522  
the requirements of an "occupational license." 93523

**Section 130.21.** That existing sections 9.78, 9.79, and 93524  
4798.01 of the Revised Code are hereby repealed. 93525

**Section 130.22.** That the version of section 9.78 of the 93526  
Revised Code that is scheduled to take effect October 9, 2021, be 93527  
amended to read as follows: 93528

**Sec. 9.78.** (A) As used in this section: 93529

(1) "License" means an authorization evidenced by a license, 93530  
certificate, registration, permit, card, or other authority that 93531  
is issued or conferred by a licensing authority to an individual 93532  
by which the individual has or claims the privilege to engage in a 93533  
profession, occupation, or occupational activity over which the 93534  
licensing authority has jurisdiction. "License" does not include a 93535  
registration under section 101.72, 101.92, or 121.62 of the 93536  
Revised Code. 93537

(2) "Licensing authority" means both of the following: 93538

(a) A board, commission, or other entity that issues licenses 93539  
under Title XLVII or any other provision of the Revised Code to 93540  
practice an occupation or profession; 93541

(b) A political subdivision that issues a license or that 93542  
charges a fee for an individual to practice an occupation or 93543  
profession in that political subdivision. 93544

(B) An individual who has been convicted of any criminal 93545  
offense may request, at any time, that a licensing authority 93546  
determine whether the individual's criminal conviction 93547  
disqualifies the individual from obtaining a license issued or 93548  
conferred by the licensing authority. An individual making such a 93549  
request shall include details of the individual's criminal 93550

conviction and any payment required by the licensing authority. A 93551  
licensing authority may charge a fee of not more than twenty-five 93552  
dollars for each request made under this section, to reimburse the 93553  
costs it incurs in making the determination. 93554

Not later than thirty days after receiving a request under 93555  
this section, the licensing authority shall inform the individual 93556  
whether, based on the criminal record information submitted, the 93557  
individual is disqualified from receiving or holding the license 93558  
about which the individual inquired. A licensing authority is not 93559  
bound by a determination made under this section, if, on further 93560  
investigation, the licensing authority determines that the 93561  
individual's criminal convictions differ from the information 93562  
presented in the determination request. 93563

(C) A licensing authority shall make all of the following 93564  
available to the public on the licensing authority's internet web 93565  
site: 93566

(1) A list of all criminal offenses of which conviction of 93567  
that offense shall disqualify an individual from obtaining a 93568  
license issued or conferred by the licensing authority; 93569

(2) That a disqualification referenced in division (C)(1) of 93570  
this section may be overcome if the individual applying for the 93571  
license or, as applicable, the individual's employee, holds a 93572  
certificate of qualification for employment issued under section 93573  
2953.25 of the Revised Code or a certificate of achievement and 93574  
employability issued under section 2961.22 of the Revised Code; 93575

(3) A reference to the certificate of qualification for 93576  
employment web site maintained by the department of rehabilitation 93577  
and correction. 93578

(D) A licensing authority shall include on any form, policy, 93579  
manual, or other material that lists criminal offenses, the 93580  
conviction of which would disqualify an individual from obtaining 93581

a license issued or conferred by that licensing authority, a 93582  
statement that a disqualification may be overcome by the 93583  
individual applying for the license or, as applicable, by the 93584  
individual's employee, holding a certificate of qualification for 93585  
employment issued under section 2953.25 of the Revised Code or a 93586  
certificate of achievement and employability issued under section 93587  
2961.22 of the Revised Code, including a reference to the 93588  
certificate of qualification for employment web site maintained by 93589  
the department of rehabilitation and correction. 93590

(E) Any predetermination form, nonconviction statement form, 93591  
or other form used by a licensing authority to determine whether a 93592  
conviction or adjudication record disqualifies an applicant from 93593  
obtaining a particular license shall include a section requesting 93594  
the applicant to provide information if they are a recipient of a 93595  
certificate of qualification for employment under section 2953.25 93596  
of the Revised Code or a certificate of achievement and 93597  
employability under section 2961.22 of the Revised Code. 93598

(F)(1) Each licensing authority described in division 93599  
(A)(2)(a) of this section annually shall provide to the director 93600  
of administrative services the following information for each 93601  
license the licensing authority is authorized to issue: 93602

(a) The number of applications received for the license; 93603

(b) The number of those applications that resulted in a 93604  
license being granted; 93605

(c) The number of those applications that resulted in a 93606  
license being denied; 93607

(d) A list of criminal offenses reported by individuals who 93608  
were granted a license; 93609

(e) A list of criminal offenses reported by individuals who 93610  
were denied a license; 93611

(f) A list of all of the requests received by the licensing authority under division (B) of this section that includes the following information: 93612  
93613  
93614

(i) The number of requests for which the licensing authority determined that an individual's criminal conviction disqualified the individual from obtaining a license issued by the licensing authority; 93615  
93616  
93617  
93618

(ii) The number of requests for which the licensing authority determined that an individual's criminal conviction did not disqualify the individual from obtaining a license issued by the licensing authority; 93619  
93620  
93621  
93622

(iii) A list of the offenses reported by individuals described in division (F)(1)(f)(i) of this section; 93623  
93624

(iv) A list of the offenses reported by individuals described in division (F)(1)(f)(ii) of this section. 93625  
93626

(g) For each disqualifying offense included on the list adopted under division (B) of section 9.79 of the Revised Code, the number of individuals who were convicted of, found guilty pursuant to a judicial finding of, or pleaded guilty to the disqualifying offense who were issued a license. 93627  
93628  
93629  
93630  
93631

(h) For each disqualifying offense included on the list adopted under division (B) of section 9.79 of the Revised Code, the number of individuals who were convicted of, found guilty pursuant to a judicial finding of, or pleaded guilty to the disqualifying offense who were denied a license. 93632  
93633  
93634  
93635  
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(i) Any other information the director may require. 93637

(2) The first report of information required under division (F)(1) of this section shall be submitted to the director by June 30, 2021, and include the required information from January 1, 2016, to December 31, 2020, if available. Each year thereafter, 93638  
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93640  
93641

each licensing authority shall submit the required information 93642  
from the past year by the thirtieth day of June. 93643

(3) The director shall compile the information submitted 93644  
pursuant to division (F)(1) of this section and annually publish 93645  
it in a searchable format on a web site created and maintained by 93646  
the director. The director may adopt rules in accordance with 93647  
Chapter 119. of the Revised Code as the director determines 93648  
necessary to implement division (F) of this section. 93649

**Section 130.23.** That the existing version of section 9.78 of 93650  
the Revised Code that is scheduled to take effect October 9, 2021, 93651  
is hereby repealed. 93652

**Section 130.24.** That Sections 130.22 and 130.23 of this act 93653  
take effect October 9, 2021. 93654

**Section 130.25.** That the versions of sections 101.721, 93655  
101.921, and 121.621 of the Revised Code resulting from H.B. 263 93656  
of the 133rd General Assembly that are scheduled to take effect 93657  
October 9, 2021, are hereby repealed. 93658

**Section 130.26.** That Section 2 of H.B. 263 of the 133rd 93659  
General Assembly be amended to read as follows: 93660

**Sec. 2.** That existing sections 9.78, ~~101.721, 101.921,~~ 93661  
109.572, 121.22, ~~121.621,~~ 147.01, 147.011, 147.05, 169.16, 169.17, 93662  
903.05, 921.23, 926.05, 935.06, 943.03, 943.031, 943.05, 956.03, 93663  
956.15, 1119.05, 1119.08, 1315.04, 1315.101, 1315.23, 1321.04, 93664  
1321.37, 1321.53, 1321.64, 1321.74, 1322.10, 1322.21, 1322.24, 93665  
1533.342, 1533.631, 1546.16, 1561.12, 1561.23, 1571.012, 1707.19, 93666  
1716.05, 1716.07, 2915.081, 2915.082, 3304.31, 3310.43, 3319.088, 93667  
3319.225, 3319.30, 3319.31, 3319.39, 3327.10, 3332.05, 3332.09, 93668  
3332.11, 3332.12, 3710.06, 3734.42, 3734.44, 3743.03, 3743.16, 93669

3743.70, 3743.99, 3770.05, 3770.073, 3772.01, 3772.07, 3772.10, 93670  
3773.42, 3783.03, 3796.03, 3796.04, 3796.09, 3796.10, 3905.06, 93671  
3905.062, 3905.07, 3905.14, 3905.15, 3905.72, 3905.85, 3916.15, 93672  
3951.04, 4104.09, 4104.19, 4508.03, 4508.04, 4511.76, 4513.34, 93673  
4517.04, 4517.09, 4517.12, 4517.13, 4517.14, 4517.171, 4701.01, 93674  
4701.06, 4701.07, 4701.08, 4701.09, 4701.17, 4703.07, 4703.10, 93675  
4703.34, 4707.02, 4707.07, 4707.09, 4707.15, 4707.19, 4707.22, 93676  
4709.07, 4709.08, 4709.10, 4709.13, 4713.28, 4713.30, 4713.31, 93677  
4713.34, 4713.69, 4715.10, 4715.101, 4715.21, 4715.27, 4715.30, 93678  
4717.05, 4717.051, 4717.061, 4717.14, 4719.03, 4723.09, 4723.092, 93679  
4723.28, 4723.651, 4723.75, 4723.76, 4723.84, 4725.12, 4725.121, 93680  
4725.18, 4725.19, 4725.44, 4725.48, 4725.501, 4725.52, 4725.53, 93681  
4727.03, 4728.03, 4729.071, 4729.08, 4729.09, 4729.16, 4729.90, 93682  
4729.92, 4729.96, 4730.10, 4730.101, 4730.11, 4730.25, 4731.08, 93683  
4731.09, 4731.171, 4731.19, 4731.22, 4731.291, 4731.299, 4731.52, 93684  
4731.531, 4731.573, 4732.091, 4732.10, 4732.17, 4733.11, 4733.20, 93685  
4734.20, 4734.202, 4734.23, 4734.27, 4734.31, 4735.07, 4735.09, 93686  
4735.10, 4735.13, 4735.27, 4735.28, 4736.08, 4738.04, 4738.07, 93687  
4740.05, 4740.06, 4740.061, 4740.10, 4741.10, 4741.12, 4741.22, 93688  
4747.04, 4747.05, 4747.051, 4747.10, 4747.12, 4749.03, 4751.20, 93689  
4751.202, 4751.21, 4751.32, 4752.09, 4753.061, 4753.10, 4755.06, 93690  
4755.07, 4755.08, 4755.11, 4755.47, 4755.62, 4755.64, 4755.70, 93691  
4757.10, 4757.101, 4757.22, 4757.23, 4757.27, 4757.28, 4757.29, 93692  
4757.36, 4758.20, 4758.24, 4758.30, 4759.02, 4759.051, 4759.06, 93693  
4759.061, 4759.07, 4760.03, 4760.032, 4760.13, 4761.04, 4761.05, 93694  
4761.051, 4761.06, 4761.07, 4761.09, 4762.03, 4762.031, 4762.13, 93695  
4763.05, 4764.05, 4764.06, 4764.13, 4764.14, 4765.11, 4765.17, 93696  
4765.301, 4765.55, 4771.18, 4773.03, 4774.03, 4774.031, 4774.13, 93697  
4776.04, 4778.02, 4778.03, 4778.04, 4778.14, 4779.09, 4779.091, 93698  
4779.18, 4779.28, 4781.09, 4781.18, 4783.04, 4783.09, 5120.55, 93699  
5123.169, 5123.1611, 5123.452, and 5502.011 of the Revised Code 93700  
are hereby repealed. 93701

**Section 130.27.** That existing Section 2 of H.B. 263 of the 133rd General Assembly is hereby repealed.

**Section 130.28.** The repeal of the future versions of sections 101.721, 101.921, and 121.621 of the Revised Code in Section 130.25 of this act and the repeal of the future existing repeal of those sections in Sections 130.26 and 130.27 of this act removes the limitation on the continued existence of the versions of those sections in effect prior to H.B. 263 of the 133rd General Assembly. The versions of those sections are presented below, without amendment, to confirm their continued application:

**Sec. 101.721.** (A) No person shall be permitted to register as a legislative agent under division (A) or (B) of section 101.72 of the Revised Code if the person is convicted of or pleads guilty to committing on or after the effective date of this section any of the following offenses that is a felony:

(1) A violation of section 2921.02, 2921.03, 2921.05, 2921.41, 2921.42, or 2923.32 of the Revised Code;

(2) A violation of section 2913.42, 2921.04, 2921.11, 2921.12, 2921.31, or 2921.32 of the Revised Code if the person committed the violation while the person was serving in a public office and the conduct constituting the violation was related to the duties of the person's public office or to the person's actions as a public official holding that public office;

(3) A violation of an existing or former municipal ordinance or law of this or any other state or the United States that is substantially equivalent to any violation listed in division (A)(1) of this section;

(4) A violation of an existing or former municipal ordinance or law of this or any other state or the United States that is

substantially equivalent to any violation listed in division 93731  
(A)(2) of this section if the person committed the violation while 93732  
the person was serving in a public office and the conduct 93733  
constituting the violation was related to the duties of the 93734  
person's public office or to the person's actions as a public 93735  
official holding that public office; 93736

(5) A conspiracy to commit, attempt to commit, or complicity 93737  
in committing any violation listed in division (A)(1) or described 93738  
in division (A)(3) of this section; 93739

(6) A conspiracy to commit, attempt to commit, or complicity 93740  
in committing any violation listed in division (A)(2) or described 93741  
in division (A)(4) of this section if the person committed the 93742  
violation while the person was serving in a public office and the 93743  
conduct constituting the violation that was the subject of the 93744  
conspiracy, that would have constituted the offense attempted, or 93745  
constituting the violation in which the person was complicit was 93746  
or would have been related to the duties of the person's public 93747  
office or to the person's actions as a public official holding 93748  
that public office. 93749

(B) If a legislative agent has registered with the joint 93750  
legislative ethics committee under division (A) or (B) of section 93751  
101.72 of the Revised Code and, on or after the effective date of 93752  
this section and during the period during which the registration 93753  
is valid, the legislative agent is convicted of or pleads guilty 93754  
to any felony offense listed or described in division (A)(1), (2), 93755  
(3), (4), (5), or (6) of this section in the circumstances 93756  
specified in the particular division, the joint legislative ethics 93757  
committee immediately upon becoming aware of the conviction or 93758  
guilty plea shall terminate the registration of the person as a 93759  
legislative agent, and, after the termination, the ban imposed 93760  
under division (A) of this section applies to the person. 93761

(C) The ban imposed under division (A) of this section is a 93762

lifetime ban, and the offender is forever disqualified from 93763  
registering as a legislative agent under section 101.72 of the 93764  
Revised Code. 93765

(D) For purposes of divisions (A) and (B) of this section, a 93766  
violation of section 2923.32 of the Revised Code or any other 93767  
violation or offense that includes as an element a course of 93768  
conduct or the occurrence of multiple acts is "committed on or 93769  
after the effective date of this section" if the course of conduct 93770  
continues, one or more of the multiple acts occurs, or the subject 93771  
person's accountability for the course of conduct or for one or 93772  
more of the multiple acts continues, on or after the effective 93773  
date of this section. 93774

(E) As used in this section, "public office" means any 93775  
elected federal, state, or local government office in this state. 93776

**Sec. 101.921.** (A) No person shall be permitted to register as 93777  
a retirement system lobbyist under division (A) or (B) of section 93778  
101.92 of the Revised Code if the person is convicted of or pleads 93779  
guilty to committing on or after the effective date of this 93780  
section any felony offense listed or described in divisions (A)(1) 93781  
to (6) of section 101.721 of the Revised Code in the circumstances 93782  
specified in the particular division. 93783

(B) If a retirement system lobbyist has registered with the 93784  
joint legislative ethics committee under division (A) or (B) of 93785  
section 101.92 of the Revised Code, and, on or after the effective 93786  
date of this section and during the period during which the 93787  
registration is valid, the retirement system lobbyist is convicted 93788  
of or pleads guilty to any felony offense listed or described in 93789  
divisions (A)(1) to (6) of section 101.721 of the Revised Code in 93790  
the circumstances specified in the particular division, the joint 93791  
legislative ethics committee immediately upon becoming aware of 93792  
the conviction or guilty plea shall terminate the registration of 93793

the person as a retirement system lobbyist, and, after the 93794  
termination, the ban imposed under division (A) of this section 93795  
applies to the person. 93796

(C) The ban imposed under division (A) of this section is a 93797  
lifetime ban, and the offender is forever disqualified from 93798  
registering as a retirement system lobbyist under section 101.92 93799  
of the Revised Code. 93800

(D) For purposes of divisions (A) and (B) of this section, a 93801  
violation of section 2923.32 of the Revised Code or any other 93802  
violation or offense that includes as an element a course of 93803  
conduct or the occurrence of multiple acts is "committed on or 93804  
after the effective date of this section" if the course of conduct 93805  
continues, one or more of the multiple acts occurs, or the subject 93806  
person's accountability for the course of conduct or for one or 93807  
more of the multiple acts continues, on or after the effective 93808  
date of this section. 93809

**Sec. 121.621.** (A) No person shall be permitted to register as 93810  
an executive agency lobbyist under division (A) or (B) of section 93811  
121.62 of the Revised Code if the person is convicted of or pleads 93812  
guilty to committing on or after the effective date of this 93813  
section any felony offense listed or described in divisions (A)(1) 93814  
to (6) of section 101.721 of the Revised Code in the circumstances 93815  
specified in the particular division. 93816

(B) If an executive agency lobbyist has registered with the 93817  
joint legislative ethics committee under division (A) or (B) of 93818  
section 121.62 of the Revised Code and, on or after the effective 93819  
date of this section and during the period during which the 93820  
registration is valid, the executive agency lobbyist is convicted 93821  
of or pleads guilty to any felony offense listed or described in 93822  
divisions (A)(1) to (6) of section 101.721 of the Revised Code in 93823  
the circumstances specified in the particular division, the joint 93824

legislative ethics committee immediately upon becoming aware of 93825  
the conviction or guilty plea shall terminate the registration of 93826  
the person as an executive agency lobbyist, and, after the 93827  
termination, the ban imposed under division (A) of this section 93828  
applies to the person. 93829

(C) The ban imposed under divisions (A) and (B) of this 93830  
section is a lifetime ban, and the offender is forever 93831  
disqualified from registering as an executive agency lobbyist 93832  
under section 121.62 of the Revised Code. 93833

(D) For purposes of divisions (A) and (B) of this section, a 93834  
violation of section 2923.32 of the Revised Code or any other 93835  
violation or offense that includes as an element a course of 93836  
conduct or the occurrence of multiple acts is "committed on or 93837  
after the effective date of this section" if the course of conduct 93838  
continues, one or more of the multiple acts occurs, or the subject 93839  
person's accountability for the course of conduct or for one or 93840  
more of the multiple acts continues, on or after the effective 93841  
date of this section. 93842

**Section 130.30.** Section 5540.02 of the Revised Code was 93843  
amended by both H.B. 627 of the 121st General Assembly and H.B. 74 93844  
of the 134th General Assembly. Due to technical error, the version 93845  
of the section included in H.B. 74 of the 134th General Assembly 93846  
did not reflect the amendments made by H.B. 627 of the 121st 93847  
General Assembly. The section is presented below without amendment 93848  
to confirm the harmonization and continued application of 93849  
amendments made by those acts. 93850

**Sec. 5540.02.** (A) A transportation improvement district may 93851  
be created by the board of county commissioners of a county. The 93852  
board, by resolution, shall determine the structure of the board 93853  
of trustees of the transportation improvement district it creates 93854

by adopting the structure contained either in division (C)(1) or 93855  
(2) of this section. 93856

(B) A transportation improvement district is a body both 93857  
corporate and politic, and the exercise by it of the powers 93858  
conferred by this chapter in the financing, construction, 93859  
maintenance, repair, and operation of a project are and shall be 93860  
held to be essential governmental functions. 93861

(C)(1) If the board of county commissioners so elects, a 93862  
transportation improvement district shall be governed by a board 93863  
of trustees consisting of the following members: 93864

(a) Two members appointed by the board of county 93865  
commissioners; 93866

(b) Three members appointed by the legislative authority of 93867  
the most populous municipal corporation in the district; 93868

(c) Two members appointed by the legislative authority of the 93869  
second most populous municipal corporation in the district; 93870

(d) Two members appointed by the board of township trustees 93871  
of the township in the county that is most populous in its 93872  
unincorporated area; 93873

(e) The county engineer; 93874

(f) One member appointed by the legislative authority of any 93875  
township or municipal corporation that cannot otherwise appoint a 93876  
member to the board pursuant to this section, and that is wholly 93877  
or partially within the area of the transportation improvement 93878  
district as the district was originally designated by the board of 93879  
county commissioners; 93880

(g) If the area of a transportation improvement district is 93881  
expanded by the board of county commissioners, the legislative 93882  
authority of any township or municipal corporation that is wholly 93883  
or partially within the area of expansion and that cannot 93884

otherwise appoint a member to the board pursuant to this section, 93885  
with the consent of the board of trustees of the district, may 93886  
appoint one member to the board; 93887

(h) One member appointed by the regional planning commission 93888  
for the county, who shall be a nonvoting member of the board. 93889

One of each of the appointments made by the board of county 93890  
commissioners, the legislative authority of a municipal 93891  
corporation, and the board of township trustees under divisions 93892  
(C)(1)(a), (b), (c), and (d) of this section, shall be members of 93893  
the chamber of commerce for the respective political subdivision. 93894

Whenever the addition of members to the board of trustees of 93895  
a transportation improvement district pursuant to division 93896  
(C)(1)(f) or (g) of this section results in an even number of 93897  
total voting members on the board, the board of trustees of the 93898  
district may appoint an additional person to its membership to 93899  
maintain an odd number of voting members. 93900

(2) As an alternative to the structure prescribed in division 93901  
(C)(1) of this section, a board of county commissioners, by 93902  
resolution, may elect that the transportation improvement district 93903  
it creates be governed by a board of trustees consisting of five 93904  
members appointed by the board of county commissioners. 93905

(D) Each appointed member of the board shall hold office for 93906  
a term of two years but subject to removal at the pleasure of the 93907  
authority that appointed the member. Members may be reappointed. 93908  
Except as otherwise provided in this division, any vacancy on the 93909  
board shall be filled in the same manner as the original 93910  
appointment. Any vacancy on a board appointed under division 93911  
(C)(1) of this section lasting longer than thirty days due to the 93912  
failure of the legislative authority of a municipal corporation or 93913  
a board of township trustees to make an appointment shall be 93914  
filled by the board of trustees of the transportation improvement 93915

district. 93916

(E) The voting members of the board shall elect from the 93917  
entire board membership a chairperson, vice-chairperson, and 93918  
secretary-treasurer. A majority of the voting members of the board 93919  
constitutes a quorum, the affirmative vote of which is necessary 93920  
for any action of the district. No vacancy in the membership of 93921  
the board impairs the right of a quorum to exercise all the rights 93922  
and perform all duties of the district. 93923

(F) The board of county commissioners of the county, the 93924  
legislative authority of any municipal corporation, and the board 93925  
of township trustees of any township that is part of the district, 93926  
may make appropriations from moneys available to them and not 93927  
otherwise appropriated, to pay costs incurred by the district in 93928  
the exercise of its functions under this chapter. 93929

(G) An organizational meeting of the board of trustees of a 93930  
transportation improvement district created under this section 93931  
shall be held at the time and place designated by the board member 93932  
who has served the most years as a member of the board of county 93933  
commissioners that created the transportation improvement 93934  
district. 93935

**Section 201.10.** Except as otherwise provided in this act, all 93936  
appropriation items in this act are appropriated out of any moneys 93937  
in the state treasury to the credit of the designated fund that 93938  
are not otherwise appropriated. For all appropriations made in 93939  
this act, the amounts in the first column are for fiscal year 2022 93940  
and the amounts in the second column are for fiscal year 2023. 93941  
93942

**Section 203.10.** ACC ACCOUNTANCY BOARD OF OHIO 93943  
Dedicated Purpose Fund Group 93944  
4J80 889601 CPA Education \$ 525,000 \$ 525,000 93945

|       |                        |                              |    |            |    |                  |       |
|-------|------------------------|------------------------------|----|------------|----|------------------|-------|
|       |                        | Assistance                   |    |            |    |                  |       |
| 4K90  | 889609                 | Operating Expenses           | \$ | 1,244,124  | \$ | 1,291,139        | 93946 |
| TOTAL | DPF                    | Dedicated Purpose Fund       |    |            |    |                  | 93947 |
| Group |                        |                              | \$ | 1,769,124  | \$ | 1,816,139        | 93948 |
| TOTAL | ALL BUDGET FUND GROUPS |                              | \$ | 1,769,124  | \$ | 1,816,139        | 93949 |
|       |                        | <b>Section 205.10.</b>       |    | ADJ        |    | ADJUTANT GENERAL | 93951 |
|       |                        | General Revenue Fund         |    |            |    |                  | 93952 |
| GRF   | 745401                 | Ohio Military Reserve        | \$ | 9,500      | \$ | 9,800            | 93953 |
| GRF   | 745404                 | Air National Guard           | \$ | 1,750,000  | \$ | 1,811,250        | 93954 |
| GRF   | 745407                 | National Guard               | \$ | 174,000    | \$ | 174,000          | 93955 |
|       |                        | Benefits                     |    |            |    |                  |       |
| GRF   | 745409                 | Central                      | \$ | 2,940,167  | \$ | 3,025,550        | 93956 |
|       |                        | Administration               |    |            |    |                  |       |
| GRF   | 745499                 | Army National Guard          | \$ | 3,600,000  | \$ | 3,726,000        | 93957 |
| GRF   | 745503                 | Ohio Cyber Reserve           | \$ | 750,000    | \$ | 750,000          | 93958 |
| GRF   | 745504                 | Ohio Cyber Range             | \$ | 2,100,000  | \$ | 2,100,000        | 93959 |
| GRF   | 745505                 | State Active Duty            | \$ | 50,000     | \$ | 50,000           | 93960 |
| TOTAL | GRF                    | General Revenue Fund         | \$ | 11,373,667 | \$ | 11,646,600       | 93961 |
|       |                        | Dedicated Purpose Fund Group |    |            |    |                  | 93962 |
| 5340  | 745612                 | Property Operations          | \$ | 900,000    | \$ | 900,000          | 93963 |
|       |                        | Management                   |    |            |    |                  |       |
| 5360  | 745605                 | Marksmanship                 | \$ | 115,000    | \$ | 115,000          | 93964 |
|       |                        | Activities                   |    |            |    |                  |       |
| 5360  | 745620                 | Camp Perry and               | \$ | 874,055    | \$ | 874,055          | 93965 |
|       |                        | Buckeye Inn                  |    |            |    |                  |       |
|       |                        | Operations                   |    |            |    |                  |       |
| 5370  | 745604                 | Ohio National Guard          | \$ | 190,000    | \$ | 190,000          | 93966 |
|       |                        | Facilities                   |    |            |    |                  |       |
|       |                        | Maintenance                  |    |            |    |                  |       |
| 5CV1  | 745632                 | Coronavirus Relief -         | \$ | 1,000,000  | \$ | 0                | 93967 |
|       |                        | ADJ                          |    |            |    |                  |       |

|           |        |                                                     |    |            |    |            |       |
|-----------|--------|-----------------------------------------------------|----|------------|----|------------|-------|
| 5LY0      | 745626 | Military Medal of<br>Distinction                    | \$ | 5,000      | \$ | 5,000      | 93968 |
| 5U80      | 745613 | Community Match<br>Armories                         | \$ | 350,000    | \$ | 350,000    | 93969 |
| TOTAL DPF |        | Dedicated Purpose Fund<br>Group                     | \$ | 3,434,055  | \$ | 2,434,055  | 93970 |
|           |        | Federal Fund Group                                  |    |            |    |            | 93971 |
| 3420      | 745616 | Army National Guard<br>Service Agreement            | \$ | 26,252,590 | \$ | 26,636,202 | 93972 |
| 3E80      | 745628 | Air National Guard<br>Operations and<br>Maintenance | \$ | 14,476,985 | \$ | 14,881,509 | 93973 |
| 3R80      | 745603 | Counter Drug<br>Operations                          | \$ | 15,000     | \$ | 15,382     | 93974 |
| TOTAL FED |        | Federal Fund Group                                  | \$ | 40,744,575 | \$ | 41,533,093 | 93975 |
| TOTAL ALL |        | BUDGET FUND GROUPS                                  | \$ | 55,552,297 | \$ | 55,613,748 | 93976 |

**Section 205.20. NATIONAL GUARD BENEFITS** 93978

The foregoing appropriation item 745407, National Guard 93979  
 Benefits, shall be used for purposes of sections 5919.31 and 93980  
 5919.33 of the Revised Code, and for administrative costs of the 93981  
 associated programs. 93982

If necessary, in order to pay benefits in a timely manner 93983  
 pursuant to sections 5919.31 and 5919.33 of the Revised Code, the 93984  
 Adjutant General may request the Director of Budget and Management 93985  
 transfer appropriation from any appropriation item used by the 93986  
 Adjutant General to appropriation item 745407, National Guard 93987  
 Benefits. Such amounts are hereby appropriated. The Adjutant 93988  
 General may subsequently seek Controlling Board approval to 93989  
 restore the appropriation in the appropriation item from which 93990  
 such a transfer was made. 93991

For active duty members of the Ohio National Guard who died 93992

after October 7, 2001, while performing active duty, the death 93993  
benefit, pursuant to section 5919.33 of the Revised Code, shall be 93994  
paid to the beneficiary or beneficiaries designated on the 93995  
member's Servicemembers' Group Life Insurance Policy. 93996

OHIO CYBER RESERVE 93997

The foregoing appropriation item 745503, Ohio Cyber Reserve, 93998  
shall be used for purposes of providing support for the 93999  
administration of the Ohio Cyber Reserve, a civilian cyber reserve 94000  
force that is part of the Ohio organized militia, capable of being 94001  
expanded and trained to educate and protect all levels of state 94002  
government, critical infrastructure, and the citizens of this 94003  
state from cyberattacks and incidences under sections 5922.01, 94004  
5922.02, and 5922.08 of the Revised Code. 94005

OHIO CYBER RANGE 94006

The foregoing appropriation item 745504, Ohio Cyber Range, 94007  
shall be used by the Adjutant General's Department to establish 94008  
and maintain the cyber range for purposes of providing cyber 94009  
training and education to K-12 students, higher education 94010  
students, members of the Ohio National Guard, federal employees, 94011  
and state and local government employees, and provide for 94012  
emergency preparedness exercises and trainings. 94013

The Adjutant General's Department, in conjunction and 94014  
collaboration with the Department of Administrative Services, the 94015  
Department of Public Safety, the Department of Higher Education, 94016  
and the Department of Education shall establish and maintain a 94017  
cyber range. The Adjutant General's Department may work with 94018  
federal agencies to assist in accomplishing this objective. The 94019  
state agencies identified in this paragraph may procure any 94020  
necessary goods and services including, but not limited to, 94021  
contracted services, hardware, networking services, maintenance 94022  
costs, and the training and management costs of a cyber range. 94023

These state agencies shall determine the amount of funds each 94024  
agency will contribute from available funds and appropriations 94025  
enacted herein in order to establish and maintain a cyber range. 94026

STATE ACTIVE DUTY 94027

The foregoing appropriation item 745505, State Active Duty, 94028  
shall be used for the purpose of paying expenses related to state 94029  
active duty of members of the Ohio organized militia, in 94030  
accordance with a proclamation or order of the Governor. Expenses 94031  
include, but are not limited to, cost of equipment, supplies, and 94032  
services, as determined by the Adjutant General. 94033

**Section 207.10.** DAS DEPARTMENT OF ADMINISTRATIVE SERVICES 94034

General Revenue Fund 94035

GRF 100412 Unemployment Insurance \$ 1,550,000 \$ 1,560,000 94036

System Lease Rental  
Payments

GRF 100413 EDCS Lease Rental \$ 13,280,000 \$ 13,275,000 94037

Payments

GRF 100414 MARCS Lease Rental \$ 6,770,000 \$ 6,770,000 94038

Payments

GRF 100415 OAKS Lease Rental \$ 2,450,000 \$ 2,450,000 94039

Payments

GRF 100416 STARS Lease Rental \$ 5,000,000 \$ 5,000,000 94040

Payments

GRF 100447 Administrative \$ 88,000,000 \$ 85,000,000 94041

Buildings Lease Rental  
Bond Payments

GRF 100456 State IT Services \$ 1,413,165 \$ 1,424,551 94042

GRF 100459 Ohio Business Gateway \$ 13,527,621 \$ 13,527,621 94043

GRF 100469 Aronoff Center \$ 222,121 \$ 222,121 94044

Building Maintenance

GRF 100501 MARCS Fee Offset \$ 2,500,000 \$ 2,500,000 94045

|             |                                          |                |                |       |
|-------------|------------------------------------------|----------------|----------------|-------|
| GRF 130321  | State Agency Support<br>Services         | \$ 24,623,264  | \$ 25,349,994  | 94046 |
| TOTAL GRF   | General Revenue Fund                     | \$ 159,336,171 | \$ 157,079,287 | 94047 |
|             | Dedicated Purpose Fund Group             |                |                | 94048 |
| 5CV1 100671 | Coronavirus Relief -<br>DAS              | \$ 1,800,000   | \$ 0           | 94049 |
| 5L70 100610 | Professional<br>Development              | \$ 1,650,000   | \$ 1,650,000   | 94050 |
| 5MV0 100662 | Theater Equipment<br>Maintenance         | \$ 50,000      | \$ 50,000      | 94051 |
| 5NM0 100663 | 911 Program                              | \$ 586,070     | \$ 599,969     | 94052 |
| 5V60 100619 | Employee Educational<br>Development      | \$ 1,500,000   | \$ 1,600,000   | 94053 |
| TOTAL DPF   | Dedicated Purpose Fund<br>Group          | \$ 5,586,070   | \$ 3,899,969   | 94054 |
|             | Internal Service Activity Fund Group     |                |                | 94055 |
| 1120 100616 | DAS Administration                       | \$ 13,253,998  | \$ 13,700,502  | 94056 |
| 1150 100632 | Central Service Agency                   | \$ 989,973     | \$ 1,013,812   | 94057 |
| 1170 100644 | General Services<br>Division - Operating | \$ 25,686,811  | \$ 25,866,307  | 94058 |
| 1220 100637 | Fleet Management                         | \$ 26,492,047  | \$ 28,792,538  | 94059 |
| 1250 100622 | Human Resources<br>Division - Operating  | \$ 18,718,045  | \$ 19,178,890  | 94060 |
| 1250 100657 | Benefits Communication                   | \$ 615,521     | \$ 615,521     | 94061 |
| 1280 100620 | Office of Collective<br>Bargaining       | \$ 4,385,893   | \$ 4,385,893   | 94062 |
| 1300 100606 | Risk Management<br>Reserve               | \$ 17,904,121  | \$ 19,381,381  | 94063 |
| 1320 100631 | DAS Building<br>Management               | \$ 53,043,664  | \$ 53,323,205  | 94064 |
| 1330 100607 | IT Services Delivery                     | \$ 168,044,912 | \$ 173,182,510 | 94065 |
| 2100 100612 | State Printing                           | \$ 29,507,055  | \$ 28,719,641  | 94066 |

|                                          |                                            |    |             |    |             |       |
|------------------------------------------|--------------------------------------------|----|-------------|----|-------------|-------|
| 2290 100630                              | IT Governance                              | \$ | 30,073,302  | \$ | 32,179,505  | 94067 |
| 2290 100640                              | Consolidated IT Purchases                  | \$ | 15,351,924  | \$ | 15,351,924  | 94068 |
| 4270 100602                              | Investment Recovery                        | \$ | 1,664,257   | \$ | 1,679,401   | 94069 |
| 4N60 100617                              | Major IT Purchases                         | \$ | 2,800,000   | \$ | 2,800,000   | 94070 |
| 5C20 100605                              | MARCS Administration                       | \$ | 29,045,797  | \$ | 30,882,138  | 94071 |
| 5EB0 100635                              | OAKS Support Organization                  | \$ | 58,738,136  | \$ | 58,434,886  | 94072 |
| 5EB0 100656                              | OAKS Updates and Developments              | \$ | 6,064,809   | \$ | 6,146,812   | 94073 |
| 5JQ0 100658                              | Professionals Licensing System             | \$ | 4,989,466   | \$ | 5,111,024   | 94074 |
| 5KZ0 100659                              | Building Improvement                       | \$ | 1,675,000   | \$ | 2,160,000   | 94075 |
| 5LJ0 100661                              | IT Development                             | \$ | 19,000,000  | \$ | 16,500,000  | 94076 |
| 5PC0 100665                              | Enterprise Applications                    | \$ | 10,038,838  | \$ | 10,601,983  | 94077 |
| 5WU0 100672                              | Ohio Benefits                              | \$ | 154,119,471 | \$ | 154,276,578 | 94078 |
| TOTAL ISA                                | Internal Service Activity                  | \$ |             |    |             | 94079 |
| Fund Group                               |                                            | \$ | 692,203,040 | \$ | 704,284,451 | 94080 |
| Fiduciary Fund Group                     |                                            |    |             |    |             | 94081 |
| 5UH0 100670                              | Enterprise Transactions                    | \$ | 1,150,000   | \$ | 1,150,000   | 94082 |
| TOTAL FID                                | Fiduciary Fund Group                       | \$ | 1,150,000   | \$ | 1,150,000   | 94083 |
| Federal Fund Group                       |                                            |    |             |    |             | 94084 |
| 3AJ0 100623                              | Information Technology Grants              | \$ | 10,000      | \$ | 10,000      | 94085 |
| TOTAL FED                                | Federal Fund Group                         | \$ | 10,000      | \$ | 10,000      | 94086 |
| TOTAL ALL BUDGET FUND GROUPS             |                                            | \$ | 858,285,281 | \$ | 866,423,707 | 94087 |
| <b>Section 207.20.</b>                   | UNEMPLOYMENT INSURANCE SYSTEM LEASE RENTAL |    |             |    |             | 94089 |
| PAYMENTS                                 |                                            |    |             |    |             | 94090 |
| The foregoing appropriation item 100412, | Unemployment                               |    |             |    |             | 94091 |

Insurance System Lease Rental Payments, shall be used to make 94092  
payments during the period from July 1, 2021, through June 30, 94093  
2023, pursuant to leases and agreements entered into under Chapter 94094  
125. of the Revised Code, as supplemented by Section 701.40 of 94095  
H.B. 529 of the 132nd General Assembly, with respect to financing 94096  
the costs associated with the acquisition, development, 94097  
implementation, and integration of the Unemployment Insurance 94098  
System. 94099

EDCS LEASE RENTAL PAYMENTS 94100

The foregoing appropriation item 100413, EDCS Lease Rental 94101  
Payments, shall be used to make payments during the period from 94102  
July 1, 2021, through June 30, 2023, pursuant to leases and 94103  
agreements entered into under Chapter 125. of the Revised Code, as 94104  
supplemented by Section 701.10 of H.B. 529 of the 132nd General 94105  
Assembly, as amended by Section 601.10 of H.B. 166 of the 133rd 94106  
General Assembly, and other prior acts of the General Assembly, 94107  
with respect to financing the costs associated with the 94108  
acquisition, development, implementation, and integration of the 94109  
Enterprise Data Center Solutions (EDCS) information technology 94110  
initiative. 94111

MULTI-AGENCY RADIO COMMUNICATION SYSTEM LEASE RENTAL PAYMENTS 94112

The foregoing appropriation item 100414, MARCS Lease Rental 94113  
Payments, shall be used to make payments during the period from 94114  
July 1, 2021, through June 30, 2023, pursuant to leases and 94115  
agreements entered into under Chapter 125. of the Revised Code, as 94116  
supplemented by Section 701.10 of Sub. H.B. 497 of the 130th 94117  
General Assembly and other prior acts of the General Assembly, 94118  
with respect to financing the costs associated with the 94119  
acquisition, development, implementation, and integration of the 94120  
Multi-Agency Radio Communications System (MARCS) upgrade. 94121

OHIO ADMINISTRATIVE KNOWLEDGE SYSTEM LEASE RENTAL PAYMENTS 94122

The foregoing appropriation item 100415, OAKS Lease Rental Payments, shall be used to make payments during the period from July 1, 2021, through June 30, 2023, pursuant to leases and agreements entered into under Chapter 125. of the Revised Code, as supplemented by Section 701.10 of H.B. 529 of the 132nd General Assembly and other prior acts of the General Assembly, with respect to financing the costs associated with the acquisition, development, implementation, and integration of the Ohio Administrative Knowledge System (OAKS).

STATE TAXATION ACCOUNTING AND REVENUE SYSTEM LEASE RENTAL PAYMENTS

The foregoing appropriation item 100416, STARS Lease Rental Payments, shall be used to make payments during the period from July 1, 2021, through June 30, 2023, pursuant to leases and agreements entered into under Chapter 125. of the Revised Code, as supplemented by Section 701.30 of H.B. 529 of the 132nd General Assembly and other prior acts of the General Assembly, with respect to financing the costs associated with the acquisition, development, implementation, and integration of the State Taxation Accounting and Revenue System (STARS).

ADMINISTRATIVE BUILDINGS LEASE RENTAL BOND PAYMENTS

The foregoing appropriation item 100447, Administrative Buildings Lease Rental Bond Payments, shall be used to meet all payments during the period from July 1, 2021, through June 30, 2023, by the Department of Administrative Services pursuant to leases and agreements under Chapters 152. and 154. of the Revised Code. These appropriations are the source of funds pledged for bond service charges on related obligations issued under Chapters 152. and 154. of the Revised Code.

MULTI-AGENCY RADIO COMMUNICATION SYSTEM DEBT SERVICE PAYMENTS

The Director of Administrative Services, in consultation with

the Multi-Agency Radio Communication System (MARCS) Steering 94154  
Committee and the Director of Budget and Management, shall 94155  
determine the share of debt service payments attributable to 94156  
spending for MARCS components that are not specific to any one 94157  
agency and that shall be charged to the Public Safety - Highway 94158  
Purposes Fund (Fund 5TM0). Such share of debt service payments 94159  
shall be calculated for MARCS capital disbursements made beginning 94160  
July 1, 1997. Within thirty days of any payment made from 94161  
appropriation item 100447, Administrative Buildings Lease Rental 94162  
Bond Payments, the Director of Administrative Services shall 94163  
certify to the Director of Budget and Management the amount of 94164  
this share. On or before June 30 of each fiscal year, the Director 94165  
of Budget and Management may transfer an amount up to the amount 94166  
certified for that fiscal year to the General Revenue Fund from 94167  
the Public Safety - Highway Purposes Fund (Fund 5TM0) established 94168  
in section 4501.06 of the Revised Code. 94169

DAS - BUILDING OPERATING PAYMENTS AND BUILDING MANAGEMENT 94170  
FUND 94171

The foregoing appropriation item 130321, State Agency Support 94172  
Services, may be used to provide funding for the cost of property 94173  
appraisals or building studies that the Department of 94174  
Administrative Services may be required to obtain for property 94175  
that is being sold by the state or property under consideration to 94176  
be renovated or purchased by the state. 94177

Notwithstanding section 125.28 of the Revised Code, the 94178  
foregoing appropriation item 130321, State Agency Support 94179  
Services, also may be used to pay the operating expenses of state 94180  
facilities maintained by the Department of Administrative Services 94181  
that are not billed to building tenants, or other costs associated 94182  
with the Voinovich Center in Youngstown, Ohio. These expenses may 94183  
include, but are not limited to, the costs for vacant space and 94184  
space undergoing renovation, and the rent expenses of tenants that 94185

are relocated because of building renovations. These payments may 94186  
be processed by the Department of Administrative Services through 94187  
intrastate transfer vouchers and placed into the Building 94188  
Management Fund (Fund 1320). 94189

At least once per year, the portion of appropriation item 94190  
130321, State Agency Support Services, that is not used for the 94191  
regular expenses of the appropriation item may be processed by the 94192  
Department of Administrative Services through intrastate transfer 94193  
voucher and placed in the Building Improvement Fund (Fund 5KZ0). 94194

On July 1, 2022, or as soon as possible thereafter, the 94195  
Director of Administrative Services may certify to the Director of 94196  
Budget and Management an amount up to the unexpended, unencumbered 94197  
balance of the foregoing appropriation item 130321, State Agency 94198  
Support Services, at the end of fiscal year 2022 to be 94199  
reappropriated to fiscal year 2023. The amount certified is hereby 94200  
reappropriated to the same appropriation item for fiscal year 94201  
2023. 94202

**Section 207.30. PROFESSIONAL DEVELOPMENT FUND** 94203

The foregoing appropriation item 100610, Professional 94204  
Development, shall be used to make payments from the Professional 94205  
Development Fund (Fund 5L70) under section 124.182 of the Revised 94206  
Code. If it is determined by the Director of Budget and Management 94207  
that additional amounts are necessary, the amounts are hereby 94208  
appropriated. 94209

**911 PROGRAM** 94210

The foregoing appropriation item 100663, 911 Program, shall 94211  
be used by the Department of Administrative Services to pay the 94212  
administrative, marketing, and educational costs of the Statewide 94213  
Emergency Services Internet Protocol Network program. 94214

**EMPLOYEE EDUCATIONAL DEVELOPMENT** 94215

The foregoing appropriation item 100619, Employee Educational Development, shall be used to make payments from the Employee Educational Development Fund (Fund 5V60) under section 124.86 of the Revised Code. The fund shall be used to pay the costs of administering educational programs under existing collective bargaining agreements with District 1199, the Health Care and Social Service Union, Service Employees International Union; State Council of Professional Educators; Ohio Education Association and National Education Association; the Fraternal Order of Police State of Ohio, Unit 2 Association; and the Ohio State Troopers Association, Units 1 and 15.

If it is determined by the Director of Budget and Management that additional amounts are necessary, the amounts are hereby appropriated.

**Section 207.40. GENERAL SERVICE CHARGES**

The Department of Administrative Services, with the approval of the Director of Budget and Management, shall establish charges for recovering the costs of administering the programs funded by the General Services Fund (Fund 1170) and the State Printing Fund (Fund 2100).

**COLLECTIVE BARGAINING ARBITRATION EXPENSES**

The Department of Administrative Services may seek reimbursement from state agencies for the actual costs and expenses the Department incurs in the collective bargaining arbitration process. The reimbursements shall be processed through intrastate transfer vouchers and credited to the Collective Bargaining Fund (Fund 1280).

**CONSOLIDATED IT PURCHASES**

The foregoing appropriation item 100640, Consolidated IT Purchases, shall be used by the Department of Administrative

Services acting as the purchasing agent for one or more government 94246  
entities under the authority of division (G) of section 125.18 of 94247  
the Revised Code to make information technology purchases at a 94248  
lower aggregate cost than each individual government entity could 94249  
have obtained independently for that information technology 94250  
purchase. 94251

INVESTMENT RECOVERY FUND 94252

Notwithstanding division (B) of section 125.14 of the Revised 94253  
Code, cash balances in the Investment Recovery Fund (Fund 4270) 94254  
may be used to support the operating expenses of the Federal 94255  
Surplus Operating Program created in sections 125.84 to 125.90 of 94256  
the Revised Code. 94257

MAJOR IT PURCHASES CHARGES 94258

Upon the request of the Director of Administrative Services, 94259  
the Director of Budget and Management may transfer up to the 94260  
amount collected for statewide indirect costs attributable to debt 94261  
service paid for the enterprise data center solutions project from 94262  
the General Revenue Fund to the Major Information Technology 94263  
Purchases Fund (Fund 4N60). 94264

PROFESSIONS LICENSING SYSTEM 94265

The foregoing appropriation item, 100658, Ohio Professionals 94266  
Licensing System, shall be used to purchase the equipment, 94267  
products, and services necessary to update and maintain an 94268  
automated licensing system for the professional licensing boards. 94269

The Department of Administrative Services shall establish 94270  
charges for recovering the costs of ongoing maintenance of the 94271  
system that are not otherwise recovered under section 125.18 of 94272  
the Revised Code. The charges shall be billed to state agencies, 94273  
boards, and commissions using the state's enterprise electronic 94274  
licensing system and deposited via intrastate transfer vouchers to 94275  
the credit of the Professions Licensing System Fund (Fund 5JQ0). 94276

**Section 207.45. BUILDING IMPROVEMENT FUND** 94277

The foregoing appropriation item 100659, Building 94278  
Improvement, shall be used to make payments from the Building 94279  
Improvement Fund (Fund 5KZ0) for major maintenance or improvements 94280  
required in facilities maintained by the Department of 94281  
Administrative Services. The Department of Administrative Services 94282  
shall conduct or contract for regular assessments of these 94283  
buildings and may maintain a cash balance in Fund 5KZ0 equal to 94284  
the cost of the repairs and improvements that are recommended to 94285  
occur within the next five years, with the following exception 94286  
described below. 94287

Upon request of the Director of Administrative Services, the 94288  
Director of Budget and Management may permit a cash transfer from 94289  
Fund 5KZ0 to the Building Management Fund (Fund 1320) to pay costs 94290  
of operating and maintaining facilities managed by the Department 94291  
of Administrative Services that are not charged to tenants during 94292  
the same fiscal year. 94293

Should the cash balance in Fund 1320 be determined to be 94294  
sufficient, the Director of Administrative Services may request 94295  
that the Director of Budget and Management transfer cash from Fund 94296  
1320 to Fund 5KZ0 in an amount equal to the initial cash transfer 94297  
made under this section plus applicable interest. 94298

**INFORMATION TECHNOLOGY DEVELOPMENT** 94299

The foregoing appropriation item 100661, IT Development, 94300  
shall be used by the Department of Administrative Services to pay 94301  
the costs of modernizing the state's information technology 94302  
management and investment practices away from a limited, 94303  
agency-specific focus in favor of a statewide methodology 94304  
supporting development of enterprise solutions. This appropriation 94305  
item may be used to pay the costs of enterprise information 94306  
technology initiatives affecting state agencies or their 94307

customers. 94308

Notwithstanding any provision of law to the contrary, the 94309  
Department of Administrative Services, with the approval of the 94310  
Director of Budget and Management, may charge state agencies an 94311  
information technology development assessment based on state 94312  
agencies' information technology expenditures or other methodology 94313  
and may assess fees or charges to entities that are not state 94314  
agencies to offset the cost of specific technology events or 94315  
services. The revenue from these assessments, fees, or charges 94316  
shall be deposited into the Information Technology Development 94317  
Fund (Fund 5LJ0), which is hereby created. 94318

Of the foregoing appropriation item 100661, IT Development, 94319  
\$250,000 in fiscal year 2022 shall be used by the Office of 94320  
InnovateOhio to support the web-based liquor permit project under 94321  
the Department of Commerce. 94322

STATE EEO FUND 94323

Effective July 1, 2021, the Director of Budget and Management 94324  
shall cancel any existing encumbrances against appropriation item 94325  
100649, Equal Opportunity Division - Operating, and reestablish 94326  
them against appropriation item 100622, Human Resources Division - 94327  
Operating. The reestablished encumbrance amounts are hereby 94328  
appropriated. Any business commenced but not completed under 94329  
appropriation item 100649, Equal Opportunity Division - Operating, 94330  
by July 1, 2021, shall be completed under appropriation item 94331  
100622, Human Resources Division - Operating, in the same manner, 94332  
and with the same effect, as if completed with regard to 94333  
appropriation item 100649, Equal Opportunity Division - Operating. 94334

The Director of Budget and Management shall transfer the 94335  
amount of cash in the State EEO Fund (Fund 1880) that was received 94336  
from agencies for actual expenditures deposited to the credit of 94337  
the State EEO Fund (Fund 1880) into the Human Resources Services 94338

Fund (Fund 1250). In order to facilitate this transfer, the 94339  
Director of Administrative Services, on July 1, 2021, or as soon 94340  
as possible thereafter, shall certify to the Director of Budget 94341  
and Management the amount to be transferred. 94342

ENTERPRISE APPLICATIONS 94343

The foregoing appropriation item 100665, Enterprise 94344  
Applications, shall be used for the operation and management of 94345  
information technology applications that support state agencies' 94346  
objectives. Charges billed to benefiting agencies shall be 94347  
deposited to the credit of the Enterprise Applications Fund (Fund 94348  
5PC0). 94349

**Section 207.50.** ENTERPRISE IT STRATEGY IMPLEMENTATION 94350

The Director of Administrative Services shall determine and 94351  
implement strategies that benefit the enterprise by improving 94352  
efficiency, reducing costs, or enhancing capacity of information 94353  
technology (IT) services. Such improvements and efficiencies may 94354  
result in the consolidation and transfer of such services. As 94355  
determined to be necessary for successful implementation of this 94356  
section and notwithstanding any provision of law to the contrary, 94357  
the Director of Administrative Services may request the Director 94358  
of Budget and Management to consolidate or transfer IT-specific 94359  
budget authority between agencies or within an agency as necessary 94360  
to implement enterprise IT cost containment strategies and related 94361  
efficiencies. Once the Director of Budget and Management is 94362  
satisfied that the proposed initiative is cost advantageous to the 94363  
enterprise, the Director of Budget and Management may transfer 94364  
appropriations, funds, and cash as needed to implement the 94365  
proposed initiative. The establishment of any new fund or 94366  
additional appropriation as a result of this section shall be 94367  
subject to Controlling Board approval. 94368

The Director of Budget and Management and the Director of 94369

Administrative Services may transfer any employees, assets, and 94370  
liabilities, including, but not limited to, records, contracts, 94371  
and agreements in order to facilitate the improvements determined 94372  
in accordance with this section. 94373

**Section 209.10.** AGE DEPARTMENT OF AGING 94374

General Revenue Fund 94375

GRF 490321 Operating Expenses \$ 1,724,070 \$ 1,745,504 94376

GRF 490410 Long-Term Care \$ 3,112,901 \$ 3,112,901 94377

Ombudsman

GRF 490411 Senior Community \$ 9,798,995 \$ 9,737,042 94378

Services

GRF 490414 Alzheimer's and Other \$ 2,495,245 \$ 2,495,245 94379

Dementia Respite

GRF 490506 National Senior \$ 222,792 \$ 222,792 94380

Service Corps

GRF 656423 Long-Term Care Budget \$ 5,154,308 \$ 5,194,827 94381

- State

TOTAL GRF General Revenue Fund \$ 22,508,311 \$ 22,508,311 94382

Dedicated Purpose Fund Group 94383

4800 490606 Senior Community \$ 385,964 \$ 380,761 94384

Outreach and

Education

4C40 490609 Regional Long-Term \$ 1,000,000 \$ 1,000,000 94385

Care Ombudsman

Program

5BA0 490620 Ombudsman Support \$ 1,532,273 \$ 1,532,919 94386

5K90 490613 Long-Term Care \$ 401,640 \$ 1,427,072 94387

Consumers Guide

5MT0 490627 Board of Executives \$ 750,838 \$ 761,056 94388

of Long-Term Services

and Supports

|                              |        |                                          |    |             |    |            |       |
|------------------------------|--------|------------------------------------------|----|-------------|----|------------|-------|
| 5T40                         | 656625 | Health Care Grants -<br>State            | \$ | 200,000     | \$ | 200,000    | 94389 |
| 5TI0                         | 656624 | Provider<br>Certification                | \$ | 120,000     | \$ | 120,000    | 94390 |
| 5W10                         | 490616 | Resident Services<br>Coordinator Program | \$ | 344,934     | \$ | 345,050    | 94391 |
| 5XT0                         | 490628 | At Home Technology<br>Pilot Program      | \$ | 250,000     | \$ | 250,000    | 94392 |
| TOTAL DPF Dedicated Purpose  |        |                                          |    |             |    |            | 94393 |
| Fund Group                   |        |                                          | \$ | 4,985,649   | \$ | 6,016,858  | 94394 |
| Federal Fund Group           |        |                                          |    |             |    |            | 94395 |
| 3220                         | 490618 | Federal Aging Grants                     | \$ | 9,435,514   | \$ | 8,860,830  | 94396 |
| 3C40                         | 656623 | Long Term Care Budget<br>- Federal       | \$ | 4,790,982   | \$ | 4,839,274  | 94397 |
| 3M40                         | 490612 | Federal Independence<br>Services         | \$ | 62,630,274  | \$ | 57,726,103 | 94398 |
| TOTAL FED Federal Fund Group |        |                                          | \$ | 76,856,770  | \$ | 71,426,207 | 94399 |
| TOTAL ALL BUDGET FUND GROUPS |        |                                          | \$ | 104,350,730 | \$ | 99,951,376 | 94400 |

**Section 209.20. LONG-TERM CARE** 94402

Pursuant to an interagency agreement, the Department of 94403  
 Medicaid may designate the Department of Aging to perform 94404  
 assessments under section 5165.04 of the Revised Code. The 94405  
 Department of Aging shall provide long-term care consultations 94406  
 under section 173.42 of the Revised Code to assist individuals in 94407  
 planning for their long-term health care needs. 94408

The Department of Aging shall administer the Medicaid 94409  
 waiver-funded PASSPORT Home Care Program, the Assisted Living 94410  
 Program, and PACE as delegated by the Department of Medicaid in an 94411  
 interagency agreement. 94412

**PERFORMANCE-BASED REIMBURSEMENT** 94413

In order to improve health outcomes among populations served 94414

by PASSPORT administrative agencies, the Department of Aging, 94415  
through rules adopted in accordance with Chapter 119. of the 94416  
Revised Code, may design and utilize a payment method for PASSPORT 94417  
administrative agency operations that includes a 94418  
pay-for-performance incentive component that is earned by a 94419  
PASSPORT administrative agency when defined consumer and policy 94420  
outcomes are achieved. Prior to filing with the Joint Committee on 94421  
Agency Rule Review, as provided in section 119.03 of the Revised 94422  
Code, a proposed rule related to a payment method that includes a 94423  
pay-for-performance incentive component, the Department shall 94424  
submit a report to the Joint Medicaid Oversight Committee 94425  
outlining the payment method. 94426

**Section 209.30. MYCARE OHIO** 94427

The authority of the Office of the State Long-Term Care 94428  
Ombudsman as described in sections 173.14 to 173.28 of the Revised 94429  
Code extends to MyCare Ohio during the period of the federal 94430  
financial alignment demonstration program. 94431

**SENIOR COMMUNITY SERVICES** 94432

Of the foregoing appropriation item 490411, Senior Community 94433  
Services, \$75,000 in each fiscal year shall be provided to the 94434  
Neighborhood Alliance for the Senior Nutrition Program. 94435

The remainder of appropriation item 490411, Senior Community 94436  
Services, may be used for programs, services, and activities 94437  
designated by the Department of Aging, including, but not limited 94438  
to, home-delivered meals, congregate dining, transportation, 94439  
personal care, respite, adult day services, home maintenance and 94440  
chores, minor home modification, care coordination, evidence-based 94441  
disease prevention and health promotion, and decision support 94442  
systems. Funds may also be used to provide grants to community 94443  
organizations to support and expand older adult programming. 94444  
Services priority shall be given to low-income, high-need persons, 94445

and/or persons with a cognitive impairment who are sixty years of age or over. 94446  
94447

NATIONAL SENIOR SERVICE CORPS 94448

The foregoing appropriation item 490506, National Senior Service Corps, may be used by the Department of Aging to fund grants to organizations that receive federal funds from the Corporation for National and Community Service to support the following Senior Corps programs: the Foster Grandparents Program, the Senior Companion Program, and the Retired Senior Volunteer Program. A recipient of these grant funds shall use the funds to support priorities established by the Department and the Ohio State Office of the Corporation for National and Community Service. Neither the Department nor any area agencies on aging that are involved in the distribution of these funds to lower-tiered grant recipients may use any portion of these funds to cover administrative costs. 94449  
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BOARD OF EXECUTIVES OF LONG-TERM SERVICES AND SUPPORTS 94462

The foregoing appropriation item 490627, Board of Executives of Long-Term Services and Supports, may be used by the Board of Executives of Long-Term Services and Supports to administer and enforce Chapter 4751. of the Revised Code and rules adopted under it. 94463  
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94465  
94466  
94467

**Section 209.40.** AT HOME TECHNOLOGY PILOT PROGRAM 94468

(A) During fiscal year 2022 and fiscal year 2023, the Department of Aging shall operate an At Home Technology Pilot Program under which the Department awards grants to service providers for the purpose of initiating or enhancing the providers' utilization of remote monitoring technologies that assist older adults in their ability to continue residing in their homes, residential care facilities, or other community-based 94469  
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settings. Examples of such technologies include those that do any 94476  
of the following: 94477

(1) Actively monitor vital signs and other health-related 94478  
data; 94479

(2) Track wake and sleep times or other milestone moments in 94480  
daily living; 94481

(3) Assist in maintaining a healthy, connected quality of 94482  
life at home, in a residential care facility, or in another 94483  
community-based setting. 94484

(B) At the conclusion of the Pilot Program, the Department 94485  
shall prepare a report regarding the efficacy of the Pilot Program 94486  
and outcomes regarding the health of individuals served by the 94487  
Pilot Program. The report shall be submitted to the Governor, the 94488  
President of the Senate, the Speaker of the House of 94489  
Representatives, and to the chairpersons of the Senate and House 94490  
of Representatives standing committees that consider aging issues. 94491

(C) The foregoing appropriation item 490628, At Home 94492  
Technology Pilot Program, shall be used for the At Home Technology 94493  
Pilot Program. 94494

**Section 211.10.** AGR DEPARTMENT OF AGRICULTURE 94495

General Revenue Fund 94496

|            |                        |    |           |    |           |       |
|------------|------------------------|----|-----------|----|-----------|-------|
| GRF 700401 | Animal Health Programs | \$ | 5,267,266 | \$ | 5,388,181 | 94497 |
| GRF 700403 | Dairy Division         | \$ | 1,292,929 | \$ | 1,342,866 | 94498 |
| GRF 700404 | Ohio Proud             | \$ | 102,734   | \$ | 105,096   | 94499 |
| GRF 700406 | Consumer Protection    | \$ | 1,467,261 | \$ | 1,389,965 | 94500 |
|            | Lab                    |    |           |    |           |       |
| GRF 700407 | Food Safety            | \$ | 1,376,113 | \$ | 1,408,710 | 94501 |
| GRF 700409 | Farmland Preservation  | \$ | 1,000,000 | \$ | 500,000   | 94502 |
| GRF 700410 | Plant Industry         | \$ | 151,708   | \$ | 155,449   | 94503 |
| GRF 700412 | Weights and Measures   | \$ | 631,487   | \$ | 631,487   | 94504 |

|                              |                                                |    |            |    |            |       |
|------------------------------|------------------------------------------------|----|------------|----|------------|-------|
| GRF 700415                   | Poultry Inspection                             | \$ | 832,288    | \$ | 851,470    | 94505 |
| GRF 700417                   | Soil and Water<br>Phosphorus Program           | \$ | 10,700,000 | \$ | 10,700,000 | 94506 |
| GRF 700418                   | Livestock Regulation<br>Program                | \$ | 1,281,483  | \$ | 1,325,467  | 94507 |
| GRF 700424                   | Livestock Testing and<br>Inspections           | \$ | 119,843    | \$ | 122,240    | 94508 |
| GRF 700426                   | Dangerous and<br>Restricted Animals            | \$ | 618,447    | \$ | 631,310    | 94509 |
| GRF 700427                   | High Volume Breeder<br>Kennel Control          | \$ | 1,269,865  | \$ | 1,300,401  | 94510 |
| GRF 700428                   | Soil and Water<br>Division                     | \$ | 3,658,683  | \$ | 3,658,683  | 94511 |
| GRF 700499                   | Meat Inspection<br>Program - State Share       | \$ | 6,485,605  | \$ | 6,672,501  | 94512 |
| GRF 700501                   | County Agricultural<br>Societies               | \$ | 379,673    | \$ | 379,673    | 94513 |
| GRF 700509                   | Soil and Water<br>District Support             | \$ | 11,810,000 | \$ | 11,810,000 | 94514 |
| GRF 700511                   | Ride Inspection                                | \$ | 900,000    | \$ | 600,000    | 94515 |
| GRF 700674                   | Hemp Production                                | \$ | 195,000    | \$ | 195,000    | 94516 |
| TOTAL GRF                    | General Revenue Fund                           | \$ | 49,540,385 | \$ | 49,168,499 | 94517 |
| Dedicated Purpose Fund Group |                                                |    |            |    |            | 94518 |
| 4900 700651                  | License Plates -<br>Sustainable<br>Agriculture | \$ | 17,500     | \$ | 17,500     | 94519 |
| 4940 700612                  | Agricultural<br>Commodity Marketing<br>Program | \$ | 240,000    | \$ | 240,000    | 94520 |
| 4960 700626                  | Ohio Grape Industries                          | \$ | 1,550,000  | \$ | 1,550,000  | 94521 |
| 4970 700627                  | Grain Warehouse<br>Program                     | \$ | 425,000    | \$ | 425,000    | 94522 |
| 4C90 700605                  | Commercial Feed and                            | \$ | 2,326,251  | \$ | 2,326,251  | 94523 |

|      |        |                                          |    |           |    |                 |
|------|--------|------------------------------------------|----|-----------|----|-----------------|
|      |        | Seed                                     |    |           |    |                 |
| 4D20 | 700609 | Auction Education                        | \$ | 50,000    | \$ | 50,000 94524    |
| 4E40 | 700606 | Utility Radiological<br>Safety           | \$ | 101,130   | \$ | 101,130 94525   |
| 4P70 | 700610 | Food Safety<br>Inspection                | \$ | 1,071,208 | \$ | 1,096,240 94526 |
| 4R00 | 700636 | Ohio Proud Marketing                     | \$ | 30,500    | \$ | 30,500 94527    |
| 4R20 | 700637 | Dairy Industry<br>Inspection             | \$ | 1,832,950 | \$ | 1,832,950 94528 |
| 4T60 | 700611 | Poultry and Meat<br>Inspection           | \$ | 100,000   | \$ | 100,000 94529   |
| 5780 | 700620 | Ride Inspection                          | \$ | 700,000   | \$ | 1,200,000 94530 |
| 5B80 | 700629 | Auctioneers                              | \$ | 361,450   | \$ | 361,450 94531   |
| 5BV0 | 700660 | Heidelberg Water<br>Quality Lab          | \$ | 275,000   | \$ | 275,000 94532   |
| 5BV0 | 700661 | Soil and Water<br>Districts              | \$ | 8,000,000 | \$ | 8,000,000 94533 |
| 5CV1 | 700672 | Coronavirus Relief -<br>Local Fairs      | \$ | 1,000,000 | \$ | 0 94534         |
| 5FC0 | 700648 | Plant Pest Program                       | \$ | 1,554,599 | \$ | 1,590,615 94535 |
| 5H20 | 700608 | Metrology Lab and<br>Scale Certification | \$ | 1,269,572 | \$ | 1,289,718 94536 |
| 5L80 | 700604 | Livestock Management<br>Program          | \$ | 245,000   | \$ | 245,000 94537   |
| 5MA0 | 700657 | Dangerous and<br>Restricted Animals      | \$ | 10,000    | \$ | 10,000 94538    |
| 5MR0 | 700658 | High Volume Breeders<br>and Kennels      | \$ | 460,000   | \$ | 460,000 94539   |
| 5MS0 | 700659 | Captive Deer                             | \$ | 18,000    | \$ | 18,000 94540    |
| 5PL0 | 700662 | Pet Store License                        | \$ | 30,000    | \$ | 30,000 94541    |
| 5QW0 | 700653 | Watershed Assistance                     | \$ | 515,000   | \$ | 515,000 94542   |
| 5WJ0 | 700671 | Hemp Program                             | \$ | 1,006,000 | \$ | 1,006,000 94543 |
| 5YB0 | 700676 | Farm Financial                           | \$ | 250,000   | \$ | 250,000 94544   |

|                                      |        |                       |    |            |    |            |       |
|--------------------------------------|--------|-----------------------|----|------------|----|------------|-------|
|                                      |        | Management Institute  |    |            |    |            |       |
| 6520                                 | 700634 | Animal, Consumer, and | \$ | 5,840,522  | \$ | 5,962,715  | 94545 |
|                                      |        | ATL Labs              |    |            |    |            |       |
| 6690                                 | 700635 | Pesticide,            | \$ | 4,894,402  | \$ | 4,894,402  | 94546 |
|                                      |        | Fertilizer, and Lime  |    |            |    |            |       |
|                                      |        | Inspection Program    |    |            |    |            |       |
| 6H20                                 | 700670 | H2Ohio                | \$ | 49,300,000 | \$ | 49,300,000 | 94547 |
| TOTAL DPF Dedicated Purpose          |        |                       |    |            |    |            | 94548 |
| Fund Group                           |        |                       | \$ | 83,474,084 | \$ | 83,177,471 | 94549 |
| Internal Service Activity Fund Group |        |                       |    |            |    |            | 94550 |
| 5DA0                                 | 700644 | Laboratory            | \$ | 1,204,626  | \$ | 1,204,626  | 94551 |
|                                      |        | Administration        |    |            |    |            |       |
|                                      |        | Support               |    |            |    |            |       |
| 5GH0                                 | 700655 | Administrative        | \$ | 5,677,844  | \$ | 5,813,996  | 94552 |
|                                      |        | Support               |    |            |    |            |       |
| TOTAL ISA Internal Service Activity  |        |                       |    |            |    |            | 94553 |
| Fund Group                           |        |                       | \$ | 6,882,470  |    | 7,018,622  | 94554 |
| Capital Projects Fund Group          |        |                       |    |            |    |            | 94555 |
| 7057                                 | 700632 | Clean Ohio            | \$ | 610,000    | \$ | 610,000    | 94556 |
|                                      |        | Agricultural Easement |    |            |    |            |       |
|                                      |        | Operating             |    |            |    |            |       |
| TOTAL CPF Capital Projects Fund      |        |                       | \$ | 610,000    | \$ | 610,000    | 94557 |
| Group                                |        |                       |    |            |    |            |       |
| Federal Fund Group                   |        |                       |    |            |    |            | 94558 |
| 3260                                 | 700618 | Meat Inspection       | \$ | 5,194,424  | \$ | 5,194,424  | 94559 |
|                                      |        | Program - Federal     |    |            |    |            |       |
|                                      |        | Share                 |    |            |    |            |       |
| 3360                                 | 700617 | Ohio Farm Loan -      | \$ | 225,000    | \$ | 225,000    | 94560 |
|                                      |        | Revolving             |    |            |    |            |       |
| 3820                                 | 700601 | Federal Cooperative   | \$ | 8,613,000  | \$ | 8,617,000  | 94561 |
|                                      |        | Contracts             |    |            |    |            |       |
| 3AB0                                 | 700641 | Agricultural Easement | \$ | 330,000    | \$ | 330,000    | 94562 |

|                              |                    |                            |    |             |    |             |       |
|------------------------------|--------------------|----------------------------|----|-------------|----|-------------|-------|
| 3J40                         | 700607             | Federal                    | \$ | 1,237,587   | \$ | 1,264,214   | 94563 |
|                              |                    | Administrative<br>Programs |    |             |    |             |       |
| 3R20                         | 700614             | Federal Plant              | \$ | 7,295,972   | \$ | 7,295,972   | 94564 |
|                              |                    | Industry                   |    |             |    |             |       |
| TOTAL FED                    | Federal Fund Group |                            | \$ | 22,895,983  | \$ | 22,926,610  | 94565 |
| TOTAL ALL BUDGET FUND GROUPS |                    |                            | \$ | 163,402,922 | \$ | 162,901,202 | 94566 |

**Section 211.20. FARMLAND PRESERVATION** 94568

Of the foregoing appropriation item 700409, Farmland 94569  
Preservation, \$500,000 in fiscal year 2022 shall be used to 94570  
purchase agricultural easements under division (A) of section 94571  
5301.691 of the Revised Code and provide matching grants under 94572  
section 901.22 of the Revised Code to municipal corporations, 94573  
counties, townships, and soil and water conservation districts 94574  
established under Chapter 940. of the Revised Code, and charitable 94575  
organizations described in division (B) of section 5301.69 of the 94576  
Revised Code for the purchase of agricultural easements. Any 94577  
purchases of agricultural easements using this funding are subject 94578  
to approval from the Controlling Board. 94579

**SOIL AND WATER PHOSPHORUS PROGRAM** 94580

The Department of Agriculture shall establish programs to 94581  
assist in reducing total phosphorus and dissolved reactive 94582  
phosphorus in the Western Lake Erie Basin. The programs shall give 94583  
priority to those subwatersheds determined to be highest in total 94584  
phosphorus and dissolved reactive phosphorus nutrient loading. 94585

The foregoing appropriation item 700417, Soil and Water 94586  
Phosphorus Program, shall be used to support the programs 94587  
described above, which may include but not be limited to, the 94588  
following: (1) equipment for subsurface placement of nutrients 94589  
into the soil; (2) equipment for nutrient placement based on 94590  
geographic information system data; (3) soil testing; (4) 94591

implementation of variable rate technology; (5) equipment 94592  
implementing manure transformation and manure conversion 94593  
technologies; (6) tributary monitoring; (7) water management and 94594  
edge-of-field drainage management; and (8) an agricultural 94595  
phosphorus reduction revolving loan program. Not more than forty 94596  
per cent of the foregoing appropriation item 700417, Soil and 94597  
Water Phosphorus Program, shall be used for any single activity. 94598

DANGEROUS AND RESTRICTED WILD ANIMALS 94599

The foregoing appropriation item 700426, Dangerous and 94600  
Restricted Animals, shall be used to administer the Dangerous and 94601  
Restricted Wild Animal Permitting Program. 94602

COUNTY AGRICULTURAL SOCIETIES 94603

The foregoing appropriation item 700501, County Agricultural 94604  
Societies, shall be used to reimburse county and independent 94605  
agricultural societies for expenses related to Junior Fair 94606  
activities. 94607

SUPPORT FOR SOIL AND WATER DISTRICTS IN THE WESTERN LAKE ERIE 94608  
BASIN 94609

Of the foregoing appropriation item 700509, Soil and Water 94610  
District Support, \$50,000 in each fiscal year shall be used to 94611  
support the administrative expenses of the Indian Lake Watershed 94612  
Project. 94613

Of the foregoing appropriation item 700509, Soil and Water 94614  
District Support, \$350,000 in each fiscal year shall be used by 94615  
the Department of Agriculture for a program to support soil and 94616  
water conservation districts in the Western Lake Erie Basin in 94617  
complying with provisions of Sub. S.B. 1 of the 131st General 94618  
Assembly. The Department shall approve a soil and water district's 94619  
application for funding under the program if the application 94620  
demonstrates that funding will be used for, but not limited to, 94621  
providing technical assistance, developing applicable nutrient or 94622

manure management plans, hiring and training of soil and water 94623  
conservation district staff on best conservation practices, or 94624  
other activities the Director determines appropriate to assist 94625  
farmers in the Western Lake Erie Basin in complying with the 94626  
provisions of Sub. S.B. 1 of the 131st General Assembly. 94627

Of the foregoing appropriation item 700509, Soil and Water 94628  
District Support, \$3,500,000 in each fiscal year shall be used to 94629  
support county soil and water conservation districts in the 94630  
Western Lake Erie Basin for staffing costs and to assist in soil 94631  
testing and nutrient management plan development, including manure 94632  
transformation and manure conversion technologies, enhanced filter 94633  
strips, water management, and other conservation support. 94634

SOIL AND WATER DISTRICTS 94635

In addition to state payments to soil and water conservation 94636  
districts authorized by section 940.15 of the Revised Code, the 94637  
Department of Agriculture may use appropriation item 700661, Soil 94638  
and Water Districts, to pay any soil and water conservation 94639  
district an annual amount not to exceed \$40,000 upon receipt of a 94640  
request and justification from the district and approval by the 94641  
Ohio Soil and Water Conservation Commission. The county auditor 94642  
shall credit the payments to the special fund established under 94643  
section 940.12 of the Revised Code for use by the local soil and 94644  
water conservation district. The amounts received by each district 94645  
shall be expended for the purposes of the district. 94646

CORONAVIRUS - LOCAL FAIRS 94647

The foregoing appropriation item 700672, Coronavirus Relief - 94648  
Local Fairs, shall be used to support safety in connection with 94649  
the Ohio State Fair in fiscal year 2022. 94650

FARM FINANCIAL MANAGEMENT INSTITUTE 94651

The foregoing appropriation item 700676, Farm Financial 94652  
Management Institute, shall be allocated to the Ohio State 94653

University Extension's Farm Production, Policy, and Financial Management Institute. 94654  
94655

H2OHIO FUND 94656

On July 1, 2022, or as soon as possible thereafter, the Director of Agriculture may certify to the Director of Budget and Management an amount up to the unexpended, unencumbered balance of the foregoing appropriation item, 700670, H2Ohio, at the end of fiscal year 2022 to be reappropriated in fiscal year 2023. Upon Controlling Board approval, the amount certified is hereby reappropriated to the same appropriation item for fiscal year 2023. 94657  
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Of the foregoing appropriation item 700670, H2Ohio, \$1,800,000 in fiscal year 2022 and \$2,200,000 in fiscal year 2023 shall be used to match federal funding available to establish a water quality pilot program at Shallow Run located in Hardin County in accordance to Section 3 of H.B. 7 of the 133rd General Assembly. Funding under this appropriation item shall not be expended until the Department of Agriculture reports to the Controlling Board that federal funding for the pilot program has been committed or obtained. 94665  
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CLEAN OHIO AGRICULTURAL EASEMENT OPERATING EXPENSES 94674

The foregoing appropriation item 700632, Clean Ohio Agricultural Easement Operating, shall be used by the Department of Agriculture in administering Clean Ohio Agricultural Easement Fund (Fund 7057) projects pursuant to sections 901.21, 901.22, and 5301.67 to 5301.70 of the Revised Code. 94675  
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CASH TRANSFER TO AUCTIONEERS FUND 94680

On or before December 31, 2021, upon the request of the Director of Agriculture, and subject to the approval of the Controlling Board, the Director of Budget and Management may transfer up to \$300,000 in cash from the Auction Recovery Fund 94681  
94682  
94683  
94684

|                                                                   |    |           |              |       |
|-------------------------------------------------------------------|----|-----------|--------------|-------|
| (5U10) to the Auctioneers Fund (5B80).                            |    |           |              | 94685 |
| <b>Section 213.10. AIR AIR QUALITY DEVELOPMENT AUTHORITY</b>      |    |           |              | 94686 |
| Dedicated Purpose Fund Group                                      |    |           |              | 94687 |
| 4Z90 898602 Small Business                                        | \$ | 209,000   | \$ 211,000   | 94688 |
| Ombudsman                                                         |    |           |              |       |
| 5700 898601 Operating Expenses                                    | \$ | 774,811   | \$ 783,347   | 94689 |
| 5A00 898603 Small Business                                        | \$ | 300,000   | \$ 300,000   | 94690 |
| Assistance                                                        |    |           |              |       |
| TOTAL DPF Dedicated Purpose Fund                                  | \$ | 1,283,811 | \$ 1,294,347 | 94691 |
| Group                                                             |    |           |              |       |
| TOTAL ALL BUDGET FUND GROUPS                                      | \$ | 1,283,811 | \$ 1,294,347 | 94692 |
| <b>Section 213.20. REIMBURSEMENT TO AIR QUALITY DEVELOPMENT</b>   |    |           |              | 94694 |
| AUTHORITY TRUST ACCOUNT                                           |    |           |              | 94695 |
| Notwithstanding any other provision of law to the contrary,       |    |           |              | 94696 |
| the Air Quality Development Authority may reimburse the Air       |    |           |              | 94697 |
| Quality Development Authority trust account established under     |    |           |              | 94698 |
| section 3706.10 of the Revised Code from all operating funds of   |    |           |              | 94699 |
| the agency for expenses pertaining to the administration and      |    |           |              | 94700 |
| shared costs incurred by the Air Quality Development Authority in |    |           |              | 94701 |
| the execution of responsibilities as prescribed in Chapter 3706.  |    |           |              | 94702 |
| of the Revised Code. The reimbursement shall be made by voucher.  |    |           |              | 94703 |
| <b>Section 215.10. ARC ARCHITECTS BOARDS</b>                      |    |           |              | 94704 |
| Dedicated Purpose Fund Group                                      |    |           |              | 94705 |
| 4K90 891609 Operating                                             | \$ | 633,410   | \$ 644,408   | 94706 |
| TOTAL DPF Dedicated Purpose Fund                                  |    |           |              | 94707 |
| Group                                                             | \$ | 633,410   | \$ 644,408   | 94708 |
| TOTAL ALL BUDGET FUND GROUPS                                      | \$ | 633,410   | \$ 644,408   | 94709 |
| <b>Section 217.10. ART OHIO ARTS COUNCIL</b>                      |    |           |              | 94711 |

|                                                                         |    |            |               |       |
|-------------------------------------------------------------------------|----|------------|---------------|-------|
| General Revenue Fund                                                    |    |            |               | 94712 |
| GRF 370321 Operating Expenses                                           | \$ | 1,961,700  | \$ 1,961,700  | 94713 |
| GRF 370502 State Program                                                | \$ | 18,038,300 | \$ 18,038,300 | 94714 |
| Subsidies                                                               |    |            |               |       |
| TOTAL GRF General Revenue Fund                                          | \$ | 20,000,000 | \$ 20,000,000 | 94715 |
| Dedicated Purpose Fund Group 94716                                      |    |            |               |       |
| 4600 370602 Arts Council Program                                        | \$ | 385,000    | \$ 385,000    | 94717 |
| Support                                                                 |    |            |               |       |
| 4B70 370603 Percent for Art                                             | \$ | 165,000    | \$ 165,000    | 94718 |
| Acquisitions                                                            |    |            |               |       |
| TOTAL DPF Dedicated Purpose Fund                                        | \$ | 550,000    | \$ 550,000    | 94719 |
| Group                                                                   |    |            |               |       |
| Federal Fund Group 94720                                                |    |            |               |       |
| 3140 370601 Federal Support                                             | \$ | 1,250,000  | \$ 1,250,000  | 94721 |
| TOTAL FED Federal Fund Group                                            | \$ | 1,250,000  | \$ 1,250,000  | 94722 |
| TOTAL ALL BUDGET FUND GROUPS                                            | \$ | 21,800,000 | \$ 21,800,000 | 94723 |
| FEDERAL SUPPORT 94724                                                   |    |            |               |       |
| Notwithstanding any provision of law to the contrary, the 94725         |    |            |               |       |
| foregoing appropriation item 370601, Federal Support, shall be 94726    |    |            |               |       |
| used by the Ohio Arts Council for subsidies only, and not for its 94727 |    |            |               |       |
| administrative costs, unless the Council is required to use a 94728     |    |            |               |       |
| portion of the funds for administrative costs under conditions of 94729 |    |            |               |       |
| the federal grant. 94730                                                |    |            |               |       |
| <b>Section 219.10. ATH ATHLETIC COMMISSION 94731</b>                    |    |            |               |       |
| Dedicated Purpose Fund Group 94732                                      |    |            |               |       |
| 4K90 175609 Operating Expenses                                          | \$ | 280,501    | \$ 275,423    | 94733 |
| TOTAL DPF Dedicated Purpose Fund                                        | \$ | 280,501    | \$ 275,423    | 94734 |
| Group                                                                   |    |            |               |       |
| TOTAL ALL BUDGET FUND GROUPS                                            | \$ | 280,501    | \$ 275,423    | 94735 |
| <b>Section 221.10. AGO ATTORNEY GENERAL 94737</b>                       |    |            |               |       |

|                              |                      |                       |                   |                   |
|------------------------------|----------------------|-----------------------|-------------------|-------------------|
| General Revenue Fund         |                      |                       |                   | 94738             |
| GRF                          | 055321               | Operating Expenses    | \$ 70,800,000 \$  | 71,630,000 94739  |
| GRF                          | 055405               | Law-Related Education | \$ 68,950 \$      | 68,950 94740      |
| GRF                          | 055406               | BCIRS Lease Rental    | \$ 2,525,000 \$   | 2,520,000 94741   |
| Payments                     |                      |                       |                   |                   |
| GRF                          | 055411               | County Sheriffs' Pay  | \$ 1,024,983 \$   | 1,043,558 94742   |
| Supplement                   |                      |                       |                   |                   |
| GRF                          | 055415               | County Prosecutors'   | \$ 1,317,602 \$   | 1,340,208 94743   |
| Pay Supplement               |                      |                       |                   |                   |
| GRF                          | 055431               | Drug Abuse Response   | \$ 1,500,000 \$   | 1,500,000 94744   |
| Team Grants                  |                      |                       |                   |                   |
| GRF                          | 055432               | Drug Testing          | \$ 964,100 \$     | 964,100 94745     |
| Equipment                    |                      |                       |                   |                   |
| GRF                          | 055434               | ICAC Task Force       | \$ 500,000 \$     | 500,000 94746     |
| GRF                          | 055440               | Rapid DNA Pilot       | \$ 1,000,000 \$   | 400,000 94747     |
| Project                      |                      |                       |                   |                   |
| GRF                          | 055441               | Victims of Crime      | \$ 2,500,000 \$   | 0 94748           |
| GRF                          | 055501               | Rape Crisis Centers   | \$ 10,000,000 \$  | 7,300,000 94749   |
| GRF                          | 055502               | School Safety         | \$ 12,000,000 \$  | 12,000,000 94750  |
| Training Grants              |                      |                       |                   |                   |
| GRF                          | 055504               | Domestic Violence     | \$ 5,000,000 \$   | 2,500,000 94751   |
| Programs                     |                      |                       |                   |                   |
| GRF                          | 055505               | Pike County Capital   | \$ 300,000 \$     | 0 94752           |
| Case                         |                      |                       |                   |                   |
| GRF                          | 055509               | Law Enforcement       | \$ 15,000,000 \$  | 0 94753           |
| Reimbursement                |                      |                       |                   |                   |
| Training Pilot               |                      |                       |                   |                   |
| Program                      |                      |                       |                   |                   |
| TOTAL GRF                    | General Revenue Fund |                       | \$ 124,500,635 \$ | 101,766,816 94754 |
| Dedicated Purpose Fund Group |                      |                       |                   | 94755             |
| 1060                         | 055612               | Attorney General      | \$ 72,700,000 \$  | 72,700,000 94756  |
| Operating                    |                      |                       |                   |                   |



|                    |        |                                                               |    |             |    |             |       |
|--------------------|--------|---------------------------------------------------------------|----|-------------|----|-------------|-------|
| 1950               | 055660 | Workers' Compensation                                         | \$ | 9,115,000   | \$ | 9,115,000   | 94775 |
|                    |        | Section                                                       |    |             |    |             |       |
| TOTAL ISA          |        | Internal Service Activity                                     | \$ | 9,115,000   | \$ | 9,115,000   | 94776 |
| Fund Group         |        |                                                               |    |             |    |             |       |
| Holding Account    |        |                                                               |    |             |    |             | 94777 |
| R004               | 055631 | General Holding                                               | \$ | 1,000,000   | \$ | 1,000,000   | 94778 |
|                    |        | Account                                                       |    |             |    |             |       |
| R005               | 055632 | Antitrust Settlements                                         | \$ | 1,000,000   | \$ | 1,000,000   | 94779 |
| R018               | 055630 | Consumer Frauds                                               | \$ | 1,000,000   | \$ | 1,000,000   | 94780 |
| R042               | 055601 | Organized Crime                                               | \$ | 750,000     | \$ | 750,000     | 94781 |
|                    |        | Commission                                                    |    |             |    |             |       |
|                    |        | Distributions                                                 |    |             |    |             |       |
| R054               | 055650 | Collection Payment                                            | \$ | 4,500,000   | \$ | 4,500,000   | 94782 |
|                    |        | Redistribution                                                |    |             |    |             |       |
| TOTAL HLD          |        | Holding Account                                               |    |             |    |             | 94783 |
| Fund Group         |        |                                                               | \$ | 8,250,000   | \$ | 8,250,000   | 94784 |
| Federal Fund Group |        |                                                               |    |             |    |             | 94785 |
| 3060               | 055620 | Medicaid Fraud                                                | \$ | 13,561,582  | \$ | 13,561,582  | 94786 |
|                    |        | Control                                                       |    |             |    |             |       |
| 3830               | 055634 | Crime Victims                                                 | \$ | 90,000,000  | \$ | 90,000,000  | 94787 |
|                    |        | Assistance                                                    |    |             |    |             |       |
| 3E50               | 055638 | Attorney General                                              | \$ | 4,020,999   | \$ | 4,020,999   | 94788 |
|                    |        | Pass-Through Funds                                            |    |             |    |             |       |
| 3FV0               | 055656 | Crime Victim                                                  | \$ | 5,000,000   | \$ | 5,000,000   | 94789 |
|                    |        | Compensation                                                  |    |             |    |             |       |
| 3R60               | 055613 | Attorney General                                              | \$ | 3,500,000   | \$ | 3,500,000   | 94790 |
|                    |        | Federal Funds                                                 |    |             |    |             |       |
| TOTAL FED          |        | Federal Fund Group                                            | \$ | 116,082,581 | \$ | 116,082,581 | 94791 |
| TOTAL ALL BUDGET   |        | FUND GROUPS                                                   | \$ | 419,033,020 | \$ | 398,299,201 | 94792 |
|                    |        |                                                               |    |             |    |             |       |
|                    |        | <b>Section 221.20. OHIO CENTER FOR THE FUTURE OF FORENSIC</b> |    |             |    |             | 94794 |
|                    |        | SCIENCE                                                       |    |             |    |             | 94795 |

Of the foregoing appropriation item 055321, Operating 94796  
Expenses, \$600,000 in each fiscal year shall be used for the Ohio 94797  
Center for the Future of Forensic Science at Bowling Green State 94798  
University. The purpose of the Center shall be to foster forensic 94799  
science research techniques (BCI Eminent Scholar) and to create 94800  
professional training opportunities to students (BCI Scholars) in 94801  
the forensic science fields. 94802

DOMESTIC VIOLENCE PROGRAM 94803

Of the foregoing appropriation item 055321, Operating 94804  
Expenses, \$100,000 in each fiscal year may be used by the Attorney 94805  
General for the purpose of providing funding to domestic violence 94806  
programs as defined in section 109.46 of the Revised Code. 94807

NARCOTICS TASK FORCES 94808

Of the foregoing appropriation item 055321, Operating 94809  
Expenses, up to \$500,000 in each fiscal year shall be used to 94810  
support narcotics task forces funded by the Attorney General. 94811

BUREAU OF CRIMINAL INVESTIGATION RECORDS SYSTEM (BCIRS) LEASE 94812  
RENTAL PAYMENTS 94813

The foregoing appropriation item 055406, BCIRS Lease Rental 94814  
Payments, shall be used for payments during the period from July 94815  
1, 2021, through June 30, 2023, pursuant to leases and agreements 94816  
entered into pursuant to Section 701.40 of S.B. 310 of the 131st 94817  
General Assembly and other prior acts of the General Assembly, 94818  
with respect to financing the costs associated with the 94819  
acquisition, development, implementation, and integration of the 94820  
BCIRS. 94821

COUNTY SHERIFFS' PAY SUPPLEMENT 94822

The foregoing appropriation item 055411, County Sheriffs' Pay 94823  
Supplement, shall be used for the purpose of supplementing the 94824  
annual compensation of county sheriffs as required by section 94825

|                                                                    |       |
|--------------------------------------------------------------------|-------|
| 325.06 of the Revised Code.                                        | 94826 |
| At the request of the Attorney General, the Director of            | 94827 |
| Budget and Management may transfer appropriation from              | 94828 |
| appropriation item 055321, Operating Expenses, to appropriation    | 94829 |
| item 055411, County Sheriffs' Pay Supplement. Any appropriation so | 94830 |
| transferred shall be used to supplement the annual compensation of | 94831 |
| county sheriffs as required by section 325.06 of the Revised Code. | 94832 |
| COUNTY PROSECUTORS' PAY SUPPLEMENT                                 | 94833 |
| The foregoing appropriation item 055415, County Prosecutors'       | 94834 |
| Pay Supplement, shall be used for the purpose of supplementing the | 94835 |
| annual compensation of certain county prosecutors as required by   | 94836 |
| section 325.111 of the Revised Code.                               | 94837 |
| At the request of the Attorney General, the Director of            | 94838 |
| Budget and Management may transfer appropriation from              | 94839 |
| appropriation item 055321, Operating Expenses, to appropriation    | 94840 |
| item 055415, County Prosecutors' Pay Supplement. Any appropriation | 94841 |
| so transferred shall be used to supplement the annual compensation | 94842 |
| of county prosecutors as required by section 325.111 of the        | 94843 |
| Revised Code.                                                      | 94844 |
| DRUG TESTING EQUIPMENT                                             | 94845 |
| The foregoing appropriation item 055432, Drug Testing              | 94846 |
| Equipment, shall be used to purchase drug testing equipment for    | 94847 |
| the Bureau of Criminal Identification and Investigation.           | 94848 |
| ICAC TASK FORCE                                                    | 94849 |
| The foregoing appropriation item 055434, ICAC Task Force,          | 94850 |
| shall be used by the Attorney General in support of the Ohio       | 94851 |
| Internet Crimes Against Children Task Force for the purposes       | 94852 |
| described in section 195.02 of the Revised Code.                   | 94853 |
| RAPID DNA PILOT PROJECT                                            | 94854 |
| The foregoing appropriation item 055440, Rapid DNA Pilot           | 94855 |

Project, shall be used to fund the necessary expenses incurred by 94856  
the Bureau of Criminal Identification and Investigation to pilot 94857  
rapid DNA technology with cooperating local law enforcement 94858  
agencies. 94859

VICTIMS OF CRIME 94860

The foregoing appropriation item 055441, Victims of Crime, 94861  
shall be allocated to the Crime Victim Compensation Program. Prior 94862  
to using the funds from this appropriation item, the Attorney 94863  
General shall, to the extent possible, first use funds related to 94864  
the federal Victims of Crime Act. 94865

**Section 221.30. BATTERED WOMEN'S SHELTER** 94866

Of the foregoing appropriation item 055504, Domestic Violence 94867  
Programs, \$50,000 in each fiscal year shall be distributed to the 94868  
Battered Women's Shelter of Summit and Medina counties for the 94869  
cost of operating the commercial kitchen located at its Market 94870  
Street Facility, and \$50,000 in each fiscal year shall be 94871  
distributed to the Battered Women's Shelter of Portage County. 94872

FINDING MY CHILDHOOD AGAIN PILOT PROGRAM 94873

Of the foregoing appropriation item 055504, Domestic Violence 94874  
Programs, \$300,000 in each fiscal year shall be distributed to the 94875  
Battered Women's Shelter of Summit and Medina counties for 94876  
expenses related to the creation and implementation of a pilot 94877  
program called "Finding my Childhood Again." 94878

DRUG ABUSE RESPONSE TEAM GRANT PROGRAM 94879

The Attorney General shall maintain the Drug Abuse Response 94880  
Team Grant Program for the purpose of replicating or expanding 94881  
successful law enforcement programs that address the opioid 94882  
epidemic similar to the Drug Abuse Response Team established by 94883  
the Lucas County Sheriff's Department, and the Quick Response 94884  
Teams established in Colerain Township's Department of Public 94885

Safety in Hamilton County and Summit County. Any grants awarded by this grant program may include requirements for private or nonprofit matching support.

The foregoing appropriation item 055431, Drug Abuse Response Team Grants, shall be used by the Attorney General to fund grants to law enforcement or other government agencies; the primary purpose of the grants shall be to replicate or expand successful law enforcement programs that address the opioid epidemic similar to the Drug Abuse Response Team established by the Lucas County Sheriff's Department and the Quick Response Teams established in Colerain Township's Department of Public Safety in Hamilton County and Summit County.

Each recipient of a grant under this program shall, within six months of the end date of the grant, submit a written report describing the outcomes that resulted from the grant to the Governor, the President of the Senate, the Speaker of the House of Representatives, the Minority Leader of the Senate, and the Minority Leader of the House of Representatives.

SCHOOL SAFETY TRAINING GRANTS

(A) The foregoing appropriation item 055502, School Safety Training Grants, shall be used by the Attorney General, in consultation with the Superintendent of Public Instruction and the Director of Mental Health and Addiction Services, solely to make grants to public and chartered nonpublic schools, educational service centers, local law enforcement agencies, and schools operated by county boards of developmental disabilities administering special education services programs pursuant to section 5126.05 of the Revised Code for school safety and school climate programs and training.

(B) The use of the grants includes, but is not limited to, all of the following:

|                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                        |                                                                      |
|--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|----------------------------------------------------------------------|
| (1) The support of school resource officer certification training;                                                                                                                                                                                                                                                                                                                                                                                                                                     | 94917<br>94918                                                       |
| (2) Any type of active shooter and school safety training or equipment;                                                                                                                                                                                                                                                                                                                                                                                                                                | 94919<br>94920                                                       |
| (3) All grade level type educational resources;                                                                                                                                                                                                                                                                                                                                                                                                                                                        | 94921                                                                |
| (4) Training to identify and assist students with mental health issues;                                                                                                                                                                                                                                                                                                                                                                                                                                | 94922<br>94923                                                       |
| (5) School supplies or equipment related to school safety or for implementing the school's safety plan;                                                                                                                                                                                                                                                                                                                                                                                                | 94924<br>94925                                                       |
| (6) Any other training related to school safety.                                                                                                                                                                                                                                                                                                                                                                                                                                                       | 94926                                                                |
| (C) The schools, educational service centers, and county boards shall work or contract with the county sheriff's office or a local police department in whose jurisdiction they are located to develop the programs and training described in divisions (B)(1), (2), (3), (5), and (6) of this section. Any grant awarded directly to a local law enforcement agency shall not be used to fund a similar request made by a school located within the jurisdiction of the local law enforcement agency. | 94927<br>94928<br>94929<br>94930<br>94931<br>94932<br>94933<br>94934 |
| (D) As used in this section, "public school" means any school operated by a school district board of education, any community school established under Chapter 3314. of the Revised Code, and any STEM school established under Chapter 3326. of the Revised Code.                                                                                                                                                                                                                                     | 94935<br>94936<br>94937<br>94938<br>94939                            |
| DOMESTIC VIOLENCE PROGRAMS                                                                                                                                                                                                                                                                                                                                                                                                                                                                             | 94940                                                                |
| The foregoing appropriation item 055504, Domestic Violence Programs, shall be used by the Attorney General for the purpose of funding domestic violence programs as defined in section 109.46 of the Revised Code.                                                                                                                                                                                                                                                                                     | 94941<br>94942<br>94943<br>94944                                     |
| Of the foregoing appropriation item 055504, Domestic Violence Programs, \$25,000 in fiscal year 2022 shall be provided as grants                                                                                                                                                                                                                                                                                                                                                                       | 94945<br>94946                                                       |

to Ohio domestic violence shelters to buy transportation vouchers, 94947  
ridesharing credits, or gas cards for eligible clients. The 94948  
Attorney General shall adopt any rules necessary for the 94949  
administration of the grant program. 94950

PIKE COUNTY CAPITAL CASE 94951

An amount equal to the unexpended, unencumbered balance of 94952  
appropriation item 055505, Pike County Capital Case, at the end of 94953  
fiscal year 2021 is hereby reappropriated to the same 94954  
appropriation item for the same purpose in fiscal year 2022. 94955

LAW ENFORCEMENT REIMBURSEMENT TRAINING PILOT PROGRAM 94956

The foregoing appropriation item 055509, Law Enforcement 94957  
Reimbursement Training Pilot Program, shall be used by the 94958  
Attorney General, in accordance with division (A) of Section 94959  
701.70 of this act, for state funding of the training of peace 94960  
officers and troopers that is required under section 109.803 of 94961  
the Revised Code. 94962

Of the foregoing appropriation item 055509, Law Enforcement 94963  
Reimbursement Training Pilot Program, the Attorney General may use 94964  
up to \$25,000 for administrative expenses associated with the 94965  
program. 94966

On July 1, 2022, or as soon as possible thereafter, the 94967  
Attorney General shall certify to the Director of Budget and 94968  
Management an amount up to the unexpended, unencumbered balance of 94969  
the foregoing appropriation item 055509, Law Enforcement 94970  
Reimbursement Training Pilot Program, at the end of fiscal year 94971  
2022 to be reappropriated for the same purpose in fiscal year 94972  
2023. Upon Controlling Board approval, the amount certified is 94973  
hereby reappropriated to the same appropriation item for fiscal 94974  
year 2023. 94975

WORKERS' COMPENSATION SECTION 94976

The Workers' Compensation Fund (Fund 1950) is entitled to 94977  
receive quarterly payments from the Bureau of Workers' 94978  
Compensation and the Ohio Industrial Commission to fund legal 94979  
services provided to the Bureau of Workers' Compensation and the 94980  
Ohio Industrial Commission during the fiscal year. 94981

In addition, the Bureau of Workers' Compensation shall 94982  
transfer payments for the support of the Workers' Compensation 94983  
Fraud Unit. 94984

All amounts shall be mutually agreed upon by the Attorney 94985  
General, the Bureau of Workers' Compensation, and the Ohio 94986  
Industrial Commission. 94987

GENERAL HOLDING ACCOUNT 94988

The foregoing appropriation item 055631, General Holding 94989  
Account, shall be used to distribute moneys under the terms of 94990  
relevant court orders or other settlements received in a variety 94991  
of cases involving the Office of the Attorney General. If it is 94992  
determined that additional amounts are necessary for this purpose, 94993  
the amounts are hereby appropriated. 94994

ANTITRUST SETTLEMENTS 94995

The foregoing appropriation item 055632, Antitrust 94996  
Settlements, shall be used to distribute moneys under the terms of 94997  
relevant court orders or other out-of-court settlements in 94998  
antitrust cases or antitrust matters involving the Office of the 94999  
Attorney General. If it is determined that additional amounts are 95000  
necessary for this purpose, the amounts are hereby appropriated. 95001

CONSUMER FRAUDS 95002

The foregoing appropriation item 055630, Consumer Frauds, 95003  
shall be used for distribution of moneys from court-ordered 95004  
judgments against sellers in actions brought by the Office of the 95005  
Attorney General under sections 1334.08 and 4549.48 and division 95006

(B) of section 1345.07 of the Revised Code. These moneys shall be used to provide restitution to consumers victimized by the fraud that generated the court-ordered judgments. If it is determined that additional amounts are necessary for this purpose, the amounts are hereby appropriated.

ORGANIZED CRIME COMMISSION DISTRIBUTIONS

The foregoing appropriation item 055601, Organized Crime Commission Distributions, shall be used by the Organized Crime Investigations Commission, as provided by section 177.011 of the Revised Code, to reimburse political subdivisions for the expenses the political subdivisions incur when their law enforcement officers participate in an organized crime task force. If it is determined that additional amounts are necessary for this purpose, the amounts are hereby appropriated.

COLLECTION PAYMENT REDISTRIBUTION

The foregoing appropriation item 055650, Collection Payment Redistribution, shall be used for the purpose of allocating the revenue where debtors mistakenly paid the client agencies instead of the Attorney General's Collections Enforcement Section. If it is determined that additional amounts are necessary for this purpose, the amounts are hereby appropriated.

**Section 223.10.** AUD AUDITOR OF STATE

|                      |                                             |    |            |    |            |       |
|----------------------|---------------------------------------------|----|------------|----|------------|-------|
| General Revenue Fund |                                             |    |            |    | 95029      |       |
| GRF 070401           | Audit Management and Services               | \$ | 12,046,143 | \$ | 12,344,795 | 95030 |
| GRF 070402           | Performance Audits                          | \$ | 1,950,971  | \$ | 1,977,596  | 95031 |
| GRF 070403           | Fiscal Watch/Emergency Technical Assistance | \$ | 550,000    | \$ | 550,000    | 95032 |
| GRF 070404           | Fraud/Corruption                            | \$ | 2,400,000  | \$ | 2,400,000  | 95033 |

|                              |        |                              |    |            |    |            |       |
|------------------------------|--------|------------------------------|----|------------|----|------------|-------|
|                              |        | Audits and                   |    |            |    |            |       |
|                              |        | Investigations               |    |            |    |            |       |
| GRF                          | 070412 | Local Government             | \$ | 13,200,000 | \$ | 13,200,000 | 95034 |
|                              |        | Audit Support                |    |            |    |            |       |
| TOTAL GRF                    |        | General Revenue Fund         | \$ | 30,147,114 | \$ | 30,472,391 | 95035 |
|                              |        | Dedicated Purpose Fund Group |    |            |    |            | 95036 |
| 1090                         | 070601 | Public Audit Expense         | \$ | 11,818,035 | \$ | 11,065,646 | 95037 |
|                              |        | - Intrastate                 |    |            |    |            |       |
| 4220                         | 070602 | Public Audit Expense         | \$ | 33,931,168 | \$ | 32,983,559 | 95038 |
|                              |        | - Local Government           |    |            |    |            |       |
| 5840                         | 070603 | Training Program             | \$ | 200,000    | \$ | 200,000    | 95039 |
| 5JZ0                         | 070606 | LEAP Revolving Loans         | \$ | 125,000    | \$ | 125,000    | 95040 |
| 5VP0                         | 070611 | Local Government             | \$ | 12,215,435 | \$ | 13,905,599 | 95041 |
|                              |        | Audit Support Fund           |    |            |    |            |       |
| 6750                         | 070605 | Uniform Accounting           | \$ | 4,142,777  | \$ | 5,705,108  | 95042 |
|                              |        | Network                      |    |            |    |            |       |
| TOTAL DPF                    |        | Dedicated Purpose Fund       |    |            |    |            | 95043 |
| Group                        |        |                              | \$ | 62,432,415 | \$ | 63,984,912 | 95044 |
| TOTAL ALL BUDGET FUND GROUPS |        |                              | \$ | 92,579,529 | \$ | 94,457,303 | 95045 |

**Section 223.20. AUDIT MANAGEMENT AND SERVICES** 95047

The foregoing appropriation item 070401, Audit Management and 95048  
 Services, shall be used pursuant to section 117.13 of the Revised 95049  
 Code to support costs of the Auditor of State that are not 95050  
 recovered through charges to local governments and state entities, 95051  
 including costs that cannot be recovered from audit clients under 95052  
 federal indirect cost allocation guidelines. This appropriation 95053  
 item shall also be used to cover costs of the Local Government 95054  
 Services Section that are not charged to clients. 95055

**PERFORMANCE AUDITS** 95056

The foregoing appropriation item 070402, Performance Audits, 95057  
 shall be used pursuant to section 117.13 of the Revised Code to 95058

support costs of the Auditor of State related to the provision of 95059  
performance audits for local governments, school districts, state 95060  
agencies, and colleges and universities that are not recovered 95061  
through charges to those entities, including costs that cannot be 95062  
recovered from audit clients under federal indirect cost 95063  
allocation guidelines. 95064

LOCAL GOVERNMENT AUDIT SUPPORT 95065

The foregoing appropriation item 070412, Local Government 95066  
Audit Support, shall be used pursuant to section 117.13 of the 95067  
Revised Code to support costs of the Auditor of State that are not 95068  
recovered through charges to local governments, including costs 95069  
that cannot be recovered from audit clients under federal indirect 95070  
cost allocation guidelines. 95071

LOCAL GOVERNMENT AUDIT SUPPORT FUND 95072

The foregoing appropriation item 070611, Local Government 95073  
Audit Support Fund, shall be used pursuant to section 117.131 of 95074  
the Revised Code to offset costs of audits that would otherwise be 95075  
charged to local public offices in the absence of the fund. 95076

**Section 229.10.** OBM OFFICE OF BUDGET AND MANAGEMENT 95077

General Revenue Fund 95078

|            |                    |    |           |    |           |       |
|------------|--------------------|----|-----------|----|-----------|-------|
| GRF 042321 | Operating Expenses | \$ | 4,128,353 | \$ | 4,128,353 | 95079 |
|------------|--------------------|----|-----------|----|-----------|-------|

|           |                      |    |           |    |           |       |
|-----------|----------------------|----|-----------|----|-----------|-------|
| TOTAL GRF | General Revenue Fund | \$ | 4,128,353 | \$ | 4,128,353 | 95080 |
|-----------|----------------------|----|-----------|----|-----------|-------|

Dedicated Purpose Fund Group 95081

|             |                 |    |           |    |   |       |
|-------------|-----------------|----|-----------|----|---|-------|
| 5CV1 042517 | Ohio Humanities | \$ | 1,000,000 | \$ | 0 | 95082 |
|-------------|-----------------|----|-----------|----|---|-------|

Council

|             |                      |    |            |    |   |       |
|-------------|----------------------|----|------------|----|---|-------|
| 5CV1 042621 | COVID Response Costs | \$ | 18,000,000 | \$ | 0 | 95083 |
|-------------|----------------------|----|------------|----|---|-------|

- Multiple Agencies

|                                    |    |            |    |   |       |
|------------------------------------|----|------------|----|---|-------|
| TOTAL Dedicated Purpose Fund Group | \$ | 19,000,000 | \$ | 0 | 95084 |
|------------------------------------|----|------------|----|---|-------|

Internal Service Activity Fund Group 95085

|             |                      |    |            |    |            |       |
|-------------|----------------------|----|------------|----|------------|-------|
| 1050 042603 | Financial Management | \$ | 16,500,000 | \$ | 17,200,000 | 95086 |
|-------------|----------------------|----|------------|----|------------|-------|

|                  |                           |    |            |    |            |       |
|------------------|---------------------------|----|------------|----|------------|-------|
| 1050 042620      | Shared Services           | \$ | 6,730,000  | \$ | 7,050,000  | 95087 |
|                  | Operating                 |    |            |    |            |       |
| TOTAL ISA        | Internal Service Activity |    |            |    |            | 95088 |
| Fund Group       |                           | \$ | 23,230,000 | \$ | 24,250,000 | 95089 |
| Fiduciary        | Fund Group                |    |            |    |            | 95090 |
| 5EH0 042604      | Forgery Recovery          | \$ | 30,000     | \$ | 30,000     | 95091 |
| TOTAL FID        | Fiduciary Fund Group      | \$ | 30,000     | \$ | 30,000     | 95092 |
| TOTAL ALL BUDGET | FUND GROUPS               | \$ | 46,388,353 | \$ | 28,408,353 | 95093 |

**Section 229.20. AUDIT COSTS** 95095

All centralized audit costs associated with either Single 95096  
Audit Schedules or financial statements prepared in conformance 95097  
with generally accepted accounting principles for the state shall 95098  
be paid from the foregoing appropriation item 042603, Financial 95099  
Management. 95100

Costs associated with the audit of the Auditor of State shall 95101  
be paid from the foregoing appropriation item 042321, Operating 95102  
Expenses. 95103

**SHARED SERVICES CENTER** 95104

The foregoing appropriation items 042321, Operating Expenses, 95105  
and 042620, Shared Services Operating, shall be used by the 95106  
Director of Budget and Management to support the Shared Services 95107  
program pursuant to division (D) of section 126.21 of the Revised 95108  
Code. 95109

The Director of Budget and Management shall include the 95110  
recovery of costs to operate the Shared Services program in the 95111  
accounting and budgeting services payroll rate and through direct 95112  
charges using intrastate transfer vouchers billed to agencies for 95113  
services rendered using a methodology determined by the Director 95114  
of Budget and Management. Such cost recovery revenues shall be 95115  
deposited to the credit of the Accounting and Budgeting Fund (Fund 95116

|                                                                     |       |
|---------------------------------------------------------------------|-------|
| 1050).                                                              | 95117 |
| INTERNAL AUDIT                                                      | 95118 |
| The Director of Budget and Management shall include the             | 95119 |
| recovery of costs to operate the Internal Audit Program pursuant    | 95120 |
| to section 126.45 of the Revised Code in the accounting and         | 95121 |
| budgeting services payroll rate using a methodology determined by   | 95122 |
| the Director of Budget and Management. Such cost recovery revenues  | 95123 |
| shall be deposited to the credit of Fund 1050.                      | 95124 |
| FORGERY RECOVERY                                                    | 95125 |
| The foregoing appropriation item 042604, Forgery Recovery,          | 95126 |
| shall be used to reissue warrants that have been certified as       | 95127 |
| forgeries by the rightful recipient as determined by the Bureau of  | 95128 |
| Criminal Identification and Investigation and the Treasurer of      | 95129 |
| State. Upon receipt of funds to cover the reissuance of the         | 95130 |
| warrant, the Director of Budget and Management shall reissue a      | 95131 |
| state warrant of the same amount. Any additional amounts needed to  | 95132 |
| reissue warrants backed by the receipt of funds are hereby          | 95133 |
| appropriated.                                                       | 95134 |
| OHIO HUMANITIES COUNCIL                                             | 95135 |
| The foregoing appropriation item 042517, Ohio Humanities            | 95136 |
| Council, shall be used to support public humanities organizations   | 95137 |
| and to preserve valuable cultural assets across the state. The      | 95138 |
| Director of Budget and Management shall consult with the Ohio       | 95139 |
| Humanities Council Board of Directors before distributing the       | 95140 |
| funds from item 042517.                                             | 95141 |
| <b>Section 231.10.</b> CSR CAPITOL SQUARE REVIEW AND ADVISORY BOARD | 95142 |
| General Revenue Fund                                                | 95143 |
| GRF 874100 Personal Services \$ 4,069,830 \$ 4,069,830              | 95144 |
| GRF 874320 Maintenance and \$ 1,552,833 \$ 1,402,833                | 95145 |
| Equipment                                                           |       |

|                                      |    |            |    |            |       |
|--------------------------------------|----|------------|----|------------|-------|
| TOTAL GRF General Revenue Fund       | \$ | 5,622,663  | \$ | 5,472,663  | 95146 |
| Dedicated Purpose Fund Group         |    |            |    |            | 95147 |
| 2080 874601 Underground Parking      | \$ | 4,245,906  | \$ | 4,245,906  | 95148 |
| Garage Operations                    |    |            |    |            |       |
| 4G50 874603 Capitol Square           | \$ | 6,000      | \$ | 6,000      | 95149 |
| Education Center and                 |    |            |    |            |       |
| Arts                                 |    |            |    |            |       |
| TOTAL DPF Dedicated Purpose          |    |            |    |            | 95150 |
| Fund Group                           | \$ | 4,251,906  | \$ | 4,251,906  | 95151 |
| Internal Service Activity Fund Group |    |            |    |            | 95152 |
| 4S70 874602 Statehouse Gift          | \$ | 800,000    | \$ | 800,000    | 95153 |
| Shop/Events                          |    |            |    |            |       |
| TOTAL ISA Internal Service Activity  |    |            |    |            | 95154 |
| Fund Group                           | \$ | 800,000    | \$ | 800,000    | 95155 |
| TOTAL ALL BUDGET FUND GROUPS         | \$ | 10,674,569 | \$ | 10,524,569 | 95156 |

PERSONAL SERVICES

On July 1, 2021, or as soon as possible thereafter, the Executive Director of the Capitol Square Review and Advisory Board may certify to the Director of Budget and Management an amount up to the unexpended, unencumbered balance of the foregoing appropriation item 874100, Personal Services, at the end of fiscal year 2021 to be reappropriated to fiscal year 2022. The amount certified is hereby appropriated to the same appropriation item for fiscal year 2022.

On July 1, 2022, or as soon as possible thereafter, the Executive Director of the Capital Square Review and Advisory Board may certify to the Director of Budget and Management an amount up to the unexpended, unencumbered balance of the foregoing appropriation item 874100, Personal Services, at the end of fiscal year 2022 to be reappropriated to fiscal year 2023. The amount certified is hereby appropriated to the same appropriation item for fiscal year 2023.

MAINTENANCE AND EQUIPMENT 95174

Of the foregoing appropriation item 874320, Maintenance and 95175  
Equipment, up to \$100,000 in fiscal year 2022 shall be used to 95176  
perform a comprehensive security assessment of the Capitol Square 95177  
Complex, which consists of the Statehouse, Senate Building, 95178  
Underground Parking Garage, and related grounds. 95179

Of the foregoing appropriation item 874320, Maintenance and 95180  
Equipment, up to \$50,000 in fiscal year 2022 shall be used to 95181  
display inside the Statehouse borrowed or purchased United States, 95182  
Ohio, or Ohio military flags that have historical significance to 95183  
the state of Ohio. The use of these funds is subject to approval 95184  
of the Capitol Square Review and Advisory Board. The Board shall 95185  
consult with the Ohio History Connection regarding the display. 95186

On July 1, 2021, or as soon as possible thereafter, the 95187  
Executive Director of the Capitol Square Review and Advisory Board 95188  
may certify to the Director of Budget and Management an amount up 95189  
to the unexpended, unencumbered balance of the foregoing 95190  
appropriation item 874320, Maintenance and Equipment, at the end 95191  
of fiscal year 2021 to be reappropriated to fiscal year 2022. The 95192  
amount certified is hereby appropriated to the same appropriation 95193  
item for fiscal year 2022. 95194

On July 1, 2022, or as soon as possible thereafter, the 95195  
Executive Director of the Capitol Square Review and Advisory Board 95196  
may certify to the Director of Budget and Management an amount up 95197  
to the unexpended, unencumbered balance of the foregoing 95198  
appropriation item 874320, Maintenance and Equipment, at the end 95199  
of fiscal year 2022 to be reappropriated to fiscal year 2023. The 95200  
amount certified is hereby appropriated to the same appropriation 95201  
item for fiscal year 2023. 95202

UNDERGROUND PARKING GARAGE FUND 95203

Notwithstanding division (G) of section 105.41 of the Revised 95204

Code and any other provision to the contrary, moneys in the 95205  
 Underground Parking Garage Fund (Fund 2080) may be used for 95206  
 personnel and operating costs related to the operations of the 95207  
 Statehouse and the Statehouse Underground Parking Garage. 95208

HOUSE AND SENATE PARKING REIMBURSEMENT 95209

On July 1 of each fiscal year, or as soon as possible 95210  
 thereafter, the Director of Budget and Management shall transfer 95211  
 \$500,000 cash from the General Revenue Fund to the Underground 95212  
 Parking Garage Fund (Fund 2080). The amounts transferred under 95213  
 this section shall be used to reimburse the Capitol Square Review 95214  
 and Advisory Board for legislative parking costs. 95215

**Section 233.10.** SCR STATE BOARD OF CAREER COLLEGES AND 95216  
 SCHOOLS 95217

Dedicated Purpose Fund Group 95218

|             |                    |    |         |    |         |       |
|-------------|--------------------|----|---------|----|---------|-------|
| 4K90 233601 | Operating Expenses | \$ | 513,000 | \$ | 513,000 | 95219 |
|-------------|--------------------|----|---------|----|---------|-------|

|                                  |  |    |         |    |         |       |
|----------------------------------|--|----|---------|----|---------|-------|
| TOTAL DPF Dedicated Purpose Fund |  | \$ | 513,000 | \$ | 513,000 | 95220 |
|----------------------------------|--|----|---------|----|---------|-------|

Group

|                              |  |    |         |    |         |       |
|------------------------------|--|----|---------|----|---------|-------|
| TOTAL ALL BUDGET FUND GROUPS |  | \$ | 513,000 | \$ | 513,000 | 95221 |
|------------------------------|--|----|---------|----|---------|-------|

**Section 235.10.** CAC CASINO CONTROL COMMISSION 95223

Dedicated Purpose Fund Group 95224

|             |                    |    |            |    |            |       |
|-------------|--------------------|----|------------|----|------------|-------|
| 5HS0 955321 | Operating Expenses | \$ | 13,401,718 | \$ | 13,492,672 | 95225 |
|-------------|--------------------|----|------------|----|------------|-------|

|             |                   |    |         |    |         |       |
|-------------|-------------------|----|---------|----|---------|-------|
| 5NU0 955601 | Casino Commission | \$ | 250,000 | \$ | 250,000 | 95226 |
|-------------|-------------------|----|---------|----|---------|-------|

Enforcement

|                                  |  |    |            |    |            |       |
|----------------------------------|--|----|------------|----|------------|-------|
| TOTAL DPF Dedicated Purpose Fund |  | \$ | 13,651,718 | \$ | 13,742,672 | 95227 |
|----------------------------------|--|----|------------|----|------------|-------|

Group

|                              |  |    |            |    |            |       |
|------------------------------|--|----|------------|----|------------|-------|
| TOTAL ALL BUDGET FUND GROUPS |  | \$ | 13,651,718 | \$ | 13,742,672 | 95228 |
|------------------------------|--|----|------------|----|------------|-------|

**Section 237.10.** CDP CHEMICAL DEPENDENCY PROFESSIONALS BOARD 95230

Dedicated Purpose Fund Group 95231

|                              |                        |    |         |    |         |       |
|------------------------------|------------------------|----|---------|----|---------|-------|
| 4K90 930609                  | Operating Expenses     | \$ | 833,131 | \$ | 850,305 | 95232 |
| TOTAL DPF                    | Dedicated Purpose Fund | \$ | 833,131 | \$ | 850,305 | 95233 |
| Group                        |                        |    |         |    |         |       |
| TOTAL ALL BUDGET FUND GROUPS |                        | \$ | 833,131 | \$ | 850,305 | 95234 |

**Section 239.10.** CHR STATE CHIROPRACTIC BOARD 95236

|                                    |                        |    |         |    |         |       |
|------------------------------------|------------------------|----|---------|----|---------|-------|
| Dedicated Purpose Fund Group 95237 |                        |    |         |    |         |       |
| 4K90 878609                        | Operating Expenses     | \$ | 622,000 | \$ | 622,000 | 95238 |
| TOTAL DPF                          | Dedicated Purpose Fund | \$ | 622,000 | \$ | 622,000 | 95239 |
| Group                              |                        |    |         |    |         |       |
| TOTAL ALL BUDGET FUND GROUPS       |                        | \$ | 622,000 | \$ | 622,000 | 95240 |

**Section 241.10.** CIV OHIO CIVIL RIGHTS COMMISSION 95242

|                                    |                           |    |           |    |           |       |
|------------------------------------|---------------------------|----|-----------|----|-----------|-------|
| General Revenue Fund 95243         |                           |    |           |    |           |       |
| GRF 876321                         | Operating Expenses        | \$ | 6,118,897 | \$ | 6,538,548 | 95244 |
| TOTAL GRF                          | General Revenue Fund      | \$ | 6,118,897 | \$ | 6,538,548 | 95245 |
| Dedicated Purpose Fund Group 95246 |                           |    |           |    |           |       |
| 2170 876604                        | Operations Support        | \$ | 3,000     | \$ | 3,000     | 95247 |
| TOTAL DPF                          | Internal Service Activity |    |           |    |           | 95248 |
| Fund Group                         |                           | \$ | 3,000     | \$ | 3,000     | 95249 |
| Federal Fund Group 95250           |                           |    |           |    |           |       |
| 3340 876601                        | Federal Programs          | \$ | 3,300,000 | \$ | 3,036,884 | 95251 |
| TOTAL FED                          | Federal Special Revenue   |    |           |    |           | 95252 |
| Fund Group                         |                           | \$ | 3,300,000 | \$ | 3,036,884 | 95253 |
| TOTAL ALL BUDGET FUND GROUPS       |                           | \$ | 9,421,897 | \$ | 9,578,432 | 95254 |

**Section 243.10.** COM DEPARTMENT OF COMMERCE 95256

|                                    |                        |    |           |    |           |       |
|------------------------------------|------------------------|----|-----------|----|-----------|-------|
| Dedicated Purpose Fund Group 95257 |                        |    |           |    |           |       |
| 4B20 800631                        | Real Estate Appraisal  | \$ | 35,000    | \$ | 35,000    | 95258 |
| Recovery                           |                        |    |           |    |           |       |
| 4H90 800608                        | Cemeteries             | \$ | 313,466   | \$ | 313,466   | 95259 |
| 4X20 800619                        | Financial Institutions | \$ | 2,080,213 | \$ | 2,080,213 | 95260 |

|      |        |                         |    |            |    |            |       |
|------|--------|-------------------------|----|------------|----|------------|-------|
| 5430 | 800602 | Unclaimed               | \$ | 11,491,192 | \$ | 11,489,073 | 95261 |
|      |        | Funds-Operating         |    |            |    |            |       |
| 5430 | 800625 | Unclaimed Funds-Claims  | \$ | 70,000,000 | \$ | 70,000,000 | 95262 |
| 5440 | 800612 | Banks                   | \$ | 10,138,048 | \$ | 10,138,048 | 95263 |
| 5460 | 800610 | Fire Marshal            | \$ | 23,166,255 | \$ | 23,451,914 | 95264 |
| 5460 | 800639 | Fire Department Grants  | \$ | 6,675,000  | \$ | 6,275,000  | 95265 |
| 5470 | 800603 | Real Estate             | \$ | 69,655     | \$ | 69,655     | 95266 |
|      |        | Education/Research      |    |            |    |            |       |
| 5480 | 800611 | Real Estate Recovery    | \$ | 50,000     | \$ | 50,000     | 95267 |
| 5490 | 800614 | Real Estate             | \$ | 4,155,513  | \$ | 4,227,780  | 95268 |
| 5500 | 800617 | Securities              | \$ | 7,234,782  | \$ | 7,387,595  | 95269 |
| 5520 | 800604 | Credit Union            | \$ | 3,807,712  | \$ | 3,807,712  | 95270 |
| 5530 | 800607 | Consumer Finance        | \$ | 5,517,185  | \$ | 5,510,095  | 95271 |
| 5560 | 800615 | Industrial Compliance   | \$ | 30,929,000 | \$ | 30,929,000 | 95272 |
| 5F10 | 800635 | Small Government Fire   | \$ | 600,000    | \$ | 600,000    | 95273 |
|      |        | Departments             |    |            |    |            |       |
| 5FW0 | 800616 | Financial Literacy      | \$ | 150,000    | \$ | 150,000    | 95274 |
|      |        | Education               |    |            |    |            |       |
| 5GK0 | 800609 | Securities Investor     | \$ | 2,182,150  | \$ | 2,182,150  | 95275 |
|      |        | Education/Enforcement   |    |            |    |            |       |
| 5HV0 | 800641 | Cigarette Enforcement   | \$ | 27,324     | \$ | 27,324     | 95276 |
| 5LC0 | 800644 | Liquor JobsOhio         | \$ | 327,470    | \$ | 396,154    | 95277 |
|      |        | Extraordinary Allowance |    |            |    |            |       |
| 5LN0 | 800645 | Liquor Operating        | \$ | 23,532,000 | \$ | 25,395,000 | 95278 |
|      |        | Services                |    |            |    |            |       |
| 5LP0 | 800646 | Liquor Regulatory       | \$ | 16,829,784 | \$ | 15,584,778 | 95279 |
|      |        | Operating Expenses      |    |            |    |            |       |
| 5SE0 | 800651 | Cemetery Grant Program  | \$ | 130,000    | \$ | 130,000    | 95280 |
| 5SJ0 | 800648 | Volunteer Peace         | \$ | 50,000     | \$ | 50,000     | 95281 |
|      |        | Officers' Dependent     |    |            |    |            |       |
|      |        | Fund                    |    |            |    |            |       |
| 5SU0 | 800649 | Manufactured Homes      | \$ | 331,281    | \$ | 340,357    | 95282 |
|      |        | Regulation              |    |            |    |            |       |

|                           |                           |                                         |    |             |    |             |       |
|---------------------------|---------------------------|-----------------------------------------|----|-------------|----|-------------|-------|
| 5SY0                      | 800650                    | Medical Marijuana<br>Control Program    | \$ | 5,121,000   | \$ | 5,121,000   | 95283 |
| 5VC0                      | 800652                    | Real Estate Home<br>Inspector Operating | \$ | 96,320      | \$ | 100,813     | 95284 |
| 5VD0                      | 800653                    | Real Estate Home<br>Inspector Recovery  | \$ | 10,000      | \$ | 10,000      | 95285 |
| 5X60                      | 800623                    | Video Service                           | \$ | 437,693     | \$ | 437,693     | 95286 |
| 5XK0                      | 800657                    | Ohio Investor Recovery                  | \$ | 2,500,000   | \$ | 2,500,000   | 95287 |
| 6530                      | 800629                    | UST Registration/Permit<br>Fee          | \$ | 2,481,714   | \$ | 2,501,714   | 95288 |
| 6A40                      | 800630                    | Real Estate<br>Appraiser-Operating      | \$ | 1,095,546   | \$ | 1,108,310   | 95289 |
| TOTAL DPF                 | Dedicated Purpose         |                                         |    |             |    |             | 95290 |
| Fund Group                |                           |                                         | \$ | 231,565,303 | \$ | 232,399,844 | 95291 |
| Internal Service Activity | Fund Group                |                                         |    |             |    |             | 95292 |
| 1630                      | 800620                    | Division of<br>Administration           | \$ | 9,481,409   | \$ | 9,296,249   | 95293 |
| 1630                      | 800637                    | Information Technology                  | \$ | 10,990,749  | \$ | 10,677,029  | 95294 |
| TOTAL ISA                 | Internal Service Activity |                                         |    |             |    |             | 95295 |
| Fund Group                |                           |                                         | \$ | 20,472,158  | \$ | 19,973,278  | 95296 |
| Federal Fund Group        |                           |                                         |    |             |    |             | 95297 |
| 3480                      | 800622                    | Underground Storage<br>Tanks            | \$ | 805,112     | \$ | 805,112     | 95298 |
| 3480                      | 800624                    | Leaking Underground<br>Storage Tanks    | \$ | 2,000,000   | \$ | 2,000,000   | 95299 |
| 3HK0                      | 800654                    | 911 Grant Program                       | \$ | 3,302,976   | \$ | 0           | 95300 |
| TOTAL FED                 | Federal Fund Group        |                                         | \$ | 6,108,088   | \$ | 2,805,112   | 95301 |
| TOTAL ALL BUDGET          | FUND GROUPS               |                                         | \$ | 258,145,549 | \$ | 255,178,234 | 95302 |

**Section 243.20. UNCLAIMED FUNDS PAYMENTS** 95304

The foregoing appropriation item 800625, Unclaimed 95305  
Funds-Claims, shall be used to pay claims under section 169.08 of 95306

the Revised Code. If it is determined by the Director of Commerce 95307  
that additional appropriation amounts are necessary to make such 95308  
payments, the Director of Commerce may request that the Director 95309  
of Budget and Management approve such increases. Any approved 95310  
increases are hereby appropriated. 95311

DIVISION OF REAL ESTATE AND PROFESSIONAL LICENSING 95312

The foregoing appropriation item 800631, Real Estate 95313  
Appraiser Recovery, shall be used to pay settlements, judgments, 95314  
and court orders under section 4763.16 of the Revised Code. If it 95315  
is determined by the Director of Commerce that additional 95316  
appropriation amounts are necessary to make such payments, the 95317  
Director of Commerce may request that the Director of Budget and 95318  
Management approve such increases. Any approved increases are 95319  
hereby appropriated. 95320

The foregoing appropriation item 800611, Real Estate 95321  
Recovery, shall be used to pay settlements, judgments, and court 95322  
orders under section 4735.12 of the Revised Code. If it is 95323  
determined by the Director of Commerce that additional 95324  
appropriation amounts are necessary to make such payments, the 95325  
Director of Commerce may request that the Director of Budget and 95326  
Management approve such increases. Any approved increases are 95327  
hereby appropriated. 95328

The foregoing appropriation item 800653, Real Estate Home 95329  
Inspector Recovery, shall be used to pay settlements, judgments, 95330  
and court orders under section 4764.21 of the Revised Code. If it 95331  
is determined by the Director of Commerce that additional 95332  
appropriation amounts are necessary to make such payments, the 95333  
Director of Commerce may request that the Director of Budget and 95334  
Management approve such increases. Any approved increases are 95335  
hereby appropriated. 95336

FIRE DEPARTMENT GRANTS 95337

(A) The foregoing appropriation item 800639, Fire Department Grants, shall be used to make annual grants to the following eligible recipients: volunteer fire departments, fire departments that serve one or more small municipalities or small townships, joint fire districts comprised of fire departments that primarily serve small municipalities or small townships, local units of government responsible for such fire departments, and local units of government responsible for the provision of fire protection services for small municipalities or small townships. For the purposes of these grants, a private fire company, as that phrase is defined in section 9.60 of the Revised Code, that is providing fire protection services under a contract to a political subdivision of the state, is an additional eligible recipient for a training grant.

Eligible recipients that consist of small municipalities or small townships that all intend to contract with the same fire department or private fire company for fire protection services may jointly apply and be considered for a grant. If a joint applicant is awarded a grant, the State Fire Marshal shall, if feasible, proportionately award the grant and any equipment purchased with grant funds to each of the joint applicants based upon each applicant's contribution to and demonstrated need for fire protection services. For the purpose of this grant program, an eligible recipient or any firefighting entity that is contracted to serve an eligible recipient may only file, be listed as joint applicant, or be designated as a service provider on one grant application per fiscal year.

If the grant awarded to joint applicants is an equipment grant and the equipment to be purchased cannot be readily distributed or possessed by multiple recipients, each of the joint applicants shall be awarded by the State Fire Marshal an ownership interest in the equipment so purchased in proportion to each

applicant's contribution to and demonstrated need for fire 95370  
protection services. The joint applicants shall then mutually 95371  
agree on how the equipment is to be maintained, operated, stored, 95372  
or disposed of. If, for any reason, the joint applicants cannot 95373  
agree as to how jointly owned equipment is to be maintained, 95374  
operated, stored, or disposed of or any of the joint applicants no 95375  
longer maintain a contract with the same fire protection service 95376  
provider as the other applicants, then the joint applicants shall, 95377  
with the assistance of the State Fire Marshal, mutually agree as 95378  
to how the jointly owned equipment is to be maintained, operated, 95379  
stored, disposed of, or owned. If the joint applicants cannot 95380  
agree how the grant equipment is to be maintained, operated, 95381  
stored, disposed of, or owned, the State Fire Marshal may, in its 95382  
discretion, require all of the equipment acquired by the joint 95383  
applicants with grant funds to be returned to the State Fire 95384  
Marshal. The State Fire Marshal may then award the returned 95385  
equipment to any eligible recipients. For this paragraph only, an 95386  
"equipment grant" also includes a MARCS Grant. 95387

(B) Except as otherwise provided in this section, the grants 95388  
shall be used by recipients to purchase firefighting or rescue 95389  
equipment or gear or similar items, to provide full or partial 95390  
reimbursement for the documented costs of firefighter training, 95391  
or, at the discretion of the State Fire Marshal, to cover fire 95392  
department costs for providing fire protection services in that 95393  
grant recipient's jurisdiction. 95394

(1) Of the foregoing appropriation item 800639, Fire 95395  
Department Grants, up to \$1,000,000 per fiscal year may be used to 95396  
pay for the State Fire Marshal's costs of providing firefighter I 95397  
certification classes or other firefighter classes approved by the 95398  
State Fire Marshal at no cost to selected students attending the 95399  
Ohio Fire Academy or other class providers approved by the State 95400  
Fire Marshal. The State Fire Marshal may establish the 95401

qualifications and selection processes for students to attend such 95402  
classes by written policy, and such students shall be considered 95403  
eligible recipients of fire department grants for the purposes of 95404  
this portion of the grant program. 95405

(2) Of the foregoing appropriation item 800639, Fire 95406  
Department Grants, up to \$3,500,000 in each fiscal year may be 95407  
used for MARCS Grants. MARCS Grants may be used for the payment of 95408  
user access fees by the eligible recipient to cover costs for 95409  
accessing MARCS. 95410

For purposes of this section, a MARCS Grant is a grant for 95411  
systems, equipment, or services that are a part of, integrated 95412  
into, or otherwise interoperable with the Multi-Agency Radio 95413  
Communication System (MARCS) operated by the state. 95414

MARCS Grant awards may be up to \$50,000 in each fiscal year 95415  
per eligible recipient. Each eligible recipient may apply, as a 95416  
separate entity or as a part of a joint application, for only one 95417  
MARCS Grant per fiscal year. The State Fire Marshal may give a 95418  
preference to MARCS Grants that will enhance the overall 95419  
interoperability and effectiveness of emergency communication 95420  
networks in the geographic region that includes and that is 95421  
adjacent to the applicant. 95422

Eligible recipients that are or were awarded fire department 95423  
grants that are not MARCS Grants may also apply for and receive 95424  
MARCS Grants in accordance with criteria for the awarding of grant 95425  
funds established by the State Fire Marshal. 95426

(3) Grant awards for firefighting or rescue equipment or gear 95427  
or for fire department costs of providing fire protection services 95428  
shall be up to \$15,000 per fiscal year, or up to \$25,000 per 95429  
fiscal year if an eligible entity serves a jurisdiction in which 95430  
the Governor declared a natural disaster during the preceding or 95431  
current fiscal year in which the grant was awarded. In addition to 95432

any grant funds awarded for rescue equipment or gear, or for fire 95433  
department costs associated with the provision of fire protection 95434  
services, an eligible entity may receive a grant for up to \$15,000 95435  
per fiscal year for full or partial reimbursement of the 95436  
documented costs of firefighter training. For each fiscal year, 95437  
the State Fire Marshal shall determine the total amounts to be 95438  
allocated for each eligible purpose. 95439

(C) The grants shall be administered by the State Fire 95440  
Marshal in accordance with rules the State Fire Marshal adopts as 95441  
part of the state fire code adopted pursuant to section 3737.82 of 95442  
the Revised Code that are necessary for the administration and 95443  
operation of the grant program. The rules may further define the 95444  
entities eligible to receive grants and establish criteria for the 95445  
awarding and expenditure of grant funds, including methods the 95446  
State Fire Marshal may use to verify the proper use of grant funds 95447  
or to obtain reimbursement for or the return of equipment for 95448  
improperly used grant funds. To the extent consistent with this 95449  
section and until the rules are updated, the existing rules in the 95450  
state fire code adopted pursuant to section 3737.82 of the Revised 95451  
Code for fire department grants under this section apply to MARCS 95452  
Grants. Any amounts in appropriation item 800639, Fire Department 95453  
Grants, in excess of the amount allocated for these grants may be 95454  
used for the administration of the grant program. 95455

(D) Of the foregoing appropriation item 800639, Fire 95456  
Department Grants, \$250,000 in fiscal year 2022 shall be allocated 95457  
to Northfield Center Township to support equipment acquisition and 95458  
firefighter training. 95459

(E) Of the foregoing appropriation 800639, Fire Department 95460  
Grants, \$200,000 in each fiscal year shall be allocated to fire 95461  
departments located in Trumbull County for equipment and training 95462  
costs. These grants shall be issued giving priority first to grant 95463  
requests from volunteer fire departments, then to township fire 95464

department grant requests, and finally to municipal fire 95465  
department grant requests. 95466

(F) Of the foregoing appropriation item 800639, Fire 95467  
Department Grants, \$150,000 in fiscal year 2022 shall be allocated 95468  
to the Village of Lisbon Fire Department for equipment acquisition 95469  
and firefighter training. 95470

(G) Of the foregoing appropriation item 800639, Fire 95471  
Department Grants, \$125,000 in each fiscal year shall be 95472  
distributed to fire departments located in Lorain County for 95473  
equipment and training costs, with priority given to grant 95474  
applications from volunteer and part-time fire departments. 95475

(H) Of the foregoing appropriation item 800639, Fire 95476  
Department Grants, \$50,000 in each fiscal year shall be 95477  
distributed to fire departments located in Huron County for 95478  
equipment and training costs, with priority given to grant 95479  
applications from volunteer and part-time fire departments. 95480

**Section 243.30.** CASH TRANSFERS TO DIVISION OF REAL ESTATE 95481  
OPERATING FUND 95482

Upon the written request of the Director of Commerce, and 95483  
subject to the approval of the Controlling Board, the Director of 95484  
Budget and Management may transfer up to \$500,000 in cash from the 95485  
Real Estate Education and Research Fund (Fund 5470) to the 95486  
Division of Real Estate Operating Fund (Fund 5490) during the 95487  
biennium ending June 30, 2023. 95488

If the Real Estate Recovery Fund (Fund 5480) cash balance 95489  
exceeds \$250,000 during the biennium ending June 30, 2023, the 95490  
Director of Budget and Management, upon the written request of the 95491  
Director of Commerce and subject to the approval of the 95492  
Controlling Board, may transfer cash from Fund 5480 to the 95493  
Division of Real Estate Operating Fund (Fund 5490), such that the 95494

amount available in Fund 5480 is not less than \$250,000. 95495

CASH TRANSFERS TO REAL ESTATE APPRAISER OPERATING FUND 95496

If the Real Estate Appraiser Recovery Fund (Fund 4B20) cash 95497  
balance exceeds \$200,000 during the biennium ending June 30, 2023, 95498  
the Director of Budget and Management, upon the written request of 95499  
the Director of Commerce and subject to the approval of the 95500  
Controlling Board, may transfer cash from Fund 4B20 to the Real 95501  
Estate Appraiser Operating Fund (Fund 6A40), such that the amount 95502  
available in Fund 4B20 is not less than \$200,000. 95503

CASH TRANSFERS TO SMALL GOVERNMENT FIRE DEPARTMENT SERVICES 95504  
REVOLVING LOAN FUND 95505

Upon the written request of the Director of Commerce, and 95506  
subject to the approval of the Controlling Board, the Director of 95507  
Budget and Management may transfer up to \$600,000 in cash from the 95508  
State Fire Marshal Fund (Fund 5460) to the Small Government Fire 95509  
Department Services Revolving Loan Fund (Fund 5F10) during the 95510  
biennium ending June 30, 2023. 95511

CASH TRANSFERS TO THE HOME INSPECTOR OPERATING FUND AND THE 95512  
HOME INSPECTOR RECOVERY FUND 95513

During the biennium beginning July 1, 2021, and ending June 95514  
30, 2023, upon written request from the Director of Commerce, and 95515  
subject to the approval of the Controlling Board, the Director of 95516  
Budget and Management may transfer up to \$500,000 in cash from the 95517  
Division of Securities Fund (Fund 5500) as follows: up to \$400,000 95518  
in cash to the Home Inspector Operating Fund (Fund 5VC0) and up to 95519  
\$100,000 in cash to the Home Inspector Recovery Fund (Fund 5VD0). 95520  
When revenue deposited into Fund 5VC0 and Fund 5VD0 are deemed 95521  
sufficient to sustain operations, the Director of Budget and 95522  
Management, in consultation with the Director of Commerce, shall 95523  
establish a repayment schedule to fully repay the cash transferred 95524  
from Fund 5500 to Fund 5VC0 and Fund 5VD0. 95525

|                                                                     |    |           |    |           |       |
|---------------------------------------------------------------------|----|-----------|----|-----------|-------|
| CASH TRANSFERS TO THE OHIO INVESTOR RECOVERY FUND                   |    |           |    | 95526     |       |
| Upon the written request of the Director of Commerce, and           |    |           |    | 95527     |       |
| subject to the approval of the Controlling Board, the Director of   |    |           |    | 95528     |       |
| Budget and Management may transfer up to \$2,500,000 in each fiscal |    |           |    | 95529     |       |
| year from the Division of Securities Operating Fund (Fund 5500) to  |    |           |    | 95530     |       |
| the Ohio Investor Recovery Fund (Fund 5XK0) during the biennium     |    |           |    | 95531     |       |
| ending June 30, 2023.                                               |    |           |    | 95532     |       |
| Of the foregoing appropriation item 800657, Ohio Investor           |    |           |    | 95533     |       |
| Recovery, up to \$2,500,000 in each fiscal year shall be used by    |    |           |    | 95534     |       |
| the Department of Commerce to provide restitution assistance to     |    |           |    | 95535     |       |
| victims who: (1) are identified in a final administrative order     |    |           |    | 95536     |       |
| issued by the Division of Securities or a final court order in a    |    |           |    | 95537     |       |
| civil or criminal proceeding initiated by the Division as a         |    |           |    | 95538     |       |
| purchaser damaged by a sale or contract for sale made in violation  |    |           |    | 95539     |       |
| of Chapter 1707. of the Revised Code; and (2) have not received     |    |           |    | 95540     |       |
| the full amount of any restitution ordered in a final order before  |    |           |    | 95541     |       |
| the application for restitution assistance is due.                  |    |           |    | 95542     |       |
| <b>Section 245.10. OCC OFFICE OF CONSUMERS' COUNSEL</b>             |    |           |    | 95543     |       |
| Dedicated Purpose Fund Group                                        |    |           |    | 95544     |       |
| 5F50 053601 Operating Expenses                                      | \$ | 5,641,043 | \$ | 5,641,043 | 95545 |
| TOTAL DPF Dedicated Purpose Fund                                    | \$ | 5,641,043 | \$ | 5,641,043 | 95546 |
| Group                                                               |    |           |    |           |       |
| TOTAL ALL BUDGET FUND GROUPS                                        | \$ | 5,641,043 | \$ | 5,641,043 | 95547 |
| <b>Section 247.10. CEB CONTROLLING BOARD</b>                        |    |           |    | 95549     |       |
| Internal Service Activity Fund Group                                |    |           |    | 95550     |       |
| 5KM0 911614 Controlling Board                                       | \$ | 7,500,000 | \$ | 7,500,000 | 95551 |
| Emergency                                                           |    |           |    |           |       |
| Purposes/Contingencies                                              |    |           |    |           |       |
| TOTAL ISA Internal Service Activity                                 | \$ | 7,500,000 | \$ | 7,500,000 | 95552 |
| Fund Group                                                          |    |           |    |           |       |



Relief Program and the State Individual Assistance Program. 95585

**Section 249.10.** COS COSMETOLOGY AND BARBER BOARD 95586

Dedicated Purpose Fund Group 95587

4K90 879609 Operating Expenses \$ 5,416,852 \$ 5,716,944 95588

TOTAL DPF Dedicated Purpose Fund \$ 5,416,852 \$ 5,716,944 95589

Group

TOTAL ALL BUDGET FUND GROUPS \$ 5,416,852 \$ 5,716,944 95590

**Section 251.10.** CSW COUNSELOR, SOCIAL WORKER, AND MARRIAGE 95592

AND FAMILY THERAPIST BOARD 95593

Dedicated Purpose Fund Group 95594

4K90 899609 Operating Expenses \$ 1,845,658 \$ 1,907,553 95595

TOTAL DPF Dedicated Purpose Fund \$ 1,845,658 \$ 1,907,553 95596

Group

TOTAL ALL BUDGET FUND GROUPS \$ 1,845,658 \$ 1,907,553 95597

**Section 253.10.** CLA COURT OF CLAIMS 95599

General Revenue Fund 95600

GRF 015321 Operating Expenses \$ 2,668,140 \$ 2,730,329 95601

GRF 015403 Public Records \$ 931,645 \$ 957,137 95602

Adjudication

TOTAL GRF General Revenue Fund \$ 3,599,785 \$ 3,687,466 95603

Dedicated Purpose Fund Group 95604

5K20 015603 CLA Victims of Crime \$ 507,867 \$ 521,755 95605

5TE0 015604 Public Records \$ 1,200 \$ 1,200 95606

TOTAL DPF Dedicated Purpose Fund \$ 509,067 \$ 522,955 95607

Group

TOTAL ALL BUDGET FUND GROUPS \$ 4,108,852 \$ 4,210,421 95608

**Section 255.10.** DEN STATE DENTAL BOARD 95610

Dedicated Purpose Fund Group 95611

|                              |                        |    |           |    |           |       |
|------------------------------|------------------------|----|-----------|----|-----------|-------|
| 4K90 880609                  | Operating Expenses     | \$ | 1,700,000 | \$ | 1,750,000 | 95612 |
| TOTAL DPF                    | Dedicated Purpose Fund | \$ | 1,700,000 | \$ | 1,750,000 | 95613 |
| Group                        |                        |    |           |    |           |       |
| TOTAL ALL BUDGET FUND GROUPS |                        | \$ | 1,700,000 | \$ | 1,750,000 | 95614 |

**Section 257.10.** BDP BOARD OF DEPOSIT 95616

|                                    |                        |    |           |    |           |       |
|------------------------------------|------------------------|----|-----------|----|-----------|-------|
| Dedicated Purpose Fund Group 95617 |                        |    |           |    |           |       |
| 4M20 974601                        | Board of Deposit       | \$ | 1,688,400 | \$ | 1,688,400 | 95618 |
| TOTAL DPF                          | Dedicated Purpose Fund | \$ | 1,688,400 | \$ | 1,688,400 | 95619 |
| Group                              |                        |    |           |    |           |       |
| TOTAL ALL BUDGET FUND GROUPS       |                        | \$ | 1,688,400 | \$ | 1,688,400 | 95620 |

BOARD OF DEPOSIT EXPENSE FUND 95621

Upon receiving certification of expenses from the Treasurer 95622  
of State, the Director of Budget and Management shall transfer 95623  
cash from the Investment Earnings Redistribution Fund (Fund 6080) 95624  
to the Board of Deposit Expense Fund (Fund 4M20). The latter fund 95625  
shall be used pursuant to section 135.02 of the Revised Code to 95626  
pay for any and all necessary expenses of the Board of Deposit or 95627  
for banking charges and fees required for the operation of the 95628  
State of Ohio Regular Account. 95629

**Section 259.10.** DEV DEPARTMENT OF DEVELOPMENT 95630

|                            |                      |    |           |    |           |       |
|----------------------------|----------------------|----|-----------|----|-----------|-------|
| General Revenue Fund 95631 |                      |    |           |    |           |       |
| GRF 195402                 | Coal Research and    | \$ | 175,000   | \$ | 175,000   | 95632 |
| Development Program        |                      |    |           |    |           |       |
| GRF 195405                 | Minority Business    | \$ | 5,919,141 | \$ | 5,919,141 | 95633 |
| Development                |                      |    |           |    |           |       |
| GRF 195415                 | Business Development | \$ | 3,905,000 | \$ | 3,905,000 | 95634 |
| Services                   |                      |    |           |    |           |       |
| GRF 195426                 | Redevelopment        | \$ | 1,000,000 | \$ | 1,000,000 | 95635 |
| Assistance                 |                      |    |           |    |           |       |
| GRF 195453                 | Technology Programs  | \$ | 806,000   | \$ | 806,000   | 95636 |

|           |        |                                                                                          |    |             |    |                   |
|-----------|--------|------------------------------------------------------------------------------------------|----|-------------|----|-------------------|
|           |        | and Grants                                                                               |    |             |    |                   |
| GRF       | 195454 | Small Business and<br>Export Assistance                                                  | \$ | 3,500,000   | \$ | 3,500,000 95637   |
| GRF       | 195455 | Appalachia Assistance                                                                    | \$ | 6,500,000   | \$ | 6,500,000 95638   |
| GRF       | 195497 | CDBG Operating Match                                                                     | \$ | 1,250,000   | \$ | 1,250,000 95639   |
| GRF       | 195499 | BSD Federal Programs<br>Match                                                            | \$ | 13,200,000  | \$ | 13,200,000 95640  |
| GRF       | 195501 | iBELIEVE                                                                                 | \$ | 200,000     | \$ | 200,000 95641     |
| GRF       | 195503 | Local Development<br>Projects                                                            | \$ | 24,610,000  | \$ | 17,700,000 95642  |
| GRF       | 195537 | Ohio-Israel<br>Agricultural<br>Initiative                                                | \$ | 250,000     | \$ | 250,000 95643     |
| GRF       | 195553 | Industry Sector<br>Partnerships                                                          | \$ | 6,000,000   | \$ | 2,500,000 95644   |
| GRF       | 195566 | Main Street Job<br>Recovery Program                                                      | \$ | 250,000     | \$ | 250,000 95645     |
| GRF       | 195901 | Coal Research and<br>Development General<br>Obligation Bond Debt<br>Service              | \$ | 7,300,000   | \$ | 8,500,000 95646   |
| GRF       | 195905 | Third Frontier<br>Research and<br>Development General<br>Obligation Bond Debt<br>Service | \$ | 69,000,000  | \$ | 76,000,000 95647  |
| GRF       | 195912 | Job Ready Site<br>Development General<br>Obligation Bond Debt<br>Service                 | \$ | 4,605,000   | \$ | 4,605,000 95648   |
| TOTAL GRF |        | General Revenue Fund                                                                     | \$ | 148,470,141 | \$ | 146,260,141 95649 |
|           |        | Dedicated Purpose Fund Group                                                             |    |             |    | 95650             |
| 4500      | 195624 | Minority Business                                                                        | \$ | 74,905      | \$ | 74,905 95651      |

|      |        |                        |    |             |    |                   |
|------|--------|------------------------|----|-------------|----|-------------------|
|      |        | Bonding Program        |    |             |    |                   |
|      |        | Administration         |    |             |    |                   |
| 4510 | 195649 | Business Assistance    | \$ | 3,000,000   | \$ | 3,000,000 95652   |
|      |        | Programs               |    |             |    |                   |
| 4F20 | 195639 | State Special Projects | \$ | 1,000,000   | \$ | 1,000,000 95653   |
| 4F20 | 195699 | Utility Community      | \$ | 750,000     | \$ | 750,000 95654     |
|      |        | Assistance             |    |             |    |                   |
| 4W10 | 195646 | Minority Business      | \$ | 5,000,000   | \$ | 5,000,000 95655   |
|      |        | Enterprise Loan        |    |             |    |                   |
| 5CV1 | 195562 | Lodging Industry       | \$ | 25,000,000  | \$ | 0 95656           |
|      |        | Grants                 |    |             |    |                   |
| 5CV1 | 195621 | Coronavirus Relief -   | \$ | 20,000,000  | \$ | 0 95657           |
|      |        | Entertainment Venues   |    |             |    |                   |
| 5CV1 | 195630 | Coronavirus Relief New | \$ | 10,000,000  | \$ | 0 95658           |
|      |        | Business Relief Grants |    |             |    |                   |
| 5GT0 | 195550 | Broadband Development  | \$ | 230,000,000 | \$ | 20,000,000 95659  |
|      |        | Grants                 |    |             |    |                   |
| 5HR0 | 195606 | TechCred Program       | \$ | 33,300,000  | \$ | 25,000,000 95660  |
| 5JR0 | 195635 | Tax Incentives         | \$ | 800,000     | \$ | 800,000 95661     |
|      |        | Operating              |    |             |    |                   |
| 5KN0 | 195571 | Special Projects       | \$ | 1,000,000   | \$ | 0 95662           |
| 5KP0 | 195645 | Historic               | \$ | 1,000,000   | \$ | 1,000,000 95663   |
|      |        | Rehabilitation         |    |             |    |                   |
|      |        | Operating              |    |             |    |                   |
| 5M40 | 195659 | Low Income Energy      | \$ | 325,000,000 | \$ | 325,000,000 95664 |
|      |        | Assistance (USF)       |    |             |    |                   |
| 5M50 | 195660 | Advanced Energy Loan   | \$ | 8,500,000   | \$ | 8,500,000 95665   |
|      |        | Programs               |    |             |    |                   |
| 5MH0 | 195644 | SiteOhio               | \$ | 2,500       | \$ | 2,500 95666       |
|      |        | Administration         |    |             |    |                   |
| 5MJ0 | 195683 | TourismOhio            | \$ | 10,000,000  | \$ | 10,000,000 95667  |
|      |        | Administration         |    |             |    |                   |
| 5UL0 | 195627 | Brownfields Revolving  | \$ | 2,500,000   | \$ | 2,500,000 95668   |

|           |        |                                      |    |               |    |             |       |
|-----------|--------|--------------------------------------|----|---------------|----|-------------|-------|
|           |        | Loan Program                         |    |               |    |             |       |
| 5UY0      | 195496 | Sports Events Grants                 | \$ | 10,000,000    | \$ | 0           | 95669 |
| 5W60      | 195691 | International Trade                  | \$ | 50,000        | \$ | 50,000      | 95670 |
|           |        | Cooperative Projects                 |    |               |    |             |       |
| 5XH0      | 195632 | Women Owned Business                 | \$ | 5,000,000     | \$ | 5,000,000   | 95671 |
|           |        | Loans                                |    |               |    |             |       |
| 5XH0      | 195694 | Micro-Enterprise Loans               | \$ | 5,000,000     | \$ | 5,000,000   | 95672 |
| 5XM0      | 195677 | Bar and Restaurant                   | \$ | 100,000,000   | \$ | 0           | 95673 |
|           |        | Assistance                           |    |               |    |             |       |
| 5XX0      | 195408 | Meat Processing                      | \$ | 10,000,000    | \$ | 0           | 95674 |
|           |        | Investment Program                   |    |               |    |             |       |
| 5YC0      | 195569 | Community Improvements               | \$ | 1,000,000     | \$ | 0           | 95675 |
| 5YE0      | 1956A2 | Brownfield Remediation               | \$ | 350,000,000   | \$ | 0           | 95676 |
| 5YF0      | 1956A3 | Demolition and Site                  | \$ | 150,000,000   | \$ | 0           | 95677 |
|           |        | Revitalization                       |    |               |    |             |       |
| 6170      | 195654 | Volume Cap                           | \$ | 32,562        | \$ | 32,562      | 95678 |
|           |        | Administration                       |    |               |    |             |       |
| 6460      | 195638 | Low- and Moderate-                   | \$ | 55,250,000    | \$ | 55,250,000  | 95679 |
|           |        | Income Housing                       |    |               |    |             |       |
|           |        | Programs                             |    |               |    |             |       |
| TOTAL DPF |        | Dedicated Purpose Fund               | \$ | 1,363,259,967 | \$ | 467,959,967 | 95680 |
|           |        | Group                                |    |               |    |             |       |
|           |        | Internal Service Activity Fund Group |    |               |    |             | 95681 |
| 1350      | 195684 | Development Services                 | \$ | 12,000,000    | \$ | 12,000,000  | 95682 |
|           |        | Operations                           |    |               |    |             |       |
| 6850      | 195636 | Development Services                 | \$ | 125,000       | \$ | 125,000     | 95683 |
|           |        | Reimbursable                         |    |               |    |             |       |
|           |        | Expenditures                         |    |               |    |             |       |
| TOTAL ISA |        | Internal Service Activity            | \$ | 12,125,000    | \$ | 12,125,000  | 95684 |
|           |        | Fund Group                           |    |               |    |             |       |
|           |        | Facilities Establishment Fund Group  |    |               |    |             | 95685 |
| 4Z60      | 195647 | Rural Industrial Park                | \$ | 15,000,000    | \$ | 15,000,000  | 95686 |

|                                          |        |                          |    |               |    |                     |
|------------------------------------------|--------|--------------------------|----|---------------|----|---------------------|
|                                          |        | Loan                     |    |               |    |                     |
| 5S90                                     | 195628 | Capital Access Loan      | \$ | 2,500,000     | \$ | 2,500,000 95687     |
|                                          |        | Program                  |    |               |    |                     |
| 7009                                     | 195664 | Innovation Ohio          | \$ | 4,800,000     | \$ | 4,800,000 95688     |
| 7010                                     | 195665 | Research and             | \$ | 5,000,000     | \$ | 5,000,000 95689     |
|                                          |        | Development              |    |               |    |                     |
| 7037                                     | 195615 | Facilities               | \$ | 152,000,000   | \$ | 50,000,000 95690    |
|                                          |        | Establishment            |    |               |    |                     |
| TOTAL FCE                                |        | Facilities Establishment | \$ | 1,427,130,489 | \$ | 1,138,770,489 95691 |
| Fund Group                               |        |                          |    |               |    |                     |
| Bond Research and Development Fund Group |        |                          |    |               |    | 95692               |
| 7011                                     | 195686 | Third Frontier Tax       | \$ | 750,000       | \$ | 750,000 95693       |
|                                          |        | Exempt - Operating       |    |               |    |                     |
| 7011                                     | 195687 | Third Frontier           | \$ | 10,000,000    | \$ | 10,000,000 95694    |
|                                          |        | Research and             |    |               |    |                     |
|                                          |        | Development Projects     |    |               |    |                     |
| 7014                                     | 195620 | Third Frontier           | \$ | 1,710,000     | \$ | 1,710,000 95695     |
|                                          |        | Taxable - Operating      |    |               |    |                     |
| 7014                                     | 195692 | Research and             | \$ | 50,000,000    | \$ | 50,000,000 95696    |
|                                          |        | Development Taxable      |    |               |    |                     |
|                                          |        | Bond Projects            |    |               |    |                     |
| TOTAL BRD                                |        | Bond Research and        | \$ | 62,460,000    | \$ | 62,460,000 95697    |
| Development Fund Group                   |        |                          |    |               |    |                     |
| Federal Fund Group                       |        |                          |    |               |    | 95698               |
| 3080                                     | 195602 | Appalachian Regional     | \$ | 5,500,000     | \$ | 5,500,000 95699     |
|                                          |        | Commission               |    |               |    |                     |
| 3080                                     | 195603 | Housing Assistance       | \$ | 12,000,000    | \$ | 12,000,000 95700    |
|                                          |        | Programs                 |    |               |    |                     |
| 3080                                     | 195609 | Small Business           | \$ | 5,271,381     | \$ | 5,271,381 95701     |
|                                          |        | Administration Grants    |    |               |    |                     |
| 3080                                     | 195618 | Energy Grants            | \$ | 4,000,000     | \$ | 4,000,000 95702     |
| 3080                                     | 195670 | Home Weatherization      | \$ | 20,000,000    | \$ | 20,000,000 95703    |

|                              |        |                       |    |               |    |                     |
|------------------------------|--------|-----------------------|----|---------------|----|---------------------|
|                              |        | Program               |    |               |    |                     |
| 3080                         | 195672 | Manufacturing         | \$ | 6,300,000     | \$ | 6,300,000 95704     |
|                              |        | Extension Partnership |    |               |    |                     |
| 3080                         | 195675 | Procurement Technical | \$ | 1,000,000     | \$ | 1,000,000 95705     |
|                              |        | Assistance            |    |               |    |                     |
| 3080                         | 195696 | State Trade and       | \$ | 1,000,000     | \$ | 1,000,000 95706     |
|                              |        | Export Promotion      |    |               |    |                     |
| 3350                         | 195610 | Energy Programs       | \$ | 350,000       | \$ | 350,000 95707       |
| 3AE0                         | 195643 | Workforce Development | \$ | 2,000,000     | \$ | 2,000,000 95708     |
|                              |        | Initiatives           |    |               |    |                     |
| 3FJ0                         | 195626 | Small Business        | \$ | 8,000,000     | \$ | 8,000,000 95709     |
|                              |        | Capital Access and    |    |               |    |                     |
|                              |        | Collateral            |    |               |    |                     |
|                              |        | Enhancement Program   |    |               |    |                     |
| 3K80                         | 195613 | Community Development | \$ | 60,000,000    | \$ | 60,000,000 95710    |
|                              |        | Block Grant           |    |               |    |                     |
| 3K90                         | 195611 | Home Energy           | \$ | 165,000,000   | \$ | 165,000,000 95711   |
|                              |        | Assistance Block      |    |               |    |                     |
|                              |        | Grant                 |    |               |    |                     |
| 3K90                         | 195614 | HEAP Weatherization   | \$ | 40,000,000    | \$ | 40,000,000 95712    |
| 3L00                         | 195612 | Community Services    | \$ | 28,000,000    | \$ | 28,000,000 95713    |
|                              |        | Block Grant           |    |               |    |                     |
| 3V10                         | 195601 | HOME Program          | \$ | 35,000,000    | \$ | 35,000,000 95714    |
| TOTAL FED                    |        | Federal Fund Group    | \$ | 393,421,381   | \$ | 393,421,381 95715   |
| TOTAL ALL BUDGET FUND GROUPS |        |                       | \$ | 2,159,036,489 | \$ | 1,159,526,489 95716 |

**Section 259.20.** COAL RESEARCH AND DEVELOPMENT PROGRAM 95718

The foregoing appropriation item 195402, Coal Research and 95719  
Development Program, shall be used for the operating expenses of 95720  
the Community Services Division in support of the Ohio Coal 95721  
Development Office. 95722

MINORITY BUSINESS DEVELOPMENT 95723

The foregoing appropriation item 195405, Minority Business Development, shall be used to support the activities of the Minority Business Development Division, including providing grants to local nonprofit organizations to support economic development activities that promote minority business development, in conjunction with local organizations funded through appropriation item 195454, Small Business and Export Assistance.

**BUSINESS DEVELOPMENT SERVICES**

The foregoing appropriation item 195415, Business Development Services, shall be used for the operating expenses of the Office of Strategic Business Investments and the regional economic development offices.

Of the foregoing appropriation item 195415, Business Development Services, \$1,800,000 in each fiscal year shall be allocated to Development Projects, Inc., for economic development programs and the creation of new jobs to leverage and support mission gains at Department of Defense and related facilities in Ohio by working with future base realignment and closure activities and ongoing Department of Defense efficiency and partnership initiatives, assisting efforts to secure Department of Defense support contracts for Ohio companies, assessing and supporting regional job training and workforce development needs generated by the Department of Defense and the Ohio aerospace industry, promoting technology transfer to Ohio businesses, and for expanding job training and economic development programs in human performance and cyber security related initiatives.

**REDEVELOPMENT ASSISTANCE**

The foregoing appropriation item 195426, Redevelopment Assistance, shall be used to fund the costs of administering the energy, redevelopment, and other revitalization programs that may be implemented, and may be used to match federal grant funding.

TECHNOLOGY PROGRAMS AND GRANTS 95755

The foregoing appropriation item 195453, Technology Programs 95756  
and Grants, shall be used for operating expenses incurred in 95757  
administering the Ohio Third Frontier Programs and other 95758  
technology focused programs that may be implemented. 95759

Of the foregoing appropriation item 195453, Technology 95760  
Programs and Grants, up to \$6,000 in each fiscal year shall be 95761  
used for the Ohio Aerospace and Aviation Technology Committee 95762  
(OAATC) to cover expenses incurred as a result of the Committee's 95763  
work. 95764

SMALL BUSINESS AND EXPORT ASSISTANCE 95765

The foregoing appropriation item 195454, Small Business and 95766  
Export Assistance, may be used to provide a range of business 95767  
assistance, including grants to local organizations to support 95768  
economic development activities that promote small business 95769  
development, entrepreneurship, and exports of Ohio's goods and 95770  
services, in conjunction with local organizations funded through 95771  
appropriation item 195405, Minority Business Development. The 95772  
foregoing appropriation item shall also be used as matching funds 95773  
for grants from the United States Small Business Administration 95774  
and other federal agencies, pursuant to Pub. L. No. 96-302 as 95775  
amended by Pub. L. No. 98-395, and regulations and policy 95776  
guidelines for the programs pursuant thereto. 95777

APPALACHIA ASSISTANCE 95778

The foregoing GRF appropriation item 195455, Appalachia 95779  
Assistance, may be used for the administrative costs of planning 95780  
and liaison activities for the Governor's Office of Appalachia, to 95781  
provide financial assistance to projects in Ohio's Appalachian 95782  
counties, to support four local development districts, and to pay 95783  
dues for the Appalachian Regional Commission. These funds may be 95784  
used to match federal funds from the Appalachian Regional 95785

Commission. Programs funded through the appropriation item shall 95786  
be identified and recommended by the local development districts 95787  
and approved by the Governor's Office of Appalachia. The 95788  
Department of Development shall conduct compliance and regulatory 95789  
review of the programs recommended by the local development 95790  
districts. Moneys allocated under the appropriation item may be 95791  
used to fund projects including, but not limited to, those 95792  
designated by the local development districts as community 95793  
investment and rapid response projects. 95794

Of the foregoing appropriation item 195455, Appalachia 95795  
Assistance, in each fiscal year, \$170,000 shall be allocated to 95796  
the Ohio Valley Regional Development Commission, \$170,000 shall be 95797  
allocated to the Ohio Mid-Eastern Government Association, \$170,000 95798  
shall be allocated to the Buckeye Hills-Hocking Valley Regional 95799  
Development District, and \$170,000 shall be allocated to the 95800  
Eastgate Regional Council of Governments. Local development 95801  
districts receiving funding under this section shall use the funds 95802  
for the implementation and administration of programs and duties 95803  
under section 107.21 of the Revised Code. 95804

CDBG OPERATING MATCH 95805

The foregoing appropriation item 195497, CDBG Operating 95806  
Match, shall be used as matching funds for grants from the United 95807  
States Department of Housing and Urban Development pursuant to the 95808  
Housing and Community Development Act of 1974 and regulations and 95809  
policy guidelines for the programs pursuant thereto. 95810

BSD FEDERAL PROGRAMS MATCH 95811

The foregoing appropriation item 195499, BSD Federal Programs 95812  
Match, shall be used as matching funds for grants from the U.S. 95813  
Department of Commerce, National Institute of Standards and 95814  
Technology Manufacturing Extension Partnership Program and Defense 95815  
Logistics Agency Procurement Technical Assistance Program, and 95816

other federal agencies, pursuant to Pub. L. No. 96-302 as amended 95817  
by Pub. L. No. 98-395, and regulations and policy guidelines for 95818  
the programs pursuant thereto. The appropriation item shall also 95819  
be used for operating expenses of the Business Services Division. 95820

iBELIEVE 95821

The foregoing appropriation item 195501, iBELIEVE, shall be 95822  
allocated to the iBELIEVE Foundation to provide opportunities for 95823  
Appalachian youth to develop twenty-first century skills, 95824  
including leadership, communication, and problem-solving for 95825  
college access and retention. 95826

LOCAL DEVELOPMENT PROJECTS 95827

Of the foregoing appropriation item 195503, Local Development 95828  
Projects, \$10,000,000 in each fiscal year shall be allocated to 95829  
the Foundation for Appalachian Ohio. 95830

Of the foregoing appropriation item 195503, Local Development 95831  
Projects, up to \$4,000,000 in each fiscal year shall be allocated 95832  
for the GRIT program, to be administered by the Governor's Office 95833  
of Appalachia and the Department of Development. The program shall 95834  
create jobs in economically distressed and at-risk areas within 11 95835  
counties in the service territory of the Ohio Valley Regional 95836  
Development Commission. This portion of the foregoing 95837  
appropriation item shall be used to establish virtual workforce 95838  
development centers and place un- and under-employed adults into 95839  
jobs, in collaboration with private businesses and public sector 95840  
partners. Of this portion of the foregoing appropriation item, up 95841  
to \$1,250,000 in each fiscal year may be used for youth assessment 95842  
and career development activities, up to \$1,150,000 in each fiscal 95843  
year may be used to support the development of virtual workforce 95844  
centers, up to \$800,000 in each fiscal year may be used for 95845  
assessments, and up to \$800,000 in each fiscal year may be used 95846  
for operating costs. 95847

Of the foregoing appropriation item 195503, Local Development 95848  
Projects, \$3,000,000 in fiscal year 2022 shall be used to support 95849  
the Cleveland Water Alliance Sustainable Water Technologies 95850  
Initiative. 95851

Of the foregoing appropriation item 195503, Local Development 95852  
Projects, up to \$2,250,000 in fiscal year 2022 shall be used in 95853  
coordination with the Department of Health to support stable 95854  
housing initiatives for pregnant mothers and to improve maternal 95855  
and infant health outcomes. 95856

Of the foregoing appropriation item 195503, Local Development 95857  
Projects, \$1,000,000 in fiscal year 2022 shall be allocated to 95858  
Mahoning Valley Campus of Care. 95859

Of the foregoing appropriation item 195503, Local Development 95860  
Projects, \$900,000 in fiscal year 2022 and \$600,000 in fiscal year 95861  
2023 shall be allocated to the SkillUp Coalition for rapid 95862  
reskilling initiatives in Ohio's Appalachian counties. 95863

Of the foregoing appropriation item 195503, Local Development 95864  
Projects, \$1,000,000 in each fiscal year shall be allocated to the 95865  
Lucas County Land Reutilization Corporation for the Lucas County 95866  
Commercial Site Clean-Up Pilot Program to demolish vacant 95867  
commercial or industrial buildings located in Lucas County. The 95868  
state funding shall be matched on a 1:1 basis by funding from any 95869  
of the following entities: City of Toledo, Lucas County, 95870  
Toledo-Lucas County Port Authority, Lucas County Land 95871  
Reutilization Corporation, the municipality, village or township 95872  
where the project is located, or any private entities or nonprofit 95873  
organizations. The program shall prioritize the demolition of 95874  
blighted or nuisance commercial or industrial buildings at 95875  
locations that are depressing the value of surrounding properties 95876  
and locations that have the greatest potential for new 95877  
construction or development. 95878

Of the foregoing appropriation item 195503, Local Development 95879  
Projects, \$1,000,000 in each fiscal year shall be used for the 95880  
Center for Advanced Manufacturing and Logistics to provide 95881  
workforce development, supply chain management, automation, 95882  
research and development, and entrepreneurship to foster 95883  
manufacturing and logistic industry jobs and company creation. 95884

Of the foregoing appropriation item 195503, Local Development 95885  
Projects, \$300,000 in each fiscal year shall be used to support 95886  
the Camp James A. Garfield Joint Military Training Center and the 95887  
Youngstown Air Reserve Station. 95888

Of the foregoing appropriation item 195503, Local Development 95889  
Projects, \$300,000 in each fiscal year shall be allocated to 95890  
Cleveland Neighborhood Progress for the Cleveland Chain Reaction 95891  
Project. 95892

Of the foregoing appropriation item 195503, Local Development 95893  
Projects, \$250,000 in each fiscal year shall be allocated to 95894  
Fulton County or the Fulton County Land Reutilization Corporation 95895  
for a program to demolish vacant commercial or industrial 95896  
buildings located in Fulton County. The state funding shall be 95897  
matched on a 1:1 basis by funding from any of the following 95898  
entities: Fulton County, the municipality, village or township 95899  
where the project is located, or any private entities or nonprofit 95900  
organizations. The program shall prioritize the demolition of 95901  
blighted or nuisance commercial or industrial buildings at 95902  
locations that are depressing the value of surrounding properties 95903  
and locations that have the greatest potential for new 95904  
construction or development. 95905

Of the foregoing appropriation item 195503, Local Development 95906  
Projects, \$150,000 in each fiscal year shall be allocated to the 95907  
Stark County Minority Business Association to work in partnership 95908  
with the Canton Regional Chamber of Commerce to support a 95909  
demonstration pilot project. 95910

Of the foregoing appropriation item 195503, Local Development 95911  
Projects, \$150,000 in fiscal year 2022 shall be allocated to the 95912  
City of East Liverpool to acquire, demolish, or rehabilitate 95913  
abandoned houses and conduct property cleanup activities. 95914

Of the foregoing appropriation item 195503, Local Development 95915  
Projects, \$100,000 in each fiscal year shall be granted to the 95916  
Lincoln Community Center located in Troy. 95917

Of the foregoing appropriation item 195503, Local Development 95918  
Projects, \$100,000 in fiscal year 2022 shall be allocated to the 95919  
Medina County Board of Commissioners to support the financing of a 95920  
homeless shelter in the county. 95921

Of the foregoing appropriation item 195503, Local Development 95922  
Projects, \$60,000 in fiscal year 2022 shall be allocated to the 95923  
city of East Liverpool to create a Downtown Plan. 95924

Of the foregoing appropriation item 195503, Local Development 95925  
Projects, \$50,000 in fiscal year 2022 shall be granted to the 95926  
Adams County Community Foundation. 95927

OHIO-ISRAEL AGRICULTURAL INITIATIVE 95928

The foregoing appropriation item 195537, Ohio-Israel 95929  
Agricultural Initiative, shall be used for the Ohio-Israel 95930  
Agricultural Initiative. The appropriation shall not be used for 95931  
travel and entertainment expenses incurred under the initiative. 95932

SECTOR PARTNERSHIP NETWORKS 95933

The foregoing appropriation item 195553, Industry Sector 95934  
Partnerships, shall be used for the grant program described in 95935  
section 122.179 of the Revised Code. 95936

Notwithstanding section 122.179 of the Revised Code, of the 95937  
foregoing appropriation item 195553, Industry Sector Partnerships, 95938  
up to \$3,500,000 in fiscal year 2022 shall be allocated to the 95939  
National Additive Manufacturing Innovation Institute, in 95940

partnership with Eastern Gateway Community College, to create 95941  
workforce initiatives for each of the following populations: (1) 95942  
fifth through twelfth grade students, (2) adult workers, and (3) 95943  
minority and economically disadvantaged individuals. 95944

Notwithstanding section 122.179 of the Revised Code, of the 95945  
foregoing appropriation item 195553, Industry Sector Partnerships, 95946  
\$46,250 in each fiscal year shall be allocated to Jewish 95947  
Vocational Service of Cincinnati to support workforce development 95948  
costs involved with assisting in employment services for the 95949  
financially indigent. 95950

On July 1, 2022, or as soon as possible thereafter, the 95951  
Director of Development shall certify to the Director of Budget 95952  
and Management the unexpended, unencumbered balance of the fiscal 95953  
year 2022 appropriation to the foregoing appropriation item. The 95954  
certified amount is hereby reappropriated to the foregoing 95955  
appropriation item in fiscal year 2023. 95956

MAIN STREET JOB RECOVERY PROGRAM 95957

The foregoing appropriation item 195566, Main Street Job 95958  
Recovery Program, shall be used by the Department of Development 95959  
or in coordination with a statewide community development 95960  
organization to provide grants to nonprofit organizations to 95961  
create permanent business development and employment opportunities 95962  
targeted to low- and moderate-income individuals or individuals of 95963  
the reentry population. Grants shall be awarded by the Department 95964  
based on the following criteria: (1) number of businesses created 95965  
and expanded, (2) number of jobs created for low- and 95966  
moderate-income individuals, and (3) the amount of funds leveraged 95967  
as a result of the program. 95968

Not later than June 30 of each year during the FY 2022-FY 95969  
2023 biennium, the Department of Development shall submit a 95970  
written report describing the outcomes of the Main Street Job 95971

Recovery Program to the President of the Senate, the Speaker of 95972  
the House of Representatives, the Minority Leader of the Senate, 95973  
the Minority Leader of the House of Representatives, and the Ohio 95974  
Legislative Service Commission. 95975

**Section 259.25.** COAL RESEARCH AND DEVELOPMENT GENERAL 95976  
OBLIGATION BOND DEBT SERVICE 95977

The foregoing appropriation line item 195901, Coal Research 95978  
and Development General Obligation Bond Debt Service, shall be 95979  
used to pay all debt service and related financing costs during 95980  
the period July 1, 2021, through June 30, 2023, on obligations 95981  
issued under sections 151.01 and 151.07 of the Revised Code. 95982

THIRD FRONTIER RESEARCH AND DEVELOPMENT GENERAL OBLIGATION 95983  
BOND DEBT SERVICE 95984

The foregoing appropriation item 195905, Third Frontier 95985  
Research and Development General Obligation Bond Debt Service, 95986  
shall be used to pay all debt service and related financing costs 95987  
during the period from July 1, 2021, through June 30, 2023, on 95988  
obligations issued under sections 151.01 and 151.10 of the Revised 95989  
Code. 95990

JOB READY SITE DEVELOPMENT GENERAL OBLIGATION BOND DEBT 95991  
SERVICE 95992

The foregoing appropriation item 195912, Job Ready Site 95993  
Development General Obligation Bond Debt Service, shall be used to 95994  
pay all debt service and related financing costs during the period 95995  
from July 1, 2021, through June 30, 2023, on obligations issued 95996  
under sections 151.01 and 151.11 of the Revised Code. 95997

**Section 259.30.** MINORITY BUSINESS BONDING FUND 95998

Notwithstanding Chapters 122., 169., and 175. of the Revised 95999  
Code, the Director of Development may, upon the recommendation of 96000

the Minority Development Financing Advisory Board, pledge up to 96001  
\$10,000,000 in the biennium ending June 30, 2023, of unclaimed 96002  
funds administered by the Director of Commerce and allocated to 96003  
the Minority Business Bonding Program under section 169.05 of the 96004  
Revised Code. 96005

If needed for the payment of losses arising from the Minority 96006  
Business Bonding Program, the Director of Budget and Management 96007  
may, at the request of the Director of Development, request that 96008  
the Director of Commerce transfer unclaimed funds that have been 96009  
reported by holders of unclaimed funds under section 169.05 of the 96010  
Revised Code to the Minority Bonding Fund (Fund 4490). The 96011  
transfer of unclaimed funds shall only occur after proceeds of the 96012  
initial transfer of \$2,700,000 by the Controlling Board to the 96013  
Minority Business Bonding Program have been used for that purpose. 96014  
If expenditures are required for payment of losses arising from 96015  
the Minority Business Bonding Program, such expenditures shall be 96016  
made from appropriation item 195658, Minority Business Bonding 96017  
Contingency in the Minority Business Bonding Fund, and such 96018  
amounts are hereby appropriated. 96019

BUSINESS ASSISTANCE PROGRAMS 96020

The foregoing appropriation item 195649, Business Assistance 96021  
Programs, shall be used for administrative expenses associated 96022  
with the operation of loan incentives within the Office of 96023  
Strategic Business Investments. 96024

STATE SPECIAL PROJECTS 96025

The State Special Projects Fund (Fund 4F20), may be used for 96026  
the deposit of private-sector funds from utility companies and for 96027  
the deposit of other miscellaneous state funds. State moneys so 96028  
deposited may also be used to match federal funding and to support 96029  
programs of the Community Service Division and Business Services 96030  
Division. 96031

MINORITY BUSINESS ENTERPRISE LOAN 96032

The foregoing appropriation item 195646, Minority Business 96033  
Enterprise Loan, shall be used for awards under the Minority 96034  
Business Enterprise Loan Program and to cover operating expenses 96035  
of the Minority Business Development Division. All repayments from 96036  
the Minority Development Financing Advisory Board Loan Program 96037  
shall be deposited in the state treasury to the credit of the 96038  
Minority Business Enterprise Loan Fund (Fund 4W10). 96039

BROADBAND DEVELOPMENT GRANTS 96040

The foregoing appropriation item 195550, Broadband 96041  
Development Grants, shall be used to issue grants for broadband 96042  
development. An amount equal to the unexpended, unencumbered 96043  
portion remaining in appropriation item 195550, Broadband 96044  
Development Grants, at the end of fiscal year 2022 is hereby 96045  
reappropriated for the same purpose in fiscal year 2023. 96046

Of the foregoing appropriation item 195550, Broadband 96047  
Development Grants, up to \$2,000,000 in the biennium ending June 96048  
30, 2023, may be used for a statewide initiative to support 96049  
providing behavioral health in schools through telehealth. 96050

SPECIAL PROJECTS 96051

The foregoing appropriation item 195571, Special Projects, 96052  
shall be used by the Director of Development to distribute funds 96053  
to the City of Sidney to support site preparation or remediation 96054  
or both. Any funds distributed to the City of Sidney under this 96055  
section shall be matched in an amount equal to or greater than the 96056  
amount being distributed. The City of Sidney may use city, county, 96057  
or federal funding sources to provide the matching funds. An 96058  
amount equal to the unexpended, unencumbered balance remaining in 96059  
appropriation item 195571 Special Projects, at the end of fiscal 96060  
year 2022 is hereby reappropriated for the same purpose in fiscal 96061  
year 2023. 96062

ADVANCED ENERGY LOAN PROGRAMS 96063

The foregoing appropriation item 195660, Advanced Energy Loan Programs, shall be used to provide financial assistance to customers for eligible advanced energy projects for residential, commercial, and industrial business, local government, educational institution, nonprofit, and agriculture customers. The appropriation item may be used to match federal grant funding and to pay for the program's administrative costs as provided in sections 4928.61 to 4928.63 of the Revised Code and rules adopted by the Director of Development.

SPORTS EVENTS GRANTS 96073

The foregoing appropriation item 195496, Sports Events Grants, shall be used for grants as described in sections 122.12 and 122.121 of the Revised Code.

On July 1, 2022, or as soon as possible thereafter, the Director of Development shall certify to the Director of Budget and Management the amount of the unexpended, unencumbered balance of appropriation item 195496, Sports Events Grants, to be reappropriated in fiscal year 2023. The amount certified is hereby reappropriated to the appropriation item in fiscal year 2023 for the same purpose.

MBD FINANCIAL ASSISTANCE FUND 96084

On July 1, 2021, or as soon as possible thereafter, the Director of Budget and Management may transfer \$20,000,000 cash from the State Small Business Credit Initiative Fund (Fund 3FJ0) to the MBD Financial Assistance Fund (Fund 5XH0), which is hereby created in the state treasury. All repayments from loans using Fund 5XH0 shall be credited to the fund.

MINORITY BUSINESS MICROLOAN 96091

The foregoing appropriation item 195694, Micro-Enterprise 96092

|                                                                                                                                                                                                                                                                                                                                                                                                       |                                                             |
|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-------------------------------------------------------------|
| Loan, shall be used to operate the Minority Business Microloan Program.                                                                                                                                                                                                                                                                                                                               | 96093<br>96094                                              |
| WOMEN-OWNED BUSINESS LOAN                                                                                                                                                                                                                                                                                                                                                                             | 96095                                                       |
| The foregoing appropriation item 195632, Women-Owned Business Loan, shall be used to operate the Women-Owned Business Loan Program.                                                                                                                                                                                                                                                                   | 96096<br>96097<br>96098                                     |
| LODGING INDUSTRY GRANTS                                                                                                                                                                                                                                                                                                                                                                               | 96099                                                       |
| The foregoing appropriation item 195562, Lodging Industry Grants, shall be used by the Department of Development to provide grants for lodging industry businesses impacted by the COVID-19 pandemic. Grants shall be awarded in amounts of \$10,000, \$20,000, and \$30,000 and shall be awarded based on factors such as a demonstrated loss of revenue and occupancy rates.                        | 96100<br>96101<br>96102<br>96103<br>96104<br>96105          |
| ENTERTAINMENT VENUES                                                                                                                                                                                                                                                                                                                                                                                  | 96106                                                       |
| The foregoing appropriation item 195621, Coronavirus Relief - Entertainment Venues, shall be used by the Department of Development to provide grants to entertainment venues impacted by the COVID-19 pandemic. Grants shall be awarded in amounts of \$10,000, \$20,000, and \$30,000. Awards shall be based on factors such as demonstrated loss of revenue due to canceled events or performances. | 96107<br>96108<br>96109<br>96110<br>96111<br>96112<br>96113 |
| NEW BUSINESS RELIEF GRANT                                                                                                                                                                                                                                                                                                                                                                             | 96114                                                       |
| The foregoing appropriation item 195630, Coronavirus Relief - New Business Relief Grants, shall be used by the Department of Development to provide relief grants of \$10,000 for new businesses in this state opening after January 1, 2020.                                                                                                                                                         | 96115<br>96116<br>96117<br>96118                            |
| BAR AND RESTAURANT ASSISTANCE                                                                                                                                                                                                                                                                                                                                                                         | 96119                                                       |
| The foregoing appropriation item 195677, Bar and Restaurant Assistance, shall be used by the Department of Development to provide grants to bars and restaurants that have been impacted by                                                                                                                                                                                                           | 96120<br>96121<br>96122                                     |

the COVID-19 pandemic. Grants shall be awarded in amounts of 96123  
\$10,000, \$20,000, and \$30,000 and shall be awarded based on 96124  
factors such as demonstrated loss of revenue and the number of 96125  
employees eligible bars and restaurants employ. 96126

MEAT PROCESSING INVESTMENT PROGRAM 96127

The foregoing appropriation item 195408, Meat Processing 96128  
Investment Program, shall be used to make grants to meat 96129  
processing plants in accordance with Section 701.90 of this act. 96130

COMMUNITY IMPROVEMENTS 96131

The foregoing appropriation item 195569, Community 96132  
Improvements, shall be allocated to the City of Zanesville to 96133  
support the financing of road slip repairs. 96134

BROWNFIELD REMEDIATION 96135

The foregoing appropriation item 1956A2, Brownfield 96136  
Remediation, shall be used to award grants under the Brownfield 96137  
Remediation Program as described in section 122.6511 of the 96138  
Revised Code. An amount up to two and one-half per cent of the 96139  
foregoing appropriation item 1956A2, Brownfield Remediation, may 96140  
be used to pay the administrative costs of the program. The 96141  
unexpended, unencumbered balance in appropriation item 1956A2, 96142  
Brownfield Remediation, remaining at the end of fiscal year 2022 96143  
is hereby reappropriated for the same purpose in fiscal year 96144  
2023. 96145

DEMOLITION AND SITE REVITALIZATION 96146

The foregoing appropriation item 1956A3, Demolition and Site 96147  
Revitalization, shall be used to award grants under the Building 96148  
Demolition and Site Revitalization Program as described in section 96149  
122.6512 of the Revised Code. An amount up to two and one-half per 96150  
cent of the foregoing appropriation item 1956A3, Demolition and 96151  
Site Revitalization, may be used to pay the administrative costs 96152

of the program. The unexpended, unencumbered balance in 96153  
appropriation item 1956A3, Demolition and Site Revitalization, 96154  
remaining at the end of fiscal year 2022 is hereby reappropriated 96155  
for the same purpose in fiscal year 2023. 96156

VOLUME CAP ADMINISTRATION 96157

The foregoing appropriation item 195654, Volume Cap 96158  
Administration, shall be used for expenses related to the 96159  
administration of the Volume Cap Program. Revenues received by the 96160  
Volume Cap Administration Fund (Fund 6170) shall consist of 96161  
application fees, forfeited deposits, and interest earned from the 96162  
custodial account held by the Treasurer of State. 96163

**Section 259.40.** SUPPORTIVE SERVICES FUND 96164

On July 1 of each year in the biennium ending June 30, 2023, 96165  
or as soon as possible thereafter, respectively, the Director of 96166  
Budget and Management may transfer up to \$2,000,000 from the State 96167  
Special Projects Fund (Fund 4F20) to the Supportive Services Fund 96168  
(Fund 1350). 96169

DEVELOPMENT SERVICES OPERATIONS 96170

The Director of Development may assess offices of the 96171  
department for the cost of central service operations. An 96172  
assessment shall contain the characteristics of administrative 96173  
ease and uniform application. A division's payments shall be 96174  
credited to the Supportive Services Fund (Fund 1350) using an 96175  
intrastate transfer voucher. 96176

DEVELOPMENT SERVICES REIMBURSABLE EXPENDITURES 96177

The foregoing appropriation item 195636, Development Services 96178  
Reimbursable Expenditures, shall be used for reimbursable costs 96179  
incurred by the department. Revenues to the General Reimbursement 96180  
Fund (Fund 6850) shall consist of moneys charged for 96181  
administrative costs that are not central service costs and 96182

repayments of loans, including the interest thereon, made from the 96183  
Water and Sewer Fund (Fund 4440). 96184

**Section 259.50. CAPITAL ACCESS LOAN PROGRAM** 96185

The foregoing appropriation item 195628, Capital Access Loan 96186  
Program, shall be used for operating, program, and administrative 96187  
expenses of the program. Capital Access Loan Program funds shall 96188  
be used in accordance with section 122.603 of the Revised Code to 96189  
assist participating financial institutions in making program 96190  
loans to eligible businesses that face barriers in accessing 96191  
working capital and obtaining fixed-asset financing. 96192

The Director of Budget and Management may transfer an amount 96193  
not to exceed \$2,000,000 cash in each fiscal year between the 96194  
Minority Business Enterprise Loan Fund (Fund 4W10) and the Capital 96195  
Access Loan Fund (Fund 5S90), subject to Controlling Board 96196  
approval. 96197

**INNOVATION OHIO** 96198

The foregoing appropriation item 195664, Innovation Ohio, 96199  
shall be used to provide for Innovation Ohio purposes, including 96200  
loan guarantees and loans under Chapter 166. and particularly 96201  
sections 166.12 to 166.16 of the Revised Code. 96202

**RESEARCH AND DEVELOPMENT** 96203

The foregoing appropriation item 195665, Research and 96204  
Development, shall be used to provide for research and development 96205  
purposes, including loans, under Chapter 166. and particularly 96206  
sections 166.17 to 166.21 of the Revised Code. 96207

**FACILITIES ESTABLISHMENT** 96208

The foregoing appropriation item 195615, Facilities 96209  
Establishment, shall be used for the purposes of the Facilities 96210  
Establishment Fund (Fund 7037) under Chapter 166. of the Revised 96211  
Code. 96212

In the biennium ending June 30, 2023, notwithstanding section 127.14 and division (B) of section 131.35 of the Revised Code, the Controlling Board may authorize expenditures, in excess of the amount appropriated, but not to exceed the limitation set in division (E) of section 131.35 of the Revised Code, using the Facilities Establishment Fund (Fund 7037) for purposes consistent with Chapter 166. of the Revised Code. The amounts authorized by the Controlling Board are hereby appropriated.

TRANSFERS FROM THE FACILITIES ESTABLISHMENT FUND

Notwithstanding Chapter 166. of the Revised Code, on July 1, 2021, or as soon as possible thereafter, the Director of Budget and Management shall transfer \$20,000,000 cash from the Facilities Establishment Fund (Fund 7037) to the Rural Industrial Park Loan Fund (Fund 4Z60). The cash transfer is subject to Controlling Board approval under section 166.03 of the Revised Code.

Notwithstanding Chapter 166. of the Revised Code, an amount not to exceed \$3,500,000 in cash in each fiscal year may be transferred from the Facilities Establishment Fund (Fund 7037) to the Business Assistance Fund (Fund 4510), subject to Controlling Board approval.

Notwithstanding Chapter 166. of the Revised Code, the Director of Budget and Management may transfer an amount not to exceed \$5,000,000 in cash in each fiscal year from Fund 7037 to the Minority Business Enterprise Loan Fund (Fund 4W10), subject to Controlling Board approval.

Notwithstanding Chapter 166. of the Revised Code, the Director of Budget and Management may transfer an amount not to exceed \$2,000,000 in cash in each fiscal year from Fund 7037 to the Capital Access Loan Fund (Fund 5S90), subject to Controlling Board approval.

**Section 259.60.** THIRD FRONTIER OPERATING COSTS 96243

The foregoing appropriation items 195686, Third Frontier Tax 96244  
Exempt - Operating, and 195620, Third Frontier Taxable - 96245  
Operating, shall be used for operating expenses incurred in 96246  
administering projects pursuant to sections 184.10 to 184.20 of 96247  
the Revised Code. Operating expenses paid from appropriation item 96248  
195686 shall be limited to the administration of projects funded 96249  
from the Third Frontier Research & Development Fund (Fund 7011) 96250  
and operating expenses paid from appropriation item 195620 shall 96251  
be limited to the administration of projects funded from the Third 96252  
Frontier Research & Development Taxable Bond Project Fund (Fund 96253  
7014). 96254

THIRD FRONTIER RESEARCH & DEVELOPMENT TAXABLE AND TAX EXEMPT 96255  
PROJECTS 96256

The foregoing appropriation items 195687, Third Frontier 96257  
Research & Development Projects, and 195692, Research & 96258  
Development Taxable Bond Projects, shall be used to fund selected 96259  
projects which may include internship programs. Eligible costs are 96260  
those costs of research and development projects to which the 96261  
proceeds of Fund 7011 and Fund 7014 are to be applied. 96262

TRANSFERS OF THIRD FRONTIER APPROPRIATIONS 96263

The Director of Budget and Management may approve written 96264  
requests from the Director of Development for the transfer of 96265  
appropriations between appropriation items 195687, Third Frontier 96266  
Research & Development Projects, and 195692, Research & 96267  
Development Taxable Bond Projects, based upon awards recommended 96268  
by the Third Frontier Commission. 96269

In fiscal year 2023, the Director of Development may request 96270  
that the Director of Budget and Management reappropriate any 96271  
unexpended, unencumbered balances of the prior fiscal year's 96272

appropriation to the foregoing appropriation items 195687, Third 96273  
Frontier Research & Development Projects, and 195692, Research & 96274  
Development Taxable Bond Projects, for fiscal year 2023. The 96275  
Director of Budget and Management may request additional 96276  
information necessary for evaluating these requests, and the 96277  
Director of Development shall provide the requested information to 96278  
the Director of Budget and Management. Based on the information 96279  
provided by the Director of Development, the Director of Budget 96280  
and Management shall determine the amounts to be reappropriated, 96281  
and those amounts are hereby reappropriated for fiscal year 2023. 96282

**Section 259.70. HEAP WEATHERIZATION** 96283

Up to twenty-five per cent of the federal funds deposited to 96284  
the credit of the Home Energy Assistance Block Grant Fund (Fund 96285  
3K90) may be expended from appropriation item 195614, HEAP 96286  
Weatherization, to provide home weatherization services in the 96287  
state as determined by the Director of Development. 96288

**Section 259.80. OHIO INCUMBENT WORKFORCE JOB TRAINING FUND** 96289

The foregoing appropriation item 195606, TechCred Program, 96290  
shall be used for the programs described under sections 122.178 96291  
and 122.1710 of the Revised Code. 96292

On July 1, 2021, or as soon as possible thereafter, the 96293  
Director of Development, in consultation with the Treasurer of 96294  
State, shall certify to the Director of Budget and Management the 96295  
amount of bond proceeds collected under Chapter 3366. of the 96296  
Revised Code in the semiannual period beginning January 1, 2021, 96297  
and ending June 30, 2021. The Director of Budget and Management 96298  
shall transfer an amount of cash equal to the certified amount 96299  
from the fund designated by the Treasurer of State to receive the 96300  
bond proceeds collected under Chapter 3366. of the Revised Code to 96301  
the Ohio Incumbent Workforce Job Training Fund (Fund 5HR0). 96302

|           |                        |                                              |                |                |       |
|-----------|------------------------|----------------------------------------------|----------------|----------------|-------|
|           | <b>Section 261.10.</b> | DDD DEPARTMENT OF DEVELOPMENTAL DISABILITIES |                |                | 96303 |
|           |                        | General Revenue Fund                         |                |                | 96304 |
| GRF       | 320411                 | Special Olympics                             | \$ 100,000     | \$ 100,000     | 96305 |
| GRF       | 320412                 | Protective Services                          | \$ 2,450,000   | \$ 2,600,000   | 96306 |
| GRF       | 320415                 | Developmental Disabilities                   | \$ 27,000,000  | \$ 27,000,000  | 96307 |
|           |                        | Facilities Lease                             |                |                |       |
|           |                        | Rental Bond Payments                         |                |                |       |
| GRF       | 322421                 | Part C Early Intervention                    | \$ 23,326,431  | \$ 23,326,431  | 96308 |
| GRF       | 322422                 | Multi System Youth                           | \$ 2,500,000   | \$ 4,000,000   | 96309 |
| GRF       | 322508                 | Employment First Initiative                  | \$ 2,700,000   | \$ 2,700,000   | 96310 |
| GRF       | 322509                 | Community Supports and Rental Assistance     | \$ 2,300,000   | \$ 700,000     | 96311 |
| GRF       | 322510                 | Best Buddies Ohio                            | \$ 100,000     | \$ 100,000     | 96312 |
| GRF       | 653321                 | Medicaid Program Support - State             | \$ 7,000,000   | \$ 7,000,000   | 96313 |
| GRF       | 653407                 | Medicaid Services                            | \$ 655,397,881 | \$ 745,826,590 | 96314 |
| TOTAL GRF |                        | General Revenue Fund                         | \$ 722,874,312 | \$ 813,353,021 | 96315 |
|           |                        | Dedicated Purpose Fund Group                 |                |                | 96316 |
| 2210      | 322620                 | Supplement Service Trust                     | \$ 500,000     | \$ 500,000     | 96317 |
| 4890      | 653632                 | Developmental Centers Direct Care Services   | \$ 7,000,000   | \$ 7,000,000   | 96318 |
| 5DK0      | 322629                 | Capital Replacement Facilities               | \$ 750,000     | \$ 750,000     | 96319 |
| 5EV0      | 653627                 | Medicaid Program Support                     | \$ 2,500,000   | \$ 2,500,000   | 96320 |
| 5GE0      | 320606                 | Central Office Operating Expenses            | \$ 20,500,000  | \$ 20,500,000  | 96321 |

|                                                              |                           |                                                        |    |               |    |               |       |
|--------------------------------------------------------------|---------------------------|--------------------------------------------------------|----|---------------|----|---------------|-------|
| 5GE0                                                         | 653606                    | ICF/IID and Waiver<br>Match                            | \$ | 60,100,000    | \$ | 60,100,000    | 96322 |
| 5H00                                                         | 322619                    | Medicaid Repayment                                     | \$ | 900,000       | \$ | 900,000       | 96323 |
| 5S20                                                         | 653622                    | Medicaid<br>Administration and<br>Oversight            | \$ | 29,000,000    | \$ | 30,000,000    | 96324 |
| 5Z10                                                         | 653624                    | County Board Waiver<br>Match                           | \$ | 420,000,000   | \$ | 482,000,000   | 96325 |
| TOTAL DPF                                                    | Dedicated Purpose Fund    |                                                        | \$ | 541,250,000   | \$ | 604,250,000   | 96326 |
| Group                                                        |                           |                                                        |    |               |    |               |       |
| Internal Service Activity Fund Group                         |                           |                                                        |    |               |    |               | 96327 |
| 1520                                                         | 653609                    | DC and Residential<br>Facilities Operating<br>Services | \$ | 11,000,000    | \$ | 12,000,000    | 96328 |
| TOTAL ISA                                                    | Internal Service Activity |                                                        | \$ | 11,000,000    | \$ | 12,000,000    | 96329 |
| Fund Group                                                   |                           |                                                        |    |               |    |               |       |
| Federal Fund Group                                           |                           |                                                        |    |               |    |               | 96330 |
| 3250                                                         | 322612                    | Community Social<br>Service Programs                   | \$ | 26,997,635    | \$ | 26,997,635    | 96331 |
| 3A40                                                         | 653654                    | Medicaid Services                                      | \$ | 2,235,086,668 | \$ | 2,269,126,558 | 96332 |
| 3A40                                                         | 653655                    | Medicaid Support                                       | \$ | 73,000,000    | \$ | 76,000,000    | 96333 |
| 3A50                                                         | 320613                    | Developmental<br>Disabilities Council                  | \$ | 3,200,000     | \$ | 3,200,000     | 96334 |
| TOTAL FED                                                    | Federal Fund Group        |                                                        | \$ | 2,338,284,303 | \$ | 2,375,324,193 | 96335 |
| TOTAL ALL BUDGET FUND GROUPS                                 |                           |                                                        | \$ | 3,613,408,615 | \$ | 3,804,927,214 | 96336 |
| <b>Section 261.20. SPECIAL OLYMPICS</b>                      |                           |                                                        |    |               |    |               | 96338 |
| The foregoing appropriation item 320411, Special Olympics,   |                           |                                                        |    |               |    |               | 96339 |
| shall be distributed to the Special Olympics of Ohio.        |                           |                                                        |    |               |    |               | 96340 |
| <b>Section 261.30. DEVELOPMENTAL DISABILITIES FACILITIES</b> |                           |                                                        |    |               |    |               | 96341 |
| LEASE-RENTAL BOND PAYMENTS                                   |                           |                                                        |    |               |    |               | 96342 |

The foregoing appropriation item 320415, Developmental Disabilities Facilities Lease Rental Bond Payments, shall be used to meet all payments during the period from July 1, 2021, through June 30, 2023, by the Department of Developmental Disabilities pursuant to leases and agreements made under section 154.20 of the Revised Code. These appropriations are the source of funds pledged for bond service charges on related obligations issued under Chapter 154. of the Revised Code.

**Section 261.35. PART C EARLY INTERVENTION** 96351

Of the foregoing appropriation item 322421, Part C Early Intervention, \$1,000,000 in each fiscal year shall be used to contract with the Cleveland Sight Center, the Cincinnati Association for the Blind and Visually Impaired, and the Sight Center of Northwest Ohio to provide early intervention special instruction services and family support to children under the age of three years old with blindness or low vision.

**Section 261.40. MULTI-SYSTEM YOUTH** 96359

Of the foregoing appropriation item 322422, Multi-System Youth, a portion may be used to provide a subsidy to eligible county boards of developmental disabilities for the provision of respite services and other services and supports for youth with complex or multi-system needs to enable them to remain in their homes with their families or in their communities. The Director of Developmental Disabilities shall establish the total amount available for the subsidy, a formula for distributing the subsidy to eligible county boards, and the eligibility requirements county boards must satisfy to receive the subsidy.

**Section 261.50. EMPLOYMENT FIRST INITIATIVE** 96370

The foregoing appropriation item 322508, Employment First 96371

Initiative, shall be used to increase employment opportunities for 96372  
individuals with developmental disabilities through the Employment 96373  
First Initiative in accordance with section 5123.022 of the 96374  
Revised Code. 96375

Of the foregoing appropriation item, 322508, Employment First 96376  
Initiative, the Director of Developmental Disabilities shall 96377  
transfer, in each fiscal year, to the Opportunities for Ohioans 96378  
with Disabilities Agency an amount agreed upon by the Director of 96379  
Developmental Disabilities and the Executive Director of the 96380  
Opportunities for Ohioans with Disabilities Agency. The transfer 96381  
shall be made via an intrastate transfer voucher. The transferred 96382  
funds shall be used to support the Employment First Initiative. 96383  
The Opportunities for Ohioans with Disabilities Agency shall use 96384  
the funds transferred as state matching funds to obtain available 96385  
federal grant dollars for vocational rehabilitation services. Any 96386  
federal match dollars received by the Opportunities for Ohioans 96387  
with Disabilities Agency shall be used for the initiative. The 96388  
Director of Developmental Disabilities and the Executive Director 96389  
of the Opportunities for Ohioans with Disabilities Agency shall 96390  
enter into an interagency agreement in accordance with section 96391  
3304.181 of the Revised Code that will specify the 96392  
responsibilities of each agency under the initiative. Under the 96393  
interagency agreement, the Opportunities for Ohioans with 96394  
Disabilities Agency shall retain responsibility for eligibility 96395  
determination, order of selection, plan approval, plan amendment, 96396  
and release of vendor payments. 96397

The remainder of appropriation item 322508, Employment First 96398  
Initiative, shall be used to develop a long-term, sustainable 96399  
system that places individuals with developmental disabilities in 96400  
community employment, as defined in section 5123.022 of the 96401  
Revised Code. 96402

**Section 261.60.** COMMUNITY SUPPORTS AND RENTAL ASSISTANCE 96403

The foregoing appropriation item 322509, Community Supports 96404  
and Rental Assistance, may be used by the Director of 96405  
Developmental Disabilities to provide funding to county boards of 96406  
developmental disabilities for rental assistance to individuals 96407  
with developmental disabilities receiving home and community-based 96408  
services as defined in section 5123.01 of the Revised Code 96409  
pursuant to section 5124.60 of the Revised Code or section 5124.69 96410  
of the Revised Code and individuals with developmental 96411  
disabilities who enroll in a Medicaid waiver component providing 96412  
home and community-based services after receiving preadmission 96413  
counseling pursuant to section 5124.68 of the Revised Code. The 96414  
Director shall establish the methodology for determining the 96415  
amount and distribution of such funding. 96416

**Section 261.65.** BEST BUDDIES OHIO 96417

The foregoing appropriation item 322510, Best Buddies Ohio, 96418  
shall be provided to the Best Buddies Ohio program to support the 96419  
delivery and expansion of inclusion services throughout Ohio 96420  
colleges and communities. 96421

**Section 261.70.** MEDICAID SERVICES 96422

(A) As used in this section: 96423

(1) "Home and community-based services" has the same meaning 96424  
as in section 5123.01 of the Revised Code. 96425

(2) "ICF/IID services" has the same meaning as in section 96426  
5124.01 of the Revised Code. 96427

(B) Except as provided in section 5123.0416 of the Revised 96428  
Code, the purposes for which the foregoing appropriation item 96429  
653407, Medicaid Services, shall be used include the following: 96430

|                                                                                                                                                                                                                                                                                               |                                           |
|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-------------------------------------------|
| (1) Home and community-based services;                                                                                                                                                                                                                                                        | 96431                                     |
| (2) Implementation of the requirements of the agreement settling the consent decree in Sermak v. Manuel, Case No. C-2-80-220, United States District Court for the Southern District of Ohio, Eastern Division;                                                                               | 96432<br>96433<br>96434<br>96435          |
| (3) Implementation of the requirements of the agreement settling the consent decree in Martin v. Strickland, Case No. 89-CV-00362, United States District Court for the Southern District of Ohio, Eastern Division;                                                                          | 96436<br>96437<br>96438<br>96439          |
| (4) ICF/IID services; and                                                                                                                                                                                                                                                                     | 96440                                     |
| (5) Other programs as identified by the Director of Developmental Disabilities.                                                                                                                                                                                                               | 96441<br>96442                            |
| <b>Section 261.80. OPERATING AND SERVICES</b>                                                                                                                                                                                                                                                 | 96443                                     |
| Of the foregoing appropriation item 320606, Operating and Services, \$100,000 in each fiscal year shall be provided to the Ohio Center for Autism and Low Incidence to establish a lifespan autism hub to support families and professionals.                                                 | 96444<br>96445<br>96446<br>96447          |
| <b>Section 261.90. COMMUNITY SOCIAL SERVICE PROGRAMS</b>                                                                                                                                                                                                                                      | 96448                                     |
| A portion of the foregoing appropriation item 322612, Community Social Service Programs, may be used by the Early Intervention Services Advisory Council for the following purposes:                                                                                                          | 96449<br>96450<br>96451                   |
| (A) In addition to other necessary and allowed uses of funds and in accordance with 20 U.S.C. 1441(d), the Early Intervention Services Advisory Council established pursuant to section 5123.0422 of the Revised Code, may, in its discretion, use budgeted funds to do all of the following: | 96452<br>96453<br>96454<br>96455<br>96456 |
| (1) Conduct forums and hearings;                                                                                                                                                                                                                                                              | 96457                                     |
| (2) Reimburse council members for reasonable and necessary                                                                                                                                                                                                                                    | 96458                                     |

expenses, including child care expenses for parent 96459  
representatives, for attending council meetings and performing 96460  
council duties; 96461

(3) Pay compensation to a council member if the member is not 96462  
employed or must forfeit wages from other employment when 96463  
performing official council business; 96464

(4) Hire staff; 96465

(5) Obtain the services of professional, technical, and 96466  
clerical personnel as necessary to carry out the performance of 96467  
its lawful functions. 96468

(B) Except as provided in division (A) of this section, 96469  
council members shall serve without compensation or reimbursement. 96470

**Section 261.100.** COUNTY BOARD SHARE OF WAIVER SERVICES 96471

As used in this section, "home and community-based services" 96472  
has the same meaning as in section 5123.01 of the Revised Code. 96473

The Director of Developmental Disabilities shall establish a 96474  
methodology to be used in fiscal year 2022 and fiscal year 2023 to 96475  
estimate the quarterly amount each county board of developmental 96476  
disabilities is to pay of the nonfederal share of home and 96477  
community-based services that section 5126.0510 of the Revised 96478  
Code requires county boards to pay. Each quarter, the Director 96479  
shall submit to a county board written notice of the amount the 96480  
county board is to pay for that quarter. The notice shall specify 96481  
when the payment is due. 96482

**Section 261.110.** WITHHOLDING OF FUNDS OWED THE DEPARTMENT 96483

If a county board of developmental disabilities does not 96484  
fully pay any amount owed to the Department of Developmental 96485  
Disabilities by the due date established by the Department, the 96486  
Director of Developmental Disabilities may withhold the amount the 96487

county board did not pay from any amounts due to the county board. 96488  
The Director may use any appropriation item or fund used by the 96489  
Department to transfer cash to any other fund used by the 96490  
Department in an amount equal to the amount owed the Department 96491  
that the county board did not pay. Transfers under this section 96492  
shall be made using an intrastate transfer voucher. 96493

**Section 261.120.** ODODD INNOVATIVE PILOT PROJECTS 96494

(A) In fiscal year 2022 and fiscal year 2023, the Director of 96495  
Developmental Disabilities may authorize the continuation or 96496  
implementation of one or more innovative pilot projects that, in 96497  
the judgment of the Director, are likely to assist in promoting 96498  
the objectives of Chapter 5123. or 5126. of the Revised Code. 96499  
Subject to division (B) of this section and notwithstanding any 96500  
provision of Chapters 5123. and 5126. of the Revised Code and any 96501  
rule adopted under either chapter, a pilot project authorized by 96502  
the Director may be continued or implemented in a manner 96503  
inconsistent with one or more provisions of either chapter or one 96504  
or more rules adopted under either chapter. Before authorizing a 96505  
pilot program, the Director shall consult with entities interested 96506  
in the issue of developmental disabilities, including the Ohio 96507  
Provider Resource Association, Ohio Association of County Boards 96508  
of Developmental Disabilities, Ohio Health Care Association/Ohio 96509  
Centers for Intellectual Disabilities, the Values and Faith 96510  
Alliance, and ARC of Ohio. 96511

(B) The Director may not authorize a pilot project to be 96512  
implemented in a manner that would cause the state to be out of 96513  
compliance with any requirements for a program funded in whole or 96514  
in part with federal funds. 96515

**Section 261.130.** NONFEDERAL SHARE OF ICF/IID SERVICES 96516

(A) As used in this section, "ICF/IID," "ICF/IID services," 96517

and "Medicaid-certified capacity" have the same meanings as in 96518  
section 5124.01 of the Revised Code. 96519

(B) The Director of Developmental Disabilities shall pay the 96520  
nonfederal share of a claim for ICF/IID services using funds 96521  
specified in division (C) of this section if all of the following 96522  
apply: 96523

(1) Medicaid covers the ICF/IID services. 96524

(2) The ICF/IID services are provided to a Medicaid recipient 96525  
to whom both of the following apply: 96526

(a) The Medicaid recipient is eligible for the ICF/IID 96527  
services. 96528

(b) The Medicaid recipient does not occupy a bed in the 96529  
ICF/IID that used to be included in the Medicaid-certified 96530  
capacity of another ICF/IID certified by the Director of Health 96531  
before June 1, 2003. 96532

(3) The ICF/IID services are provided by an ICF/IID whose 96533  
Medicaid certification by the Director of Health was initiated or 96534  
supported by a county board of developmental disabilities. 96535

(4) The provider of the ICF/IID services has a valid Medicaid 96536  
provider agreement for the services for the time that the services 96537  
are provided. 96538

(C) When required by division (B) of this section to pay the 96539  
nonfederal share of a claim, the Director of Developmental 96540  
Disabilities shall use the following funds to pay the claim: 96541

(1) Funds available from appropriation item 653407, Medicaid 96542  
Services, that the Director allocates to the county board that 96543  
initiated or supported the Medicaid certification of the ICF/IID 96544  
that provided the ICF/IID services for which the claim is made; 96545

(2) If the amount of funds used pursuant to division (C)(1) 96546  
of this section is insufficient to pay the claim in full, an 96547

amount of funds that are needed to make up the difference and 96548  
available from amounts the Director allocates to other county 96549  
boards from appropriation item 653407, Medicaid Services. 96550

**Section 261.140.** PAYMENT RATES FOR HOMEMAKER/PERSONAL CARE 96551  
SERVICES PROVIDED TO QUALIFYING IO ENROLLEES 96552

(A) As used in this section: 96553

(1) "Converted facility" means an ICF/IID, or former ICF/IID, 96554  
that converted some or all of its beds to providing home and 96555  
community-based services under the IO Waiver pursuant to section 96556  
5124.60 of the Revised Code. 96557

(2) "Developmental center" and "ICF/IID" have the same 96558  
meanings as in section 5124.01 of the Revised Code. 96559

(3) "IO Waiver" means the Medicaid waiver component, as 96560  
defined in section 5166.01 of the Revised Code, known as 96561  
Individual Options. 96562

(4) "Medicaid provider" has the same meaning as in section 96563  
5164.01 of the Revised Code. 96564

(5) "Public hospital" has the same meaning as in section 96565  
5122.01 of the Revised Code. 96566

(6) "Qualifying IO enrollee" means an IO Waiver enrollee to 96567  
whom all of the following apply: 96568

(a) The enrollee resided in a developmental center, converted 96569  
facility, or public hospital immediately before enrolling in the 96570  
IO Wavier. 96571

(b) The enrollee did not receive before July 1, 2011, routine 96572  
homemaker/personal care services from the Medicaid provider that 96573  
is to be paid the Medicaid rate authorized by this section for 96574  
providing such services to the enrollee during the period 96575  
specified in division (C) of this section. 96576

(c) The Director of Developmental Disabilities has determined 96577  
that the enrollee's special circumstances (including the 96578  
enrollee's diagnosis, service needs, or length of stay at the 96579  
developmental center, converted facility, or public hospital) 96580  
warrants paying the Medicaid rate authorized by this section. 96581

(B) The total Medicaid payment rate for each fifteen minutes 96582  
of routine homemaker/personal care services that a Medicaid 96583  
provider provides to a qualifying IO enrollee during the period 96584  
specified in division (C) of this section shall be fifty-two cents 96585  
higher than the Medicaid payment rate in effect on the day the 96586  
services are provided for each fifteen minutes of routine 96587  
homemaker/personal care services that a Medicaid provider provides 96588  
to an IO enrollee who is not a qualifying IO enrollee. 96589

(C) Division (B) of this section applies to the first twelve 96590  
months, consecutive or otherwise, that a Medicaid provider, during 96591  
the period beginning July 1, 2021, and ending July 1, 2023, 96592  
provides routine homemaker/personal care services to a qualifying 96593  
IO enrollee. 96594

(D) Of the foregoing appropriation items 653407, Medicaid 96595  
Services, and 653654, Medicaid Services, portions shall be used to 96596  
pay the Medicaid payment rate determined in accordance with this 96597  
section for routine homemaker/personal care services provided to 96598  
qualifying IO enrollees. 96599

**Section 261.150.** FISCAL YEAR 2022 and 2023 ICF/IID MEDICAID 96600  
RATES FOR PEER GROUPS 1, 2, 3, 4, AND 5 96601

(A) As used in this section: 96602

(1) "Change of operator," "entering operator," "exiting 96603  
operator," "ICF/IID," "ICF/IID services," "Medicaid days," "peer 96604  
group 1," "peer group 2," "peer group 3," "peer group 4," "peer 96605  
group 5," "provider," and "provider agreement" have the same 96606

meanings as in section 5124.01 of the Revised Code. 96607

(2) "Franchise permit fee" means the fee imposed by sections 96608  
5168.60 to 5168.71 of the Revised Code. 96609

(B)(1) This section applies to each ICF/IID that is in peer 96610  
group 1, peer group 2, peer group 3, peer group 4, or peer group 5 96611  
and to which any of the following, as applicable to a fiscal year, 96612  
applies: 96613

(a) In the context of determining an ICF/IID's total Medicaid 96614  
payment rate for fiscal year 2022, any of the following is the 96615  
case: 96616

(i) The provider of the ICF/IID has a valid Medicaid provider 96617  
agreement for the ICF/IID on June 30, 2021, and a valid Medicaid 96618  
provider agreement for the ICF/IID during fiscal year 2022. 96619

(ii) The ICF/IID undergoes a change of operator that takes 96620  
effect during fiscal year 2022, the existing operator has a valid 96621  
Medicaid provider agreement for the ICF/IID on the day immediately 96622  
preceding the effective date of the change of operator, and the 96623  
entering operator has a valid Medicaid provider agreement for the 96624  
ICF/IID during fiscal year 2022. 96625

(iii) The ICF/IID is a new ICF/IID for which the provider 96626  
obtains an initial provider agreement during fiscal year 2022. 96627

(b) In the context of determining an ICF/IID's total Medicaid 96628  
payment rate for fiscal year 2023, any of the following is the 96629  
case: 96630

(i) The provider of the ICF/IID has a valid Medicaid provider 96631  
agreement for the ICF/IID on June 30, 2022, and a valid Medicaid 96632  
provider agreement for the ICF/IID during fiscal year 2023. 96633

(ii) The ICF/IID undergoes a change of operator that takes 96634  
effect during fiscal year 2023, the existing operator has a valid 96635  
Medicaid provider agreement for the ICF/IID on the day immediately 96636

preceding the effective date of the change of operator, and the 96637  
entering operator has a valid Medicaid provider agreement for the 96638  
ICF/IID during fiscal year 2023. 96639

(iii) The ICF/IID is a new ICF/IID for which the provider 96640  
obtains an initial provider agreement during fiscal year 2023. 96641

(2) Notwithstanding Chapter 5124. of the Revised Code, the 96642  
Department of Developmental Disabilities shall follow this section 96643  
in determining the rate to be paid for ICF/IID services provided 96644  
during fiscal years 2022 and 2023 by ICFs/IID subject to this 96645  
section. 96646

(C)(1) For fiscal year 2022, the Department shall pay the 96647  
following rates for ICF/IID services: 96648

(a) For each ICF/IID described in division (B)(1)(a)(i) of 96649  
this section, the total per Medicaid day rate in effect for the 96650  
ICF/IID on June 30, 2021, increased by two per cent; 96651

(b) For each ICF/IID described in division (B)(1)(a)(ii) of 96652  
this section, the total per Medicaid day rate in effect for the 96653  
ICF/IID on the day immediately preceding the effective date of the 96654  
change of operator; 96655

(c) For each ICF/IID described in division (B)(1)(a)(iii) of 96656  
this section, a total per Medicaid day rate of \$357.89. 96657

(2) If the mean total per Medicaid day rate for all ICFs/IID 96658  
to which the section applies, as determined under division 96659  
(B)(1)(b) of this section, as of July 1, 2022, and weighted by May 96660  
Medicaid days from calendar year 2022, is greater than \$365.05, 96661  
the Department shall adjust, for fiscal year 2023, the total per 96662  
Medicaid day rate for each ICF/IID to which this section applies 96663  
by the percentage by which the mean total per Medicaid day rate is 96664  
greater than \$365.05. 96665

(D) If the United States Centers for Medicare and Medicaid 96666

Services requires that the franchise permit fee be reduced or 96667  
eliminated, the Department shall reduce the amount it pays ICF/IID 96668  
providers under this section as necessary to reflect the loss to 96669  
the state of the revenue and federal financial participation 96670  
generated from the franchise permit fee. 96671

(E) Of the foregoing appropriation items 653407, Medicaid 96672  
Services, 653606, ICF/IID and Waiver Match, and 653654, Medicaid 96673  
Services, portions shall be used to pay the Medicaid payment rates 96674  
determined in accordance with this section for ICF/IID services 96675  
provided during fiscal years 2022 and 2023. 96676

**Section 261.160. COMMUNITY SUPPORTS AND RENTAL ASSISTANCE** 96677  
TECHNOLOGY FIRST INITIATIVE 96678

Of the foregoing appropriation item 322509, Community 96679  
Supports and Rental Assistance, up to \$1,600,000 in fiscal year 96680  
2022 may be used to increase access and utilization of innovative 96681  
technology for individuals with developmental disabilities in 96682  
accordance with the Technology First Initiative established in 96683  
section 5123.025 of the Revised Code. Not less than \$100,000 in 96684  
fiscal year 2022 from this earmark shall be distributed to 96685  
Creative Housing, Inc. to be used to provide or increase access to 96686  
technology for individuals with developmental disabilities. An 96687  
amount equal to the unexpended, unencumbered balance of this 96688  
earmark at the end of fiscal year 2022 is hereby reappropriated to 96689  
appropriation item 322509, Community Supports and Rental 96690  
Assistance, for the same purpose for fiscal year 2023. 96691

**Section 261.170. PAYMENT RATE FOR DD-ADMINISTERED WAIVER** 96692  
SERVICES 96693

(A) As used in this section: 96694

(1) "Adult day services" means nonresidential services 96695  
including adult day support, career planning, group employment 96696

support, individual employment support, nonmedical transportation, 96697  
and vocational habilitation. 96698

(2) "DD-administered waiver" means a Medicaid waiver 96699  
component, as defined in section 5166.01 of the Revised Code, that 96700  
is administered by the Department of Developmental Disabilities. 96701

(3) "Residential services" means the following services: 96702

(a) Homemaker/personal care services; 96703

(b) Informal, community, or residential respite services; 96704

(c) On-site/on-call services; 96705

(d) Shared living services; 96706

(e) Transportation services. 96707

(B) For fiscal year 2022, the Medicaid payment rate for adult 96708  
day services and residential services provided under a 96709  
DD-administered waiver shall equal the rates for the services in 96710  
effect on June 30, 2021, increased by two per cent. 96711

(C) For fiscal year 2023, the Medicaid payment rate for adult 96712  
day services and residential services provided under a 96713  
DD-administered waiver shall equal the rates for the services in 96714  
effect on June 30, 2022, increased by two per cent. 96715

**Section 261.190.** PROTECTION AND ADVOCACY TRANSPARENCY 96716  
AMENDMENT 96717

The enactment of section 5123.603 of the Revised Code by this 96718  
act shall be known as the "Protection and Advocacy Transparency 96719  
Amendment." 96720

**Section 265.10.** EDU DEPARTMENT OF EDUCATION 96721

General Revenue Fund 96722

GRF 200321 Operating Expenses \$ 14,383,592 \$ 14,686,404 96723

|            |                                                            |                |                |       |
|------------|------------------------------------------------------------|----------------|----------------|-------|
| GRF 200408 | Early Childhood<br>Education                               | \$ 68,116,789  | \$ 68,116,789  | 96724 |
| GRF 200420 | Information Technology<br>Development and<br>Support       | \$ 3,680,482   | \$ 3,680,482   | 96725 |
| GRF 200422 | School Management<br>Assistance                            | \$ 2,337,711   | \$ 2,337,711   | 96726 |
| GRF 200424 | Policy Analysis                                            | \$ 450,950     | \$ 450,950     | 96727 |
| GRF 200426 | Ohio Educational<br>Computer Network                       | \$ 15,107,422  | \$ 15,107,422  | 96728 |
| GRF 200427 | Academic Standards                                         | \$ 3,883,525   | \$ 3,883,525   | 96729 |
| GRF 200437 | Student Assessment                                         | \$ 56,282,168  | \$ 56,282,168  | 96730 |
| GRF 200439 | Accountability/Report<br>Cards                             | \$ 7,168,977   | \$ 7,197,050   | 96731 |
| GRF 200442 | Child Care Licensing                                       | \$ 2,127,153   | \$ 2,127,153   | 96732 |
| GRF 200446 | Education Management<br>Information System                 | \$ 8,174,415   | \$ 8,174,415   | 96733 |
| GRF 200448 | Educator Preparation                                       | \$ 3,457,740   | \$ 3,457,740   | 96734 |
| GRF 200455 | Community Schools and<br>Choice Programs                   | \$ 3,412,546   | \$ 3,412,546   | 96735 |
| GRF 200457 | STEM Initiatives                                           | \$ 320,000     | \$ 0           | 96736 |
| GRF 200465 | Education Technology<br>Resources                          | \$ 4,881,854   | \$ 4,881,854   | 96737 |
| GRF 200478 | Industry-Recognized<br>Credentials High<br>School Students | \$ 20,500,000  | \$ 20,500,000  | 96738 |
| GRF 200502 | Pupil Transportation                                       | \$ 656,379,809 | \$ 680,379,809 | 96739 |
| GRF 200505 | School Lunch Match                                         | \$ 8,963,500   | \$ 8,963,500   | 96740 |
| GRF 200511 | Auxiliary Services                                         | \$ 156,744,175 | \$ 158,591,274 | 96741 |
| GRF 200532 | Nonpublic<br>Administrative Cost<br>Reimbursement          | \$ 70,813,735  | \$ 71,647,683  | 96742 |
| GRF 200540 | Special Education                                          | \$ 180,850,000 | \$ 185,850,000 | 96743 |

|           |        |                              |    |               |    |                     |
|-----------|--------|------------------------------|----|---------------|----|---------------------|
|           |        | Enhancements                 |    |               |    |                     |
| GRF       | 200545 | Career-Technical             | \$ | 14,090,892    | \$ | 18,290,892 96744    |
|           |        | Education Enhancements       |    |               |    |                     |
| GRF       | 200550 | Foundation Funding -         | \$ | 6,937,998,712 | \$ | 7,079,848,712 96745 |
|           |        | All Students                 |    |               |    |                     |
| GRF       | 200566 | Literacy Improvement         | \$ | 1,552,172     | \$ | 1,552,172 96746     |
| GRF       | 200572 | Adult Education              | \$ | 9,752,210     | \$ | 9,752,210 96747     |
|           |        | Programs                     |    |               |    |                     |
| GRF       | 200574 | Half-Mill Maintenance        | \$ | 17,464,102    | \$ | 15,238,834 96748    |
|           |        | Equalization                 |    |               |    |                     |
| GRF       | 200576 | Adaptive Sports              | \$ | 250,000       | \$ | 250,000 96749       |
|           |        | Program                      |    |               |    |                     |
| GRF       | 200597 | Program and Project          | \$ | 3,800,000     | \$ | 3,800,000 96750     |
|           |        | Support                      |    |               |    |                     |
| GRF       | 657401 | Medicaid in Schools          | \$ | 297,978       | \$ | 297,978 96751       |
| TOTAL GRF |        | General Revenue Fund         | \$ | 8,273,242,609 | \$ | 8,448,759,273 96752 |
|           |        | Dedicated Purpose Fund Group |    |               |    | 96753               |
| 4520      | 200638 | Charges and                  | \$ | 1,000,000     | \$ | 1,000,000 96754     |
|           |        | Reimbursements               |    |               |    |                     |
| 4L20      | 200681 | Teacher Certification        | \$ | 14,000,000    | \$ | 14,000,000 96755    |
|           |        | and Licensure                |    |               |    |                     |
| 5980      | 200659 | Auxiliary Services           | \$ | 1,300,000     | \$ | 1,300,000 96756     |
|           |        | Reimbursement                |    |               |    |                     |
| 5H30      | 200687 | School District              | \$ | 2,000,000     | \$ | 2,000,000 96757     |
|           |        | Solvency Assistance          |    |               |    |                     |
| 5KX0      | 200691 | Ohio School                  | \$ | 1,250,000     | \$ | 1,250,000 96758     |
|           |        | Sponsorship Program          |    |               |    |                     |
| 5MM0      | 200677 | Child Nutrition              | \$ | 550,000       | \$ | 550,000 96759       |
|           |        | Refunds                      |    |               |    |                     |
| 5U20      | 200685 | National Education           | \$ | 175,000       | \$ | 175,000 96760       |
|           |        | Statistics                   |    |               |    |                     |
| 5VS0      | 200604 | Foundation Funding -         | \$ | 500,000,000   | \$ | 600,000,000 96761   |
|           |        | All Students                 |    |               |    |                     |

**Am. Sub. H. B. No. 110**  
**As Reported by the Committee of Conference**

|                                      |        |                           |    |               |    |               |       |
|--------------------------------------|--------|---------------------------|----|---------------|----|---------------|-------|
| 5VU0                                 | 200663 | School Bus Purchase       | \$ | 50,000,000    | \$ | 0             | 96762 |
| 6200                                 | 200615 | Educational               | \$ | 600,000       | \$ | 600,000       | 96763 |
|                                      |        | Improvement Grants        |    |               |    |               |       |
| TOTAL DPF                            |        | Dedicated Purpose Fund    | \$ | 570,875,000   | \$ | 620,875,000   | 96764 |
| Group                                |        |                           |    |               |    |               |       |
| Internal Service Activity Fund Group |        |                           |    |               |    |               | 96765 |
| 1380                                 | 200606 | Information               | \$ | 8,289,074     | \$ | 8,537,746     | 96766 |
|                                      |        | Technology                |    |               |    |               |       |
|                                      |        | Development and           |    |               |    |               |       |
|                                      |        | Support                   |    |               |    |               |       |
| 4R70                                 | 200695 | Indirect Operational      | \$ | 7,856,766     | \$ | 7,856,766     | 96767 |
|                                      |        | Support                   |    |               |    |               |       |
| 4V70                                 | 200633 | Interagency Program       | \$ | 5,000,000     | \$ | 5,000,000     | 96768 |
|                                      |        | Support                   |    |               |    |               |       |
| TOTAL ISA                            |        | Internal Service Activity | \$ | 21,145,840    | \$ | 21,394,512    | 96769 |
| Fund Group                           |        |                           |    |               |    |               |       |
| State Lottery Fund Group             |        |                           |    |               |    |               | 96770 |
| 7017                                 | 200612 | Foundation Funding -      | \$ | 1,264,200,000 | \$ | 1,242,500,000 | 96771 |
|                                      |        | All Students              |    |               |    |               |       |
| 7017                                 | 200614 | Accelerate Great          | \$ | 1,500,000     | \$ | 1,500,000     | 96772 |
|                                      |        | Schools                   |    |               |    |               |       |
| 7017                                 | 200631 | Quality Community         | \$ | 54,000,000    | \$ | 54,000,000    | 96773 |
|                                      |        | Schools Support           |    |               |    |               |       |
| 7017                                 | 200684 | Community School          | \$ | 42,000,000    | \$ | 42,000,000    | 96774 |
|                                      |        | Facilities                |    |               |    |               |       |
| TOTAL SLF                            |        | State Lottery Fund Group  | \$ | 1,361,700,000 | \$ | 1,340,000,000 | 96775 |
| Federal Fund Group                   |        |                           |    |               |    |               | 96776 |
| 3670                                 | 200607 | School Food Services      | \$ | 12,254,397    | \$ | 12,611,321    | 96777 |
| 3700                                 | 200624 | Education of              | \$ | 2,000,000     | \$ | 2,000,000     | 96778 |
|                                      |        | Exceptional Children      |    |               |    |               |       |
| 3AF0                                 | 657601 | Schools Medicaid          | \$ | 295,500       | \$ | 295,500       | 96779 |
|                                      |        | Administrative Claims     |    |               |    |               |       |

|      |        |                                                        |    |             |    |             |       |
|------|--------|--------------------------------------------------------|----|-------------|----|-------------|-------|
| 3AN0 | 200671 | School Improvement<br>Grants                           | \$ | 17,000,000  | \$ | 0           | 96780 |
| 3C50 | 200661 | Early Childhood<br>Education                           | \$ | 14,000,000  | \$ | 14,000,000  | 96781 |
| 3EH0 | 200620 | Migrant Education                                      | \$ | 2,700,000   | \$ | 2,700,000   | 96782 |
| 3EJ0 | 200622 | Homeless Children<br>Education                         | \$ | 3,600,000   | \$ | 3,600,000   | 96783 |
| 3FE0 | 200669 | Striving Readers                                       | \$ | 2,000,000   | \$ | 0           | 96784 |
| 3GE0 | 200674 | Summer Food Service<br>Program                         | \$ | 60,000,000  | \$ | 30,000,000  | 96785 |
| 3GG0 | 200676 | Fresh Fruit and<br>Vegetable Program                   | \$ | 5,145,074   | \$ | 5,145,074   | 96786 |
| 3HF0 | 200649 | Federal Education<br>Grants                            | \$ | 7,056,327   | \$ | 7,056,327   | 96787 |
| 3HI0 | 200634 | Student Support and<br>Academic Enrichment             | \$ | 40,042,720  | \$ | 40,042,720  | 96788 |
| 3HL0 | 200678 | Comprehensive<br>Literacy State<br>Development Program | \$ | 14,630,000  | \$ | 14,630,000  | 96789 |
| 3HS0 | 200640 | Federal Coronavirus<br>School Relief                   | \$ | 57,250,000  | \$ | 75,250,000  | 96790 |
| 3L60 | 200617 | Federal School Lunch                                   | \$ | 430,837,000 | \$ | 430,837,000 | 96791 |
| 3L70 | 200618 | Federal School<br>Breakfast                            | \$ | 163,350,081 | \$ | 163,350,081 | 96792 |
| 3L80 | 200619 | Child/Adult Food<br>Programs                           | \$ | 113,328,580 | \$ | 113,328,580 | 96793 |
| 3L90 | 200621 | Career-Technical<br>Education Basic Grant              | \$ | 46,000,000  | \$ | 46,000,000  | 96794 |
| 3M00 | 200623 | ESEA Title 1A                                          | \$ | 600,000,000 | \$ | 600,000,000 | 96795 |
| 3M20 | 200680 | Individuals with<br>Disabilities<br>Education Act      | \$ | 490,000,000 | \$ | 500,000,000 | 96796 |
| 3T40 | 200613 | Public Charter                                         | \$ | 4,500,000   | \$ | 4,500,000   | 96797 |

|                              |                    |                      |    |                |    |                      |
|------------------------------|--------------------|----------------------|----|----------------|----|----------------------|
|                              |                    | Schools              |    |                |    |                      |
| 3Y20                         | 200688             | 21st Century         | \$ | 43,000,000     | \$ | 43,000,000 96798     |
|                              |                    | Community Learning   |    |                |    |                      |
|                              |                    | Centers              |    |                |    |                      |
| 3Y60                         | 200635             | Improving Teacher    | \$ | 77,000,000     | \$ | 77,000,000 96799     |
|                              |                    | Quality              |    |                |    |                      |
| 3Y70                         | 200689             | English Language     | \$ | 11,000,000     | \$ | 11,000,000 96800     |
|                              |                    | Acquisition          |    |                |    |                      |
| 3Y80                         | 200639             | Rural and Low Income | \$ | 3,600,000      | \$ | 3,600,000 96801      |
|                              |                    | Technical Assistance |    |                |    |                      |
| 3Z20                         | 200690             | State Assessments    | \$ | 12,000,000     | \$ | 12,000,000 96802     |
| 3Z30                         | 200645             | Consolidated Federal | \$ | 10,900,000     | \$ | 10,900,000 96803     |
|                              |                    | Grant Administration |    |                |    |                      |
| TOTAL FED                    | Federal Fund Group |                      | \$ | 2,243,489,679  | \$ | 2,222,846,603 96804  |
| TOTAL ALL BUDGET FUND GROUPS |                    |                      | \$ | 12,470,453,128 | \$ | 12,653,875,388 96805 |

**Section 265.20. OPERATING EXPENSES** 96807

A portion of the foregoing appropriation item 200321, 96808  
Operating Expenses, shall be used by the Department of Education 96809  
to provide matching funds related to career-technical education 96810  
under 20 U.S.C. 2321. 96811

**EARLY CHILDHOOD EDUCATION** 96812

The Department of Education shall distribute the foregoing 96813  
appropriation item 200408, Early Childhood Education, to pay the 96814  
costs of early childhood education programs. The Department shall 96815  
distribute such funds directly to qualifying providers. 96816

(A) As used in this section: 96817

(1) "Provider" means a city, local, exempted village, or 96818  
joint vocational school district; an educational service center; a 96819  
community school established under Chapter 3314. of the Revised 96820  
Code that is sponsored by an exemplary sponsor; notwithstanding 96821  
anything to the contrary in Chapter 3326. of the Revised Code, a 96822

STEM school that is established under that chapter; a chartered 96823  
nonpublic school; an early childhood education child care provider 96824  
licensed under Chapter 5104. of the Revised Code that participates 96825  
in and meets at least the third highest tier of the Step Up to 96826  
Quality program established pursuant to section 5104.29 of the 96827  
Revised Code; or a combination of entities described in this 96828  
paragraph. 96829

(2) In the case of a city, local, or exempted village school 96830  
district or early childhood education child care provider licensed 96831  
under Chapter 5104. of the Revised Code, "new eligible provider" 96832  
means a provider that did not receive state funding for Early 96833  
Childhood Education in the previous fiscal year or demonstrates a 96834  
need for early childhood programs as defined in division (D) of 96835  
this section. 96836

(3) In the case of a community school, "new eligible 96837  
provider" means either of the following: 96838

(a) A community school established under Chapter 3314. of the 96839  
Revised Code that is sponsored by a sponsor rated "exemplary" in 96840  
accordance with section 3314.016 of the Revised Code that offers a 96841  
child care program in accordance with sections 3301.50 to 3301.59 96842  
of the Revised Code that did not receive state funding for Early 96843  
Childhood Education in the previous fiscal year; 96844

(b) A community school established under Chapter 3314. of the 96845  
Revised Code that satisfies all of the following criteria: 96846

(i) It has received, on its most recent report card, either 96847  
of the following: 96848

(I) If the school offers any of grade levels four through 96849  
twelve, a grade of "C" or better for the overall value-added 96850  
progress dimension under division (C)(1)(e) of section 3302.03 of 96851  
the Revised Code and for the performance index score under 96852  
division (C)(1)(b) of section 3302.03 of the Revised Code; 96853

(II) If the school does not offer a grade level higher than three, a grade of "C" or better for making progress in improving literacy in grades kindergarten through three under division (C)(1)(g) of section 3302.03 of the Revised Code.

(ii) It offers a child care program in accordance with sections 3301.50 to 3301.59 of the Revised Code.

(iii) It did not receive state funding for Early Childhood Education in the previous fiscal year.

(4)(a) "Eligible child" means a child who is at least four years of age, is not of the age to be eligible for kindergarten, and whose family earns not more than two hundred per cent of the federal poverty guidelines as defined in division (A)(3) of section 5101.46 of the Revised Code. Children with an Individualized Education Program and where the Early Childhood Education program is the least restrictive environment may be enrolled on their fourth birthday.

(b) If, on the first day of October of each fiscal year, a provider has remaining award funds after enrolling eligible children under division (A)(4)(a) of this section, the provider may seek approval from the Department to consider a child who is at least three years of age, is not of age to be eligible for kindergarten, and whose family earns not more than two hundred per cent of the federal poverty guidelines as an eligible child. Upon approval from the Department, the provider may use the remaining award funds to serve such three-year-old children as eligible children.

(5) "Early learning program standards" means early learning program standards for school readiness developed by the Department to assess the operation of early learning and development programs.

(6) "Early learning and development programs" has the same

meaning as in section 5104.29 of the Revised Code. 96885

(B) In each fiscal year, up to two per cent of the total 96886  
appropriation may be used by the Department for program support 96887  
and technical assistance. The Department shall distribute the 96888  
remainder of the appropriation in each fiscal year to serve 96889  
eligible children. 96890

(C) The Department shall provide an annual report to the 96891  
Governor, the Speaker of the House of Representatives, and the 96892  
President of the Senate and post the report to the Department's 96893  
web site, regarding early childhood education programs operated 96894  
under this section and the early learning program standards. 96895

(D) After setting aside the amounts to make payments due from 96896  
the previous fiscal year, in fiscal year 2022, the Department 96897  
shall distribute funds first to recipients of funds for early 96898  
childhood education programs under Section 265.20 of H.B. 166 of 96899  
the 133rd General Assembly in the previous fiscal year and the 96900  
balance to new eligible providers of early childhood education 96901  
programs or to existing providers to serve more eligible children 96902  
pursuant to division (E) of this section or for purposes of 96903  
program expansion, improvement, or special projects to promote 96904  
quality and innovation. 96905

After setting aside the amounts to make payments due from the 96906  
previous fiscal year, in fiscal year 2023, the Department shall 96907  
distribute funds first to providers of early childhood education 96908  
programs under this section in the previous fiscal year and the 96909  
balance to new eligible providers or to existing providers to 96910  
serve more eligible children as outlined under division (E) of 96911  
this section or for purposes of program expansion, improvement, or 96912  
special projects to promote quality and innovation. 96913

(E)(1) The Department shall distribute any new or remaining 96914  
funding to existing providers of early childhood education 96915

programs or any new eligible providers in an effort to invest in 96916  
high quality early childhood programs where there is a need as 96917  
determined by the Department. The Department shall distribute the 96918  
new or remaining funds to existing providers of early childhood 96919  
education programs or any new eligible providers to serve 96920  
additional eligible children based on community economic 96921  
disadvantage, limited access to high quality preschool or 96922  
childcare services, and demonstration of high quality preschool 96923  
services as determined by the Department using new metrics 96924  
developed pursuant to Ohio's Race to the Top—Early Learning 96925  
Challenge Grant, awarded to the Department in December 2011. 96926

(2) Awards under divisions (D) and (E) of this section shall 96927  
be distributed on a per-pupil basis, and in accordance with 96928  
division (I) of this section. The Department may adjust the 96929  
per-pupil amount so that the per-pupil amount multiplied by the 96930  
number of eligible children enrolled and receiving services on the 96931  
first day of December or the business day closest to that date 96932  
equals the amount allocated under this section. 96933

(F) Costs for developing and administering an early childhood 96934  
education program may not exceed fifteen per cent of the total 96935  
approved costs of the program. 96936

All providers shall maintain such fiscal control and 96937  
accounting procedures as may be necessary to ensure the 96938  
disbursement of, and accounting for, these funds. The control of 96939  
funds provided in this program, and title to property obtained, 96940  
shall be under the authority of the approved provider for purposes 96941  
provided in the program unless, as described in division (K) of 96942  
this section, the program waives its right for funding or a 96943  
program's funding is eliminated or reduced due to its inability to 96944  
meet financial or early learning program standards. The approved 96945  
provider shall administer and use such property and funds for the 96946  
purposes specified. 96947

(G) The Department may examine a provider's financial and program records. If the financial practices of the program are not in accordance with standard accounting principles or do not meet financial standards outlined under division (F) of this section, or if the program fails to substantially meet the early learning program standards, meet a quality rating level in the Step Up to Quality program established pursuant to section 5104.29 of the Revised Code as prescribed by the Department, or exhibits below average performance as measured against the standards, the early childhood education program shall propose and implement a corrective action plan that has been approved by the Department. The approved corrective action plan shall be signed by the chief executive officer and the executive of the official governing body of the provider. The corrective action plan shall include a schedule for monitoring by the Department. Such monitoring may include monthly reports, inspections, a timeline for correction of deficiencies, and technical assistance to be provided by the Department or obtained by the early childhood education program. The Department may withhold funding pending corrective action. If an early childhood education program fails to satisfactorily complete a corrective action plan, the Department may deny expansion funding to the program or withdraw all or part of the funding to the program and establish a new eligible provider through a selection process established by the Department.

(H)(1) If the early childhood education program is licensed by the Department of Education and is not highly rated, as determined by the Director of Job and Family Services, under the Step Up to Quality program established pursuant to section 5104.29 of the Revised Code, the program shall do all of the following:

(a) Meet teacher qualification requirements prescribed by section 3301.311 of the Revised Code;

(b) Align curriculum to the early learning content standards

developed by the Department; 96980

(c) Meet any child or program assessment requirements 96981  
prescribed by the Department; 96982

(d) Require teachers, except teachers enrolled and working to 96983  
obtain a degree pursuant to section 3301.311 of the Revised Code, 96984  
to attend a minimum of twenty hours every two years of 96985  
professional development as prescribed by the Department; 96986

(e) Document and report child progress as prescribed by the 96987  
Department; 96988

(f) Meet and report compliance with the early learning 96989  
program standards as prescribed by the Department; 96990

(g) Participate in the Step Up to Quality program established 96991  
pursuant to section 5104.29 of the Revised Code. 96992

(2) If the program is highly rated, as determined by the 96993  
Director of Job and Family Services, under the Step Up to Quality 96994  
program established pursuant to section 5104.29 of the Revised 96995  
Code, the program shall comply with the requirements of that 96996  
program. 96997

(I) Per-pupil funding for programs subject to this section 96998  
shall be sufficient to provide eligible children with services for 96999  
a standard early childhood schedule which shall be defined in this 97000  
section as a minimum of twelve and one-half hours per school week 97001  
as defined in section 3313.62 of the Revised Code for the minimum 97002  
school year as defined in sections 3313.48, 3313.481, and 3313.482 97003  
of the Revised Code. Nothing in this section shall be construed to 97004  
prohibit program providers from utilizing other funds to serve 97005  
eligible children in programs that exceed the twelve and one-half 97006  
hours per week or that exceed the minimum school year. For any 97007  
provider for which a standard early childhood education schedule 97008  
creates a hardship or for which the provider shows evidence that 97009  
the provider is working in collaboration with a preschool special 97010

education program, the provider may submit a waiver to the 97011  
Department requesting an alternate schedule. If the Department 97012  
approves a waiver for an alternate schedule that provides services 97013  
for less time than the standard early childhood education 97014  
schedule, the Department may reduce the provider's annual 97015  
allocation proportionately. Under no circumstances shall an annual 97016  
allocation be increased because of the approval of an alternate 97017  
schedule. 97018

(J) Each provider shall develop a sliding fee scale based on 97019  
family incomes and shall charge families who earn more than two 97020  
hundred per cent of the federal poverty guidelines, as defined in 97021  
division (A)(3) of section 5101.46 of the Revised Code, for the 97022  
early childhood education program. 97023

The Department shall conduct an annual survey of each 97024  
provider to determine whether the provider charges families 97025  
tuition or fees, the amount families are charged relative to 97026  
family income levels, and the number of families and students 97027  
charged tuition and fees for the early childhood program. 97028

(K) If an early childhood education program voluntarily 97029  
waives its right for funding, or has its funding eliminated for 97030  
not meeting financial standards or the early learning program 97031  
standards, the provider shall transfer control of title to 97032  
property, equipment, and remaining supplies obtained through the 97033  
program to providers designated by the Department and return any 97034  
unexpended funds to the Department along with any reports 97035  
prescribed by the Department. The funding made available from a 97036  
program that waives its right for funding or has its funding 97037  
eliminated or reduced may be used by the Department for new grant 97038  
awards or expansion grants. The Department may award new grants or 97039  
expansion grants to eligible providers who apply. The eligible 97040  
providers who apply must do so in accordance with the selection 97041  
process established by the Department. 97042

(L) Eligible expenditures for the Early Childhood Education Program shall be claimed each fiscal year to help meet the state's TANF maintenance of effort requirement. The Superintendent of Public Instruction and the Director of Job and Family Services shall enter into an interagency agreement to carry out the requirements under this division, which shall include developing reporting guidelines for these expenditures.

(M)(1) The Department of Education and the Department of Job and Family Services shall continue to work toward establishing the following in common between early childhood education programs and publicly funded child care:

- (a) An application;
- (b) Program eligibility;
- (c) Funding;
- (d) An attendance policy;
- (e) An attendance tracking system.

(2) In accordance with section 5104.34 of the Revised Code, eligible families may receive publicly funded child care beyond the standard early childhood schedule defined in division (I) of this section.

(3) All providers, agencies, and school districts participating in the early childhood education program or providing care to eligible families beyond the standard early childhood schedule shall follow the common policies established under this division.

**Section 265.30. INFORMATION TECHNOLOGY DEVELOPMENT AND SUPPORT**

The foregoing appropriation item 200420, Information Technology Development and Support, shall be used to support the

development and implementation of information technology solutions 97072  
designed to improve the performance and services of the Department 97073  
of Education. Funds may be used for personnel, maintenance, and 97074  
equipment costs related to the development and implementation of 97075  
these technical system projects. Implementation of these systems 97076  
shall allow the Department to provide greater levels of assistance 97077  
to school districts and to provide more timely information to the 97078  
public, including school districts, administrators, and 97079  
legislators. Funds may also be used to support data-driven 97080  
decision-making and differentiated instruction, as well as to 97081  
communicate academic content standards and curriculum models to 97082  
schools through web-based applications. 97083

**Section 265.50. SCHOOL MANAGEMENT ASSISTANCE** 97084

The foregoing appropriation item 200422, School Management 97085  
Assistance, shall be used by the Department of Education to 97086  
provide fiscal technical assistance and inservice education for 97087  
school district management personnel and to administer, monitor, 97088  
and implement the fiscal caution, fiscal watch, and fiscal 97089  
emergency provisions under Chapter 3316. of the Revised Code. 97090

**Section 265.60. POLICY ANALYSIS** 97091

The foregoing appropriation item 200424, Policy Analysis, 97092  
shall be used by the Department of Education to support a system 97093  
of administrative and statistical education information to be used 97094  
for policy analysis. Staff supported by this appropriation shall 97095  
administer the development of reports, analyses, and briefings 97096  
regarding current trends in education practice, efficient and 97097  
effective use of resources, and evaluation of programs to improve 97098  
education results. A portion of these funds shall be used to 97099  
maintain a longitudinal database to support the assessment of the 97100  
impact of policies and programs on Ohio's education and workforce 97101

development systems. The research efforts supported by this 97102  
appropriation item shall be used to supply information and 97103  
analysis of data to and in consultation with the General Assembly 97104  
and other state policymakers, including the Office of Budget and 97105  
Management and the Legislative Service Commission. 97106

A portion of the foregoing appropriation item, 200424, Policy 97107  
Analysis, may be used by the Department to support the development 97108  
and implementation of an evidence-based clearinghouse to support 97109  
school improvement strategies as part of the Every Student 97110  
Succeeds Act. 97111

The Department may use funding from this appropriation item 97112  
to purchase or contract for the development of software systems or 97113  
contract for policy studies that will assist in the provision and 97114  
analysis of policy-related information. Funding from this 97115  
appropriation item also may be used to monitor and enhance quality 97116  
assurance for research-based policy analysis and program 97117  
evaluation to enhance the effective use of education information 97118  
to inform education policymakers. 97119

**Section 265.70. OHIO EDUCATIONAL COMPUTER NETWORK** 97120

The foregoing appropriation item 200426, Ohio Educational 97121  
Computer Network, shall be used by the Department of Education to 97122  
maintain a system of information technology throughout Ohio and to 97123  
provide technical assistance for such a system. 97124

Of the foregoing appropriation item 200426, Ohio Educational 97125  
Computer Network, up to \$9,686,658 in each fiscal year shall be 97126  
used by the Department to support connection of all public school 97127  
buildings and participating chartered nonpublic schools to the 97128  
state's education network, to each other, and to the Internet. In 97129  
each fiscal year, the Department shall use these funds to assist 97130  
information technology centers or school districts with the 97131  
operational costs associated with this connectivity. The 97132

Department shall develop a formula and guidelines for the 97133  
distribution of these funds to information technology centers or 97134  
individual school districts. As used in this section, "public 97135  
school building" means a school building of any city, local, 97136  
exempted village, or joint vocational school district, any 97137  
community school established under Chapter 3314. of the Revised 97138  
Code, any college preparatory boarding school established under 97139  
Chapter 3328. of the Revised Code, any STEM school established 97140  
under Chapter 3326. of the Revised Code, any educational service 97141  
center building used for instructional purposes, the Ohio School 97142  
for the Deaf and the Ohio School for the Blind, high schools 97143  
chartered by the Ohio Department of Youth Services, or high 97144  
schools operated by Ohio Department of Rehabilitation and 97145  
Corrections' Ohio Central School System. 97146

Of the foregoing appropriation item 200426, Ohio Educational 97147  
Computer Network, up to \$4,843,329 in each fiscal year shall be 97148  
used, through a formula and guidelines devised by the Department, 97149  
to support the activities of designated information technology 97150  
centers, as defined by State Board of Education rules, to provide 97151  
school districts and chartered nonpublic schools with 97152  
computer-based student and teacher instructional and 97153  
administrative information services, including approved 97154  
computerized financial accounting, to ensure the effective 97155  
operation of local automated administrative and instructional 97156  
systems, and to monitor and support the quality of data submitted 97157  
to the Department. 97158

The remainder of appropriation item 200426, Ohio Educational 97159  
Computer Network, shall be used to support the work of the 97160  
development, maintenance, and operation of a network of uniform 97161  
and compatible computer-based information systems as well as the 97162  
teacher student linkage/roster verification process and systems to 97163  
support electronic sharing of student records and transcripts 97164

between entities. This technical assistance shall include, but not 97165  
be restricted to, development and maintenance of adequate computer 97166  
software systems to support network activities. In order to 97167  
improve the efficiency of network activities, the Department and 97168  
information technology centers may jointly purchase equipment, 97169  
materials, and services from funds provided under this 97170  
appropriation for use by the network and, when considered 97171  
practical by the Department, may utilize the services of 97172  
appropriate state purchasing agencies. 97173

**Section 265.80. ACADEMIC STANDARDS** 97174

The foregoing appropriation item 200427, Academic Standards, 97175  
shall be used by the Department of Education to develop and 97176  
communicate to school districts academic content standards and 97177  
curriculum models and to develop professional development programs 97178  
and other tools on the new content standards and model curriculum. 97179  
The Department shall use a portion of these funds in partnership 97180  
with educational service centers, consistent with requirements of 97181  
section 3312.01 of the Revised Code, in the development and 97182  
delivery of professional development programs supported under this 97183  
section. 97184

**Section 265.90. STUDENT ASSESSMENT** 97185

Of the foregoing appropriation item 200437, Student 97186  
Assessment, up to \$2,760,000 in each fiscal year may be used to 97187  
support the state's early learning assessment work and the 97188  
assessments required under section 3301.0715 of the Revised Code. 97189

Of the foregoing appropriation item 200437, Student 97190  
Assessment, up to \$543,168 in each fiscal year shall be used to 97191  
reimburse a portion of the costs associated with Advanced 97192  
Placement and College-Level Examination Program tests for 97193  
low-income students. 97194

The remainder of appropriation item 200437, Student Assessment, shall be used to develop, field test, print, distribute, score, report results, and support other associated costs for the tests required under sections 3301.0710, 3301.0711, and 3301.0712 of the Revised Code and for similar purposes as required by section 3301.27 of the Revised Code. The funds may also be used to update and develop diagnostic assessments administered under sections 3301.079, 3301.0715, and 3313.608 of the Revised Code.

DEPARTMENT OF EDUCATION APPROPRIATION TRANSFERS FOR STUDENT ASSESSMENT

In fiscal year 2022 and fiscal year 2023, if the Superintendent of Public Instruction determines that additional funds are needed to fully fund the requirements of sections 3301.0710, 3301.0711, 3301.0712, and 3301.27 of the Revised Code and this act for assessments of student performance, the Superintendent may recommend to the Director of Budget and Management the reallocation of unexpended and unencumbered General Revenue Fund appropriations within the Department of Education to appropriation item 200437, Student Assessment. If the Director determines that such a reallocation is required, the Director may transfer unexpended and unencumbered appropriations within the Department of Education as necessary to appropriation item 200437, Student Assessment.

**Section 265.100.** ACCOUNTABILITY/REPORT CARDS

Of the foregoing appropriation item 200439, Accountability/Report Cards, a portion in each fiscal year shall be used to train district and regional specialists and district educators in the use of the value-added progress dimension and in the use of data as it relates to improving student achievement. This training may include teacher and administrator professional

development in the use of data to improve instruction and student 97226  
learning, and teacher and administrator training in understanding 97227  
teacher value-added reports and how they can be used as a 97228  
component in measuring teacher and administrator effectiveness. A 97229  
portion of this funding shall be provided to educational service 97230  
centers to support training and professional development under 97231  
this section consistent with section 3312.01 of the Revised Code. 97232

The remainder of appropriation item 200439, 97233  
Accountability/Report Cards, shall be used by the Department of 97234  
Education to incorporate a statewide value-added progress 97235  
dimension into performance ratings for school districts and for 97236  
the development of an accountability system that includes the 97237  
preparation and distribution of school report cards, funding and 97238  
expenditure accountability reports under sections 3302.03 and 97239  
3302.031 of the Revised Code, the development and maintenance of 97240  
teacher value-added reports, the teacher student linkage/roster 97241  
verification process, and the performance management section of 97242  
the Department's web site required by section 3302.26 of the 97243  
Revised Code. 97244

CHILD CARE LICENSING 97245

The foregoing appropriation item 200442, Child Care 97246  
Licensing, shall be used by the Department of Education to license 97247  
and to inspect preschool and school-age child care programs under 97248  
sections 3301.52 to 3301.59 of the Revised Code. 97249

**Section 265.110.** EDUCATION MANAGEMENT INFORMATION SYSTEM 97250

The foregoing appropriation item 200446, Education Management 97251  
Information System, shall be used by the Department of Education 97252  
to improve the Education Management Information System (EMIS). 97253

Of the foregoing appropriation item 200446, Education 97254  
Management Information System, up to \$400,000 in each fiscal year 97255

shall be used to support grants to information technology centers 97256  
to provide professional development opportunities to district and 97257  
school personnel related to the EMIS, with a focus placed on data 97258  
submission and data quality. 97259

Of the foregoing appropriation item 200446, Education 97260  
Management Information System, up to \$725,000 in each fiscal year 97261  
shall be distributed to designated information technology centers 97262  
for costs relating to processing, storing, and transferring data 97263  
for the effective operation of the EMIS. These costs may include, 97264  
but are not limited to, personnel, hardware, software development, 97265  
communications connectivity, professional development, and support 97266  
services. 97267

The remainder of appropriation item 200446, Education 97268  
Management Information System, shall be used to develop and 97269  
support the data definitions and standards outlined in the EMIS 97270  
guidelines adopted under section 3301.0714 of the Revised Code, to 97271  
implement recommendations of the EMIS Advisory Council and the 97272  
Superintendent of Public Instruction, to enhance data quality 97273  
assurance practices, and to support responsibilities related to 97274  
the school report cards prescribed by section 3302.03 of the 97275  
Revised Code and value-added progress dimension calculations. 97276

**Section 265.120. EDUCATOR PREPARATION** 97277

(A) Of the foregoing appropriation item 200448, Educator 97278  
Preparation, up to \$339,783 in each fiscal year may be used by the 97279  
Department of Education to monitor and support Ohio's State System 97280  
of Support, as defined by the Every Student Succeeds Act. 97281

(B) Of the foregoing appropriation item 200448, Educator 97282  
Preparation, up to \$67,957 in each fiscal year may be used by the 97283  
Department to support the Educator Standards Board under section 97284  
3319.61 of the Revised Code and reforms under sections 3302.042, 97285  
3302.06 to 3302.068, 3302.12, and 3302.20 to 3302.22 of the 97286

Revised Code. 97287

(C) Of the foregoing appropriation item 200448, Educator 97288  
Preparation, \$2,000,000 in each fiscal year shall be distributed 97289  
to Teach For America to increase recruitment of potential corps 97290  
members, to train and develop first-year and second-year teachers 97291  
in the Teach for America program in Ohio, and to support the 97292  
ongoing development and impact of Teach for America alumni working 97293  
in Ohio. 97294

(D) Of the foregoing appropriation item 200448, Educator 97295  
Preparation, \$200,000 in each fiscal year shall be used to support 97296  
training for selected school staff through the FASTER Saves Lives 97297  
Program for the purpose of stopping active shooters and treating 97298  
casualties. 97299

(E) Of the foregoing appropriation item 200448, Educator 97300  
Preparation, up to \$500,000 in each fiscal year shall be used to 97301  
support the SmartOhio Financial Literacy Program at the University 97302  
of Cincinnati. 97303

(F) Of the foregoing appropriation item 200448, Educator 97304  
Preparation, \$250,000 in each fiscal year shall be used to support 97305  
regionally tailored professional development and strategic 97306  
training for teachers in STEM fields through the PAST Foundation's 97307  
STEM Educator Professional Development Collaborative. 97308

(G) Of the foregoing appropriation item 200448, Educator 97309  
Preparation, \$100,000 in each fiscal year shall be distributed to 97310  
The Childhood League Center to provide intensive early 97311  
intervention and educational services in Franklin County, to 97312  
support the Play and Language for Autistic Youngsters (PLAY) 97313  
Project in underserved counties, and to provide services and 97314  
training for providers and families. Not later than July 1, 2022, 97315  
the Department of Education shall conduct a study on the efficacy 97316  
and results of services and training provided to parents and 97317

teachers through the PLAY Project and shall submit a report of its findings to the Governor, the Speaker of the House of Representatives, the President of the Senate, and the Director of the Legislative Service Commission.

(H) Notwithstanding any provision of law to the contrary, awards under this section may be used by recipients for award-related expenses incurred for a period not to exceed two years from the date of the award according to guidelines established by the Department of Education.

(I) Awards under division (H) of Section 265.120 of H.B. 166 of the 133rd General Assembly may be used by recipients for award-related expenses incurred through June 30, 2023.

**Section 265.130. COMMUNITY SCHOOLS AND CHOICE PROGRAMS**

The foregoing appropriation item 200455, Community Schools and Choice Programs, may be used by the Department of Education for operation of the Office of Community Schools and the Office of Nonpublic Educational Options.

Of the foregoing appropriation item 200455, Community Schools and Choice Programs, up to \$2,000,000 in each fiscal year shall be used by the Office of Nonpublic Educational Options to administer school choice programs.

Of the foregoing appropriation item 200455, Community Schools and Choice Programs, a portion in each fiscal year may be used by the Department for developing and conducting training sessions for community schools and sponsors and prospective sponsors of community schools as prescribed in division (A)(1) of section 3314.015 of the Revised Code, and other schools participating in school choice programs.

**Section 265.135. STEM INITIATIVES**

The foregoing appropriation item 200457, STEM Initiatives, 97347  
shall be distributed to the Educational Service Center of the 97348  
Western Reserve for a pilot project that supports innovative STEM 97349  
initiatives for middle school students in Ashtabula, Cuyahoga, 97350  
Geauga, Lake, Portage, and Trumbull counties affiliated with the 97351  
Alliance for Working Together. These initiatives shall provide 97352  
middle school students with early access to programming, 97353  
engineering design, and problem-solving skills, the goal of which 97354  
is to build a strong regional pipeline of future manufacturing 97355  
workers who can fill high-paying, sustainable positions in the 97356  
automated manufacturing industry. Not later than July 31, 2022, 97357  
the Educational Service Center of the Western Reserve shall submit 97358  
a report that describes the progress of the pilot project, 97359  
including the number of students participating, to the standing 97360  
committees of the House of Representatives and the Senate that are 97361  
primarily responsible for considering economic development issues. 97362

**Section 265.140. EDUCATION TECHNOLOGY RESOURCES** 97363

Of the foregoing appropriation item 200465, Education 97364  
Technology Resources, up to \$2,500,000 in each fiscal year shall 97365  
be used for the Union Catalog and InfoOhio Network and to support 97366  
the provision of electronic resources with priority given to 97367  
resources that support the teaching of state academic content 97368  
standards in all public schools. Consideration shall be given by 97369  
the Department of Education to coordinating the allocation of 97370  
these moneys with the efforts of Libraries Connect Ohio, whose 97371  
members include OhioLINK, the Ohio Public Information Network, and 97372  
the State Library of Ohio. 97373

Of the foregoing appropriation item 200465, Education 97374  
Technology Resources, up to \$1,778,879 in each fiscal year shall 97375  
be used by the Department to provide grants to educational 97376  
television stations working with partner education technology 97377

centers to provide Ohio public schools with instructional 97378  
resources and services, with priority given to resources and 97379  
services aligned with state academic content standards. Such 97380  
resources and services shall be based upon the advice and approval 97381  
of the Department, based on a formula developed in consultation 97382  
with Ohio's educational television stations and educational 97383  
technology centers. 97384

The remainder of the foregoing appropriation item 200465, 97385  
Education Technology Resources, may be used to support training, 97386  
technical support, guidance, and assistance with compliance 97387  
reporting to school districts and public libraries applying for 97388  
federal E-Rate funds; for oversight and guidance of school 97389  
district technology plans; for support to district technology 97390  
personnel; and for support of the development, maintenance, and 97391  
operation of a network of uniform and compatible computer-based 97392  
information and instructional systems. 97393

**Section 265.145. INDUSTRY-RECOGNIZED CREDENTIALS HIGH SCHOOL 97394  
STUDENTS 97395**

Of the foregoing appropriation item 200478, 97396  
Industry-Recognized Credentials High School Students, up to 97397  
\$8,000,000 in each fiscal year may be used by the Department of 97398  
Education to support payments to city, local, and exempted village 97399  
school districts, community schools, STEM schools, and joint 97400  
vocational school districts whose students earn an 97401  
industry-recognized credential or receive a journeyman 97402  
certification recognized by the United States Department of Labor 97403  
in the school year preceding the fiscal year in which the funds 97404  
are appropriated. The educating entity shall be required to inform 97405  
students enrolled in career-technical education courses that lead 97406  
to an industry-recognized credential about the opportunity to earn 97407  
these credentials. The Department of Education shall work with the 97408

Department of Higher Education and the Governor's Office of 97409  
Workforce Transformation to develop a schedule for reimbursement 97410  
based on the testing fees for credentials included on the 97411  
Department of Education's list of industry-recognized credentials. 97412  
The educating entity shall pay for the cost of the credential and 97413  
may claim and receive reimbursement for these testing fees. The 97414  
educating entity may claim reimbursement for testing fees incurred 97415  
on behalf of a student that earns a credential up to six months 97416  
after the student has graduated from high school. If the amount 97417  
appropriated is not sufficient, the Department shall prorate the 97418  
amounts so that the aggregate amount appropriated is not exceeded. 97419

Of the foregoing appropriation item 200478, 97420  
Industry-Recognized Credentials High School Students, up to 97421  
\$12,500,000 in each fiscal year may be used by the Department of 97422  
Education and the Governor's Office of Workforce Transformation to 97423  
establish and operate the Innovative Workforce Incentive Program. 97424  
In establishing the program, the Office of Workforce 97425  
Transformation shall maintain a list of credentials that qualify 97426  
for the program. The Department of Education shall pay each city, 97427  
local, and exempted village school district, community school, 97428  
STEM school, and joint vocational school district an amount equal 97429  
to \$1,250 for each qualifying credential a student attending the 97430  
district or school earned in the school year preceding the fiscal 97431  
year in which the funds are appropriated. If the amount 97432  
appropriated is not sufficient, the Department shall prorate the 97433  
amounts so that the aggregate amount appropriated is not exceeded. 97434

**Section 265.150. PUPIL TRANSPORTATION** 97435

Of the foregoing appropriation item 200502, Pupil 97436  
Transportation, up to \$838,930 in each fiscal year may be used by 97437  
the Department of Education for training prospective and 97438  
experienced school bus drivers in accordance with training 97439

programs prescribed by the Department. A portion of these funds 97440  
may also be used to pay for costs associated with the enrollment 97441  
of bus drivers in the retained applicant fingerprint database. 97442

Of the foregoing appropriation item 200502, Pupil 97443  
Transportation, \$250,000 in each fiscal year shall be used to 97444  
award transportation collaboration grants pursuant to section 97445  
3317.072 of the Revised Code. 97446

Of the foregoing appropriation item 200502, Pupil 97447  
Transportation, up to \$117,469,220 in fiscal year 2022 and up to 97448  
\$123,469,220 in fiscal year 2023 may be used by the Department for 97449  
special education transportation reimbursements to school 97450  
districts and county DD boards for transportation operating costs 97451  
as provided in divisions (C) and (F) of section 3317.024 of the 97452  
Revised Code. 97453

The remainder of the foregoing appropriation item 200502, 97454  
Pupil Transportation, shall be used to distribute the amounts 97455  
calculated for transportation aid under divisions (E), (F), (G), 97456  
(H), and (I) of section 3317.0212, and division (A)(2) of section 97457  
3317.019 of the Revised Code. 97458

**PAYMENTS IN LIEU OF TRANSPORTATION** 97459

For purposes of division (D) of section 3327.02 of the 97460  
Revised Code, if a parent, guardian, or other person in charge of 97461  
a pupil accepts an offer from a school district of payment in lieu 97462  
of providing transportation for the pupil, the school district 97463  
shall pay that parent, guardian, or other person an amount not 97464  
less than fifty per cent and not more than the amount determined 97465  
by the Department as the average cost of pupil transportation for 97466  
the previous school year. Payment may be prorated if the time 97467  
period involved is only a part of the school year. 97468

**Section 265.160. SCHOOL LUNCH MATCH** 97469

The foregoing appropriation item 200505, School Lunch Match, 97470  
shall be used to provide matching funds to obtain federal funds 97471  
for the school lunch program. 97472

Any remaining appropriation after providing matching funds 97473  
for the school lunch program may be used to partially reimburse 97474  
school buildings within school districts that are required to have 97475  
a school breakfast program under section 3313.813 of the Revised 97476  
Code, at a rate decided by the Department. 97477

**Section 265.170. AUXILIARY SERVICES** 97478

Of the foregoing appropriation item 200511, Auxiliary 97479  
Services, up to \$2,600,000 in each fiscal year may be used for 97480  
payment of the College Credit Plus Program for nonpublic secondary 97481  
school participants. The Department of Education shall distribute 97482  
these funds according to rule 3333-1-65.8 of the Administrative 97483  
Code, adopted by the Department of Higher Education pursuant to 97484  
division (A) of section 3365.071 of the Revised Code. 97485

The remainder of the foregoing appropriation item 200511, 97486  
Auxiliary Services, shall be used by the Department for the 97487  
purpose of implementing sections 3317.06 and 3317.062 of the 97488  
Revised Code. 97489

Notwithstanding any provision of the law to the contrary, any 97490  
chartered nonpublic school may elect to receive auxiliary services 97491  
payments under division (E)(2) of section 3317.024 of the Revised 97492  
Code for the 2021-2022 and 2022-2023 school years. To elect to 97493  
receive funds under division (E)(2) of section 3317.024 of the 97494  
Revised Code, a chartered nonpublic school shall, not later than 97495  
July 31, 2021, notify the Department of Education and the school 97496  
district in which the school is located of the election and submit 97497  
to the Department an affidavit certifying that the school shall 97498  
expend the funds in the manner outlined in section 3317.062 of the 97499  
Revised Code. A chartered nonpublic school that elects to receive 97500

direct payment may designate an organization that oversees one or 97501  
more nonpublic schools to receive those funds on its behalf for 97502  
the 2021-2022 and 2022-2023 school years by notifying the 97503  
Department of the organization's name not later than July 31, 97504  
2021. 97505

**Section 265.180.** NONPUBLIC ADMINISTRATIVE COST REIMBURSEMENT 97506

The foregoing appropriation item 200532, Nonpublic 97507  
Administrative Cost Reimbursement, shall be used by the Department 97508  
of Education for the purpose of implementing section 3317.063 of 97509  
the Revised Code. Payments made by the Department for this purpose 97510  
shall not exceed four hundred seventy-five dollars per student for 97511  
each school year. 97512

**Section 265.190.** SPECIAL EDUCATION ENHANCEMENTS 97513

Of the foregoing appropriation item 200540, Special Education 97514  
Enhancements, up to \$37,000,000 in each fiscal year shall be used 97515  
to fund special education and related services at county boards of 97516  
developmental disabilities for eligible students under section 97517  
3317.20 of the Revised Code and at institutions for eligible 97518  
students under section 3317.201 of the Revised Code. If necessary, 97519  
the Department of Education shall proportionately reduce the 97520  
amount calculated for each county board of developmental 97521  
disabilities and institution so as not to exceed the amount 97522  
appropriated in each fiscal year. 97523

Of the foregoing appropriation item 200540, Special Education 97524  
Enhancements, up to \$1,350,000 in each fiscal year shall be used 97525  
for parent mentoring programs. 97526

Of the foregoing appropriation item 200540, Special Education 97527  
Enhancements, up to \$3,000,000 in each fiscal year may be used for 97528  
school psychology interns. 97529

Of the foregoing appropriation item 200540, Special Education 97530

Enhancements, the Department shall transfer \$3,500,000 in each 97531  
fiscal year to the Opportunities for Ohioans with Disabilities 97532  
Agency. The transfer shall be made via an intrastate transfer 97533  
voucher. The transferred funds shall be used by the Opportunities 97534  
for Ohioans with Disabilities Agency as state matching funds to 97535  
draw down available federal funding for vocational rehabilitation 97536  
services. Total project funding shall be used to hire dedicated 97537  
vocational rehabilitation counselors who shall work directly with 97538  
school districts to provide transition services for students with 97539  
disabilities. Services shall include vocational rehabilitation 97540  
services such as person-centered career planning, summer work 97541  
experiences, job placement, and retention services for mutually 97542  
eligible students with disabilities. 97543

The Superintendent of Public Instruction and the Executive 97544  
Director of the Opportunities for Ohioans with Disabilities Agency 97545  
shall enter into an interagency agreement that shall specify the 97546  
responsibilities of each agency under the program. Under the 97547  
interagency agreement, the Opportunities for Ohioans with 97548  
Disabilities Agency shall retain responsibility for all 97549  
nondelegable functions, including eligibility and order of 97550  
selection determination, individualized plan for employment (IPE) 97551  
approval, IPE amendments, case closure, and release of vendor 97552  
payments. 97553

Of the foregoing appropriation item 200540, Special Education 97554  
Enhancements, up to \$2,000,000 in each fiscal year shall be used 97555  
by the Department of Education to build capacity to deliver a 97556  
regional system of training, support, coordination, and direct 97557  
service for secondary transition services for students with 97558  
disabilities beginning at fourteen years of age. These special 97559  
education enhancements shall support all students with 97560  
disabilities, regardless of partner agency eligibility 97561  
requirements, to provide stand-alone direct secondary transition 97562

services by school districts. Secondary transition services shall 97563  
include, but not be limited to, job exploration counseling, 97564  
work-based learning experiences, counseling on opportunities for 97565  
enrollment in comprehensive transition or post-secondary 97566  
educational programs at institutions of higher education, 97567  
workplace readiness training to develop occupational skills, 97568  
social skills and independent living skills, and instruction in 97569  
self-advocacy. Regional training shall support the expansion of 97570  
transition to work endorsement opportunities for middle school and 97571  
secondary level special education intervention specialists in 97572  
order to develop the necessary skills and competencies to meet the 97573  
secondary transition needs of students with disabilities beginning 97574  
at fourteen years of age. 97575

The remainder of appropriation item 200540, Special Education 97576  
Enhancements, shall be distributed by the Department of Education 97577  
to school districts and institutions, as defined in section 97578  
3323.091 of the Revised Code, for preschool special education 97579  
funding under section 3317.0213 of the Revised Code. 97580

The Department may reimburse school districts and 97581  
institutions for services provided by instructional assistants, 97582  
related services, as defined in rule 3301-51-11 of the 97583  
Administrative Code, physical therapy services provided by a 97584  
licensed physical therapist or physical therapist assistant under 97585  
the supervision of a licensed physical therapist, as required 97586  
under Chapter 4755. of the Revised Code and Chapter 4755-27 of the 97587  
Administrative Code, and occupational therapy services provided by 97588  
a licensed occupational therapist or occupational therapy 97589  
assistant under the supervision of a licensed occupational 97590  
therapist, as required under Chapter 4755. of the Revised Code and 97591  
Chapter 4755-7 of the Administrative Code. Nothing in this section 97592  
authorizes occupational therapy assistants or physical therapist 97593  
assistants to generate or manage their own caseloads. 97594

The Department shall require school districts, educational service centers, county DD boards, and institutions serving preschool children with disabilities to adhere to Ohio's early learning program standards, participate in the Step Up to Quality Program established pursuant to section 5104.29 of the Revised Code, and document child progress using research-based indicators prescribed by the Department and report results annually. The reporting dates and method shall be determined by the Department. All programs shall be rated through the Step Up to Quality Program.

**Section 265.200. CAREER-TECHNICAL EDUCATION ENHANCEMENTS** 97605

Of the foregoing appropriation item 200545, Career-Technical Education Enhancements, up to \$4,200,000 in fiscal year 2022 and up to \$8,400,000 in fiscal year 2023 shall be used to pay career awareness and exploration funds pursuant to division (E) of section 3317.014 of the Revised Code. If the amount appropriated is not sufficient, the Department shall prorate the amounts so that the aggregate amount appropriated is not exceeded.

Of the foregoing appropriation item 200545, Career-Technical Education Enhancements, up to \$2,563,568 in each fiscal year shall be used to fund secondary career-technical education at institutions, the Ohio School for the Deaf, and the Ohio State School for the Blind using a grant-based methodology, notwithstanding section 3317.05 of the Revised Code.

Of the foregoing appropriation item 200545, Career-Technical Education Enhancements, up to \$2,686,474 in each fiscal year shall be used by the Department of Education to fund competitive grants to tech prep regional centers that expand the number of students with access to career-technical education. These grant funds shall be used to directly support career services provided to students enrolled in school districts, including joint vocational school

districts, and affiliated higher education institutions. This 97626  
support may include the purchase of equipment. 97627

Of the foregoing appropriation item 200545, Career-Technical 97628  
Education Enhancements, up to \$3,000,850 in each fiscal year shall 97629  
be used by the Department to support existing High Schools That 97630  
Work (HSTW) sites, develop and support new sites, fund technical 97631  
assistance, and support regional centers and middle school 97632  
programs. The purpose of HSTW is to combine challenging academic 97633  
courses and modern career-technical studies to raise the academic 97634  
achievement of students. HSTW provides intensive technical 97635  
assistance, focused staff development, targeted assessment 97636  
services, and ongoing communications and networking opportunities. 97637

Of the foregoing appropriation item 200545, Career-Technical 97638  
Education Enhancements, up to \$600,000 in each fiscal year shall 97639  
be used by the Department to enable students in agricultural 97640  
programs to enroll in a fifth quarter of instruction based on the 97641  
agricultural education model of delivering work-based learning 97642  
through supervised agricultural experience. The Department shall 97643  
determine eligibility criteria and the reporting process for the 97644  
Agriculture 5th Quarter Project and shall fund as many programs as 97645  
possible given the set-aside. The eligibility criteria developed 97646  
by the Department shall allow these funds to support supervised 97647  
agricultural experience that occurs anytime outside of the regular 97648  
school day. 97649

Of the foregoing appropriation item 200545, Career-Technical 97650  
Education Enhancements, up to \$240,000 in each fiscal year shall 97651  
be used to support the Ohio Code-Scholar Pilot Program created in 97652  
section 3313.905 of the Revised Code. 97653

Of the foregoing appropriation item 200545, Career-Technical 97654  
Education Enhancements, up to \$550,000 in each fiscal year may be 97655  
used to support career planning and reporting through the 97656  
OhioMeansJobs web site. 97657

Of the foregoing appropriation item 200545, Career-Technical Education Enhancements, \$250,000 in each fiscal year shall be used to prepare students for careers in culinary arts and restaurant management under the Ohio ProStart school restaurant program.

**Section 265.210.** FOUNDATION FUNDING - ALL STUDENTS

Of the portion of the formula aid distributed to city, local, and exempted village school districts, joint vocational school districts, community schools, and STEM schools under this section, an amount in each fiscal year, as calculated by the Department of Education, shall be used for the purposes of division (B) of section 3317.0215 of the Revised Code.

Of the foregoing appropriation item 200550, Foundation Funding - All Students, up to \$3,800,000 in each fiscal year shall be used to fund gifted education at educational service centers. The Department shall distribute the funding through the unit-based funding methodology in place under division (L) of section 3317.024, division (E) of section 3317.05, and divisions (A), (B), and (C) of section 3317.053 of the Revised Code as they existed prior to fiscal year 2010.

Of the foregoing appropriation item 200550, Foundation Funding - All Students, up to \$42,500,000 in fiscal year 2022 and up to \$45,000,000 in fiscal year 2023 shall be reserved to fund the state reimbursement of educational service centers under section 3317.11 of the Revised Code.

Of the foregoing appropriation item 200550, Foundation Funding - All Students, up to \$3,500,000 in each fiscal year shall be distributed to educational service centers for School Improvement Initiatives and for the provision of technical assistance to schools and districts consistent with requirements of section 3312.01 of the Revised Code. The Department may distribute these funds through a competitive grant process.

Of the foregoing appropriation item 200550, Foundation 97689  
Funding - All Students, up to \$7,000,000 in each fiscal year shall 97690  
be reserved for payments under the section of this act entitled 97691  
"POWER PLANT VALUATION ADJUSTMENT." If this amount is not 97692  
sufficient, the Superintendent of Public Instruction may 97693  
reallocate excess funds for other purposes supported by this 97694  
appropriation item in order to fully pay the amounts required by 97695  
that section, provided that the aggregate amount appropriated in 97696  
appropriation item 200550, Foundation Funding - All Students, is 97697  
not exceeded. 97698

Of the foregoing appropriation item 200550, Foundation 97699  
Funding - All Students, up to \$2,000,000 in each fiscal year shall 97700  
be used to support the administration of state scholarship 97701  
programs. 97702

Of the foregoing appropriation item 200550, Foundation 97703  
Funding - All Students, up to \$3,000,000 in each fiscal year may 97704  
be used for payment of the College Credit Plus Program for 97705  
students instructed at home pursuant to section 3321.04 of the 97706  
Revised Code. 97707

Of the foregoing appropriation item 200550, Foundation 97708  
Funding - All Students, an amount shall be available in each 97709  
fiscal year to be paid to joint vocational school districts in 97710  
accordance with sections 3317.16 and 3317.162 of the Revised Code 97711  
and the section of this act entitled "FORMULA TRANSITION 97712  
SUPPLEMENT." 97713

Of the foregoing appropriation item 200550, Foundation 97714  
Funding - All Students, up to \$700,000 in each fiscal year shall 97715  
be used by the Department for a program to pay for educational 97716  
services for youth who have been assigned by a juvenile court or 97717  
other authorized agency to any of the facilities described in 97718  
division (A) of the section of this act entitled "PRIVATE 97719  
TREATMENT FACILITY PROJECT." 97720

Of the foregoing appropriation item 200550, Foundation 97721  
Funding - All Students, a portion may be used to pay 97722  
college-preparatory boarding schools the per pupil boarding amount 97723  
pursuant to section 3328.34 of the Revised Code. 97724

Of the foregoing appropriation item 200550, Foundation 97725  
Funding - All Students, up to \$1,760,000 in each fiscal year may 97726  
be used by the Department for duties and activities related to the 97727  
establishment of academic distress commissions under section 97728  
3302.10 of the Revised Code, to provide support and assistance to 97729  
academic distress commissions to further their duties under 97730  
Chapter 3302. of the Revised Code, and to provide technical 97731  
assistance and tools to support districts subject to academic 97732  
distress commissions. 97733

Of the foregoing appropriation item 200550, Foundation 97734  
Funding - All Students, up to \$1,500,000 in each fiscal year shall 97735  
be distributed to the Ohio STEM Learning Network to support the 97736  
expansion of free STEM programming aligned to Ohio's STEM 97737  
priorities, to create regional STEM supports targeting underserved 97738  
student populations, and to support the Ohio STEM Committee's STEM 97739  
school designation process. 97740

Of the foregoing appropriation item 200550, Foundation 97741  
Funding - All Students, up to \$2,500,000 in each fiscal year shall 97742  
be used to make supplemental payments under Section 5 of H.B. 123 97743  
of the 133rd General Assembly, as amended by this act. If the 97744  
amount appropriated is insufficient, the Department shall prorate 97745  
the payments so that the aggregate amount appropriated in this 97746  
section is not exceeded. 97747

The remainder of the foregoing appropriation item 200550, 97748  
Foundation Funding - All Students, shall be used to distribute the 97749  
amounts calculated for formula aid under division (B) of section 97750  
3313.979, division (A)(1) of section 3317.019, section 3317.022 of 97751  
the Revised Code, and the section of this act entitled "FORMULA 97752

TRANSITION SUPPLEMENT." 97753

Appropriation items 200502, Pupil Transportation, and 200550, 97754  
Foundation Funding - All Students, other than specific set-asides, 97755  
are collectively used in each fiscal year to pay state formula aid 97756  
obligations for school districts, community schools, STEM schools, 97757  
college preparatory boarding schools, joint vocational school 97758  
districts, and state scholarship programs under this act. The 97759  
first priority of these appropriation items, with the exception of 97760  
specific set-asides, is to fund state formula aid obligations. It 97761  
may be necessary to reallocate funds among these appropriation 97762  
items or use excess funds from other General Revenue Fund 97763  
appropriation items in the Department of Education's budget, 97764  
including appropriation item 200903, Property Tax Reimbursement - 97765  
Education, in each fiscal year in order to meet state formula aid 97766  
obligations. If it is determined that it is necessary to transfer 97767  
funds among these appropriation items or to transfer funds from 97768  
other General Revenue Fund appropriations in the Department's 97769  
budget to meet state formula aid obligations, the Superintendent 97770  
of Public Instruction shall seek approval from the Director of 97771  
Budget and Management to transfer funds as needed. 97772

The Superintendent of Public Instruction shall make payments, 97773  
transfers, and deductions, as authorized by Title XXXVIII of the 97774  
Revised Code in amounts substantially equal to those made in the 97775  
prior year, or otherwise, at the discretion of the Superintendent, 97776  
until at least the effective date of the amendments and enactments 97777  
made to Title XXXVIII of the Revised Code by this act. Any funds 97778  
paid to districts or schools under this section shall be credited 97779  
toward the annual funds calculated for the district or school 97780  
after the changes made to Title XXXVIII of the Revised Code in this 97781  
act are effective. Upon the effective date of changes made to 97782  
Title XXXVIII of the Revised Code in this act, funds shall be 97783  
calculated as an annual amount. 97784

**Section 265.215.** GENERAL PHASE-IN PERCENTAGE 97785

For purposes of division (X)(1) of section 3317.02 of the 97786  
Revised Code, the General Assembly has determined that the general 97787  
phase-in percentage for fiscal year 2022 shall be 16.67 per cent 97788  
and the general phase-in percentage for fiscal year 2023 shall be 97789  
33.33 per cent. 97790

**Section 265.220.** PHASE-IN PERCENTAGE FOR DISADVANTAGED PUPIL 97791  
IMPACT AID 97792

For purposes of division (X)(2) of section 3317.02 of the 97793  
Revised Code, the General Assembly has determined that the 97794  
phase-in percentage for disadvantaged pupil impact aid for fiscal 97795  
year 2022 shall be 0 per cent and the phase-in percentage for 97796  
disadvantaged pupil impact aid for fiscal year 2023 shall be 14 97797  
per cent. 97798

**Section 265.225.** FORMULA TRANSITION SUPPLEMENT 97799

(A)(1) For fiscal years 2022 and 2023, the Department of 97800  
Education shall pay a formula transition supplement to each city, 97801  
local, and exempted village school district according to the 97802  
following formula: 97803

(The district's funding base for fiscal year 2021) - (the 97804  
district's payments for the fiscal year for which the supplement 97805  
is calculated under sections 3317.019, 3317.022, and 3317.0212 of 97806  
the Revised Code) 97807

If the computation made under division (A)(1) of this section 97808  
for a fiscal year results in a negative number, the district's 97809  
formula transition supplement for that fiscal year shall be zero. 97810

(2) For purposes of division (A)(1) of this section, a city, 97811  
local, or exempted village school district's "funding base for 97812  
fiscal year 2021" means the amount calculated as follows: 97813

|                                                                                                                                                                                                                                                                                                                                                                                                              |                                                             |
|--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-------------------------------------------------------------|
| (a) Compute the sum of the following:                                                                                                                                                                                                                                                                                                                                                                        | 97814                                                       |
| (i) The amount calculated for the district for fiscal year 2021 under division (A)(1) of Section 265.220 of H.B. 166 of the 133rd General Assembly after any adjustments required under Section 265.227 of H.B. 166 of the 133rd General Assembly and before any funding reductions authorized by Executive Order 2020-19D, issued on May 7, 2020, and Executive Order 2021-01D, issued on January 22, 2021; | 97815<br>97816<br>97817<br>97818<br>97819<br>97820<br>97821 |
| (ii) The amount calculated for the district for fiscal year 2021 under division (A)(2) of Section 265.220 of H.B. 166 of the 133rd General Assembly before any funding reductions authorized by Executive Order 2020-19D, issued on May 7, 2020, and Executive Order 2021-01D, issued on January 22, 2021;                                                                                                   | 97822<br>97823<br>97824<br>97825<br>97826                   |
| (iii) The amount calculated for the district for fiscal year 2021 under division (B) of Section 265.220 of H.B. 166 of the 133rd General Assembly;                                                                                                                                                                                                                                                           | 97827<br>97828<br>97829                                     |
| (iv) The district's payments for fiscal year 2021 under divisions (C)(1), (2), (3), and (4) of section 3313.981 of the Revised Code as those divisions existed for payments for fiscal year 2021;                                                                                                                                                                                                            | 97830<br>97831<br>97832<br>97833                            |
| (v) The district's payments for fiscal year 2021 under section 3317.0219 of the Revised Code as that section existed for payments for fiscal year 2021 and under Section 20 of S.B. 310 of the 133rd General Assembly.                                                                                                                                                                                       | 97834<br>97835<br>97836<br>97837                            |
| (b) Subtract from the amount calculated in division (A)(2)(a) of this section the sum of the following:                                                                                                                                                                                                                                                                                                      | 97838<br>97839                                              |
| (i) The payments deducted from the district and paid to a community school established under Chapter 3314. of the Revised Code for fiscal year 2021 under divisions (C)(1)(a), (b), (c), (d), (e), (f), and (g) of section 3314.08 of the Revised Code and division (D) of section 3314.091 of the Revised Code, as those                                                                                    | 97840<br>97841<br>97842<br>97843<br>97844                   |

divisions existed for deductions and payments for fiscal year 97845  
2021, in accordance with division (A) of Section 265.230 of H.B. 97846  
166 of the 133rd General Assembly, before any funding reductions 97847  
authorized by Executive Order 2020-19D, issued on May 7, 2020, and 97848  
Executive Order 2021-01D, issued on January 22, 2021; 97849

(ii) The payments deducted from the district and paid to a 97850  
science, technology, engineering, and mathematics school 97851  
established under Chapter 3326. of the Revised Code for fiscal 97852  
year 2021, under divisions (A), (B), (C), (D), (E), (F), and (G) 97853  
of section 3326.33 of the Revised Code as those divisions existed 97854  
for deductions and payments for fiscal year 2021, in accordance 97855  
with division (A) of Section 265.235 of H.B. 166 of the 133rd 97856  
General Assembly, before any funding reductions authorized by 97857  
Executive Order 2020-19D, issued on May 7, 2020, and Executive 97858  
Order 2021-01D, issued on January 22, 2021; 97859

(iii) The payments deducted from the district for fiscal year 97860  
2021 under division (C) of section 3310.08 of the Revised Code as 97861  
that division existed for deductions for fiscal year 2021, 97862  
division (C)(2) of section 3310.41 of the Revised Code, as that 97863  
division existed for deductions for fiscal year 2021, and section 97864  
3310.55 of the Revised Code as that section existed for deductions 97865  
for fiscal year 2021 and, in the case of a pilot project school 97866  
district as defined in section 3313.975 of the Revised Code, the 97867  
funds deducted from the district for fiscal year 2021 under 97868  
Section 265.210 of H.B. 166 of the 133rd General Assembly to 97869  
operate the pilot project scholarship program for fiscal year 2021 97870  
under sections 3313.974 to 3313.979 of the Revised Code; 97871

(iv) The payments subtracted from the district for fiscal 97872  
year 2021 under divisions (B)(1), (2), and (3) of section 3313.981 97873  
of the Revised Code, as those divisions existed for subtractions 97874  
from the district for fiscal year 2021. 97875

(B)(1) For fiscal years 2022 and 2023, the Department of 97876

Education shall pay a formula transition supplement to each joint 97877  
vocational school district according to the following formula: 97878

(The district's funding base for fiscal year 2021) - (the 97879  
district's payments for the fiscal year for which the supplement 97880  
is calculated under sections 3317.16 and 3317.162 of the Revised 97881  
Code) 97882

If the computation made under division (B)(1) of this section 97883  
for a fiscal year results in a negative number, the district's 97884  
formula transition supplement for that fiscal year shall be zero. 97885

(2) For purposes of division (B)(1) of this section, a joint 97886  
vocational district's "funding base for fiscal year 2021" means 97887  
the sum of the following: 97888

(a) The district's payments for fiscal year 2021 under 97889  
Section 265.225 of H.B. 166 of the 133rd General Assembly after 97890  
any adjustments required under Section 265.227 of H.B. 166 of the 97891  
133rd General Assembly; 97892

(b) The district's payments for fiscal year 2021 under 97893  
divisions (D)(1), (2), and (E)(3) of section 3313.981 of the 97894  
Revised Code, as those divisions existed for payments for fiscal 97895  
year 2021; 97896

(c) The district's payments for fiscal year 2021 under 97897  
section 3317.163 of the Revised Code as that section existed for 97898  
payments for fiscal year 2021 and under Section 20 of S.B. 310 of 97899  
the 133rd General Assembly. 97900

(C)(1) For fiscal years 2022 and 2023, the Department of 97901  
Education shall pay a formula transition supplement to each 97902  
community school established under Chapter 3314. of the Revised 97903  
Code according to the following formula: 97904

[(The school's funding base for fiscal year 2021 / the number of 97905  
students enrolled in the school for fiscal year 2021) - (the 97906  
school's payments for the fiscal year for which the supplement is 97907

calculated under sections 3317.022 and 3317.0212 of the Revised Code / the number of students enrolled in the school for the fiscal year for which the supplement is calculated)] X the number of students enrolled in the school for the fiscal year for which the supplement is calculated.

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If the computation made under division (C)(1) of this section for a fiscal year results in a negative number, the school's formula transition supplement for that fiscal year shall be zero.

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(2) For purposes of division (C)(1) of this section, a community school's "funding base for fiscal year 2021" means the sum of the following:

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(a) The amount calculated for the school for fiscal year 2021 under division (C)(1) of section 3314.08 of the Revised Code as that section existed for payments for fiscal year 2021, before any funding reductions authorized by Executive Order 2020-19D, issued on May 7, 2020, and Executive Order 2021-01D, issued on January 22, 2021;

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(b) The amount calculated for the school for fiscal year 2021 under section 3314.085 of the Revised Code as that section existed for payments for fiscal year 2021;

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97927

(c) The amount calculated for the school for fiscal year 2021 under division (D)(1) of section 3314.091 of the Revised Code as that division existed for payments for fiscal year 2021;

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97930

(d) The amount calculated for the school for fiscal year 2021 under section 3314.088 of the Revised Code as that section existed for payments for fiscal year 2021 and under Section 20 of S.B. 310 of the 133rd General Assembly.

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(D)(1) For fiscal years 2022 and 2023, the Department of Education shall pay a formula transition supplement to each science, technology, engineering, and mathematics school established under Chapter 3326. of the Revised Code according to

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97937  
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the following formula: 97939  
[(The school's funding base for fiscal year 2021 / the number of 97940  
students enrolled in the school for fiscal year 2021) - (the 97941  
school's payments for the fiscal year for which the supplement is 97942  
calculated under section 3317.022 of the Revised Code / the number 97943  
of students enrolled in the school for the fiscal year for which 97944  
the supplement is calculated)] X the number of students enrolled 97945  
in the school for the fiscal year for which the supplement is 97946  
calculated. 97947

If the computation made under division (D)(1) of this section 97948  
for a fiscal year results in a negative number, the school's 97949  
formula transition supplement for that fiscal year shall be zero. 97950

(2) For purposes of division (D)(1) of this section, a 97951  
science, technology, engineering, and mathematics school's 97952  
"funding base for fiscal year 2021" means the sum of the 97953  
following: 97954

(a) The amount calculated for the school for fiscal year 2021 97955  
under section 3326.33 of the Revised Code as that section existed 97956  
for payments for fiscal year 2021, before any funding reductions 97957  
authorized by Executive Order 2020-19D, issued on May 7, 2020, and 97958  
Executive Order 2021-01D, issued on January 22, 2021; 97959

(b) The amount calculated for the school for fiscal year 2021 97960  
under section 3326.41 of the Revised Code as that section existed 97961  
for payments for fiscal year 2021; 97962

(c) The amount calculated for the school for fiscal year 2021 97963  
under section 3326.42 of the Revised Code as that section existed 97964  
for payments for fiscal year 2021 and under Section 20 of S.B. 310 97965  
of the 133rd General Assembly. 97966

**Section 265.237. POWER PLANT VALUATION ADJUSTMENT** 97967

(A)(1) On or before May 15, 2022, the Tax Commissioner shall 97968

determine all of the following for each city, local, exempted  
village, and joint vocational school district that has at least  
one power plant located within its territory:

(a) Whether the taxable value of all utility tangible  
personal property subject to taxation by the district in tax year  
2021 was less than the taxable value of such property during tax  
year 2017;

(b) Whether the taxable value of all utility tangible  
personal property subject to taxation by the district in tax year  
2021 was less than the taxable value of such property during tax  
year 2020.

(2) If the decrease determined under division (A)(1)(a) or  
(b) of this section exceeds ten per cent, the Tax Commissioner  
shall certify all of the following to the Department of Education  
and the Office of Budget and Management:

(a) The district's total taxable value for tax year 2021;

(b) The change in taxes charged and payable on the district's  
total taxable value for tax year 2017 and tax year 2021;

(c) The taxable value of the utility tangible personal  
property decrease, which shall be considered a change in  
valuation;

(d) The change in taxes charged and payable on such change in  
taxable value calculated in the same manner as in division (A)(3)  
of section 3317.021 of the Revised Code.

(3) Upon receipt of a certification under division (A)(2) of  
this section, the Department of Education shall replace the  
three-year average valuations that were used in computing the  
district's state education aid for fiscal year 2019 with the  
taxable value certified under division (A)(2)(a) of this section  
and shall recompute the district's state education aid for fiscal

year 2019 without applying any funding limitations enacted by the 97999  
General Assembly to the computation. The Department shall pay to 98000  
the district an amount equal to the greater of the following: 98001

(a) The lesser of the following: 98002

(i) The positive difference between the district's state 98003  
education aid for fiscal year 2019 prior to the recomputation 98004  
under division (A)(3) of this section and the district's 98005  
recomputed state education aid for fiscal year 2019; 98006

(ii) The absolute value of the amount certified under 98007  
division (A)(2)(b) of this section. 98008

(b) The absolute value of the amount certified under division 98009  
(A)(2)(b) of this section X 0.50. 98010

(B)(1) On or before May 15, 2023, the Tax Commissioner shall 98011  
determine for each city, local, exempted village, and joint 98012  
vocational school district that has at least one power plant 98013  
located within its territory: 98014

(a) Whether the taxable value of all utility tangible 98015  
personal property subject to taxation by the district in tax year 98016  
2022 was less than the taxable value of such property during tax 98017  
year 2017; 98018

(b) Whether the taxable value of all utility tangible 98019  
personal property subject to taxation by the district in tax year 98020  
2022 was less than the taxable value of such property during tax 98021  
year 2021. 98022

(2) If the decrease determined under division (B)(1)(a) or 98023  
(b) of this section exceeds ten per cent, the Tax Commissioner 98024  
shall certify all of the following to the Department of Education 98025  
and the Office of Budget and Management: 98026

(a) The district's total taxable value for tax year 2022; 98027

(b) The change in taxes charged and payable on the district's 98028

|                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                         |                                                                               |
|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-------------------------------------------------------------------------------|
| total taxable value for tax year 2017 and tax year 2022;                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                | 98029                                                                         |
| (c) The taxable value of the utility tangible personal property decrease, which shall be considered a change in valuation;                                                                                                                                                                                                                                                                                                                                                                                                                                                              | 98030<br>98031<br>98032                                                       |
| (d) The change in taxes charged and payable on such change in taxable value calculated in the same manner as in division (A)(3) of section 3317.021 of the Revised Code.                                                                                                                                                                                                                                                                                                                                                                                                                | 98033<br>98034<br>98035                                                       |
| (3) Upon receipt of a certification under division (B)(2) of this section, the Department of Education shall replace the three-year average valuations that were used in computing the district's state education aid for fiscal year 2019 with the taxable value certified under division (B)(2)(a) of this section and shall recompute the district's state education aid for fiscal year 2019 without applying any funding limitations enacted by the General Assembly to the computation. The Department shall pay to the district an amount equal to the greater of the following: | 98036<br>98037<br>98038<br>98039<br>98040<br>98041<br>98042<br>98043<br>98044 |
| (a) The lesser of the following:                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                        | 98045                                                                         |
| (i) The positive difference between the district's state education aid for fiscal year 2019 prior to the recomputation under division (B)(3) of this section and the district's recomputed state education aid for fiscal year 2019;                                                                                                                                                                                                                                                                                                                                                    | 98046<br>98047<br>98048<br>98049                                              |
| (ii) The absolute value of the amount certified under division (B)(2)(b) of this section.                                                                                                                                                                                                                                                                                                                                                                                                                                                                                               | 98050<br>98051                                                                |
| (b) The absolute value of the amount certified under division (B)(2)(b) of this section X 0.50.                                                                                                                                                                                                                                                                                                                                                                                                                                                                                         | 98052<br>98053                                                                |
| (C) The Department of Education shall make payments under division (A)(3) of this section between June 1, 2022, and June 30, 2022, and the Department shall make payments under division (B)(3) of this section between June 1, 2023, and June 30, 2023.                                                                                                                                                                                                                                                                                                                                | 98054<br>98055<br>98056<br>98057                                              |
| <b>Section 265.240. LITERACY IMPROVEMENT</b>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                            | 98058                                                                         |

Of the foregoing appropriation item 200566, Literacy 98059  
Improvement, up to \$500,000 in each fiscal year shall be used to 98060  
expand the Model Demonstration Project for Early Identification of 98061  
Students with Dyslexia Grant. 98062

Under the expansion, the Superintendent of Public Instruction 98063  
shall award grants to city, local, and exempted village school 98064  
districts, community schools, STEM schools, or chartered nonpublic 98065  
schools to support additional pilot programs to address the 98066  
literacy needs of students in preschool through first grade. Funds 98067  
may be used for up to two years after they are awarded. 98068

School districts or schools wishing to participate shall 98069  
apply to the Superintendent of Public Instruction. The 98070  
Superintendent shall select school districts and schools to 98071  
participate according to criteria determined by the 98072  
Superintendent. Participating school districts and schools shall 98073  
receive professional learning and support for teachers and 98074  
principals to improve their ability to provide instruction for 98075  
children with dyslexia. Participating school districts and schools 98076  
shall collaborate with the Department of Education to identify 98077  
professional learning opportunities aligned to the science of 98078  
reading. The Department may use up to ten per cent of the amount 98079  
appropriated in each fiscal year for program administration and 98080  
for support of districts and schools in identifying and serving 98081  
students with dyslexia. 98082

As used in this section, "Model Demonstration Project for 98083  
Early Identification of Students with Dyslexia Grant" means the 98084  
grant awarded to Ohio by the U.S. Department of Education in 98085  
October 2019 to improve the literacy of students with, or at risk 98086  
for, dyslexia. 98087

The foregoing appropriation item 200566, Literacy 98088  
Improvement, shall be used by the Department of Education to 98089  
support early literacy activities to align state, local, and 98090

federal efforts in order to bolster all students' reading success. 98091  
Funds shall be distributed to educational service centers to 98092  
establish and support regional literacy professional development 98093  
teams consistent with section 3312.01 of the Revised Code. A 98094  
portion of the funds may be used by the Department for program 98095  
administration, monitoring, technical assistance, support, 98096  
research, and evaluation. 98097

**Section 265.250. ADULT EDUCATION PROGRAMS** 98098

Of the foregoing appropriation item 200572, Adult Education 98099  
Programs, up to \$6,900,000 in each fiscal year shall be used to 98100  
make payments under sections 3314.38, 3317.23, 3317.24, and 98101  
3345.86 of the Revised Code. 98102

A portion of the foregoing appropriation item 200572, Adult 98103  
Education Programs, shall be used in each fiscal year to make 98104  
payments to institutions participating in the Adult Diploma Pilot 98105  
Program under section 3313.902 of the Revised Code and to pay 98106  
career-technical planning districts for the amounts reimbursed to 98107  
students, as prescribed in this section. If funds are insufficient 98108  
to make payments for the Adult Diploma Pilot Program, upon the 98109  
request of the Superintendent of Public Instruction, the Director 98110  
of Budget and Management may transfer appropriation from 98111  
appropriation item 200550, Foundation Funding - All Students, to 98112  
appropriation item 200572, Adult Education Programs, subject to an 98113  
available balance in appropriation item 200550 and Controlling 98114  
Board approval. Any appropriation so transferred shall be used to 98115  
make payments to institutions participating in the Adult Diploma 98116  
Pilot Program pursuant to section 3313.902 of the Revised Code. 98117

Each career-technical planning district shall reimburse 98118  
individuals taking a nationally recognized high school equivalency 98119  
examination approved by the Department of Education for the first 98120  
time for application fees, examination fees, or both, in excess of 98121

\$40, up to a maximum reimbursement per individual of \$80. Each 98122  
career-technical planning district shall designate a site or sites 98123  
where individuals may register and take an approved examination. 98124  
For each individual who registers for an approved examination, the 98125  
career-technical planning district shall make available and offer 98126  
career counseling services, including information on adult 98127  
education programs that are available. A portion of the 98128  
appropriation item may be used to reimburse the Department of 98129  
Youth Services and the Department of Rehabilitation and Correction 98130  
for individuals in these facilities who have taken an approved 98131  
examination for the first time. The amounts reimbursed shall not 98132  
exceed the per-individual amounts reimbursed to other individuals 98133  
under this section for an approved examination. 98134

Notwithstanding any provision of law to the contrary, the 98135  
unexpended balance of appropriations for payments under sections 98136  
3313.902, 3314.38, 3317.23, 3317.24, and 3345.86 of the Revised 98137  
Code at the end of each fiscal year may be encumbered by the 98138  
Department of Education and remain available for payment for a 98139  
period not to exceed two years from the end of each fiscal year in 98140  
which the funds were originally appropriated, in accordance with 98141  
guidelines established by the Superintendent of Public 98142  
Instruction. 98143

A portion of the foregoing appropriation item 200572, Adult 98144  
Education Programs, may be used for program administration, 98145  
technical assistance, support, research, and evaluation of adult 98146  
education programs, including high school equivalency examinations 98147  
approved by the Department of Education. 98148

**Section 265.260. HALF-MILL MAINTENANCE EQUALIZATION** 98149

The foregoing appropriation item 200574, Half-Mill 98150  
Maintenance Equalization, shall be used to make payments pursuant 98151  
to section 3318.18 of the Revised Code. 98152

ADAPTIVE SPORTS PROGRAM 98153

The foregoing appropriation item 200576, Adaptive Sports 98154  
Program, shall be used by the Department of Education, in 98155  
collaboration with the Adaptive Sports Program of Ohio, to fund 98156  
adaptive sports programs in school districts across the state. 98157

**Section 265.275.** PROGRAM AND PROJECT SUPPORT 98158

Of the foregoing appropriation item 200597, Program and 98159  
Project Support, \$1,100,000 in each fiscal year shall be used to 98160  
support the Supporting Partnerships to Assure Ready Kids (SPARK) 98161  
program in Ohio. 98162

Of the foregoing appropriation item 200597, Program and 98163  
Project Support, \$1,000,000 in each fiscal year shall be 98164  
distributed to Ohio Adolescent Health Centers to support risk 98165  
avoidance education initiatives. 98166

Of the foregoing appropriation item 200597, Program and 98167  
Project Support, \$750,000 in each fiscal year shall be used to 98168  
support the expansion of the CarePortal technology platform in 98169  
Ohio through partnerships with social workers and K-12 schools to 98170  
connect vulnerable children and families with churches, 98171  
organizations, and individuals in their community. 98172

Of the foregoing appropriation item 200597, Program and 98173  
Project Support, \$375,000 in each fiscal year shall be distributed 98174  
to the Cleveland Museum of Natural History to support its 98175  
STEM-based educational programming. 98176

Of the foregoing appropriation item 200597, Program and 98177  
Project Support, \$300,000 in each fiscal year shall be distributed 98178  
to the Cincinnati Zoo and Botanical Garden to support the zoo's 98179  
educational programming and scholarships for economically 98180  
disadvantaged students. 98181

Of the foregoing appropriation item 200597, Program and 98182

Project Support, \$125,000 in each fiscal year shall be distributed 98183  
to the South-Western City School District to provide additional 98184  
operating support for the South-Western Career Academy to hire a 98185  
director and instructors. 98186

Of the foregoing appropriation item 200597, Program and 98187  
Project Support, \$100,000 in each fiscal year shall be distributed 98188  
to the Cincinnati Museum Center to support its STEM-based 98189  
educational programming. 98190

Of the foregoing appropriation item 200597, Program and 98191  
Project Support, \$50,000 in each fiscal year shall be distributed 98192  
to the Ohio Valley Youth Network to support its Sycamore Youth 98193  
Center Education Enrichment and Life Skills After School Program. 98194

**Section 265.280. MEDICAID IN SCHOOLS PROGRAM** 98195

The foregoing appropriation item, 657401, Medicaid in Schools 98196  
Program, shall be used by the Department of Education to support 98197  
the Medicaid in Schools Program. 98198

**Section 265.300. TEACHER CERTIFICATION AND LICENSURE** 98199

The foregoing appropriation item 200681, Teacher 98200  
Certification and Licensure, shall be used by the Department of 98201  
Education to administer and support teacher certification and 98202  
licensure activities. Notwithstanding section 3319.51 of the 98203  
Revised Code, a portion of the foregoing appropriation may also be 98204  
used for implementation of teacher and principal evaluation 98205  
systems, including incorporation of student growth as a metric in 98206  
those systems, and teacher value-added reports. 98207

**Section 265.320. SCHOOL DISTRICT SOLVENCY ASSISTANCE** 98208

(A) The foregoing appropriation item 200687, School District 98209  
Solvency Assistance, shall be allocated to the School District 98210  
Shared Resource Account and the Catastrophic Expenditures Account 98211

in amounts determined by the Superintendent of Public Instruction. 98212  
These funds shall be used to provide assistance and grants to 98213  
school districts to enable them to remain solvent under section 98214  
3316.20 of the Revised Code. Assistance and grants shall be 98215  
subject to approval by the Controlling Board. Except as provided 98216  
under division (C) of this section, any required reimbursements 98217  
from school districts for solvency assistance shall be made to the 98218  
appropriate account in the School District Solvency Assistance 98219  
Fund (Fund 5H30). 98220

(B) Notwithstanding any provision of law to the contrary, 98221  
upon the request of the Superintendent of Public Instruction, the 98222  
Director of Budget and Management may make transfers to the School 98223  
District Solvency Assistance Fund (Fund 5H30) from any fund used 98224  
by the Department of Education or the General Revenue Fund to 98225  
maintain sufficient cash balances in Fund 5H30 in fiscal years 98226  
2022 and 2023. Any cash transferred is hereby appropriated. The 98227  
transferred cash may be used by the Department to provide 98228  
assistance and grants to school districts to enable them to remain 98229  
solvent and to pay unforeseeable expenses of a temporary or 98230  
emergency nature that the school district is unable to pay from 98231  
existing resources. The Director shall notify the members of the 98232  
Controlling Board of any such transfers. 98233

(C) If the cash balance of the School District Solvency 98234  
Assistance Fund (Fund 5H30) is insufficient to pay solvency 98235  
assistance in fiscal years 2022 and 2023, at the request of the 98236  
Superintendent of Public Instruction, and with the approval of the 98237  
Controlling Board, the Director of Budget and Management may 98238  
transfer cash from the Lottery Profits Education Reserve Fund 98239  
(Fund 7018) to Fund 5H30 to provide assistance and grants to 98240  
school districts to enable them to remain solvent and to pay 98241  
unforeseeable expenses of a temporary nature that they are unable 98242  
to pay from existing resources under section 3316.20 of the 98243

Revised Code. Such transfers are hereby appropriated to 98244  
appropriation item 200670, School District Solvency Assistance - 98245  
Lottery. Any required reimbursements from school districts for 98246  
solvency assistance granted from appropriation item 200670, School 98247  
District Solvency Assistance - Lottery, shall be made to Fund 98248  
7018. 98249

**Section 265.323. FOUNDATION FUNDING - ALL STUDENTS** 98250

(A) The foregoing appropriation item 200604, Foundation 98251  
Funding - All Students, shall be used in conjunction with 98252  
appropriation items 200550, Foundation Funding - All Students, and 98253  
200612, Foundation Funding - All Students, to distribute the 98254  
amounts calculated for disadvantaged pupil impact aid under 98255  
sections 3317.022 and 3317.16 of the Revised Code and the portions 98256  
of the state share of the base cost calculated under those 98257  
sections that are attributable to the staffing cost for the 98258  
student wellness and success component of the base cost, as 98259  
determined by the Department of Education. 98260

(B) For each of fiscal years 2022 and 2023, the Department of 98261  
Education shall notify each city, local, exempted village, and 98262  
joint vocational school district, community school established 98263  
under Chapter 3314. of the Revised Code, and STEM school 98264  
established under Chapter 3326. of the Revised Code of the portion 98265  
of the district's or school's state share of the base cost 98266  
calculated under section 3317.022 or 3317.16 of the Revised Code 98267  
that is attributable to the staffing cost for the student wellness 98268  
and success component of the base cost, as determined by the 98269  
Department. Each district or school shall spend that amount for 98270  
any of the initiatives or a combination of any of the initiatives 98271  
described in divisions (B)(1)(j) to (q) of section 3317.25 of the 98272  
Revised Code. After the end of each fiscal year, each district and 98273  
school shall submit a report to the Department, in a manner 98274

prescribed by the Department, describing the initiative or 98275  
initiatives on which the district's or school's funds were spent 98276  
during that fiscal year. 98277

(C) If a district or school spends student wellness and 98278  
success funds it received for fiscal year 2020 or fiscal year 2021 98279  
on or after the date on which section 3317.26 of the Revised Code 98280  
is repealed by this act, those funds shall be spent in accordance 98281  
with that section as it existed prior to its repeal by this act. 98282  
The Department may require districts and schools to report how all 98283  
of those funds are spent. 98284

**Section 265.325. SCHOOL BUS PURCHASE** 98285

The foregoing appropriation item 200663, School Bus Purchase, 98286  
shall be used to distribute bus purchasing grants to city, local, 98287  
and exempted village school districts pursuant to section 3317.071 98288  
of the Revised Code. 98289

An amount equal to the unexpended, unencumbered balance of 98290  
the foregoing appropriation item 200663, School Bus Purchase, at 98291  
the end of fiscal year 2022 is hereby reappropriated for the same 98292  
purpose in fiscal year 2023. 98293

**Section 265.330. LOTTERY PROFITS EDUCATION FUND** 98294

The foregoing appropriation item 200612, Foundation Funding - 98295  
All Students, shall be used in conjunction with appropriation item 98296  
200550, Foundation Funding - All Students, to distribute the 98297  
amounts calculated for formula aid under section 3317.022 of the 98298  
Revised Code. 98299

The Department of Education, with the approval of the 98300  
Director of Budget and Management, shall determine the monthly 98301  
distribution schedules of appropriation item 200550, Foundation 98302  
Funding - All Students, and appropriation item 200612, Foundation 98303  
Funding - All Students. If adjustments to the monthly distribution 98304

schedule are necessary, the Department shall make such adjustments 98305  
with the approval of the Director. 98306

**Section 265.333. ACCELERATE GREAT SCHOOLS** 98307

The foregoing appropriation item 200614, Accelerate Great 98308  
Schools, shall be used to support the Accelerate Great Schools 98309  
public-private partnership. 98310

**Section 265.335. QUALITY COMMUNITY SCHOOLS SUPPORT** 98311

(A) The foregoing appropriation item 200631, Quality 98312  
Community Schools Support, shall be used for the Quality Community 98313  
School Support Program. Under the program, the Department of 98314  
Education shall pay each community school established under 98315  
Chapter 3314. of the Revised Code and designated as a Community 98316  
School of Quality under this section an amount up to \$1,750 in 98317  
each fiscal year for each pupil identified as economically 98318  
disadvantaged and up to \$1,000 in each fiscal year for each pupil 98319  
that is not identified as economically disadvantaged. The payment 98320  
for the current fiscal year shall be calculated using the final 98321  
adjusted full-time equivalent number of students enrolled in a 98322  
community school for the prior fiscal year, except that if a 98323  
school is in its first year of operation the payment for the 98324  
current fiscal year shall be calculated using the adjusted 98325  
full-time equivalent number of students enrolled in the school for 98326  
the current fiscal year as of the date the payment is made, as 98327  
reported by the school under section 3314.08 of the Revised Code. 98328  
The Department shall make the payment to each Community School of 98329  
Quality not later than January 31 of each fiscal year. If the 98330  
amount appropriated is not sufficient, the Department shall 98331  
prorate the amounts so that the aggregate amount appropriated is 98332  
not exceeded. 98333

(B) To be designated as a Community School of Quality, a 98334

community school shall satisfy at least one of the following 98335  
conditions: 98336

(1) The community school meets all of the following criteria: 98337

(a) The school's sponsor was rated "exemplary" or "effective" 98338  
on the sponsor's most recent evaluation conducted under section 98339  
3314.016 of the Revised Code. 98340

(b) The school received a higher performance index score than 98341  
the school district in which the school is located on the two most 98342  
recent report cards issued for the school under section 3302.03 of 98343  
the Revised Code. 98344

(c) The school received an overall grade of "A" or "B" for 98345  
the value-added progress dimension on the most recent report card 98346  
issued for the school under section 3302.03 of the Revised Code or 98347  
is a school described under division (A)(4) of section 3314.35 of 98348  
the Revised Code and did not receive a grade for the value-added 98349  
progress dimension on the most recent report card. 98350

(d) At least fifty per cent of the students enrolled in the 98351  
school are economically disadvantaged, as determined by the 98352  
Department. 98353

(2) The community school meets all of the following criteria: 98354

(a) The school's sponsor was rated "exemplary" or "effective" 98355  
on the sponsor's most recent evaluation conducted under section 98356  
3314.016 of the Revised Code. 98357

(b) The school is in its first year of operation or the 98358  
school opened as a kindergarten school and has added one grade per 98359  
year and has been in operation for less than four school years. 98360

(c) The school is replicating an operational and 98361  
instructional model used by a community school described in 98362  
division (B)(1) of this section. 98363

(d) If the school has an operator, the operator received a 98364

|                                                                    |       |
|--------------------------------------------------------------------|-------|
| "C" or better on its most recent performance report published      | 98365 |
| under section 3314.031 of the Revised Code.                        | 98366 |
| (3) The community school meets all of the following criteria:      | 98367 |
| (a) The school's sponsor was rated "exemplary" or "effective"      | 98368 |
| on the sponsor's most recent evaluation conducted under section    | 98369 |
| 3314.016 of the Revised Code.                                      | 98370 |
| (b) The school contracts with an operator that operates            | 98371 |
| schools in other states and meets at least one of the following    | 98372 |
| criteria:                                                          | 98373 |
| (i) Has operated a school that received a grant funded             | 98374 |
| through the federal Charter School Program established under 20    | 98375 |
| U.S.C. 7221 within the five years prior to the date of application | 98376 |
| or received funding from the Charter School Growth Fund;           | 98377 |
| (ii) Meets all of the following criteria:                          | 98378 |
| (I) One of the operator's schools in another state performed       | 98379 |
| better than the school district in which the school is located, as | 98380 |
| determined by the Department.                                      | 98381 |
| (II) At least fifty per cent of the total number of students       | 98382 |
| enrolled in all of the operator's schools are economically         | 98383 |
| disadvantaged, as determined by the Department.                    | 98384 |
| (III) The operator is in good standing in all states where it      | 98385 |
| operates schools, as determined by the Department.                 | 98386 |
| (IV) The Department has determined that the operator does not      | 98387 |
| have any financial viability issues that would prevent it from     | 98388 |
| effectively operating a community school in Ohio.                  | 98389 |
| (c) The school is in its first year of operation.                  | 98390 |
| (C) A school designated as a Community School of Quality           | 98391 |
| under division (B) of this section shall maintain that designation | 98392 |
| for the two fiscal years following the fiscal year in which the    | 98393 |
| school was initially designated as a Community School of Quality.  | 98394 |

(D) A school designated a Community School of Quality may 98395  
renew its designation each year that it satisfies the criteria 98396  
under division (B)(1) of this section. The school shall maintain 98397  
that designation for the two fiscal years following each fiscal 98398  
year in which the criteria under division (B)(1) of this section 98399  
are satisfied. This division applies to schools designated as a 98400  
Community School of Quality based on the report cards issued in 98401  
accordance with sections 3302.03 and 3314.012 of the Revised Code 98402  
for the 2017-2018 and 2018-2019 school years. 98403

**Section 265.340. COMMUNITY SCHOOL FACILITIES** 98404

The foregoing appropriation item 200684, Community School 98405  
Facilities, shall be used to pay each community school established 98406  
under Chapter 3314. of the Revised Code and each STEM school 98407  
established under Chapter 3326. of the Revised Code an amount 98408  
equal to \$25 in each fiscal year for each full-time equivalent 98409  
pupil in an internet- or computer-based community school and \$500 98410  
in each fiscal year for each full-time equivalent pupil in all 98411  
other community or STEM schools for assistance with the cost 98412  
associated with facilities. If the amount appropriated is not 98413  
sufficient, the Department shall prorate the amounts so that the 98414  
aggregate amount appropriated is not exceeded. 98415

**Section 265.350. LOTTERY PROFITS EDUCATION RESERVE FUND** 98416

(A) There is hereby created the Lottery Profits Education 98417  
Reserve Fund (Fund 7018) in the State Treasury. Investment 98418  
earnings of the Lottery Profits Education Reserve Fund shall be 98419  
credited to the fund. 98420

(B) Notwithstanding any other provision of law to the 98421  
contrary, the Director of Budget and Management shall transfer 98422  
\$12,500,000 cash in fiscal year 2022 and \$45,000,000 cash in 98423  
fiscal year 2023 from Fund 7018 to the Lottery Profits Education 98424

Fund (Fund 7017). The Director may transfer additional cash from 98425  
Fund 7018 to Fund 7017 in fiscal year 2022 and fiscal year 2023. 98426

(C) On July 15, 2021, or as soon as possible thereafter, the 98427  
Director of the Ohio Lottery Commission shall certify to the 98428  
Director of Budget and Management the amount by which lottery 98429  
profit transfers received by Fund 7017 exceeded \$1,260,200,000 in 98430  
fiscal year 2021. 98431

(D) On July 15, 2022, or as soon as possible thereafter, the 98432  
Director of the Ohio Lottery Commission shall certify to the 98433  
Director of Budget and Management the amount by which lottery 98434  
profit transfers received by Fund 7017 exceeded \$1,234,000,000 in 98435  
fiscal year 2022. 98436

(E) Notwithstanding any provision of law to the contrary, in 98437  
fiscal year 2022 and fiscal year 2023, the Director of Budget and 98438  
Management shall transfer cash in excess of the amounts necessary 98439  
to support appropriations in Fund 7017 from that fund to Fund 98440  
7018. 98441

**Section 265.355. FEDERAL CORONAVIRUS SCHOOL RELIEF** 98442

(A) Of the foregoing appropriation item 200640, Federal 98443  
Coronavirus School Relief, up to \$7,000,000 in fiscal year 2022 98444  
shall be used to support programs focused on attendance recovery 98445  
for students in grades kindergarten through twelve. The Department 98446  
of Education shall enter into a contract with one or more entities 98447  
that specialize in recovering students who, prior to the COVID-19 98448  
pandemic, would have been considered truant but have yet to be 98449  
adjudicated by the courts or recovered by other educational means. 98450  
The Department of Education shall support this set-aside using the 98451  
state activity funds provided under Title III, Sec. 313(e) of the 98452  
federal "Consolidated Appropriations Act, 2021," Pub. L. No. 98453  
116-260. 98454

(B) Of the foregoing appropriation item 200640, Federal Coronavirus School Relief, \$250,000 in each fiscal year shall be used to support the Career Promise Academy Summer Demonstration Pilot Program established under section 3302.043 of the Revised Code. The Department of Education shall support this set-aside using the state activity funds provided under Title III, Sec. 313(e) of the federal "Consolidated Appropriations Act, 2021," Pub. L. No. 116-260.

(C) The remainder of the foregoing appropriation item 200640, Federal Coronavirus School Relief, shall be used by the Department of Education to support ACE education savings accounts pursuant to section 3310.70 of the Revised Code using the funds for emergency needs authorized under Title III, Sec. 313(e) of the federal "Consolidated Appropriations Act, 2021," Pub. L. No. 116-260.

An amount equal to the unexpended, unencumbered balance of the amount allocated in this division, at the end of fiscal year 2022 is hereby reappropriated to the Department for the same purpose in fiscal year 2023.

**Section 265.380. SCHOOL DISTRICT PARTICIPATION IN NATIONAL ASSESSMENT OF EDUCATION PROGRESS**

The General Assembly intends for the Superintendent of Public Instruction to provide for school district participation in the administration of the National Assessment of Education Progress in accordance with section 3301.27 of the Revised Code. Each school and school district selected for participation by the Superintendent shall participate.

**Section 265.400. EARMARK ACCOUNTABILITY**

At the request of the Superintendent of Public Instruction, any entity that receives a budget earmark under the Department of Education shall submit annually to the chairpersons of the

committees of the House of Representatives and the Senate 98485  
primarily concerned with education and education funding and to 98486  
the Department a report that includes a description of the 98487  
services supported by the funds, a description of the results 98488  
achieved by those services, an analysis of the effectiveness of 98489  
the program, and an opinion as to the program's applicability to 98490  
other school districts. For an earmarked entity that received 98491  
state funds from an earmark in the prior fiscal year, no funds 98492  
shall be provided by the Department to an earmarked entity for a 98493  
fiscal year until its report for the prior fiscal year has been 98494  
submitted. 98495

**Section 265.410. COMMUNITY SCHOOL OPERATING FROM HOME** 98496

A community school established under Chapter 3314. of the 98497  
Revised Code that was open for operation as a community school as 98498  
of May 1, 2005, may operate from or in any home, as defined in 98499  
section 3313.64 of the Revised Code, located in the state, 98500  
regardless of when the community school's operations from or in a 98501  
particular home began. 98502

**Section 265.420. USE OF VOLUNTEERS** 98503

The Department of Education may utilize the services of 98504  
volunteers to accomplish any of the purposes of the Department. 98505  
The Superintendent of Public Instruction shall approve for what 98506  
purposes volunteers may be used and for these purposes may 98507  
recruit, train, and oversee the services of volunteers. The 98508  
Superintendent may reimburse volunteers for necessary and 98509  
appropriate expenses in accordance with state guidelines and may 98510  
designate volunteers as state employees for the purpose of motor 98511  
vehicle accident liability insurance under section 9.83 of the 98512  
Revised Code, for immunity under section 9.86 of the Revised Code, 98513  
and for indemnification from liability incurred in the performance 98514

of their duties under section 9.87 of the Revised Code. 98515

**Section 265.430.** RESTRICTION OF LIABILITY FOR CERTAIN 98516  
REIMBURSEMENTS 98517

(A) Except as expressly required under a court judgment not 98518  
subject to further appeals, or a settlement agreement with a 98519  
school district executed on or before June 1, 2009, in the case of 98520  
a school district for which the formula ADM for fiscal year 2005, 98521  
as reported for that fiscal year under division (A) of section 98522  
3317.03 of the Revised Code, was reduced based on enrollment 98523  
reports for community schools, made under section 3314.08 of the 98524  
Revised Code, regarding students entitled to attend school in the 98525  
district, which reduction of formula ADM resulted in a reduction 98526  
of foundation funding or transitional aid funding for fiscal year 98527  
2005, 2006, or 2007, no school district, except a district named 98528  
in the court's judgment or the settlement agreement, shall have a 98529  
legal claim for reimbursement of the amount of such reduction in 98530  
foundation funding or transitional aid funding, and the state 98531  
shall not have liability for reimbursement of the amount of such 98532  
reduction in foundation funding or transitional aid funding. 98533

(B) As used in this section: 98534

(1) "Community school" means a community school established 98535  
under Chapter 3314. of the Revised Code. 98536

(2) "Entitled to attend school" means entitled to attend 98537  
school in a school district under section 3313.64 or 3313.65 of 98538  
the Revised Code. 98539

(3) "Foundation funding" means payments calculated for the 98540  
respective fiscal year under Chapter 3317. of the Revised Code. 98541

(4) "Transitional aid funding" means payments calculated for 98542  
the respective fiscal year under Section 41.37 of H.B. 95 of the 98543  
125th General Assembly, as subsequently amended; Section 206.09.39 98544

of H.B. 66 of the 126th General Assembly, as subsequently amended; 98545  
and Section 269.30.80 of H.B. 119 of the 127th General Assembly. 98546

**Section 265.440. FLEXIBLE FUNDING FOR FAMILIES AND CHILDREN** 98547

In collaboration with the County Family and Children First 98548  
Council, a city, local, or exempted village school district, 98549  
community school, STEM school, joint vocational school district, 98550  
educational service center, or county board of developmental 98551  
disabilities that receives allocations from the Department of 98552  
Education from appropriation item 200550, Foundation Funding - All 98553  
Students, or appropriation item 200540, Special Education 98554  
Enhancements, may transfer portions of those allocations to a 98555  
flexible funding pool authorized by the section of this act 98556  
entitled "FAMILY AND CHILDREN FIRST FLEXIBLE FUNDING POOL." 98557  
Allocations used for maintenance of effort or for federal or state 98558  
funding matching requirements shall not be transferred unless the 98559  
allocation may still be used to meet such requirements. 98560

**Section 265.450. PRIVATE TREATMENT FACILITY PROJECT** 98561

(A) As used in this section: 98562

(1) The following are "participating residential treatment 98563  
centers": 98564

(a) Private residential treatment facilities that have 98565  
entered into a contract with the Department of Youth Services to 98566  
provide services to children placed at the facility by the 98567  
Department and which, in fiscal year 2022 or fiscal year 2023 or 98568  
both, the Department pays through appropriation item 470401, 98569  
RECLAIM Ohio; 98570

(b) Abraxas, in Shelby; 98571

(c) Paint Creek, in Bainbridge; 98572

(d) F.I.R.S.T., in Mansfield. 98573

(2) "Education program" means an elementary or secondary education program or a special education program and related services. 98574  
98575  
98576

(3) "Served child" means any child receiving an education program pursuant to division (B) of this section. 98577  
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(4) "School district responsible for tuition" means a city, exempted village, or local school district that, if tuition payment for a child by a school district is required under law that existed in fiscal year 1998, is the school district required to pay that tuition. 98579  
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98581  
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(5) "Residential child" means a child who resides in a participating residential treatment center and who is receiving an educational program under division (B) of this section. 98584  
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(B) A youth who is a resident of the state and has been assigned by a juvenile court or other authorized agency to a residential treatment facility specified in division (A) of this section shall be enrolled in an approved educational program located in or near the facility. Approval of the educational program shall be contingent upon compliance with the criteria established for such programs by the Department of Education. The educational program shall be provided by a school district or educational service center, or by the residential facility itself. Maximum flexibility shall be given to the residential treatment facility to determine the provider. In the event that a voluntary agreement cannot be reached and the residential facility does not choose to provide the educational program, the educational service center in the county in which the facility is located shall provide the educational program at the treatment center to children under twenty-two years of age residing in the treatment center. 98587  
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(C) Any school district responsible for tuition for a 98604

residential child shall, notwithstanding any conflicting provision 98605  
of the Revised Code regarding tuition payment, pay tuition for the 98606  
child for fiscal year 2022 and fiscal year 2023 to the education 98607  
program provider and in the amount specified in this division. If 98608  
there is no school district responsible for tuition for a 98609  
residential child and if the participating residential treatment 98610  
center to which the child is assigned is located in the city, 98611  
exempted village, or local school district that, if the child were 98612  
not a resident of that treatment center, would be the school 98613  
district where the child is entitled to attend school under 98614  
sections 3313.64 and 3313.65 of the Revised Code, that school 98615  
district, notwithstanding any conflicting provision of the Revised 98616  
Code, shall pay tuition for the child for fiscal year 2022 and 98617  
fiscal year 2023 under this division unless that school district 98618  
is providing the educational program to the child under division 98619  
(B) of this section. 98620

A tuition payment under this division shall be made to the 98621  
school district, educational service center, or residential 98622  
treatment facility providing the educational program to the child. 98623

The amount of tuition paid shall be: 98624

(1) The amount of tuition determined for the district under 98625  
division (A) of section 3317.08 of the Revised Code; 98626

(2) In addition, for any student receiving special education 98627  
pursuant to an individualized education program as defined in 98628  
section 3323.01 of the Revised Code, a payment for excess costs. 98629  
This payment shall equal the actual cost to the school district, 98630  
educational service center, or residential treatment facility of 98631  
providing special education and related services to the student 98632  
pursuant to the student's individualized education program, minus 98633  
the tuition paid for the child under division (C)(1) of this 98634  
section. 98635

A school district paying tuition under this division shall 98636  
not include the child for whom tuition is paid in the district's 98637  
average daily membership certified under division (A) of section 98638  
3317.03 of the Revised Code. 98639

(D) In each of fiscal years 2022 and 2023, the Department of 98640  
Education shall reimburse, from appropriations made for the 98641  
purpose, a school district, educational service center, or 98642  
residential treatment facility, whichever is providing the 98643  
service, that has demonstrated that it is in compliance with the 98644  
funding criteria for each served child for whom a school district 98645  
must pay tuition under division (C) of this section. The amount of 98646  
the reimbursement shall be the amount appropriated for this 98647  
purpose divided by the full-time equivalent number of children for 98648  
whom reimbursement is to be made. 98649

(E) Funds provided to a school district, educational service 98650  
center, or residential treatment facility under this section shall 98651  
be used to supplement, not supplant, funds from other public 98652  
sources for which the school district, service center, or 98653  
residential treatment facility is entitled or eligible. 98654

(F) The Department of Education shall track the utilization 98655  
of funds provided to school districts, educational service 98656  
centers, and residential treatment facilities under this section 98657  
and monitor the effect of the funding on the educational programs 98658  
they provide in participating residential treatment facilities. 98659  
The Department shall monitor the programs for educational 98660  
accountability. 98661

**Section 265.490.** Upon receipt of federal funds under Title 98662  
IV, Part A, Student Support and Academic Enrichment Grants, and 98663  
after payments are made pursuant to education programs included in 98664  
this block grant program, the Department shall direct any unused 98665  
funds to cover all or part of the cost of Advanced Placement tests 98666

and International Baccalaureate registration and exam fees for 98667  
low-income students. 98668

**Section 265.520.** (A) Notwithstanding anything in the Revised 98669  
Code to the contrary, the Superintendent of Public Instruction 98670  
shall not establish any new academic distress commissions for the 98671  
2021-2022 and 2022-2023 school years. 98672

(B) This section does not affect an academic distress 98673  
commission established prior to the effective date of this 98674  
section. 98675

**Section 265.530.** Not later than January 1, 2023, the 98676  
Department of Education, in consultation with the Department of 98677  
Higher Education, shall conduct a study on the results and 98678  
cost-effectiveness of the College Credit Plus Program, established 98679  
under Chapter 3365. of the Revised Code, and submit a report of 98680  
its findings to the Governor, the Speaker of the House of 98681  
Representatives, the President of the Senate, and the Director of 98682  
the Legislative Service Commission. The study shall include the 98683  
cost-effectiveness for secondary schools and participants under 98684  
the program, as well as whether participants in the program save 98685  
money on college tuition and reduce the amount of time to degree 98686  
completion. 98687

**Section 267.10.** ELC OHIO ELECTIONS COMMISSION 98688

General Revenue Fund 98689

|            |                    |    |         |    |         |       |
|------------|--------------------|----|---------|----|---------|-------|
| GRF 051321 | Operating Expenses | \$ | 394,765 | \$ | 394,765 | 98690 |
|------------|--------------------|----|---------|----|---------|-------|

|           |                      |    |         |    |         |       |
|-----------|----------------------|----|---------|----|---------|-------|
| TOTAL GRF | General Revenue Fund | \$ | 394,765 | \$ | 394,765 | 98691 |
|-----------|----------------------|----|---------|----|---------|-------|

Dedicated Purpose Fund Group 98692

|             |                   |    |         |    |         |       |
|-------------|-------------------|----|---------|----|---------|-------|
| 4P20 051601 | Operating Support | \$ | 207,460 | \$ | 207,460 | 98693 |
|-------------|-------------------|----|---------|----|---------|-------|

|           |                        |    |         |    |         |       |
|-----------|------------------------|----|---------|----|---------|-------|
| TOTAL DPF | Dedicated Purpose Fund | \$ | 207,460 | \$ | 207,460 | 98694 |
|-----------|------------------------|----|---------|----|---------|-------|

Group

TOTAL ALL BUDGET FUND GROUPS \$ 602,225 \$ 602,225 98695

**Section 269.10.** FUN STATE BOARD OF EMBALMERS AND FUNERAL 98697

DIRECTORS 98698

General Revenue Fund 98699

GRF 881500 Indigent Burial and \$ 1,000,000 \$ 1,000,000 98700

Cremation Support

TOTAL GRF General Revenue Fund \$ 1,000,000 \$ 1,000,000 98701

Dedicated Purpose Fund Group 98702

4K90 881609 Operating Expenses \$ 1,130,516 \$ 1,171,398 98703

TOTAL DPF Dedicated Purpose Fund \$ 1,130,516 \$ 1,171,398 98704

Group

TOTAL ALL BUDGET FUND GROUPS \$ 2,130,516 \$ 2,171,398 98705

**Section 271.10.** PAY EMPLOYEE BENEFITS FUND 98707

Fiduciary Fund Group 98708

1240 995673 Payroll Deductions \$ 849,020,267 \$ 874,490,874 98709

8060 995666 Accrued Leave Fund \$ 90,830,634 \$ 93,990,898 98710

8070 995667 Disability Fund \$ 25,839,844 \$ 26,225,104 98711

8080 995668 State Employee Health \$ 989,360,954 \$ 1,023,563,551 98712

Benefit Fund

8090 995669 Dependent Care \$ 4,477,000 \$ 4,477,000 98713

Spending Account

8100 995670 Life Insurance \$ 2,050,085 \$ 2,118,913 98714

Investment Fund

8110 995671 Parental Leave \$ 4,432,933 \$ 4,565,921 98715

Benefit Fund

8130 995672 Health Care Spending \$ 14,397,032 \$ 14,798,897 98716

Account

TOTAL FID Fiduciary Fund Group \$ 1,980,408,749 \$ 2,044,231,158 98717

TOTAL ALL BUDGET FUND GROUPS \$ 1,980,408,749 \$ 2,044,231,158 98718

Section 271.20. PAYROLL DEDUCTION FUND 98720

The foregoing appropriation item 995673, Payroll Deductions, 98721  
shall be used to make payments from the Payroll Deduction Fund 98722  
(Fund 1240) pursuant to section 125.21 of the Revised Code. If it 98723  
is determined by the Director of Budget and Management that 98724  
additional amounts are necessary, the amounts are hereby 98725  
appropriated. 98726

ACCRUED LEAVE LIABILITY FUND 98727

The foregoing appropriation item 995666, Accrued Leave Fund, 98728  
shall be used to make payments from the Accrued Leave Liability 98729  
Fund (Fund 8060) pursuant to section 125.211 of the Revised Code. 98730  
If it is determined by the Director of Budget and Management that 98731  
additional amounts are necessary, the amounts are hereby 98732  
appropriated. 98733

STATE EMPLOYEE DISABILITY LEAVE BENEFIT FUND 98734

The foregoing appropriation item 995667, Disability Fund, 98735  
shall be used to make payments from the State Employee Disability 98736  
Leave Benefit Fund (Fund 8070) pursuant to section 124.83 of the 98737  
Revised Code. If it is determined by the Director of Budget and 98738  
Management that additional amounts are necessary, the amounts are 98739  
hereby appropriated. 98740

STATE EMPLOYEE HEALTH BENEFIT FUND 98741

The foregoing appropriation item 995668, State Employee 98742  
Health Benefit Fund, shall be used to make payments from the State 98743  
Employee Health Benefit Fund (Fund 8080) pursuant to section 98744  
124.87 of the Revised Code. If it is determined by the Director of 98745  
Budget and Management that additional amounts are necessary, the 98746  
amounts are hereby appropriated. 98747

DEPENDENT CARE SPENDING FUND 98748

The foregoing appropriation item 995669, Dependent Care 98749

Spending Account, shall be used to make payments from the 98750  
Dependent Care Spending Fund (Fund 8090) to employees eligible for 98751  
dependent care expenses pursuant to section 124.822 of the Revised 98752  
Code. If it is determined by the Director of Budget and Management 98753  
that additional amounts are necessary, the amounts are hereby 98754  
appropriated. 98755

LIFE INSURANCE INVESTMENT FUND 98756

The foregoing appropriation item 995670, Life Insurance 98757  
Investment Fund, shall be used to make payments from the Life 98758  
Insurance Investment Fund (Fund 8100) for the costs and expenses 98759  
of the state's life insurance benefit program pursuant to section 98760  
125.212 of the Revised Code. If it is determined by the Director 98761  
of Budget and Management that additional amounts are necessary, 98762  
the amounts are hereby appropriated. 98763

PARENTAL LEAVE BENEFIT FUND 98764

The foregoing appropriation item 995671, Parental Leave 98765  
Benefit Fund, shall be used to make payments from the Parental 98766  
Leave Benefit Fund (Fund 8110) to employees eligible for parental 98767  
leave benefits pursuant to section 124.137 of the Revised Code. If 98768  
it is determined by the Director of Budget and Management that 98769  
additional amounts are necessary, the amounts are hereby 98770  
appropriated. 98771

HEALTH CARE SPENDING ACCOUNT FUND 98772

The foregoing appropriation item 995672, Health Care Spending 98773  
Account, shall be used to make payments from the Health Care 98774  
Spending Account Fund (Fund 8130) for payments pursuant to state 98775  
employees' participation in a flexible spending account for 98776  
non-reimbursed health care expenses and section 124.821 of the 98777  
Revised Code. If it is determined by the Director of Budget and 98778  
Management that additional amounts are necessary, the amounts are 98779  
hereby appropriated. 98780

|                                                                       |                               |              |              |       |
|-----------------------------------------------------------------------|-------------------------------|--------------|--------------|-------|
| <b>Section 273.10. ERB STATE EMPLOYMENT RELATIONS BOARD</b>           |                               |              |              | 98781 |
| General Revenue Fund                                                  |                               |              |              | 98782 |
| GRF 125321                                                            | Operating Expenses            | \$ 4,111,118 | \$ 4,216,551 | 98783 |
| TOTAL GRF General Revenue Fund                                        |                               |              |              | 98784 |
| Dedicated Purpose Fund Group                                          |                               |              |              | 98785 |
| 5720 125603                                                           | Training and Publications     | \$ 172,160   | \$ 242,173   | 98786 |
| TOTAL DPF Dedicated Purpose Fund                                      |                               |              |              | 98787 |
| Group                                                                 |                               |              |              |       |
| TOTAL ALL BUDGET FUND GROUPS                                          |                               |              |              | 98788 |
| <br><b>Section 275.10. ENG STATE BOARD OF ENGINEERS AND SURVEYORS</b> |                               |              |              | 98790 |
| Dedicated Purpose Fund Group                                          |                               |              |              | 98791 |
| 4K90 892609                                                           | Operating Expenses            | \$ 1,312,259 | \$ 1,312,259 | 98792 |
| TOTAL DPF Dedicated Purpose Fund                                      |                               |              |              | 98793 |
| Group                                                                 |                               |              |              |       |
| TOTAL ALL BUDGET FUND GROUPS                                          |                               |              |              | 98794 |
| <br><b>Section 277.10. EPA ENVIRONMENTAL PROTECTION AGENCY</b>        |                               |              |              | 98796 |
| General Revenue Fund                                                  |                               |              |              | 98797 |
| GRF 715404                                                            | Recycling Projects            | \$ 60,000    | \$ 10,000    | 98798 |
| GRF 715502                                                            | Auto Emissions                | \$ 9,125,482 | \$ 9,125,482 | 98799 |
| E-Check Program                                                       |                               |              |              |       |
| TOTAL GRF General Revenue Fund                                        |                               |              |              | 98800 |
| Dedicated Purpose Fund Group                                          |                               |              |              | 98801 |
| 4D50 715618                                                           | Recycled State Materials      | \$ 50,000    | \$ 50,000    | 98802 |
| 4J00 715638                                                           | Underground Injection Control | \$ 456,891   | \$ 464,794   | 98803 |
| 4K20 715648                                                           | Clean Air - Non Title         | \$ 5,317,000 | \$ 5,317,000 | 98804 |

|      |        |                                        |    |            |    |            |       |
|------|--------|----------------------------------------|----|------------|----|------------|-------|
| 4K30 | 715649 | Solid Waste                            | \$ | 15,604,074 | \$ | 16,603,928 | 98805 |
| 4K40 | 715650 | Surface Water<br>Protection            | \$ | 11,375,000 | \$ | 11,565,000 | 98806 |
| 4K50 | 715651 | Drinking Water<br>Protection           | \$ | 7,751,598  | \$ | 8,429,640  | 98807 |
| 4P50 | 715654 | Cozart Landfill                        | \$ | 10,000     | \$ | 10,000     | 98808 |
| 4R50 | 715656 | Scrap Tire Management                  | \$ | 3,410,366  | \$ | 3,570,259  | 98809 |
| 4R90 | 715658 | Voluntary Action<br>Program            | \$ | 1,074,027  | \$ | 1,089,245  | 98810 |
| 4T30 | 715659 | Clean Air - Title V<br>Permit Program  | \$ | 10,274,000 | \$ | 10,284,000 | 98811 |
| 5000 | 715608 | Immediate Removal<br>Special Account   | \$ | 722,000    | \$ | 722,000    | 98812 |
| 5030 | 715621 | Hazardous Waste<br>Facility Management | \$ | 4,755,552  | \$ | 5,125,120  | 98813 |
| 5050 | 715623 | Hazardous Waste<br>Cleanup             | \$ | 10,557,535 | \$ | 11,017,788 | 98814 |
| 5050 | 715698 | Response and<br>Investigations         | \$ | 3,380,000  | \$ | 3,450,000  | 98815 |
| 5320 | 715646 | Recycling and Litter<br>Control        | \$ | 4,598,000  | \$ | 4,598,000  | 98816 |
| 5410 | 715670 | Site Specific Cleanup                  | \$ | 771,192    | \$ | 771,192    | 98817 |
| 5420 | 715671 | Risk Management<br>Reporting           | \$ | 210,000    | \$ | 210,000    | 98818 |
| 5860 | 715637 | Scrap Tire Market<br>Development       | \$ | 1,000,000  | \$ | 1,000,000  | 98819 |
| 5BC0 | 715622 | Local Air Pollution<br>Control         | \$ | 2,100,000  | \$ | 2,100,000  | 98820 |
| 5BC0 | 715624 | Surface Water                          | \$ | 6,606,600  | \$ | 6,606,600  | 98821 |
| 5BC0 | 715672 | Air Pollution Control                  | \$ | 8,647,800  | \$ | 8,647,800  | 98822 |
| 5BC0 | 715673 | Drinking and Ground<br>Water           | \$ | 3,769,815  | \$ | 3,769,815  | 98823 |
| 5BC0 | 715676 | Assistance and                         | \$ | 1,968,750  | \$ | 1,968,750  | 98824 |

|      |        |                       |    |            |    |            |       |
|------|--------|-----------------------|----|------------|----|------------|-------|
|      |        | Prevention            |    |            |    |            |       |
| 5BC0 | 715677 | Laboratory            | \$ | 3,495,450  | \$ | 3,495,450  | 98825 |
| 5BC0 | 715678 | Corrective Actions    | \$ | 1,176,000  | \$ | 1,176,000  | 98826 |
| 5BC0 | 715687 | Areawide Planning     | \$ | 450,000    | \$ | 450,000    | 98827 |
|      |        | Agencies              |    |            |    |            |       |
| 5BC0 | 715692 | Administration        | \$ | 16,213,250 | \$ | 15,923,250 | 98828 |
| 5BC0 | 715694 | Environmental         | \$ | 788,000    | \$ | 793,000    | 98829 |
|      |        | Resource Coordination |    |            |    |            |       |
| 5BT0 | 715679 | C&DD Groundwater      | \$ | 225,000    | \$ | 225,000    | 98830 |
|      |        | Monitoring            |    |            |    |            |       |
| 5BY0 | 715681 | Auto Emissions Test   | \$ | 2,670,826  | \$ | 2,694,826  | 98831 |
| 5H40 | 715664 | Groundwater Support   | \$ | 332,000    | \$ | 332,000    | 98832 |
| 5PZ0 | 715696 | Drinking Water Loan   | \$ | 2,081,245  | \$ | 2,088,650  | 98833 |
|      |        | Fee                   |    |            |    |            |       |
| 5VA0 | 715601 | Marsh Restoration     | \$ | 750,000    | \$ | 750,000    | 98834 |
| 5Y30 | 715685 | Surface Water         | \$ | 500,000    | \$ | 500,000    | 98835 |
|      |        | Improvement           |    |            |    |            |       |
| 6440 | 715631 | Emergency Response    | \$ | 325,370    | \$ | 332,287    | 98836 |
|      |        | Radiological Safety   |    |            |    |            |       |
| 6760 | 715642 | Water Pollution       | \$ | 5,055,000  | \$ | 5,455,000  | 98837 |
|      |        | Control Loan          |    |            |    |            |       |
|      |        | Administration        |    |            |    |            |       |
| 6760 | 715699 | Water Quality         | \$ | 4,100,000  | \$ | 4,223,000  | 98838 |
|      |        | Administration        |    |            |    |            |       |
| 6780 | 715635 | Air Toxic Release     | \$ | 20,000     | \$ | 0          | 98839 |
| 6790 | 715636 | Emergency Planning    | \$ | 2,864,000  | \$ | 2,864,000  | 98840 |
| 6960 | 715643 | Air Pollution Control | \$ | 1,002,000  | \$ | 1,002,000  | 98841 |
|      |        | Administration        |    |            |    |            |       |
| 6990 | 715644 | Water Pollution       | \$ | 300,000    | \$ | 300,000    | 98842 |
|      |        | Control               |    |            |    |            |       |
|      |        | Administration        |    |            |    |            |       |
| 6A10 | 715645 | Environmental         | \$ | 300,000    | \$ | 300,000    | 98843 |
|      |        | Education             |    |            |    |            |       |

|                                      |                           |                       |    |             |    |             |       |
|--------------------------------------|---------------------------|-----------------------|----|-------------|----|-------------|-------|
| 6H20                                 | 715695                    | H2Ohio                | \$ | 10,000,000  | \$ | 10,000,000  | 98844 |
| TOTAL DPF                            | Dedicated Purpose Fund    |                       | \$ | 157,058,341 | \$ | 160,275,394 | 98845 |
| Group                                |                           |                       |    |             |    |             |       |
| Internal Service Activity Fund Group |                           |                       |    |             |    |             | 98846 |
| 1990                                 | 715602                    | Laboratory Services   | \$ | 533,000     | \$ | 533,000     | 98847 |
| 2190                                 | 715604                    | Central Support       | \$ | 8,075,000   | \$ | 8,675,000   | 98848 |
| Indirect                             |                           |                       |    |             |    |             |       |
| 4A10                                 | 715640                    | Operating Expenses    | \$ | 1,418,000   | \$ | 1,443,000   | 98849 |
| TOTAL ISA                            | Internal Service Activity |                       | \$ | 10,026,000  | \$ | 10,651,000  | 98850 |
| Fund Group                           |                           |                       |    |             |    |             |       |
| Federal Fund Group                   |                           |                       |    |             |    |             | 98851 |
| 3530                                 | 715612                    | Public Water Supply   | \$ | 2,150,000   | \$ | 2,150,000   | 98852 |
| 3570                                 | 715619                    | Air Pollution Control | \$ | 6,115,000   | \$ | 6,115,000   | 98853 |
| - Federal                            |                           |                       |    |             |    |             |       |
| 3620                                 | 715605                    | Underground Injection | \$ | 133,000     | \$ | 133,000     | 98854 |
| Control - Federal                    |                           |                       |    |             |    |             |       |
| 3BU0                                 | 715684                    | Water Quality         | \$ | 15,570,000  | \$ | 15,625,000  | 98855 |
| Protection                           |                           |                       |    |             |    |             |       |
| 3CS0                                 | 715688                    | Federal NRD           | \$ | 201,000     | \$ | 201,000     | 98856 |
| Settlements                          |                           |                       |    |             |    |             |       |
| 3F30                                 | 715632                    | Federally Supported   | \$ | 8,137,195   | \$ | 8,218,775   | 98857 |
| Cleanup and Response                 |                           |                       |    |             |    |             |       |
| 3HE0                                 | 715697                    | Volkswagen Clean Air  | \$ | 10,766,500  | \$ | 5,876,500   | 98858 |
| Act Settlement                       |                           |                       |    |             |    |             |       |
| 3T30                                 | 715669                    | Drinking Water State  | \$ | 3,141,500   | \$ | 3,148,130   | 98859 |
| Revolving Fund                       |                           |                       |    |             |    |             |       |
| 3V70                                 | 715606                    | Agencywide Grants     | \$ | 700,000     | \$ | 700,000     | 98860 |
| TOTAL FED                            | Federal Fund Group        |                       | \$ | 46,914,195  | \$ | 42,167,405  | 98861 |
| TOTAL ALL BUDGET FUND GROUPS         |                           |                       | \$ | 223,184,018 | \$ | 222,229,281 | 98862 |

**Section 277.20. RECYCLING PROJECTS** 98864

The foregoing appropriation item 715404, Recycling Projects, 98865

shall be distributed to the Geauga-Trumbull Solid Waste Management District for recycling expanded polystyrene. 98866  
98867

CASH TRANSFER TO THE AUTO EMISSIONS TEST FUND FROM THE SCRAP TIRE MANAGEMENT FUND 98868  
98869

The Director of Budget and Management, at the request of the Director of Environmental Protection, and upon approval by the Controlling Board, may transfer up to \$2,700,000 cash in each fiscal year from the Scrap Tire Management Fund (Fund 4R50) to the Auto Emissions Test Fund (Fund 5BY0). 98870  
98871  
98872  
98873  
98874

AREAWIDE PLANNING AGENCIES 98875

The Director of Environmental Protection may award grants from appropriation item 715687, Areawide Planning Agencies, to areawide planning agencies engaged in areawide water quality management and planning activities in accordance with Section 208 of the "Federal Clean Water Act," 33 U.S.C. 1288. 98876  
98877  
98878  
98879  
98880

H2OHIO FUND 98881

On July 1, 2022, or as soon as possible thereafter, the Director of Environmental Protection may certify to the Director of Budget and Management an amount up to the unexpended, unencumbered balance of the foregoing appropriation item, 715695, H2Ohio, at the end of fiscal year 2022 to be reappropriated in fiscal year 2023. Upon Controlling Board approval, the amount certified is hereby reappropriated to the same appropriation item for fiscal year 2023. 98882  
98883  
98884  
98885  
98886  
98887  
98888  
98889

**Section 279.10.** EBR ENVIRONMENTAL REVIEW APPEALS COMMISSION 98890

General Revenue Fund 98891

|                               |    |         |    |         |       |
|-------------------------------|----|---------|----|---------|-------|
| GRF 172321 Operating Expenses | \$ | 651,000 | \$ | 651,000 | 98892 |
|-------------------------------|----|---------|----|---------|-------|

|                                |    |         |    |         |       |
|--------------------------------|----|---------|----|---------|-------|
| TOTAL GRF General Revenue Fund | \$ | 651,000 | \$ | 651,000 | 98893 |
|--------------------------------|----|---------|----|---------|-------|

|                              |    |         |    |         |       |
|------------------------------|----|---------|----|---------|-------|
| TOTAL ALL BUDGET FUND GROUPS | \$ | 651,000 | \$ | 651,000 | 98894 |
|------------------------------|----|---------|----|---------|-------|

|                                                                    |                           |                      |                             |       |
|--------------------------------------------------------------------|---------------------------|----------------------|-----------------------------|-------|
| <b>Section 281.10. ETC BROADCAST EDUCATIONAL MEDIA COMMISSION</b>  |                           |                      |                             | 98896 |
| General Revenue Fund                                               |                           |                      |                             | 98897 |
| GRF                                                                | 935401                    | Statehouse News      | \$ 382,893 \$ 382,893       | 98898 |
| Bureau                                                             |                           |                      |                             |       |
| GRF                                                                | 935402                    | Ohio Government      | \$ 1,919,526 \$ 1,919,526   | 98899 |
| Telecommunications                                                 |                           |                      |                             |       |
| Services                                                           |                           |                      |                             |       |
| GRF                                                                | 935410                    | Content Development, | \$ 3,909,231 \$ 3,909,231   | 98900 |
| Acquisition, and                                                   |                           |                      |                             |       |
| Distribution                                                       |                           |                      |                             |       |
| GRF                                                                | 935430                    | Broadcast Education  | \$ 3,812,325 \$ 3,840,067   | 98901 |
| Operating                                                          |                           |                      |                             |       |
| TOTAL GRF                                                          | General Revenue Fund      |                      | \$ 10,023,975 \$ 10,051,717 | 98902 |
| Dedicated Purpose Fund Group                                       |                           |                      |                             | 98903 |
| 5FK0                                                               | 935608                    | Media Services       | \$ 61,500 \$ 61,500         | 98904 |
| 5VB0                                                               | 935650                    | Facility Rental      | \$ 22,400 \$ 23,600         | 98905 |
| TOTAL DPF                                                          | Dedicated Purpose Fund    |                      | \$ 83,900 \$ 85,100         | 98906 |
| Internal Service Activity Fund Group                               |                           |                      |                             | 98907 |
| 4F30                                                               | 935603                    | Affiliate Services   | \$ 4,000 \$ 4,400           | 98908 |
| TOTAL ISA                                                          | Internal Service Activity |                      | \$ 4,000 \$ 4,400           | 98909 |
| Fund                                                               |                           |                      |                             |       |
| TOTAL ALL BUDGET FUND GROUPS                                       |                           |                      | \$ 10,111,875 \$ 10,141,217 | 98910 |
| <br><b>Section 281.20. STATEHOUSE NEWS BUREAU</b>                  |                           |                      |                             | 98912 |
| The foregoing appropriation item 935401, Statehouse News           |                           |                      |                             | 98913 |
| Bureau, shall be used solely to support the operations of the Ohio |                           |                      |                             | 98914 |
| Statehouse News Bureau.                                            |                           |                      |                             | 98915 |
| <br>OHIO GOVERNMENT TELECOMMUNICATIONS SERVICES                    |                           |                      |                             | 98916 |
| The foregoing appropriation item 935402, Ohio Government           |                           |                      |                             | 98917 |
| Telecommunications Services, shall be used solely to support the   |                           |                      |                             | 98918 |
| operations of Ohio Government Telecommunications Services which    |                           |                      |                             | 98919 |

include providing multimedia support to the state government and 98920  
its affiliated organizations and broadcasting the activities of 98921  
the legislative, judicial, and executive branches of state 98922  
government, among its other functions. 98923

CONTENT DEVELOPMENT, ACQUISITION, AND DISTRIBUTION 98924

The foregoing appropriation item 935410, Content Development, 98925  
Acquisition, and Distribution, shall be used for the development, 98926  
acquisition, and distribution of information resources by public 98927  
media and radio reading services and for educational use in the 98928  
classroom and online. 98929

Of the foregoing appropriation item 935410, Content 98930  
Development, Acquisition, and Distribution, up to \$964,496 in each 98931  
fiscal year shall be allocated equally among the Ohio educational 98932  
television stations. Funds shall be used for the production of 98933  
interactive instructional programming series with priority given 98934  
to resources aligned with state academic content standards. The 98935  
programming shall be targeted to the needs of the one-third lowest 98936  
capacity school districts as determined by the district's state 98937  
share index calculated by the Department of Education. 98938

Of the foregoing appropriation item 935410, Content 98939  
Development, Acquisition, and Distribution, up to \$2,650,261 in 98940  
each fiscal year shall be distributed by the Broadcast Educational 98941  
Media Commission to Ohio's qualified public educational television 98942  
stations and educational radio stations to support their 98943  
operations. The funds shall be distributed pursuant to an 98944  
allocation formula used by the Ohio Educational Telecommunications 98945  
Network Commission unless a substitute formula is developed by the 98946  
Broadcast Educational Media Commission in consultation with Ohio's 98947  
qualified public educational television stations and educational 98948  
radio stations. 98949

Of the foregoing appropriation item 935410, Content 98950

Development, Acquisition, and Distribution, up to \$294,474 in each 98951  
 fiscal year shall be distributed by the Broadcast Educational 98952  
 Media Commission to Ohio's qualified radio reading services to 98953  
 support their operations. The funds shall be distributed pursuant 98954  
 to an allocation formula used by the Ohio Educational 98955  
 Telecommunications Network Commission unless a substitute formula 98956  
 is developed by the Broadcast Educational Media Commission in 98957  
 consultation with Ohio's qualified radio reading services. 98958

**Section 283.10. ETH OHIO ETHICS COMMISSION** 98959

General Revenue Fund 98960

|            |                      |    |           |    |           |       |
|------------|----------------------|----|-----------|----|-----------|-------|
| GRF 146321 | Operating Expenses   | \$ | 2,120,515 | \$ | 2,120,515 | 98961 |
| TOTAL GRF  | General Revenue Fund | \$ | 2,120,515 | \$ | 2,120,515 | 98962 |

Dedicated Purpose Fund Group 98963

|             |                        |    |         |    |         |       |
|-------------|------------------------|----|---------|----|---------|-------|
| 4M60 146601 | Operating Support      | \$ | 585,539 | \$ | 645,443 | 98964 |
| TOTAL DPF   | Dedicated Purpose Fund | \$ | 585,539 | \$ | 645,443 | 98965 |

Group

|                              |  |    |           |    |           |       |
|------------------------------|--|----|-----------|----|-----------|-------|
| TOTAL ALL BUDGET FUND GROUPS |  | \$ | 2,706,054 | \$ | 2,765,958 | 98966 |
|------------------------------|--|----|-----------|----|-----------|-------|

**Section 285.10. EXP OHIO EXPOSITIONS COMMISSION** 98968

General Revenue Fund 98969

|            |                      |    |         |    |         |       |
|------------|----------------------|----|---------|----|---------|-------|
| GRF 723403 | Junior Fair Subsidy  | \$ | 261,900 | \$ | 363,750 | 98970 |
| TOTAL GRF  | General Revenue Fund | \$ | 261,900 | \$ | 363,750 | 98971 |

Dedicated Purpose Fund Group 98972

|             |                 |    |         |    |         |       |
|-------------|-----------------|----|---------|----|---------|-------|
| 4N20 723602 | Ohio State Fair | \$ | 325,000 | \$ | 325,000 | 98973 |
|             | Harness Racing  |    |         |    |         |       |

|             |                    |    |            |    |            |       |
|-------------|--------------------|----|------------|----|------------|-------|
| 5060 723601 | Operating Expenses | \$ | 15,179,189 | \$ | 15,953,148 | 98974 |
|-------------|--------------------|----|------------|----|------------|-------|

|             |                     |    |         |    |         |       |
|-------------|---------------------|----|---------|----|---------|-------|
| 5060 723604 | Grounds Maintenance | \$ | 300,000 | \$ | 300,000 | 98975 |
|-------------|---------------------|----|---------|----|---------|-------|

and Repairs

|           |                        |    |            |    |            |       |
|-----------|------------------------|----|------------|----|------------|-------|
| TOTAL DPF | Dedicated Purpose Fund | \$ | 15,804,189 | \$ | 16,578,148 | 98976 |
|-----------|------------------------|----|------------|----|------------|-------|

Group

|                              |  |    |            |    |            |       |
|------------------------------|--|----|------------|----|------------|-------|
| TOTAL ALL BUDGET FUND GROUPS |  | \$ | 16,066,089 | \$ | 16,941,898 | 98977 |
|------------------------------|--|----|------------|----|------------|-------|

|                                                                    |    |             |    |             |       |
|--------------------------------------------------------------------|----|-------------|----|-------------|-------|
| STATE FAIR RESERVE                                                 |    |             |    |             | 98978 |
| The General Manager of the Expositions Commission, in              |    |             |    |             | 98979 |
| consultation with the Director of Budget and Management, may       |    |             |    |             | 98980 |
| submit a request to the Controlling Board to use available amounts |    |             |    |             | 98981 |
| in the State Fair Reserve Fund (Fund 6400) if revenues from either |    |             |    |             | 98982 |
| the 2021 or the 2022 Ohio State Fair are unexpectedly low.         |    |             |    |             | 98983 |
| On July 1 of each fiscal year, or as soon as possible              |    |             |    |             | 98984 |
| thereafter, the Director of Budget and Management, in consultation |    |             |    |             | 98985 |
| with the General Manager of the Expositions Commission, may        |    |             |    |             | 98986 |
| determine that the Ohio Expositions Fund (Fund 5060) has a cash    |    |             |    |             | 98987 |
| balance in excess of the anticipated operating costs of the        |    |             |    |             | 98988 |
| Exposition Commission in that fiscal year. Notwithstanding section |    |             |    |             | 98989 |
| 991.04 of the Revised Code, the Director of Budget and Management  |    |             |    |             | 98990 |
| may transfer an amount up to the excess cash from Fund 5060 to     |    |             |    |             | 98991 |
| Fund 6400 in each fiscal year.                                     |    |             |    |             | 98992 |
| <b>Section 287.10. FCC OHIO FACILITIES CONSTRUCTION COMMISSION</b> |    |             |    |             | 98993 |
| General Revenue Fund                                               |    |             |    |             | 98994 |
| GRF 230321 Operating Expenses                                      | \$ | 6,449,865   | \$ | 6,769,488   | 98995 |
| GRF 230401 Cultural Facilities                                     | \$ | 22,000,000  | \$ | 28,000,000  | 98996 |
| Lease Rental Bond                                                  |    |             |    |             |       |
| Payments                                                           |    |             |    |             |       |
| GRF 230458 State Construction                                      | \$ | 1,924,111   | \$ | 1,962,955   | 98997 |
| Management Services                                                |    |             |    |             |       |
| GRF 230908 Common Schools                                          | \$ | 427,000,000 | \$ | 390,000,000 | 98998 |
| General Obligation                                                 |    |             |    |             |       |
| Bond Debt Service                                                  |    |             |    |             |       |
| TOTAL GRF General Revenue Fund                                     | \$ | 457,373,976 | \$ | 426,732,443 | 98999 |
| Internal Service Activity Fund Group                               |    |             |    |             | 99000 |
| 1310 230639 State Construction                                     | \$ | 8,257,500   | \$ | 8,546,513   | 99001 |
| Management Services                                                |    |             |    |             |       |

TOTAL ISA Internal Service Activity \$ 8,257,500 \$ 8,546,513 99002  
Fund

TOTAL ALL BUDGET FUND GROUPS \$ 465,631,476 \$ 435,278,956 99003

**Section 287.20.** CULTURAL FACILITIES LEASE RENTAL BOND 99005

PAYMENTS 99006

The foregoing appropriation item 230401, Cultural Facilities 99007  
Lease Rental Bond Payments, shall be used to meet all payments 99008  
during the period from July 1, 2021, through June 30, 2023, by the 99009  
Ohio Facilities Construction Commission pursuant to leases and 99010  
agreements for cultural and sports facilities made under section 99011  
154.23 of the Revised Code. These appropriations are the source of 99012  
funds pledged for bond service charges on related obligations 99013  
issued under Chapter 154. of the Revised Code. 99014

COMMON SCHOOLS GENERAL OBLIGATION BOND DEBT SERVICE 99015

The foregoing appropriation item 230908, Common Schools 99016  
General Obligation Bond Debt Service, shall be used to pay all 99017  
debt service and related financing costs during the period from 99018  
July 1, 2021, through June 30, 2023, on obligations issued under 99019  
sections 151.01 and 151.03 of the Revised Code. 99020

**Section 287.30.** COMMUNITY PROJECT ADMINISTRATION 99021

The foregoing appropriation item 230458, State Construction 99022  
Management Services, shall be used by the Ohio Facilities 99023  
Construction Commission in administering Cultural and Sports 99024  
Facilities Building Fund (Fund 7030) projects pursuant to section 99025  
123.201 of the Revised Code and to provide tools and services to 99026  
state agency, university, and K-12 public school projects, 99027  
including oversight of the Ohio Administrative Knowledge System 99028  
Capital Improvements Module (OAKS-CI). 99029

SCHOOL FACILITIES ENCUMBRANCES AND REAPPROPRIATION 99030

At the request of the Executive Director of the Ohio 99031

Facilities Construction Commission, the Director of Budget and 99032  
Management may cancel encumbrances for school district projects 99033  
from a previous biennium if the district has not raised its local 99034  
share of project costs within thirteen months of receiving 99035  
Controlling Board approval under section 3318.05 or 3318.41 of the 99036  
Revised Code. The Executive Director of the Ohio Facilities 99037  
Construction Commission shall certify the amounts of the canceled 99038  
encumbrances to the Director of Budget and Management on a 99039  
quarterly basis. The amounts of the canceled encumbrances are 99040  
hereby appropriated. 99041

**Section 287.40. CAPITAL DONATIONS FUND CERTIFICATIONS AND 99042**  
APPROPRIATIONS 99043

On July 1, 2021, or as soon as possible thereafter, the 99044  
Executive Director of the Ohio Facilities Construction Commission 99045  
shall certify to the Director of Budget and Management the amount 99046  
of cash receipts and related investment income, irrevocable 99047  
letters of credit from a bank, or certification of the 99048  
availability of funds that have been received from a county or a 99049  
municipal corporation for deposit into the Capital Donations Fund 99050  
(Fund 5A10) and that are related to an anticipated project. These 99051  
amounts are hereby appropriated to appropriation item C37146, 99052  
Capital Donations. Prior to certifying these amounts to the 99053  
Director, the Executive Director shall make a written agreement 99054  
with the participating entity on the necessary cash flows required 99055  
for the anticipated construction or equipment acquisition project. 99056

**Section 287.50. AMENDMENT TO PROJECT AGREEMENT FOR 99057**  
MAINTENANCE LEVY 99058

The Ohio Facilities Construction Commission shall amend the 99059  
project agreement between the Commission and a school district 99060  
that is participating in the Accelerated Urban School Building 99061

Assistance Program as of September 29, 2018, if the Commission 99062  
determines that it is necessary to do so in order to comply with 99063  
division (B)(3)(c) of section 3318.38 of the Revised Code. 99064

**Section 287.60.** Notwithstanding any other provision of law to 99065  
the contrary, the Ohio Facilities Construction Commission may 99066  
determine the amount of funding available for disbursement in a 99067  
given fiscal year for any project approved under sections 3318.01 99068  
to 3318.20 of the Revised Code in order to keep aggregate state 99069  
capital spending within approved limits and may take actions 99070  
including, but not limited to, determining the schedule for design 99071  
or bidding of approved projects, to ensure appropriate and 99072  
supportable cash flow. 99073

**Section 287.70.** ASSISTANCE TO JOINT VOCATIONAL SCHOOL 99074  
DISTRICT 99075

Notwithstanding division (B) of section 3318.40 of the 99076  
Revised Code, in each fiscal year in which funds are available for 99077  
additional projects, the Ohio Facilities Construction Commission 99078  
shall provide assistance to at least one joint vocational school 99079  
district for the acquisition or improvement of classroom 99080  
facilities in accordance with sections 3318.40 to 3318.45 of the 99081  
Revised Code. 99082

**Section 287.80.** RETURNED OR RECOVERED FUNDS 99083

Notwithstanding any provision of law to the contrary, any 99084  
moneys a school district transfers to the Ohio Facilities 99085  
Construction Commission under division (C)(2) or (3) of section 99086  
3318.12 of the Revised Code as well as any moneys recovered from 99087  
settlements with or judgments against parties relating to their 99088  
involvement in a classroom facilities project shall be deposited 99089  
into the fund from which the capital appropriation for the project 99090  
was made. In any fiscal year in which the Commission has made a 99091

deposit under this section, the Executive Director of the Ohio 99092  
Facilities Construction Commission may seek Controlling Board 99093  
approval to increase appropriations from those funds and specified 99094  
appropriation items in an amount equal to the amount of the funds 99095  
deposited under this section. The additional amounts, if approved, 99096  
shall be used in accordance with the purposes of Chapter 3318. of 99097  
the Revised Code for projects pursuant to sections 3318.01 to 99098  
3318.20 or sections 3318.40 to 3318.45 of the Revised Code. Upon 99099  
approval of the Controlling Board, the additional amounts are 99100  
hereby appropriated. 99101

**Section 289.10.** GOV OFFICE OF THE GOVERNOR 99102

General Revenue Fund 99103

GRF 040321 Operating Expenses \$ 2,973,034 \$ 2,973,034 99104

TOTAL GRF General Revenue Fund \$ 2,973,034 \$ 2,973,034 99105

Internal Service Activity Fund Group 99106

5AK0 040607 Government Relations \$ 619,988 \$ 619,988 99107

TOTAL ISA Internal Service Activity 99108

Fund Group \$ 619,988 \$ 619,988 99109

TOTAL ALL BUDGET FUND GROUPS \$ 3,593,022 \$ 3,593,022 99110

GOVERNMENT RELATIONS 99111

The Office of the Governor may issue an intrastate transfer 99112  
voucher to charge any state agency of the executive branch such 99113  
amounts necessary to represent the interests of Ohio to federal, 99114  
state, and local government units and to cover the costs or 99115  
membership dues related to Ohio's participation in national and 99116  
regional associations. Amounts collected shall be deposited in the 99117  
Government Relations Fund (Fund 5AK0). 99118

**Section 291.10.** DOH DEPARTMENT OF HEALTH 99119

General Revenue Fund 99120

|            |                                                            |    |            |    |            |       |
|------------|------------------------------------------------------------|----|------------|----|------------|-------|
| GRF 440413 | Local Health<br>Departments                                | \$ | 2,379,808  | \$ | 2,379,808  | 99121 |
| GRF 440416 | Mothers and Children<br>Safety Net Services                | \$ | 4,338,612  | \$ | 4,338,612  | 99122 |
| GRF 440431 | Free Clinic Safety Net<br>Services                         | \$ | 1,500,000  | \$ | 1,500,000  | 99123 |
| GRF 440438 | Breast and Cervical<br>Cancer Screening                    | \$ | 1,121,131  | \$ | 1,121,131  | 99124 |
| GRF 440444 | AIDS Prevention                                            | \$ | 3,493,468  | \$ | 3,493,468  | 99125 |
| GRF 440451 | Public Health<br>Laboratory                                | \$ | 3,672,005  | \$ | 3,672,005  | 99126 |
| GRF 440452 | Child and Family<br>Health Services Match                  | \$ | 589,482    | \$ | 589,482    | 99127 |
| GRF 440453 | Health Care Quality<br>Assurance                           | \$ | 6,084,936  | \$ | 6,084,936  | 99128 |
| GRF 440454 | Environmental<br>Health/Radiation<br>Protection            | \$ | 2,779,841  | \$ | 2,779,841  | 99129 |
| GRF 440459 | Help Me Grow                                               | \$ | 41,242,281 | \$ | 41,242,281 | 99130 |
| GRF 440465 | FQHC Primary Care<br>Workforce Initiative                  | \$ | 2,686,688  | \$ | 2,686,688  | 99131 |
| GRF 440472 | Alcohol Testing                                            | \$ | 1,210,805  | \$ | 1,210,805  | 99132 |
| GRF 440474 | Infant Vitality                                            | \$ | 17,637,292 | \$ | 12,137,292 | 99133 |
| GRF 440477 | Emergency Preparedness<br>and Response                     | \$ | 1,431,954  | \$ | 1,431,954  | 99134 |
| GRF 440481 | Lupus Awareness                                            | \$ | 210,000    | \$ | 210,000    | 99135 |
| GRF 440482 | Chronic Disease,<br>Injury Prevention and<br>Drug Overdose | \$ | 11,148,480 | \$ | 7,898,480  | 99136 |
| GRF 440483 | Infectious Disease<br>Prevention and Control               | \$ | 4,522,054  | \$ | 4,522,054  | 99137 |
| GRF 440484 | Public Health<br>Technology Innovation                     | \$ | 1,313,760  | \$ | 1,313,760  | 99138 |

|                                     |                                             |    |             |    |             |       |
|-------------------------------------|---------------------------------------------|----|-------------|----|-------------|-------|
| GRF 440485                          | Health Program Support                      | \$ | 125,000     | \$ | 125,000     | 99139 |
| GRF 440505                          | Medically Handicapped<br>Children           | \$ | 11,762,451  | \$ | 11,762,451  | 99140 |
| GRF 440507                          | Targeted Health Care<br>Services-Over 21    | \$ | 2,000,000   | \$ | 2,000,000   | 99141 |
| GRF 440527                          | Lead Abatement                              | \$ | 6,500,000   | \$ | 6,500,000   | 99142 |
| GRF 440529                          | Harm Reduction                              | \$ | 50,000      | \$ | 50,000      | 99143 |
| GRF 440530                          | Lead-Safe Home Fund<br>Pilot Program        | \$ | 1,000,000   | \$ | 1,000,000   | 99144 |
| GRF 440672                          | Youth Homelessness                          | \$ | 3,400,000   | \$ | 3,400,000   | 99145 |
| GRF 654453                          | Medicaid - Health Care<br>Quality Assurance | \$ | 4,246,250   | \$ | 4,246,250   | 99146 |
| TOTAL GRF General Revenue Fund      |                                             | \$ | 136,446,298 | \$ | 127,696,298 | 99147 |
| Highway Safety Fund Group           |                                             |    |             |    |             | 99148 |
| 4T40 440603                         | Child Highway Safety                        | \$ | 200,000     | \$ | 200,000     | 99149 |
| TOTAL HSF Highway Safety Fund Group |                                             | \$ | 200,000     | \$ | 200,000     | 99150 |
| Dedicated Purpose Fund Group        |                                             |    |             |    |             | 99151 |
| 4700 440647                         | Fee Supported Programs                      | \$ | 29,178,120  | \$ | 29,178,120  | 99152 |
| 4710 440619                         | Certificate of Need                         | \$ | 878,433     | \$ | 878,433     | 99153 |
| 4730 440622                         | Lab Operating Expenses                      | \$ | 8,900,000   | \$ | 8,900,000   | 99154 |
| 4770 440627                         | Medically Handicapped<br>Children Audit     | \$ | 5,000,000   | \$ | 5,000,000   | 99155 |
| 4D60 440608                         | Genetics Services                           | \$ | 3,311,039   | \$ | 3,311,039   | 99156 |
| 4F90 440610                         | Sickle Cell Disease<br>Control              | \$ | 1,032,824   | \$ | 1,032,824   | 99157 |
| 4G00 440636                         | Heirloom Birth<br>Certificate               | \$ | 15,000      | \$ | 15,000      | 99158 |
| 4G00 440637                         | Birth Certificate<br>Surcharge              | \$ | 15,000      | \$ | 15,000      | 99159 |
| 4L30 440609                         | HIV Care and<br>Miscellaneous Expenses      | \$ | 38,704,139  | \$ | 38,719,096  | 99160 |
| 4P40 440628                         | Ohio Physician Loan                         | \$ | 700,000     | \$ | 700,000     | 99161 |

|       |        |                                                           |    |             |    |                   |
|-------|--------|-----------------------------------------------------------|----|-------------|----|-------------------|
|       |        | Repayment                                                 |    |             |    |                   |
| 4V60  | 440641 | Save Our Sight                                            | \$ | 2,500,000   | \$ | 2,500,000 99162   |
| 5B50  | 440616 | Quality, Monitoring,<br>and Inspection                    | \$ | 736,194     | \$ | 736,194 99163     |
| 5BX0  | 440656 | Tobacco Use<br>Prevention, Cessation,<br>and Enforcement  | \$ | 14,500,000  | \$ | 14,500,000 99164  |
| 5CN0  | 440645 | Choose Life                                               | \$ | 80,000      | \$ | 80,000 99165      |
| 5CV1  | 440674 | Coronavirus Relief -<br>DOH                               | \$ | 4,200,000   | \$ | 0 99166           |
| 5D60  | 440620 | Second Chance Trust                                       | \$ | 1,000,000   | \$ | 1,000,000 99167   |
| 5ED0  | 440651 | Smoke Free Indoor Air                                     | \$ | 280,000     | \$ | 280,000 99168     |
| 5G40  | 440639 | Adoption Services                                         | \$ | 100,000     | \$ | 100,000 99169     |
| 5PE0  | 440659 | Breast and Cervical<br>Cancer Services                    | \$ | 500,000     | \$ | 500,000 99170     |
| 5QJ0  | 440662 | Dental Hygienist Loan<br>Repayments                       | \$ | 100,000     | \$ | 100,000 99171     |
| 5SH0  | 440520 | Children's Wish Grant<br>Program                          | \$ | 275,000     | \$ | 275,000 99172     |
| 5TZ0  | 440621 | Toxicology Screenings                                     | \$ | 1,000,000   | \$ | 1,000,000 99173   |
| 5Z70  | 440624 | Ohio Dentist Loan<br>Repayment                            | \$ | 275,000     | \$ | 275,000 99174     |
| 6100  | 440626 | Radiation Emergency<br>Response                           | \$ | 1,300,000   | \$ | 1,300,000 99175   |
| 6660  | 440607 | Medically Handicapped<br>Children - County<br>Assessments | \$ | 24,000,000  | \$ | 24,000,000 99176  |
| 6980  | 440634 | Nurse Aide Training                                       | \$ | 125,000     | \$ | 125,000 99177     |
| TOTAL | DPF    | Dedicated Purpose Fund<br>Group                           | \$ | 138,705,749 | \$ | 134,520,706 99178 |
|       |        | Internal Service Activity Fund Group                      |    |             |    | 99179             |
| 1420  | 440646 | Agency Health<br>Services                                 | \$ | 5,000,000   | \$ | 5,000,000 99180   |

|                    |        |                           |    |             |    |             |       |
|--------------------|--------|---------------------------|----|-------------|----|-------------|-------|
| 2110               | 440613 | Central Support           | \$ | 29,750,000  | \$ | 29,750,000  | 99181 |
|                    |        | Indirect Costs            |    |             |    |             |       |
| TOTAL ISA          |        | Internal Service Activity | \$ | 34,750,000  | \$ | 34,750,000  | 99182 |
| Fund Group         |        |                           |    |             |    |             |       |
| Holding Account    |        | Fund Group                |    |             |    |             | 99183 |
| R014               | 440631 | Vital Statistics          | \$ | 44,986      | \$ | 44,986      | 99184 |
| R048               | 440625 | Refunds, Grants           | \$ | 20,000      | \$ | 20,000      | 99185 |
|                    |        | Reconciliation, and       |    |             |    |             |       |
|                    |        | Audit Settlements         |    |             |    |             |       |
| TOTAL HLD          |        | Holding Account Fund      | \$ | 64,986      | \$ | 64,986      | 99186 |
| Group              |        |                           |    |             |    |             |       |
| Federal Fund Group |        |                           |    |             |    |             | 99187 |
| 3200               | 440601 | Maternal Child Health     | \$ | 25,000,000  | \$ | 25,000,000  | 99188 |
|                    |        | Block Grant               |    |             |    |             |       |
| 3870               | 440602 | Preventive Health         | \$ | 9,750,000   | \$ | 9,750,000   | 99189 |
|                    |        | Block Grant               |    |             |    |             |       |
| 3890               | 440604 | Women, Infants, and       | \$ | 220,000,000 | \$ | 220,000,000 | 99190 |
|                    |        | Children                  |    |             |    |             |       |
| 3910               | 440606 | Medicare Survey and       | \$ | 19,300,000  | \$ | 19,300,000  | 99191 |
|                    |        | Certification             |    |             |    |             |       |
| 3920               | 440618 | Federal Public Health     | \$ | 105,000,000 | \$ | 105,000,000 | 99192 |
|                    |        | Programs                  |    |             |    |             |       |
| 3GD0               | 654601 | Medicaid Program          | \$ | 36,040,949  | \$ | 36,040,949  | 99193 |
|                    |        | Support                   |    |             |    |             |       |
| 3GN0               | 440660 | Public Health             | \$ | 26,500,000  | \$ | 26,500,000  | 99194 |
|                    |        | Emergency                 |    |             |    |             |       |
|                    |        | Preparedness              |    |             |    |             |       |
| 3HP0               | 440673 | Public Health             | \$ | 350,000,000 | \$ | 150,000,000 | 99195 |
|                    |        | Emergency Response        |    |             |    |             |       |
| 3HV0               | 440679 | COVID-19 Vaccines         | \$ | 50,000,000  | \$ | 0           | 99196 |
|                    |        | Distribution and          |    |             |    |             |       |
|                    |        | Administration            |    |             |    |             |       |

|                              |                  |                |       |
|------------------------------|------------------|----------------|-------|
| TOTAL FED Federal Fund Group | \$ 841,590,949   | \$ 591,590,949 | 99197 |
| TOTAL ALL BUDGET FUND GROUPS | \$ 1,151,757,982 | \$ 888,822,939 | 99198 |

**Section 291.20.** MOTHERS AND CHILDREN SAFETY NET SERVICES 99200

Of the foregoing appropriation item 440416, Mothers and 99201  
Children Safety Net Services, \$50,000 in each fiscal year shall be 99202  
distributed to the Trumbull County chapter of Sleep in Heavenly 99203  
Peace, Inc. 99204

Of the foregoing appropriation item 440416, Mothers and 99205  
Children Safety Net Services, up to \$200,000 in each fiscal year 99206  
may be used to assist families with hearing-impaired children 99207  
under twenty-one years of age in purchasing hearing aids and 99208  
hearing assistive technology. The Director of Health shall adopt 99209  
rules governing the distribution of these funds, including rules 99210  
that do both of the following: (1) establish eligibility criteria 99211  
to include families with incomes at or below four hundred per cent 99212  
of the federal poverty guidelines as defined in section 5101.46 of 99213  
the Revised Code, and (2) develop a sliding scale of disbursements 99214  
under this section based on family income. The Director may adopt 99215  
other rules as necessary to implement this section. Rules adopted 99216  
under this section shall be adopted in accordance with Chapter 99217  
119. of the Revised Code. 99218

FREE CLINIC SAFETY NET SERVICES 99219

The foregoing appropriation item 440431, Free Clinic Safety 99220  
Net Services, shall be provided to the Charitable Healthcare 99221  
Network. Funds may be used to reimburse free clinics for health 99222  
care services provided, as well as for administrative services, 99223  
information technology costs, infrastructure repair, or other 99224  
clinic necessities. Additionally, the Director of Health may 99225  
designate up to five per cent of the appropriation in each fiscal 99226  
year to pay the administrative costs the Department of Health 99227  
incurs for operating the program. 99228

BREAST AND CERVICAL CANCER SCREENING 99229

Of the foregoing appropriation item 440438, Breast and 99230  
Cervical Cancer Screening, \$100,000 in each fiscal year shall be 99231  
used in accordance with section 3701.145 of the Revised Code to 99232  
ensure treatment for breast or cervical cancer for eligible women. 99233

On July 1, 2022, or as soon as possible thereafter, the 99234  
Director of Health shall certify to the Director of Budget and 99235  
Management the amount of the unexpended, unencumbered balance of 99236  
this earmark at the end of fiscal year 2022. The amount certified 99237  
is hereby reappropriated to the same appropriation item for fiscal 99238  
year 2023 to be used for the same purpose. 99239

AIDS PREVENTION 99240

The foregoing appropriation item 440444, AIDS Prevention, 99241  
shall be used to administer educational and other prevention 99242  
initiatives. 99243

FQHC PRIMARY CARE WORKFORCE INITIATIVE 99244

The foregoing appropriation item 440465, FQHC Primary Care 99245  
Workforce Initiative, shall be provided to the Ohio Association of 99246  
Community Health Centers to administer the FQHC Primary Care 99247  
Workforce Initiative. The Initiative shall provide medical, 99248  
dental, behavioral health, physician assistant, and advanced 99249  
practice nursing students with clinical rotations through 99250  
federally qualified health centers. 99251

INFANT VITALITY 99252

Of the foregoing appropriation item, 440474, Infant Vitality, 99253  
up to \$5,000,000 in fiscal year 2022 shall be used, in 99254  
consultation with the Governor's Office of Children's Initiatives, 99255  
to support programming by community and local faith-based service 99256  
providers that invests in maternal health programs, provides 99257  
services and support to pregnant mothers, and improves both 99258

maternal and infant health outcomes. 99259

Of the foregoing appropriation item 440474, Infant Vitality, 99260  
up to \$500,000 in fiscal year 2022 shall be used, in consultation 99261  
with the Department of Medicaid, to develop a universal needs 99262  
assessment to identify and provide needed health and wraparound 99263  
supports for vulnerable women. 99264

The remainder of appropriation item 440474, Infant Vitality, 99265  
shall be used to fund a multi-pronged population health approach 99266  
to address infant mortality. This approach may include the 99267  
following: increasing awareness, including awareness regarding 99268  
respiratory syncytial virus; supporting data collection; analysis 99269  
and interpretation to inform decision-making and ensure 99270  
accountability; targeting resources where the need is greatest; 99271  
and implementing quality improvement science and programming that 99272  
is evidence-based or based on emerging practices. Measurable 99273  
interventions may include activities related to safe sleep, 99274  
community engagement, Centering Pregnancy, newborn screening, safe 99275  
birth spacing, gestational diabetes, smoking cessation, 99276  
breastfeeding, care coordination, and progesterone. 99277

EMERGENCY PREPAREDNESS AND RESPONSE 99278

The foregoing appropriation item 440477, Emergency 99279  
Preparedness and Response, shall be used to support public health 99280  
emergency preparedness and response efforts. This appropriation 99281  
may also be used to support data infrastructure projects and other 99282  
data analysis and analytics work. 99283

LUPUS AWARENESS 99284

The foregoing appropriation item 440481, Lupus Awareness, 99285  
shall be distributed to the Lupus Foundation of America, Greater 99286  
Ohio Chapter, Inc., to operate a lupus education and awareness 99287  
program. 99288

CHRONIC DISEASE, INJURY PREVENTION AND DRUG OVERDOSE 99289

Of the foregoing appropriation item 440482, Chronic Disease, 99290  
Injury Prevention and Drug Overdose, up to \$3,000,000 in fiscal 99291  
year 2022 shall be used, in consultation with the Department of 99292  
Mental Health and Addiction Services and the Governor's 99293  
RecoveryOhio Initiative, to support the continuation of the 99294  
Emergency Department Comprehensive Care Initiative to enhance 99295  
Ohio's response to the addiction crisis by creating a 99296  
comprehensive system of care for patients who present in emergency 99297  
departments with addiction. 99298

Of the foregoing appropriation item 440482, Chronic Disease, 99299  
Injury Prevention and Drug Overdose, up to \$250,000 in fiscal year 99300  
2022 shall be used, in consultation with the Governor's 99301  
RecoveryOhio Initiative, to support local health providers' harm 99302  
reduction efforts to reduce overdose rates and deaths. 99303

Of the foregoing appropriation item 440482, Chronic Disease, 99304  
Injury Prevention and Drug Overdose, \$75,000 in fiscal year 2022 99305  
shall be distributed to the Dental Center of Northwest Ohio to be 99306  
used for clinical equipment at its practice in Toledo. 99307

INFECTIOUS DISEASE PREVENTION AND CONTROL 99308

On July 1, 2022, or as soon as possible thereafter, the 99309  
Director of Health may certify to the Director of Budget and 99310  
Management an amount up to the unexpended, unencumbered balance of 99311  
the foregoing appropriation item 440483, Infectious Disease 99312  
Prevention and Control, at the end of fiscal year 2022 to be 99313  
reappropriated to fiscal year 2023. The amount certified is hereby 99314  
reappropriated to the same appropriation item for fiscal year 99315  
2023. 99316

TARGETED HEALTH CARE SERVICES-OVER 21 99317

The foregoing appropriation item 440507, Targeted Health Care 99318  
Services-Over 21, shall be used to administer the Cystic Fibrosis 99319  
Program and to implement the Hemophilia Insurance Premium Payment 99320

Program. The Department of Health shall expend \$100,000 in each 99321  
fiscal year to implement the Hemophilia Insurance Premium Payment 99322  
Program. 99323

The foregoing appropriation item 440507, Targeted Health Care 99324  
Services-Over 21, shall also be used to provide essential 99325  
medications and to pay the copayments for drugs approved by the 99326  
Department of Health and covered by Medicare Part D that are 99327  
dispensed to Bureau for Children with Medical Handicaps (BCMh) 99328  
participants for the Cystic Fibrosis Program. 99329

The Department shall expend all of the funds appropriated in 99330  
appropriation item 440507, Targeted Health Care Services-Over 21. 99331

LEAD ABATEMENT 99332

Of the foregoing appropriation item 440527, Lead Abatement, 99333  
\$500,000 in each fiscal year shall be used by the Department of 99334  
Health to distribute funds to the city of Toledo for lead-based 99335  
paint abatement, containment, and housing rehabilitation projects 99336  
in the historic south neighborhoods of Toledo. The Department 99337  
shall require local match funding of up to one-half of the annual 99338  
grant funds distributed and may include project and reporting 99339  
requirements before distributing funds. 99340

HARM REDUCTION 99341

The foregoing appropriation item 440529, Harm Reduction, 99342  
shall be used to distribute funding to local health departments or 99343  
a partner agency to operate harm reduction programs, including 99344  
syringe services. Local health departments eligible for funding 99345  
shall be accredited or in the process of becoming accredited 99346  
through the Public Health Accreditation Board. 99347

LEAD-SAFE HOME FUND PILOT PROGRAM 99348

The foregoing appropriation item 440530, Lead-Safe Home Fund 99349  
Pilot Program, shall be used by the Department of Health to make 99350

distributions on a quarterly basis to the Lead Safe Cleveland 99351  
Coalition for the Lead-Safe Home Fund Pilot Program. Before any 99352  
funds are distributed, the Coalition shall provide the Department 99353  
with documentation showing the amount of private sector dollars 99354  
the Coalition has collected. The amount of each distribution 99355  
provided by the Department shall not exceed the amount documented. 99356  
Total disbursements shall not exceed \$1,000,000 in each fiscal 99357  
year. 99358

YOUTH HOMELESSNESS 99359

Of the foregoing appropriation item 440672, Youth 99360  
Homelessness, \$900,000 in each fiscal year shall be distributed to 99361  
the Star House for its Drop-In Center and its Carol Stewart 99362  
Village to provide services for homeless youth. 99363

The remainder of appropriation item 440672, Youth 99364  
Homelessness, shall be used to address homelessness in youth and 99365  
pregnant women by providing assertive outreach to provide stable 99366  
housing, including recovery housing. 99367

FEE SUPPORTED PROGRAMS 99368

Of the foregoing appropriation item 440647, Fee Supported 99369  
Programs, \$2,160,000 in each fiscal year shall be used to 99370  
distribute subsidies, on a per capita basis, to local health 99371  
departments accredited through the Public Health Accreditation 99372  
Board, or local health departments that are in the process of 99373  
earning accreditation. 99374

Of the foregoing appropriation item 440647, Fee Supported 99375  
Programs, \$1,840,000 in each fiscal year shall be used to 99376  
distribute subsidies to local health departments accredited 99377  
through the Public Health Accreditation Board on a per capita 99378  
basis. 99379

MEDICALLY HANDICAPPED CHILDREN AUDIT 99380

The Medically Handicapped Children Audit Fund (Fund 4770) 99381  
shall receive revenue from audits of hospitals and recoveries from 99382  
third-party payers. Moneys may be expended for payment of audit 99383  
settlements and for costs directly related to obtaining recoveries 99384  
from third-party payers and for encouraging Medically Handicapped 99385  
Children's Program recipients to apply for third-party benefits. 99386  
Moneys also may be expended for payments for diagnostic and 99387  
treatment services on behalf of medically handicapped children, as 99388  
defined in division (A) of section 3701.022 of the Revised Code, 99389  
and Ohio residents who are twenty-one or more years of age and who 99390  
are suffering from cystic fibrosis or hemophilia. Moneys may also 99391  
be expended for administrative expenses incurred in operating the 99392  
Medically Handicapped Children's Program. 99393

GENETICS SERVICES 99394

The foregoing appropriation item 440608, Genetics Services, 99395  
shall be used by the Department of Health to administer programs 99396  
authorized by sections 3701.501 and 3701.502 of the Revised Code. 99397  
None of these funds shall be used to counsel or refer for 99398  
abortion, except in the case of a medical emergency. 99399

TOBACCO USE PREVENTION, CESSATION, AND ENFORCEMENT 99400

Of the foregoing appropriation item 440656, Tobacco Use 99401  
Prevention, Cessation, and Enforcement, \$750,000 in each fiscal 99402  
year shall be used to award grants in accordance with the section 99403  
of this act entitled "MOMS QUIT FOR TWO GRANT PROGRAM." 99404

Of the foregoing appropriation item 440656, Tobacco Use 99405  
Prevention, Cessation, and Enforcement, \$250,000 in each fiscal 99406  
year shall be distributed to boards of health for the Baby and Me 99407  
Tobacco Free Program. The Director of Health shall determine how 99408  
the funds are to be distributed, but shall prioritize awards to 99409  
boards that serve women who reside in communities that have the 99410  
highest infant mortality rates in this state, as identified under 99411

|                                                                    |       |
|--------------------------------------------------------------------|-------|
| section 3701.142 of the Revised Code.                              | 99412 |
| The remainder of appropriation item 440656, Tobacco Use            | 99413 |
| Prevention, Cessation, and Enforcement, shall be used to           | 99414 |
| administer tobacco use prevention and cessation activities and     | 99415 |
| programs, to administer compliance checks, retailer education, and | 99416 |
| programs related to legal age restrictions, and to enforce the     | 99417 |
| Ohio Smoke-Free Workplace Act.                                     | 99418 |
| TOXICOLOGY SCREENINGS                                              | 99419 |
| The foregoing appropriation item 440621, Toxicology                | 99420 |
| Screenings, shall be used to reimburse county coroners in counties | 99421 |
| in which the coroner has performed toxicology screenings on        | 99422 |
| victims of a drug overdose. The Director of Health shall transfer  | 99423 |
| the funds to the counties in proportion to the numbers of          | 99424 |
| toxicology screenings performed per county.                        | 99425 |
| MEDICALLY HANDICAPPED CHILDREN - COUNTY ASSESSMENTS                | 99426 |
| The foregoing appropriation item 440607, Medically                 | 99427 |
| Handicapped Children - County Assessments, shall be used to make   | 99428 |
| payments under division (E) of section 3701.023 of the Revised     | 99429 |
| Code.                                                              | 99430 |
| HEALTH DISTRICT STUDIES AND POPULATION HEALTH                      | 99431 |
| The Department of Health shall use up to \$6,000,000 in fiscal     | 99432 |
| year 2022, from existing non-General Revenue Fund appropriations,  | 99433 |
| consistent with federal law and guidelines, to conduct the studies | 99434 |
| required under section 3709.012 of the Revised Code. Any remaining | 99435 |
| funds for this purpose may be used to support local health         | 99436 |
| departments' efforts to improve population health, based upon the  | 99437 |
| findings and recommendations in Ohio's 2020-2022 State Health      | 99438 |
| Improvement Plan, and to incentivize efficiencies among local      | 99439 |
| health departments, including the use of shared services or the    | 99440 |
| consolidation of local health departments that formally merge on   | 99441 |
| or after July 1, 2021. Funding for mergers shall be distributed    | 99442 |

only after a formal merger agreement is signed by two or more 99443  
local health departments and shared with the Department of Health. 99444  
The funding shall be used to cover the costs related to the merger 99445  
and to build capacity for the newly combined local health 99446  
department in order to improve services to the public and the 99447  
health of all residents. A portion of this funding may also be 99448  
used to support pre-merger analysis and planning for departments 99449  
not impacted by section 3709.012 of the Revised Code that are 99450  
interested in a merger. The Director of Health shall seek 99451  
Controlling Board approval before any funds can be expended for 99452  
these purposes. 99453

**Section 291.30.** MOMS QUIT FOR TWO GRANT PROGRAM 99454

(A) The Department of Health shall create the Moms Quit for 99455  
Two Grant Program. Recognizing the significant health risks posed 99456  
to women and their children by tobacco use during and after 99457  
pregnancy, the Department shall award grants to private, nonprofit 99458  
entities or government entities that demonstrate the ability to 99459  
deliver evidence-based tobacco cessation interventions to women 99460  
who reside in communities that have the highest incidence of 99461  
infant mortality, as determined by the Director of Health, and who 99462  
are pregnant or live with children. Funds awarded under this 99463  
section shall not be used to provide tobacco cessation 99464  
interventions to women who are eligible for Medicaid. The 99465  
Department may adopt any rules it considers necessary to 99466  
administer the Program. 99467

(B) The Department shall create a grant application and 99468  
develop a process for receiving and evaluating completed grant 99469  
applications on a competitive basis. The Department shall give 99470  
first preference to the entities described in division (A) of this 99471  
section that are able to target the interventions to pregnant 99472  
women and second preference to such entities that are able to 99473

target the interventions to women living with children. The 99474  
Department's decision regarding a submitted grant application is 99475  
final. 99476

(C) The Department shall establish performance objectives to 99477  
be met by grant recipients. The Department shall monitor the 99478  
performance of each grant recipient in meeting the objectives. 99479

**Section 291.40. WIC VENDOR CONTRACTS** 99480

(A) As used in this section, "WIC" means the Special 99481  
Supplemental Nutrition Program for Women, Infants, and Children 99482  
established under the "Child Nutrition Act of 1966," 80 Stat. 885, 99483  
42 U.S.C. 1786, as amended. 99484

(B) During fiscal year 2022 and fiscal year 2023, the 99485  
Department of Health shall process and review a WIC vendor 99486  
contract application pursuant to Chapter 3701-42 of the 99487  
Administrative Code not later than forty-five days after receipt 99488  
of the application if the applicant is a WIC-contracted vendor at 99489  
the time of application and meets all of the following 99490  
requirements: 99491

(1) Submits a complete WIC vendor application with all 99492  
required documents and information; 99493

(2) Passes the required unannounced preauthorization visit 99494  
within forty-five days of submitting a complete application; 99495

(3) Completes the required in-person training within 99496  
forty-five days of submitting the complete application. 99497

(C) If an applicant fails to meet any of the requirements 99498  
described in division (B) of this section, the Department shall 99499  
deny the application for the contract. After an application has 99500  
been denied, the applicant may reapply for a contract to act as a 99501  
WIC vendor during the contracting cycle that is applicable to the 99502  
applicant's WIC region. 99503

**Section 291.60.** (A) As used in this section, "adult education institution" means a private, nonprofit provider of career education and training for adults that is licensed, accredited, or credentialed, or otherwise recognized in a manner approved by the Department of Health.

(B) In fiscal years 2022 and 2023, the Department of Health shall establish and operate a Frontline Health Care Worker Education, Training, and Certification Pilot Program to reimburse adult education institutions for the cost of education and wraparound services provided to students as specified in divisions (C) and (D) of this section. In order to be eligible for reimbursement under the pilot program, an adult education institution must not receive other higher education funding from the state.

(C) Both of the following are eligible for reimbursement under the pilot program, if provided to a student who meets the criteria specified in division (D) of this section:

(1) Education-related expenses, including tuition, course fees, laboratory fees, enrollment application fees, books, and supplies;

(2) Costs associated with the provision of, or referral for, the following wraparound services:

(a) Smoking cessation;

(b) Drug and alcohol counseling;

(c) College and career access advising;

(d) Financial aid counseling and scholarship retention services;

(e) Workability and employability skills training involving such skills as communication, teamwork, critical thinking, ethics, computer skills, and life skills;

|                                                                                                                                                                                                                                        |                                  |
|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|----------------------------------|
| (f) Employment placement and retention services;                                                                                                                                                                                       | 99534                            |
| (g) Financial literacy programming;                                                                                                                                                                                                    | 99535                            |
| (h) Any other similar or related service approved by the<br>Department of Health.                                                                                                                                                      | 99536<br>99537                   |
| (D) For an education-related expense or a wraparound service<br>to be eligible for reimbursement under the pilot program, the<br>expense must be for, or the service must be provided to, a student<br>who meets all of the following: | 99538<br>99539<br>99540<br>99541 |
| (1) The student is eighteen years old or older.                                                                                                                                                                                        | 99542                            |
| (2) The student is actively enrolled at an adult education<br>institution in a program to prepare the student for employment in<br>any of the following professions:                                                                   | 99543<br>99544<br>99545          |
| (a) Health care virtual assistant;                                                                                                                                                                                                     | 99546                            |
| (b) Medical assistant;                                                                                                                                                                                                                 | 99547                            |
| (c) Medical coder;                                                                                                                                                                                                                     | 99548                            |
| (d) Nurse aide;                                                                                                                                                                                                                        | 99549                            |
| (e) Patient care assistant;                                                                                                                                                                                                            | 99550                            |
| (f) Phlebotomist.                                                                                                                                                                                                                      | 99551                            |
| (3) The student's primary residence meets all of the<br>following:                                                                                                                                                                     | 99552<br>99553                   |
| (a) Is in a county that has a population of five hundred<br>thousand or more according to the 2010 federal decennial census;                                                                                                           | 99554<br>99555                   |
| (b) Is in a county that has experienced more than fifteen<br>thousand confirmed cases of COVID-19 during the period of March 1,<br>2020, through December 31, 2020;                                                                    | 99556<br>99557<br>99558          |
| (c) Is a severely distressed area, distressed area, or<br>underserved area as defined by the United States Department of<br>Housing and Urban Development.                                                                             | 99559<br>99560<br>99561          |

(E) The Department may adopt rules in accordance with Chapter 119. of the Revised Code to implement the pilot program. 99562  
99563

(F) The foregoing appropriation item 440485, Health Program Support, shall be used to provide reimbursements under the Frontline Healthcare Worker Education, Training, and Certification Pilot Program. 99564  
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99567

**Section 291.70.** By January 15, 2022, the Director of Health shall submit a report regarding the Help Me Grow Program to the chairperson and ranking minority member of the standing health committee and finance committee of each house of the General Assembly. The report shall include the following: 99568  
99569  
99570  
99571  
99572

(A) The number of families being served by the program containing individuals who meet the Medicaid eligibility requirements; 99573  
99574  
99575

(B) The number of families being served by the program who meet the TANF eligibility requirements; 99576  
99577

(C) Recommendations for incorporating a Medicaid component funded in part with state matching funds; 99578  
99579

(D) Recommendations for using TANF dollars to provide services for TANF eligible families in the program. 99580  
99581

**Section 291.80.** Each ambulatory surgical facility that has been granted a variance from the written transfer agreement requirement of section 3702.303 of the Revised Code shall, within ninety days of the effective date of section 3702.304 of the Revised Code as amended by this act, submit to the director of health a complete variance application, in the form and manner specified by the director, demonstrating compliance with the requirements established by divisions (B)(2) and (3)(a) of section 3702.304 of the Revised Code, as amended by this act. If the director determines that a facility has failed to demonstrate 99582  
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99591

compliance, the director shall rescind the variance. 99592

**Section 293.10.** HEF HIGHER EDUCATIONAL FACILITY COMMISSION 99593

Dedicated Purpose Fund Group 99594

4610 372601 Operating Expenses \$ 12,500 \$ 12,500 99595

TOTAL DPF Dedicated Purpose Fund \$ 12,500 \$ 12,500 99596

Group

TOTAL ALL BUDGET FUND GROUPS \$ 12,500 \$ 12,500 99597

**Section 295.10.** SPA COMMISSION ON HISPANIC/LATINO AFFAIRS 99599

General Revenue Fund 99600

GRF 148321 Operating Expenses \$ 464,047 \$ 464,047 99601

TOTAL GRF General Revenue Fund \$ 464,047 \$ 464,047 99602

Dedicated Purpose Fund Group 99603

6010 148602 Special Initiatives \$ 24,558 \$ 24,558 99604

TOTAL DPF Dedicated Purpose Fund \$ 24,558 \$ 24,558 99605

Group

TOTAL ALL BUDGET FUND GROUPS \$ 488,605 \$ 488,605 99606

**Section 297.10.** OHS OHIO HISTORY CONNECTION 99608

General Revenue Fund 99609

GRF 360400 Holocaust and \$ 200,000 \$ 200,000 99610

Genocide Memorial and  
Education Commission

GRF 360501 Education and \$ 5,016,092 \$ 5,016,092 99611

Collections

GRF 360502 Site and Museum \$ 7,232,753 \$ 6,532,753 99612

Operations

GRF 360504 Ohio Preservation \$ 261,609 \$ 261,609 99613

Office

GRF 360505 National \$ 536,050 \$ 536,050 99614

Afro-American Museum

|                              |                                 |                               |    |            |    |            |       |
|------------------------------|---------------------------------|-------------------------------|----|------------|----|------------|-------|
| GRF                          | 360506                          | Hayes Presidential<br>Center  | \$ | 572,880    | \$ | 572,880    | 99615 |
| GRF                          | 360508                          | State Historical<br>Grants    | \$ | 1,675,000  | \$ | 1,635,000  | 99616 |
| GRF                          | 360509                          | Outreach and<br>Partnership   | \$ | 144,692    | \$ | 144,692    | 99617 |
| TOTAL GRF                    | General Revenue Fund            |                               | \$ | 15,639,076 | \$ | 14,899,076 | 99618 |
| Dedicated Purpose Fund Group |                                 |                               |    |            |    |            | 99619 |
| 5KL0                         | 360602                          | Ohio History Tax<br>Check-off | \$ | 150,000    | \$ | 150,000    | 99620 |
| 5PD0                         | 360603                          | Ohio History License<br>Plate | \$ | 10,000     | \$ | 10,000     | 99621 |
| TOTAL DPF                    | Dedicated Purpose Fund<br>Group |                               | \$ | 160,000    | \$ | 160,000    | 99622 |
| TOTAL ALL BUDGET FUND GROUPS |                                 |                               | \$ | 15,799,076 | \$ | 15,059,076 | 99623 |

SUBSIDY APPROPRIATION 99624

Upon approval by the Director of Budget and Management, the 99625  
foregoing appropriation items shall be released to the Ohio 99626  
History Connection in quarterly amounts that in total do not 99627  
exceed the annual appropriations. The funds and fiscal records of 99628  
the Ohio History Connection for fiscal year 2022 and fiscal year 99629  
2023 shall be examined by independent certified public accountants 99630  
approved by the Auditor of State, and a copy of the audited 99631  
financial statements shall be filed with the Office of Budget and 99632  
Management. 99633

The foregoing appropriations shall be considered to be the 99634  
contractual consideration provided by the state to support the 99635  
state's offer to contract with the Ohio History Connection under 99636  
section 149.30 of the Revised Code. 99637

HOLOCAUST AND GENOCIDE MEMORIAL AND EDUCATION COMMISSION 99638

The foregoing appropriation item 360400, Holocaust and 99639

Genocide Memorial and Education Commission, shall be used to 99640  
support the operations of the Holocaust and Genocide Memorial and 99641  
Education Commission established under section 197.03 of the 99642  
Revised Code, including employment of a Director of the Office of 99643  
the Commission and any other employees approved by the Commission. 99644

STATE HISTORICAL GRANTS 99645

Of the foregoing appropriation item 360508, State Historical 99646  
Grants, \$325,000 in each fiscal year shall be used for the 99647  
Cleveland Institute of Art. 99648

Of the foregoing appropriation item 360508, State Historical 99649  
Grants, \$375,000 in each fiscal year shall be allocated to create 99650  
the Institute of Informal Science Education to be housed at the 99651  
Boonshoft Museum of Discovery for distance learning, including 99652  
implementation of a pilot program. The Boonshoft Museum shall 99653  
complete an efficacy report as to the result of the education of 99654  
participants in the pilot program to be submitted to the General 99655  
Assembly. 99656

Of the foregoing appropriation item 360508, State Historical 99657  
Grants, \$250,000 in each fiscal year shall be used for the Western 99658  
Reserve Historical Society, and \$250,000 in each fiscal year shall 99659  
be used for the Cincinnati Museum Center. 99660

Of the foregoing appropriation item 360508, State Historical 99661  
Grants, \$100,000 in each fiscal year shall be used for the Nancy 99662  
and David Wolf Holocaust and Humanity Center. 99663

Of the foregoing appropriation item 360508, State Historical 99664  
Grants, \$100,000 in each fiscal year shall be used for the 99665  
Cleveland Institute of Music. 99666

Of the foregoing appropriation item 360508, State Historical 99667  
Grants, \$100,000 in each fiscal year shall be used for The 99668  
Cleveland Orchestra. 99669

Of the foregoing appropriation item 360508, State Historical 99670  
Grants, \$100,000 in each fiscal year shall be used for the Jewish 99671  
Federation of Cincinnati to support the Jewish Cincinnati 99672  
Bicentennial. 99673

Of the foregoing appropriation item 360508, State Historical 99674  
Grants, \$75,000 in fiscal year 2022 and \$35,000 in fiscal year 99675  
2023 shall be used to support the Johnny Appleseed Museum and 99676  
Education Center. 99677

**Section 299.10.** REP OHIO HOUSE OF REPRESENTATIVES 99678

General Revenue Fund 99679

|            |                    |    |            |    |            |       |
|------------|--------------------|----|------------|----|------------|-------|
| GRF 025321 | Operating Expenses | \$ | 25,917,274 | \$ | 25,917,274 | 99680 |
|------------|--------------------|----|------------|----|------------|-------|

|           |                      |    |            |    |            |       |
|-----------|----------------------|----|------------|----|------------|-------|
| TOTAL GRF | General Revenue Fund | \$ | 25,917,274 | \$ | 25,917,274 | 99681 |
|-----------|----------------------|----|------------|----|------------|-------|

Internal Service Activity Fund Group 99682

|             |          |    |           |    |           |       |
|-------------|----------|----|-----------|----|-----------|-------|
| 1030 025601 | House of | \$ | 1,433,664 | \$ | 1,433,664 | 99683 |
|-------------|----------|----|-----------|----|-----------|-------|

Representatives

Reimbursement

|             |                     |    |        |    |        |       |
|-------------|---------------------|----|--------|----|--------|-------|
| 4A40 025602 | Miscellaneous Sales | \$ | 50,000 | \$ | 50,000 | 99684 |
|-------------|---------------------|----|--------|----|--------|-------|

TOTAL ISA Internal Service Activity 99685

|            |  |    |           |    |           |       |
|------------|--|----|-----------|----|-----------|-------|
| Fund Group |  | \$ | 1,483,664 | \$ | 1,483,664 | 99686 |
|------------|--|----|-----------|----|-----------|-------|

|                              |  |    |            |    |            |       |
|------------------------------|--|----|------------|----|------------|-------|
| TOTAL ALL BUDGET FUND GROUPS |  | \$ | 27,400,938 | \$ | 27,400,938 | 99687 |
|------------------------------|--|----|------------|----|------------|-------|

OPERATING EXPENSES 99688

On July 1, 2021, or as soon as possible thereafter, the Chief 99689  
Administrative Officer of the House of Representatives may certify 99690  
to the Director of Budget and Management an amount up to the 99691  
unexpended, unencumbered balance of the foregoing appropriation 99692  
item 025321, Operating Expenses, at the end of fiscal year 2021 to 99693  
be reappropriated to fiscal year 2022. The amount certified is 99694  
hereby reappropriated to the same appropriation item for fiscal 99695  
year 2022. 99696

On July 1, 2022, or as soon as possible thereafter, the Chief 99697

Administrative Officer of the House of Representatives may certify 99698  
to the Director of Budget and Management an amount up to the 99699  
unexpended, unencumbered balance of the foregoing appropriation 99700  
item 025321, Operating Expenses, at the end of fiscal year 2022 to 99701  
be reappropriated to fiscal year 2023. The amount certified is 99702  
hereby reappropriated to the same appropriation item for fiscal 99703  
year 2023. 99704

HOUSE REIMBURSEMENT 99705

If it is determined by the Chief Administrative Officer of 99706  
the House of Representatives that additional appropriations are 99707  
necessary for the foregoing appropriation item 025601, House 99708  
Reimbursement, the amounts are hereby appropriated. 99709

**Section 301.10.** HFA OHIO HOUSING FINANCE AGENCY 99710

Dedicated Purpose Fund Group 99711

|                                    |    |            |    |            |       |
|------------------------------------|----|------------|----|------------|-------|
| 5AZ0 997601 Housing Finance Agency | \$ | 14,855,643 | \$ | 15,136,756 | 99712 |
|------------------------------------|----|------------|----|------------|-------|

Personal Services

|                                  |    |            |    |            |       |
|----------------------------------|----|------------|----|------------|-------|
| TOTAL DPF Dedicated Purpose Fund | \$ | 14,855,643 | \$ | 15,136,756 | 99713 |
|----------------------------------|----|------------|----|------------|-------|

Group

|                              |    |            |    |            |       |
|------------------------------|----|------------|----|------------|-------|
| TOTAL ALL BUDGET FUND GROUPS | \$ | 14,855,643 | \$ | 15,136,756 | 99714 |
|------------------------------|----|------------|----|------------|-------|

**Section 303.10.** IGO OFFICE OF THE INSPECTOR GENERAL 99716

General Revenue Fund 99717

|                               |    |           |    |           |       |
|-------------------------------|----|-----------|----|-----------|-------|
| GRF 965321 Operating Expenses | \$ | 1,403,910 | \$ | 1,437,000 | 99718 |
|-------------------------------|----|-----------|----|-----------|-------|

|                                |    |           |    |           |       |
|--------------------------------|----|-----------|----|-----------|-------|
| TOTAL GRF General Revenue Fund | \$ | 1,403,910 | \$ | 1,437,000 | 99719 |
|--------------------------------|----|-----------|----|-----------|-------|

Internal Service Activity Fund Group 99720

|                              |    |         |    |         |       |
|------------------------------|----|---------|----|---------|-------|
| 5FA0 965603 Deputy Inspector | \$ | 400,000 | \$ | 400,000 | 99721 |
|------------------------------|----|---------|----|---------|-------|

General for ODOT

|                              |    |         |    |         |       |
|------------------------------|----|---------|----|---------|-------|
| 5FT0 965604 Deputy Inspector | \$ | 425,000 | \$ | 425,000 | 99722 |
|------------------------------|----|---------|----|---------|-------|

General for BWC/OIC

|                                     |    |         |    |         |       |
|-------------------------------------|----|---------|----|---------|-------|
| TOTAL ISA Internal Service Activity | \$ | 825,000 | \$ | 825,000 | 99723 |
|-------------------------------------|----|---------|----|---------|-------|



Superintendent of Insurance, may transfer cash from the Department 99750  
of Insurance Operating Fund (Fund 5540), established by section 99751  
3901.021 of the Revised Code, to the Superintendent's Examination 99752  
Fund (Fund 5550), established by section 3901.071 of the Revised 99753  
Code, only for expenses incurred in examining domestic fraternal 99754  
benefit societies as required by section 3921.28 of the Revised 99755  
Code. 99756

**Section 307.10.** JFS DEPARTMENT OF JOB AND FAMILY SERVICES 99757

General Revenue Fund 99758

|            |                        |    |             |    |             |       |
|------------|------------------------|----|-------------|----|-------------|-------|
| GRF 600410 | TANF State Maintenance | \$ | 149,267,326 | \$ | 149,267,326 | 99759 |
|            | of Effort              |    |             |    |             |       |
| GRF 600413 | Child Care             | \$ | 83,461,739  | \$ | 83,461,739  | 99760 |
|            | State/Maintenance of   |    |             |    |             |       |
|            | Effort                 |    |             |    |             |       |
| GRF 600450 | Program Operations     | \$ | 158,272,162 | \$ | 159,177,600 | 99761 |
| GRF 600451 | Family and Children    | \$ | 1,386,000   | \$ | 1,386,000   | 99762 |
|            | First                  |    |             |    |             |       |
| GRF 600452 | Ohio Governor          | \$ | 8,000,000   | \$ | 8,000,000   | 99763 |
|            | Imagination Library    |    |             |    |             |       |
| GRF 600502 | Child Support - Local  | \$ | 26,400,000  | \$ | 26,400,000  | 99764 |
| GRF 600521 | Family Assistance -    | \$ | 48,248,768  | \$ | 47,248,768  | 99765 |
|            | Local                  |    |             |    |             |       |
| GRF 600523 | Family and Children    | \$ | 222,194,327 | \$ | 217,694,327 | 99766 |
|            | Services               |    |             |    |             |       |
| GRF 600528 | Adoption Services      | \$ | 23,922,517  | \$ | 23,922,517  | 99767 |
| GRF 600533 | Child, Family, and     | \$ | 13,500,000  | \$ | 13,500,000  | 99768 |
|            | Community Protection   |    |             |    |             |       |
|            | Services               |    |             |    |             |       |
| GRF 600534 | Adult Protective       | \$ | 5,720,000   | \$ | 5,720,000   | 99769 |
|            | Services               |    |             |    |             |       |
| GRF 600535 | Early Care and         | \$ | 141,285,241 | \$ | 141,285,241 | 99770 |

|             |                                               |    |             |    |             |
|-------------|-----------------------------------------------|----|-------------|----|-------------|
|             | Education                                     |    |             |    |             |
| GRF 600541  | Kinship Permanency Incentive Program          | \$ | 1,000,000   | \$ | 1,000,000   |
|             |                                               |    |             |    | 99771       |
| GRF 600551  | Job and Family Services Program Support       | \$ | 1,200,000   | \$ | 150,000     |
|             |                                               |    |             |    | 99772       |
| GRF 600552  | Gracehaven Pilot Program                      | \$ | 259,685     | \$ | 0           |
|             |                                               |    |             |    | 99773       |
| GRF 600553  | Court Appointed Special Advocates             | \$ | 1,000,000   | \$ | 1,000,000   |
|             |                                               |    |             |    | 99774       |
| GRF 600560  | Employment Incentive Program                  | \$ | 2,500,000   | \$ | 2,500,000   |
|             |                                               |    |             |    | 99775       |
| GRF 655425  | Medicaid Program Support                      | \$ | 12,461,768  | \$ | 12,832,766  |
|             |                                               |    |             |    | 99776       |
| GRF 655522  | Medicaid Program Support - Local              | \$ | 39,975,628  | \$ | 38,975,628  |
|             |                                               |    |             |    | 99777       |
| GRF 655523  | Medicaid Program Support - Local              | \$ | 43,530,000  | \$ | 43,500,000  |
|             |                                               |    |             |    | 99778       |
|             | Transportation                                |    |             |    |             |
| TOTAL GRF   | General Revenue Fund                          | \$ | 983,585,161 | \$ | 977,021,912 |
|             |                                               |    |             |    | 99779       |
|             | Dedicated Purpose Fund Group                  |    |             |    | 99780       |
| 1980 600647 | Children's Trust Fund                         | \$ | 6,000,000   | \$ | 6,000,000   |
|             |                                               |    |             |    | 99781       |
| 2320 600644 | Family and Children First                     | \$ | 1,100,000   | \$ | 1,100,000   |
|             |                                               |    |             |    | 99782       |
| 4A80 600658 | Public Assistance Activities                  | \$ | 20,000,000  | \$ | 20,000,000  |
|             |                                               |    |             |    | 99783       |
| 4A90 600607 | Unemployment Compensation Administration Fund | \$ | 9,250,000   | \$ | 9,250,000   |
|             |                                               |    |             |    | 99784       |
| 4E70 600604 | Family and Children Services Collections      | \$ | 650,000     | \$ | 650,000     |
|             |                                               |    |             |    | 99785       |
| 4F10 600609 | Family and Children Activities                | \$ | 708,000     | \$ | 708,000     |
|             |                                               |    |             |    | 99786       |
| 5CV1 600557 | Coronavirus Relief -                          | \$ | 12,000,000  | \$ | 0           |
|             |                                               |    |             |    | 99787       |

|           |        |                                      |    |             |    |             |       |
|-----------|--------|--------------------------------------|----|-------------|----|-------------|-------|
|           |        | Foodbanks                            |    |             |    |             |       |
| 5DM0      | 600633 | Audit Settlements and                | \$ | 1,000,000   | \$ | 1,000,000   | 99788 |
|           |        | Contingency                          |    |             |    |             |       |
| 5ES0      | 600630 | Food Bank Assistance                 | \$ | 500,000     | \$ | 500,000     | 99789 |
| 5KT0      | 600696 | Early Childhood                      | \$ | 20,000,000  | \$ | 20,000,000  | 99790 |
|           |        | Education                            |    |             |    |             |       |
| 5NG0      | 600660 | Victims of Human                     | \$ | 100,000     | \$ | 100,000     | 99791 |
|           |        | Trafficking                          |    |             |    |             |       |
| 5RX0      | 600699 | Workforce Development                | \$ | 300,000     | \$ | 300,000     | 99792 |
|           |        | Projects                             |    |             |    |             |       |
| 5RY0      | 600698 | Human Services                       | \$ | 21,000,000  | \$ | 21,000,000  | 99793 |
|           |        | Project                              |    |             |    |             |       |
| 5TZ0      | 600674 | Childrens Crisis Care                | \$ | 1,000,000   | \$ | 1,000,000   | 99794 |
| 5U60      | 600663 | Family and Children                  | \$ | 6,000,000   | \$ | 6,262,000   | 99795 |
|           |        | Support                              |    |             |    |             |       |
| TOTAL DPF |        | Dedicated Purpose Fund               | \$ | 99,608,000  | \$ | 87,870,000  | 99796 |
|           |        | Group                                |    |             |    |             |       |
|           |        | Internal Service Activity Fund Group |    |             |    |             | 99797 |
| 5HL0      | 600602 | State and County                     | \$ | 2,000,000   | \$ | 2,000,000   | 99798 |
|           |        | Shared Services                      |    |             |    |             |       |
| TOTAL ISA |        | Internal Service Activity            | \$ | 2,000,000   | \$ | 2,000,000   | 99799 |
|           |        | Fund Group                           |    |             |    |             |       |
|           |        | Fiduciary Fund Group                 |    |             |    |             | 99800 |
| 1920      | 600646 | Child Support                        | \$ | 100,000,000 | \$ | 100,000,000 | 99801 |
|           |        | Intercept - Federal                  |    |             |    |             |       |
| 5830      | 600642 | Child Support                        | \$ | 13,000,000  | \$ | 13,000,000  | 99802 |
|           |        | Intercept - State                    |    |             |    |             |       |
| 5B60      | 600601 | Food Assistance                      | \$ | 4,000,000   | \$ | 4,000,000   | 99803 |
|           |        | Intercept                            |    |             |    |             |       |
| TOTAL FID |        | Fiduciary Fund Group                 | \$ | 117,000,000 | \$ | 117,000,000 | 99804 |
|           |        | Holding Account Fund Group           |    |             |    |             | 99805 |
| R012      | 600643 | Refunds and Audit                    | \$ | 500,000     | \$ | 500,000     | 99806 |

Settlements

|                                    |    |             |    |             |       |
|------------------------------------|----|-------------|----|-------------|-------|
| TOTAL HLD Holding Account Fund     | \$ | 500,000     | \$ | 500,000     | 99807 |
| Group                              |    |             |    |             |       |
| Federal Fund Group                 |    |             |    |             | 99808 |
| 3270 600606 Child Welfare          | \$ | 61,188,090  | \$ | 42,487,257  | 99809 |
| 3310 600615 Veterans Programs      | \$ | 7,000,000   | \$ | 7,000,000   | 99810 |
| 3310 600624 Employment Services    | \$ | 30,093,153  | \$ | 28,792,564  | 99811 |
| 3310 600686 Workforce Programs     | \$ | 4,000,000   | \$ | 4,000,000   | 99812 |
| 3840 600610 Food Assistance        | \$ | 210,395,858 | \$ | 215,299,061 | 99813 |
| Programs                           |    |             |    |             |       |
| 3850 600614 Refugee Services       | \$ | 12,000,000  | \$ | 12,000,000  | 99814 |
| 3950 600616 Federal Discretionary  | \$ | 5,000,000   | \$ | 5,000,000   | 99815 |
| Grants                             |    |             |    |             |       |
| 3960 600620 Social Services Block  | \$ | 42,000,000  | \$ | 42,003,000  | 99816 |
| Grant                              |    |             |    |             |       |
| 3970 600626 Child Support -        | \$ | 200,506,379 | \$ | 200,712,239 | 99817 |
| Federal                            |    |             |    |             |       |
| 3980 600627 Adoption Program -     | \$ | 178,734,641 | \$ | 178,965,021 | 99818 |
| Federal                            |    |             |    |             |       |
| 3D30 600648 Children's Trust Fund  | \$ | 7,000,000   | \$ | 7,000,000   | 99819 |
| Federal                            |    |             |    |             |       |
| 3F01 655624 Medicaid Program       | \$ | 215,301,139 | \$ | 215,441,374 | 99820 |
| Support - Federal                  |    |             |    |             |       |
| 3H70 600617 Child Care Federal     | \$ | 540,500,000 | \$ | 466,500,000 | 99821 |
| 3N00 600628 Foster Care Program -  | \$ | 307,654,740 | \$ | 308,344,774 | 99822 |
| Federal                            |    |             |    |             |       |
| 3S50 600622 Child Support Projects | \$ | 534,050     | \$ | 534,050     | 99823 |
| 3V00 600688 Workforce Innovation   | \$ | 169,756,357 | \$ | 165,743,862 | 99824 |
| and Opportunity Act                |    |             |    |             |       |
| Programs                           |    |             |    |             |       |
| 3V40 600632 Trade Programs         | \$ | 31,004,791  | \$ | 26,455,418  | 99825 |
| 3V40 600678 Federal Unemployment   | \$ | 160,536,498 | \$ | 156,864,218 | 99826 |
| Programs                           |    |             |    |             |       |

|                  |                      |    |               |    |               |       |
|------------------|----------------------|----|---------------|----|---------------|-------|
| 3V40 600679      | Unemployment         | \$ | 6,183,602     | \$ | 6,281,852     | 99827 |
|                  | Compensation Review  |    |               |    |               |       |
|                  | Commission - Federal |    |               |    |               |       |
| 3V60 600689      | TANF Block Grant     | \$ | 961,819,158   | \$ | 1,025,474,447 | 99828 |
| TOTAL FED        | Federal Fund Group   | \$ | 3,151,208,456 | \$ | 3,114,899,137 | 99829 |
| TOTAL ALL BUDGET | FUND GROUPS          | \$ | 4,353,901,617 | \$ | 4,299,291,049 | 99830 |

**Section 307.20.** COUNTY ADMINISTRATIVE FUNDS 99832

(A) The foregoing appropriation item 600521, Family Assistance - Local, may be provided to county departments of job and family services to administer food assistance and disability assistance programs. 99833  
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99835  
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(B) Of the foregoing appropriation item 600521, Family Assistance - Local, \$2,500,000 in each fiscal year shall be provided to assist county departments that submit an approved plan on increasing fraud prevention, early detection of fraud, and investigations on potential fraud that may be occurring in public assistance programs. 99837  
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99839  
99840  
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(C) The foregoing appropriation item 655522, Medicaid Program Support - Local, may be provided to county departments of job and family services to administer the Medicaid program and the State Children's Health Insurance program. 99843  
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99846

(D) At the request of the Director of Job and Family Services, the Director of Budget and Management may transfer appropriations between the following appropriation items to ensure county administrative funds are expended from the proper appropriation item: 99847  
99848  
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99850  
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(1) Appropriation item 600521, Family Assistance - Local, and appropriation item 655522, Medicaid Program Support - Local; and 99852  
99853

(2) Appropriation item 655523, Medicaid Program Support - Local Transportation, and appropriation item 655522, Medicaid 99854  
99855

Program Support - Local. 99856

**Section 307.30.** NAME OF FOOD STAMP PROGRAM 99857

The Director of Job and Family Services is not required to 99858  
amend rules regarding the Food Stamp Program to change the name of 99859  
the program to the Supplemental Nutrition Assistance Program. The 99860  
Director may refer to the program as the Food Stamp Program, the 99861  
Supplemental Nutrition Assistance Program, or the Food Assistance 99862  
Program in rules and documents of the Department of Job and Family 99863  
Services. 99864

**Section 307.40.** OHIO ASSOCIATION OF FOOD BANKS 99865

Of the foregoing appropriation items 600410, TANF State 99866  
Maintenance of Effort, 600658, Public Assistance Activities, and 99867  
600689, TANF Block Grant, a total of up to \$22,050,000 in each 99868  
fiscal year shall be used to provide funds to the Ohio Association 99869  
of Food Banks to purchase and distribute food products, support 99870  
Innovative Summer Meals programs for children, provide SNAP 99871  
outreach and free tax filing services, and provide capacity 99872  
building equipment for food pantries and soup kitchens. 99873

Notwithstanding section 5101.46 of the Revised Code and any 99874  
other provision in this bill, the Director of Job and Family 99875  
Services shall provide assistance from eligible funds to the Ohio 99876  
Association of Food Banks in an amount not less than \$24,550,000 99877  
in each fiscal year. This amount includes the funds designated to 99878  
the Ohio Association of Food Banks in the first paragraph of this 99879  
section. 99880

Eligible nonfederal expenditures made by member food banks of 99881  
the Association shall be counted by the Department of Job and 99882  
Family Services toward the TANF maintenance of effort requirements 99883  
of 42 U.S.C. 609(a)(7). The Director of Job and Family Services 99884  
shall enter into an agreement with the Ohio Association of Food 99885

Banks, in accordance with sections 5101.80 and 5101.801 of the Revised Code, to carry out the requirements under this section.

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**Section 307.41. UNAFFILIATED FOOD BANKS**

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Of the foregoing appropriation item 600689, TANF Block Grant, \$250,000 in each fiscal year shall be provided, in accordance with sections 5101.80 and 5101.801 of the Revised Code, to food banks or food pantries unaffiliated with the Ohio Association of Food Banks.

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**Section 307.43.** The Department of Job and Family Services shall enter into a subgrant agreement with the Ohio Association of Foodbanks to enable the Association to provide food distribution to low-income families and individuals via the statewide charitable emergency food provider network and to support transportation of meals for the Governor's Office of Faith-Based and Community Initiatives Innovative Summer Meals programs for children and provide capacity building equipment for food pantries and soup kitchens.

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The Ohio Association of Foodbanks shall do all of the following:

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(A) Purchase food for the Agriculture Clearance and Ohio Food Programs. Information regarding the food purchase shall be reflected in the plan for statewide distribution of food products to local food distribution agencies.

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(B) Provide the cost of transportation of food already purchased in fiscal year 2021 to the Governor's Office of Faith-Based and Community Initiatives Summer and Rural Meals program sites.

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(C) Support the Capacity Building Grant program and purchase equipment for partner agencies that is needed to increase their capacity to serve more families eligible under the Temporary

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Assistance for Needy Families program with perishable foods, 99916  
fruits, and vegetables. This equipment purchase shall include, but 99917  
is not limited to, shelving, pallet jacks, commercial 99918  
refrigerators, and commercial freezers. 99919

(D) Submit a quarterly report to the Department of Job and 99920  
Family Services not later than sixty days after the close of the 99921  
quarter to which the report pertains. The quarterly report shall 99922  
include all of the following: 99923

(1) A summary of the allocation and expenditure of grant 99924  
funds; 99925

(2) Product type and pounds distributed by foodbank service 99926  
region and county; 99927

(3) The number of households, households with children, a 99928  
breakdown of individuals served by age, including those over the 99929  
age of sixty, those between the ages of nineteen and fifty-nine, 99930  
and those up to the age of eighteen, and the number of meals 99931  
served. 99932

(E) Submit an annual report to the Agreement Manager at the 99933  
Department of Job and Family Services not later than one hundred 99934  
twenty days after the end of the fiscal year. The annual report 99935  
shall include the following: 99936

(1) A summary of the allocation and expenditure of grant 99937  
funds; 99938

(2) The number of households, households with children, a 99939  
breakdown of individuals served by age, including those over the 99940  
age of sixty, those between the ages of nineteen and fifty-nine, 99941  
and those up to the age of eighteen, and the number of meals 99942  
served. 99943

(3) The quantity and type of food distributed and the total 99944  
per pound cost of the food purchased; 99945

(4) Information on the cost of storage, transportation, and processing; 99946  
99947

(5) An evaluation of the success in achieving expected performance outcomes. 99948  
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**Section 307.50. FOOD STAMPS TRANSFER** 99950

On July 1, 2021, or as soon as possible thereafter, and upon request of the Director of Job and Family Services, the Director of Budget and Management may transfer up to \$1,000,000 cash from the Supplemental Nutrition Assistance Program Fund (Fund 3840), to the Food Assistance Fund (Fund 5ES0). 99951  
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**Section 307.60. PUBLIC ASSISTANCE ACTIVITIES/TANF MOE** 99956

The foregoing appropriation item 600658, Public Assistance Activities, shall be used by the Department of Job and Family Services to meet the TANF maintenance of effort requirements of 42 U.S.C. 609(a)(7). When the state is assured that it will meet the maintenance of effort requirement, the Department of Job and Family Services may use funds from appropriation item 600658, Public Assistance Activities, to support public assistance activities. 99957  
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**Section 307.70. TANF STATE MAINTENANCE OF EFFORT** 99965

Of the foregoing appropriation item 600410, TANF State Maintenance of Effort, \$5,000,000 in each fiscal year shall be provided, in accordance with sections 5101.80 and 5101.801 of the Revised Code, to the Ohio Alliance of Boys and Girls Clubs to provide after-school and summer programs that protect at-risk children and enable youth to become responsible adults. Not less than \$150,000 in each fiscal year shall be provided to the Boys and Girls Club of Massillon. 99966  
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Of the foregoing appropriation item 600410, TANF State 99974

Maintenance of Effort, \$3,000,000 in each fiscal year shall be 99975  
used, in accordance with sections 5101.80 and 5101.801 of the 99976  
Revised Code, to support the Ohio Parenting and Pregnancy Program. 99977

**Section 307.80.** TEMPORARY ASSISTANCE FOR NEEDY FAMILIES BLOCK 99978  
GRANT 99979

Of the foregoing appropriation item 600689, TANF Block Grant, 99980  
up to \$13,535,000 in each fiscal year shall be used, in accordance 99981  
with sections 5101.80 and 5101.801 of the Revised Code, to provide 99982  
support to programs or organizations that provide services that 99983  
align with the mission and goals of the Governor's Office of 99984  
Faith-Based and Community Initiatives, as outlined in section 99985  
107.12 of the Revised Code, and that further at least one of the 99986  
four purposes of the TANF program, as specified in 42 U.S.C. 601. 99987  
Of the amount earmarked to support the mission and goals of the 99988  
Governor's Office of Faith-Based and Community Initiatives, 99989  
\$250,000 in each fiscal year shall be used to support the Connect 99990  
Our Kids Family Connections training. 99991

Of the foregoing appropriation item 600689, TANF Block Grant, 99992  
up to \$2,000,000 in each fiscal year shall be used, in accordance 99993  
with sections 5101.80 and 5101.801 of the Revised Code, to support 99994  
the Independent Living Initiative, including life skills training 99995  
and work supports for older children in foster care and those who 99996  
have recently aged out of foster care who meet TANF eligibility 99997  
requirements. 99998

Of the foregoing appropriation item 600689, TANF Block Grant, 99999  
up to \$2,500,000 in each fiscal year shall be provided, in 100000  
accordance with sections 5101.80 and 5101.801 of the Revised Code, 100001  
to the Ohio Commission on Fatherhood. 100002

Of the foregoing appropriation item 600689, TANF Block Grant, 100003  
\$2,300,000 in each fiscal year shall be provided, in accordance 100004  
with sections 5101.80 and 5101.801 of the Revised Code, to Open 100005

Doors Academy to support out-of-school programs in northeast Ohio, 100006  
Lima, and to support up to four additional locations in the state. 100007

Of the foregoing appropriation item 600689, TANF Block Grant, 100008  
up to \$1,000,000 in each fiscal year shall be provided, in 100009  
accordance with sections 5101.80 and 5101.801 of the Revised Code, 100010  
to the Ohio Children's Trust Fund. 100011

Of the foregoing appropriation item 600689, TANF Block Grant, 100012  
\$1,175,000 in each fiscal year shall be provided, in accordance 100013  
with sections 5101.80 and 5101.801 of the Revised Code, to the 100014  
Children's Hunger Alliance to assist with meal sponsorship, early 100015  
child care programs, child care, consultations and nutrition 100016  
education, school district nutrition programs, after school 100017  
nutrition programs, and summer nutrition programs. 100018

Of the foregoing appropriation item 600689, TANF Block Grant, 100019  
\$1,000,000 in each fiscal year shall be provided, in accordance 100020  
with sections 5101.80 and 5101.801 of the Revised Code, to the 100021  
Waterford Institute to implement a pilot program for 100022  
pre-kindergarten children. 100023

Of the foregoing appropriation item 600689, TANF Block Grant, 100024  
\$1,000,000 in each fiscal year shall be provided, in accordance 100025  
with sections 5101.80 and 5101.801 of the Revised Code, to Big 100026  
Brothers Big Sisters of Central Ohio to provide mentoring services 100027  
to children throughout the state who have experienced trauma in 100028  
their lives, including parental incarceration. 100029

Of the foregoing appropriation item 600689, TANF Block Grant, 100030  
\$750,000 in each fiscal year shall be provided, in accordance with 100031  
sections 5101.80 and 5101.801 of the Revised Code, to the Ohio 100032  
Council of YWCAs to support programs that prevent domestic 100033  
violence, support victims of domestic violence, provide 100034  
trauma-informed support for survivors, and support educational 100035  
opportunities for at-risk youth. 100036

Of the foregoing appropriation item 600689, TANF Block Grant, 100037  
\$500,000 in each fiscal year shall be used, in accordance with 100038  
sections 5101.80 and 5101.801 of the Revised Code, to support Ohio 100039  
YMCA day camps and before and after school programs to help 100040  
students with learning loss and mental health due to the COVID-19 100041  
pandemic. 100042

Of the foregoing appropriation item 600689, TANF Block Grant, 100043  
\$500,000 in each fiscal year shall be provided, in accordance with 100044  
sections 5101.80 and 5101.801 of the Revised Code, to Child Focus, 100045  
Inc. to support programs that provide early learning and 100046  
behavioral health services for at-risk youth in addition to 100047  
workforce development, life skills training, parent education, and 100048  
couples therapy to improve healthy family formation, maintenance, 100049  
and stability for young adult parents and financially 100050  
disadvantaged couples. Not later than January 1, 2023, Child 100051  
Focus, Inc. shall provide a report to the Director of Job and 100052  
Family Services regarding the number of additional children served 100053  
with this funding and the outcomes and efficacy of these programs. 100054

Of the foregoing appropriation item 600689, TANF Block Grant, 100055  
\$300,000 in each fiscal year shall be provided, in accordance with 100056  
sections 5101.80 and 5101.801 of the Revised Code, to Shoes and 100057  
Clothes for Kids to establish the Classroom Guarantee and Third 100058  
Grade Reading Improvement Pilot Program in Lorain County and to 100059  
increase the number of children served in Cuyahoga County. 100060

Of the foregoing appropriation item 600689, TANF Block Grant, 100061  
\$250,000 in each fiscal year shall be provided, in accordance with 100062  
sections 5101.80 and 5101.801 of the Revised Code, to the Sisters 100063  
of Charity Foundation of Cleveland to support the A Place 4 Me 100064  
youth homeless drop-in center. 100065

Of the foregoing appropriation item 600689, TANF Block Grant, 100066  
\$250,000 in each fiscal year shall be provided, in accordance with 100067  
sections 5101.80 and 5101.801 of the Revised Code, to Communities 100068

In Schools of Ohio to provide supports for at-risk youth for 100069  
wraparound services, which directly impact chronic absenteeism and 100070  
dropout rates. 100071

Of the foregoing appropriation item 600689, TANF Block Grant, 100072  
\$500,000 in each fiscal year shall be provided, in accordance with 100073  
sections 5101.80 and 5101.801 of the Revised Code, to Produce 100074  
Perks Midwest. 100075

Of the foregoing appropriation item 600689, TANF Block Grant, 100076  
\$200,000 in each fiscal year shall be provided, in accordance with 100077  
sections 5101.80 and 5101.801 of the Revised Code, to Marriage 100078  
Works! Ohio in Dayton. 100079

Of the foregoing appropriation item 600689, TANF Block Grant, 100080  
\$200,000 in each fiscal year shall be provided, in accordance with 100081  
sections 5101.80 and 5101.801 of the Revised Code, to the YWCA of 100082  
Greater Cleveland's Early Learning Center to support the trauma 100083  
informed preschool for homeless, low income, and at-risk preschool 100084  
children. 100085

Of the foregoing appropriation item 600689, TANF Block Grant, 100086  
\$300,000 in each fiscal year shall be provided, in accordance with 100087  
sections 5101.80 and 5101.801 of the Revised Code, to University 100088  
Circle Inc. in Cleveland to support the Circle Scholars and Circle 100089  
Explorers program. 100090

Of the foregoing appropriation item 600689, TANF Block Grant, 100091  
\$282,400 in each fiscal year shall be used, in accordance with 100092  
sections 5101.80 and 5101.801 of the Revised Code, to support the 100093  
Somali Community Link's housing assistance program. 100094

Of the foregoing appropriation item 600689, TANF Block Grant, 100095  
\$110,000 in each fiscal year shall be provided, in accordance with 100096  
sections 5101.80 and 5101.801 of the Revised Code, to support 100097  
University Settlement family assistance programs in the 100098  
Broadway-Slavic Village neighborhood of Cleveland. 100099

Of the foregoing appropriation item 600689, TANF Block Grant, 100100  
\$500,000 in each fiscal year shall be provided, in accordance with 100101  
sections 5101.80 and 5101.801 of the Revised Code, to Birthing 100102  
Beautiful Communities in Cleveland. 100103

Of the foregoing appropriation item 600689, TANF Block Grant, 100104  
\$250,000 in each fiscal year shall be provided, in accordance with 100105  
sections 5101.80 and 5101.801 of the Revised Code, to The Foundry 100106  
in Cleveland. 100107

Of the foregoing appropriation item 600689, TANF Block Grant, 100108  
\$100,000 in each fiscal year shall be provided, in accordance with 100109  
sections 5101.80 and 5101.801 of the Revised Code, to support 100110  
INspirED educational planning, financial literacy, and college and 100111  
career counseling services in schools to promote workforce 100112  
development and reduce student loan debt. 100113

Of the foregoing appropriation item 600689, TANF Block Grant, 100114  
\$25,000 in each fiscal year shall be provided, in accordance with 100115  
sections 5101.80 and 5101.801 of the Revised Code, to the Make a 100116  
Day Foundation to reduce parental dependence on government 100117  
resources and promote job readiness by connecting chronically 100118  
homeless individuals to rapid rehousing resources and improving 100119  
the health and wellness of needy parents through connections to 100120  
comprehensive health, mental health, substance use disorder, 100121  
dental and vision care, and job readiness and smart justice 100122  
information, resources, and referrals. 100123

Of the foregoing appropriation item 600689, TANF Block Grant, 100124  
\$425,000 in each fiscal year shall be provided, in accordance with 100125  
sections 5101.80 and 5101.801 of the Revised Code, to Mahoning 100126  
County High School to support out-of-school programs in Mahoning 100127  
County. 100128

**Section 307.81. KINSHIP CAREGIVER PROGRAM** 100129

Of the foregoing appropriation item 600689, TANF Block Grant, 100130  
\$10,000,000 in each fiscal year shall be used, in accordance with 100131  
sections 5101.80 and 5101.801 of the Revised Code, to support 100132  
kinship care. The Director of Job and Family Services shall 100133  
allocate funds to county departments of job and family services by 100134  
providing twelve per cent divided equally among all counties, 100135  
forty-eight per cent in the ratio that the number of residents of 100136  
the county under the age of eighteen bears to the total number of 100137  
such persons residing in this state, and forty per cent in the 100138  
ratio that the number of residents of the county with incomes 100139  
under one hundred per cent of the federal poverty guideline bears 100140  
to the total number of such persons in this state. Each public 100141  
children services agency shall use these funds to provide 100142  
reasonable and necessary relief of child caring functions so that 100143  
kinship caregivers, as defined in section 5101.85 of the Revised 100144  
Code, can provide and maintain a home for a child in place of a 100145  
child's parents. When the public children services agency is 100146  
designated under division (A) of section 5153.02 of the Revised 100147  
Code, the county department of job and family services shall enter 100148  
into a memorandum of understanding with the public children 100149  
services agency authorizing the expenditure of funds for this 100150  
purpose up to the amount of the allocation. 100151

Each county department of job and family services shall 100152  
incorporate the kinship caregiver support program into its 100153  
prevention, retention, and contingency plan. The program shall 100154  
include a family stabilization service and a caregiving service. 100155  
For the purpose of the stabilization service, each child living 100156  
with a kinship caregiver shall constitute a prevention, retention, 100157  
and contingency assistance group of one. Stabilization services 100158  
shall be designed to transition the child into and maintain the 100159  
child in the home of the kinship caregiver. For the purpose of the 100160  
caregiving service, each assistance group shall include at least a 100161  
child living with a kinship caregiver and the kinship caregiver. 100162

The Department of Job and Family Services may adopt rules in accordance with Chapter 119. of the Revised Code as necessary to carry out the purposes of this section.

If funding is no longer available, the kinship caregiver support program in this section shall end and any county department of job and family services or public children services agency shall not be held responsible for payment of services.

**Section 307.82. FAMILY STABILITY PROGRAMS**

Of the foregoing appropriation item 600689, TANF Block Grant, up to \$1,000,000 in each fiscal year shall be provided, in accordance with sections 5101.80 and 5101.801 of the Revised Code, to the Siemer Institute to support Family Stability Programs in collaboration with United Way affiliates on a quarterly basis. The funds shall be used to help provide services and early intervention focused on improving family housing stability, increasing household income, reducing school mobility, and supporting two-generation programming to stabilize family units.

Before any funds are reimbursed, the Siemer Institute or affiliates shall provide the Department of Job and Family Services with documentation showing the amount of private sector dollars that have been collected to support the Family Stability Programs. The amount of each reimbursement provided by the Department to the Siemer Institute shall not exceed the amount documented and shall not exceed the amount of the earmark in each fiscal year.

On July 1, 2022, or as soon as possible thereafter, the Director of Job and Family Services shall certify to the Director of Budget and Management the amount of the unexpended, unencumbered balance of this earmark in fiscal year 2022. The amount certified is hereby reappropriated to the appropriation item in fiscal year 2023 for the same purpose.

**Section 307.90.** FAMILY AND CHILDREN SERVICES 100193

Of the foregoing appropriation item 600523, Family and 100194  
Children Services, up to \$3,200,000 in each fiscal year shall be 100195  
used to match eligible federal Title IV-B ESSA funds and federal 100196  
Title IV-E Chafee funds allocated to public children services 100197  
agencies. 100198

Of the foregoing appropriation item 600523, Family and 100199  
Children Services, up to \$25,000,000 in each fiscal year shall be 100200  
provided to assist with the expense of providing services to youth 100201  
requiring support from multiple systems. These funds may be used 100202  
for youth currently in the custody of a public children services 100203  
agency or to prevent children from entering into the custody of a 100204  
public children services agency by custody relinquishment or 100205  
another mechanism. The Director of Job and Family Services shall 100206  
adopt rules in accordance with section 111.15 of the Revised Code 100207  
to administer the funding. 100208

Of the foregoing appropriation item 600523, Family and 100209  
Children Services, up to \$5,000,000 in each fiscal year may be 100210  
used for staffing for foster parent recruitment, engagement, and 100211  
support; and up to \$5,000,000 in each fiscal year may be used to 100212  
strengthen best practices. The Director of Job and Family Services 100213  
shall adopt rules in accordance with section 111.15 of the Revised 100214  
Code to administer the funding. 100215

Of the foregoing appropriation item, 600523, Family and 100216  
Children Services, up to \$120,040,010 in each fiscal year shall be 100217  
provided to public children services agencies. Of that amount, 100218  
\$17,600,000 in each fiscal year shall be used to provide an 100219  
initial allocation of \$200,000 to each county and the remainder 100220  
shall be provided using the formula in section 5101.14 of the 100221  
Revised Code. 100222

If the funds available for distribution under section 5101.14 100223

of the Revised Code in fiscal year 2022 and fiscal year 2023 100224  
exceed the amount appropriated in fiscal year 2019, each county 100225  
contributing local funds in county fiscal year 2019 to the county 100226  
children services fund shall contribute moneys to the children 100227  
services fund described in section 5101.144 of the Revised Code. 100228

The Director of Job and Family Services shall adopt rules, in 100229  
accordance with section 111.15 of the Revised Code, to determine 100230  
the amount of local funds each county must contribute to the 100231  
children services fund based on past contributions. Rules must 100232  
include a hardship provision identifying circumstances in which 100233  
the county contribution may be waived or reduced. 100234

**Section 307.100.** KINSHIP CARE NAVIGATOR PROGRAM 100235

Of the foregoing appropriation item 600523, Family and 100236  
Children Services, up to \$8,500,000 in each fiscal year shall be 100237  
used to support the Kinship Care Navigator Program, and may be 100238  
used to match eligible federal Title IV-E funds. 100239

**Section 307.109.** OHIO FAMILY AND CHILDREN FIRST COUNCIL 100240

(A) On the effective date of this section, fiscal and 100241  
administrative agent duties for the Ohio Family and Children First 100242  
Cabinet Council created under section 121.37 of the Revised Code, 100243  
which have been performed by the Department of Mental Health and 100244  
Addiction Services, transfer to the Department of Job and Family 100245  
Services. Associated with the transfer, the location of the 100246  
Council's office shall move to the Department of Job and Family 100247  
Services. The transfer as described in this section does not 100248  
affect the Council's purpose, powers, or duties as specified in 100249  
section 121.37 of the Revised Code. 100250

(B) No validation, cure, right, privilege, remedy, 100251  
obligation, or liability is lost or impaired by reason of the 100252  
transfer required by this section. Any rules, orders, or 100253

determinations pertaining to the Council continue in effect as 100254  
rules, orders, and determinations of the Council until modified or 100255  
rescinded. 100256

(C) Subject to workforce reduction provisions set forth in 100257  
sections 124.321 through 124.328 of the Revised Code, all 100258  
employees of the Council are transferred to the Department of Job 100259  
and Family Services and retain their current positions and 100260  
benefits. 100261

(D) No judicial or administrative action or proceeding to 100262  
which the Council or an authorized officer of the Council is a 100263  
party that is pending on the effective date of this section is 100264  
affected by the transfer. Any such action or proceeding shall be 100265  
prosecuted and defended in the name of the Council. 100266

(E) Notwithstanding any provision of law to the contrary, on 100267  
or after the effective date of this section, the Director of 100268  
Budget and Management shall make budget and accounting changes 100269  
made necessary by the transfer described in division (A) of this 100270  
section. The Director may, if necessary, cancel or establish 100271  
encumbrances or parts of encumbrances in fiscal years 2021 and 100272  
2022 in the appropriate fund and appropriation items for the same 100273  
purpose and for payment to the same vendor. The established 100274  
encumbrances are hereby appropriated. 100275

On July 1, 2021, or as soon as possible thereafter, the 100276  
Director of Budget and Management shall cancel any existing 100277  
encumbrances against appropriation item 336405, Family and 100278  
Children First, and reestablish them against appropriation item 100279  
600451, Family and Children First. The reestablished encumbrance 100280  
amounts are hereby appropriated. Any business commenced but not 100281  
completed under appropriation item 336405, Family and Children 100282  
First, by July 1, 2021, shall be completed under appropriation 100283  
item 600451, Family and Children First, in the same manner, and 100284  
with the same effect, as if completed with regard to appropriation 100285

item 336405, Family and Children First. 100286

On July 1, 2021, or as soon as possible thereafter, the 100287  
Director of Budget and Management shall cancel any existing 100288  
encumbrances against appropriation item 336621, Family and 100289  
Children First, and reestablish them against appropriation item 100290  
600644, Family and Children First. The reestablished encumbrance 100291  
amounts are hereby appropriated. Any business commenced but not 100292  
completed under appropriation item 336621, Family and Children 100293  
First, by July 1, 2021, shall be completed under appropriation 100294  
item 600644, Family and Children First, in the same manner, and 100295  
with the same effect, as if completed with regard to appropriation 100296  
item 336621, Family and Children First. 100297

(F) All records, documents, files, equipment, assets, and 100298  
other property of the Council that existed prior to the effective 100299  
date of this section remain in the possession of the Council and 100300  
are not affected by the transfer. 100301

**Section 307.110. FAMILY AND CHILDREN FIRST FLEXIBLE FUNDING** 100302  
**POOL** 100303

A county family and children first council may establish and 100304  
operate a flexible funding pool in order to assure access to 100305  
needed services by families, children, and older adults in need of 100306  
protective services. The operation of the flexible funding pools 100307  
is subject to the following restrictions: 100308

(A) The county council shall establish and operate the 100309  
flexible funding pool in accordance with formal guidance issued by 100310  
the Family and Children First Cabinet Council; 100311

(B) The county council shall produce an annual report on its 100312  
use of the pooled funds. The annual report shall conform to a 100313  
format prescribed in the formal guidance issued by the Family and 100314  
Children First Cabinet Council; 100315

(C) Unless otherwise restricted, funds transferred to the flexible funding pool may include state general revenues allocated to local entities to support the provision of services to families and children;

(D) The amounts transferred to the flexible funding pool shall be limited to amounts that can be redirected without impairing the achievement of the objectives for which the initial allocation is designated; and

(E) Each amount transferred to the flexible funding pool from a specific allocation shall be approved for transfer by the director of the local agency that was the original recipient of the allocation.

In collaboration with the county family and children first council, a county department of job and family services or public children services agency that receives an allocation from the Department of Job and Family Services from the foregoing appropriation item 600523, Family and Children Services, or 600533, Child, Family, and Community Protection Services, may transfer a portion of either or both allocations to a flexible funding pool as authorized by this section.

**Section 307.120. CHILD, FAMILY, AND COMMUNITY PROTECTION SERVICES**

(A) The foregoing appropriation item 600533, Child, Family, and Community Protection Services, shall be distributed to county departments of job and family services. County departments shall use the funds distributed to them under this section as follows, in accordance with the written plan of cooperation entered into under section 307.983 of the Revised Code:

(1) To assist individuals in achieving or maintaining self-sufficiency, including by reducing or preventing dependency

among individuals with family income not exceeding two hundred per cent of the federal poverty guidelines; 100346  
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(2) Subject to division (B) of this section, to respond to reports of abuse, neglect, or exploitation of children and adults, including through the differential response approach program; 100348  
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(3) To provide outreach and referral services regarding home and community-based services to individuals at risk of placement in a group home or institution, regardless of the individuals' family income and without need for a written application; 100351  
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(4) To provide outreach, referral, application assistance, and other services to assist individuals to receive assistance, benefits, or services under Medicaid; Title IV-A programs, as defined in section 5101.80 of the Revised Code; the Supplemental Nutrition Assistance Program; and other public assistance programs. 100355  
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(B) Protective services may be provided to a child or adult as part of a response, under division (A)(2) of this section, to a report of abuse, neglect, or exploitation without regard to a child or adult's family income and without need for a written application. The protective services may be provided if the case record documents circumstances of actual or potential abuse, neglect, or exploitation. 100361  
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**Section 307.130. ADULT PROTECTIVE SERVICES** 100368

The foregoing appropriation item 600534, Adult Protective Services, shall be divided equally among the counties. 100369  
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**Section 307.140. FAMILY AND CHILDREN ACTIVITIES** 100371

The foregoing appropriation item 600609, Family and Children Activities, shall be used to expend miscellaneous foundation funds and grants to support family and children services activities. 100372  
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|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|------------------------------------------------|
| <b>Section 307.145.</b> JOB AND FAMILY SERVICES PROGRAM SUPPORT                                                                                                                                                                                                                                                             | 100375                                         |
| Of the foregoing appropriation item 600551, Job and Family Services Program Support, \$150,000 in each fiscal year shall be provided to Men's Challenge in Stark County.                                                                                                                                                    | 100376<br>100377<br>100378                     |
| Of the foregoing appropriation item 600551, Job and Family Services Program Support, \$50,000 in fiscal year 2022 shall be provided to the Youngstown Area Jewish Federation to support its mobile meals program.                                                                                                           | 100379<br>100380<br>100381<br>100382           |
| <b>Section 307.146.</b> GRACEHAVEN PILOT PROGRAM                                                                                                                                                                                                                                                                            | 100383                                         |
| The foregoing appropriation item 600552, Gracehaven Pilot Program, shall be used to support the creation and operation of Gracehaven locations to provide community-based services to women under eighteen years of age that have been victims of human trafficking.                                                        | 100384<br>100385<br>100386<br>100387<br>100388 |
| <b>Section 307.150.</b> COURT APPOINTED SPECIAL ADVOCATES                                                                                                                                                                                                                                                                   | 100389                                         |
| Of the foregoing appropriation item 600553, Court Appointed Special Advocates, up to \$333,333 in each fiscal year shall be used to support administrative costs associated with existing court-appointed special advocate programs.                                                                                        | 100390<br>100391<br>100392<br>100393           |
| Of the foregoing appropriation item 600553, Court Appointed Special Advocates, up to \$666,667 in each fiscal year shall be used to establish court-appointed special advocate programs in areas of the state that are not served by an existing program and to support existing programs.                                  | 100394<br>100395<br>100396<br>100397<br>100398 |
| Of the foregoing appropriation item 600616, Federal Discretionary Grants, up to \$800,000 in each fiscal year shall be used for the training of guardians ad litem and court-appointed special advocates as well as to conduct a study to demonstrate the impact of court-appointed special advocate volunteers on outcomes | 100399<br>100400<br>100401<br>100402<br>100403 |

for children who are in child welfare custody as a result of 100404  
abuse, neglect, or dependency. 100405

**Section 307.152. EMPLOYMENT INCENTIVE PROGRAM** 100406

The foregoing appropriation item 600560, Employment Incentive 100407  
Program, shall be provided to eligible county departments of job 100408  
and family services to develop employment incentive programs. In 100409  
order to receive funds, a county department of job and family 100410  
services shall submit a plan regarding the use of these funds for 100411  
approval by the Director of Job and Family Services. The plan 100412  
shall be submitted as part of the county's prevention, retention, 100413  
and contingency plan. Funds shall be used in accordance with 100414  
section 307.983 of the Revised Code to do both of the following: 100415

(A) Incentivize individuals, who are either currently 100416  
enrolled or recently stopped participating in the Supplemental 100417  
Nutrition Assistance Program, Medicaid, or a Temporary Assistance 100418  
for Needy Families program, to enhance, achieve, or maintain 100419  
self-sufficiency through employment; 100420

(B) Provide the nonfederal share for outreach, referral, 100421  
application assistance, and other services to assist individuals 100422  
in receiving incentives through the employment incentive program 100423  
and any related supportive services to stabilize their employment 100424  
and long-term self-sufficiency. 100425

**Section 307.158. GOVERNOR'S OFFICE OF FAITH-BASED AND** 100426  
**COMMUNITY INITIATIVES** 100427

Of the foregoing appropriation item 600450, Program 100428  
Operations, \$750,000 in each fiscal year shall be used by the 100429  
Governor's Office of Faith-Based and Community Initiatives to 100430  
support the development of the Connect Our Kids Family Connections 100431  
technology and the development of the Connect Our Kids Connections 100432  
Matter Academy for transition-aged youth. 100433

|                                                                      |        |
|----------------------------------------------------------------------|--------|
| <b>Section 307.160.</b> WENDY'S WONDERFUL KIDS                       | 100434 |
| Of the foregoing appropriation items 600450, Program                 | 100435 |
| Operations, 600627, Adoption Program - Federal, 600606, Child        | 100436 |
| Welfare, a total of up to \$12,000,000 in each fiscal year may be    | 100437 |
| used to provide funds to the Dave Thomas Foundation for Adoption     | 100438 |
| to implement statewide the Wendy's Wonderful Kids program of         | 100439 |
| professional recruiters who use a child-focused model to find        | 100440 |
| permanent homes for children in Ohio foster care.                    | 100441 |
| <br>                                                                 |        |
| <b>Section 307.170.</b> ODJFS AUDIT SETTLEMENTS AND CONTINGENCY FUND | 100442 |
| Notwithstanding section 5101.073 of the Revised Code, the            | 100443 |
| ODJFS Audit Settlements and Contingency Fund (Fund 5DM0) may also    | 100444 |
| consist of earned federal revenue the final disposition of which     | 100445 |
| is unknown.                                                          | 100446 |
| The Director of Job and Family Services may seek Controlling         | 100447 |
| Board approval to transfer up to \$21,000,000 cash in each fiscal    | 100448 |
| year from the ODJFS Audit Settlements and Contingency Fund (Fund     | 100449 |
| 5DM0) to the Human Services Projects Fund (Fund 5RY0).               | 100450 |
| <br>                                                                 |        |
| <b>Section 307.180.</b> ADOPTION ASSISTANCE LOAN                     | 100451 |
| The Department of Job and Family Services may use the State          | 100452 |
| Adoption Assistance Loan Fund (Fund 5DP0) for the administration     | 100453 |
| of adoption assistance loans pursuant to section 3107.018 of the     | 100454 |
| Revised Code. The amounts of any adoption assistance loans are       | 100455 |
| hereby appropriated.                                                 | 100456 |
| <br>                                                                 |        |
| <b>Section 307.190.</b> EARLY CHILDHOOD EDUCATION                    | 100457 |
| Of the foregoing appropriation item 600696, Early Childhood          | 100458 |
| Education, up to \$20,000,000 in each fiscal year shall be used to   | 100459 |
| achieve the goals described in division (C) of section 5104.29 of    | 100460 |
| the Revised Code.                                                    | 100461 |

**Section 307.200.** VICTIMS OF HUMAN TRAFFICKING 100462

The foregoing appropriation item 600660, Victims of Human 100463  
Trafficking, shall be used to provide treatment, care, 100464  
rehabilitation, education, housing, and assistance for victims of 100465  
trafficking in persons as specified in section 5101.87 of the 100466  
Revised Code. 100467

If receipts credited to the Victims of Human Trafficking Fund 100468  
(Fund 5NG0) exceed the amounts appropriated to the fund, the 100469  
Director of Job and Family Services may request the Director of 100470  
Budget and Management to authorize expenditures from the fund in 100471  
excess of the amounts appropriated. Upon the approval of the 100472  
Director of Budget and Management, the additional amounts are 100473  
hereby appropriated. 100474

**Section 307.210.** CHILDRENS CRISIS CARE 100475

The foregoing appropriation item 600674, Childrens Crisis 100476  
Care, shall be allocated by the Department of Job and Family 100477  
Services in each fiscal year to children's crisis care facilities 100478  
as defined in section 5103.13 of the Revised Code. The Director of 100479  
Job and Family Services shall allocate funds in each fiscal year 100480  
based on the total length of stay or days of care for each child 100481  
residing in the facility, which is determined by calculating the 100482  
total days each child resides at the crisis care facility, 100483  
including the date of admission, but not the day of discharge. A 100484  
children's crisis care facility may decline to receive funds 100485  
provided under this section. A children's crisis care facility 100486  
that accepts funds provided under this section shall use the funds 100487  
in accordance with section 5103.13 of the Revised Code and the 100488  
rules as defined in rule 5101:2-9-36 of the Administrative Code. 100489

**Section 307.220.** FIDUCIARY AND HOLDING ACCOUNT FUND GROUPS 100490

The Fiduciary Fund Group and Holding Account Fund Group shall 100491  
be used to hold revenues until the appropriate fund is determined 100492  
or until the revenues are directed to the appropriate governmental 100493  
agency other than the Department of Job and Family Services. Any 100494  
Department of Job and Family Services refunds or reconciliations 100495  
received or held by the Department of Medicaid shall be 100496  
transferred or credited to the Refunds and Audit Settlement Fund 100497  
(Fund R012). If receipts credited to the Support Intercept - 100498  
Federal Fund (Fund 1920), the Support Intercept - State Fund (Fund 100499  
5830), the Food Stamp Offset Fund (Fund 5B60), or the Refunds and 100500  
Audit Settlements Fund (Fund R012) exceed the amounts appropriated 100501  
from the fund, the Director of Job and Family Services may request 100502  
the Director of Budget and Management to authorize expenditures 100503  
from the fund in excess of the amounts appropriated. Upon the 100504  
approval of the Director of Budget and Management, the additional 100505  
amounts are hereby appropriated. 100506

**Section 307.230. FEDERAL UNEMPLOYMENT PROGRAMS** 100507

A portion of the foregoing appropriation item 600678, Federal 100508  
Unemployment Programs, shall be provided in accordance with 100509  
sections 4141.162 and 4141.35 of the Revised Code to administer 100510  
fraud identification and prevention efforts in the unemployment 100511  
program. 100512

**Section 307.240. UNEMPLOYMENT INSURANCE PROGRAM IMPROVEMENT** 100513

To improve customer service and program integrity within the 100514  
Unemployment Insurance Program, the Department of Job and Family 100515  
Services shall integrate specific system enhancements to 100516  
streamline claims processing, enhance adjudication methodology 100517  
where appropriate, and secure and implement a new cloud-based tax 100518  
and benefits system to replace outdated technology. 100519

**Section 307.250. (A) There is hereby established a study** 100520

committee to evaluate all of the following regarding both publicly funded child care, as described in section 5104.30 of the Revised Code, and the Step Up to Quality Program, as created by section 5104.29 of the Revised Code:

- (1) The number of children and families receiving publicly funded child care;
- (2) The number of early learning and development programs, as defined in section 5104.29 of the Revised Code, participating in the Step Up to Quality Program administered by the Ohio Department of Job and Family Services and providing publicly funded child care;
- (3) The number of child care providers licensed by the Ohio Department of Job and Family Services;
- (4) Funding sources for both publicly funded child care and the Step Up to Quality Program;
- (5) The long-term sustainability of those funding sources;
- (6) Eligibility levels for publicly funded child care, including the levels at which families may lose their eligibility;
- (7) Issues regarding access to publicly funded child care and quality-rated early learning and development programs;
- (8) The administrative burdens that result from obtaining and maintaining a quality rating;
- (9) Alternative criteria by which a child day-care center or family day-care home that enrolls a low census of children receiving publicly funded child care may obtain a one-star rating in the Step Up to Quality Program;
- (10) The manner in which the Department of Job and Family Services establishes reimbursement ceilings for publicly funded child care, including through the use of market rate surveys.

|                                                                    |        |
|--------------------------------------------------------------------|--------|
| (B) The committee shall consist of all of the following            | 100550 |
| members:                                                           | 100551 |
| (1) The Director of the Ohio Department of Job and Family          | 100552 |
| Services or the Director's designee who has experience in child    | 100553 |
| care oversight;                                                    | 100554 |
| (2) The Superintendent of Public Instruction or the                | 100555 |
| Superintendent's designee who has experience in child care or      | 100556 |
| early childhood education;                                         | 100557 |
| (3) Two directors of a county department of job and family         | 100558 |
| services, one appointed by the Senate President and one appointed  | 100559 |
| by the Speaker of the House of Representatives, each with          | 100560 |
| experience in publicly funded child care oversight;                | 100561 |
| (4) A home-based child care provider providing publicly            | 100562 |
| funded child care appointed by the Senate President;               | 100563 |
| (5) A center-based child care provider providing publicly          | 100564 |
| funded child care appointed by the Speaker of the House of         | 100565 |
| Representatives;                                                   | 100566 |
| (6) A representative of the Ohio Society of Certified Public       | 100567 |
| Accountants appointed by the Speaker of the House of               | 100568 |
| Representatives;                                                   | 100569 |
| (7) Two representatives, each from a child care advocacy           | 100570 |
| organization, one appointed by the Senate President and one        | 100571 |
| appointed by the Speaker of the House of Representatives;          | 100572 |
| (8) A representative of the business community appointed by        | 100573 |
| the Senate President;                                              | 100574 |
| (9) Three members of the Senate, not more than two from the        | 100575 |
| same party, each appointed by the Senate President;                | 100576 |
| (10) Three members of the House of Representatives, not more       | 100577 |
| than two from the same party, each appointed by the Speaker of the | 100578 |
| House of Representatives.                                          | 100579 |

The Senate President shall appoint one of the members 100580  
described in division (B)(9) of this section to serve as the 100581  
committee's co-chairperson. The Speaker of the House of 100582  
Representatives shall appoint one of the members described in 100583  
division (B)(10) of this section to serve as the committee's other 100584  
co-chairperson. 100585

The appointments required by this section shall be made not 100586  
later than thirty days after the effective date of this section. 100587

Members shall serve without compensation. 100588

If a member appointed to the committee no longer satisfies 100589  
the grounds upon which the member was appointed, the member is 100590  
ineligible to continue to serve on the committee and a new member 100591  
shall be appointed in accordance with division (B) of this 100592  
section. 100593

(C)(1) To evaluate the issues described in division (A) of 100594  
this section, the committee shall meet at the call of the 100595  
co-chairpersons, with the first meeting to be held not later than 100596  
thirty days after appointments have been made. The committee shall 100597  
hold hearings to receive testimony from the public and relevant 100598  
state agencies and boards. 100599

(2) Not later than December 31, 2021, the committee shall 100600  
evaluate and recommend alternative criteria by which a child 100601  
day-care center or family day-care home that enrolls a low census 100602  
of children receiving publicly funded child care may obtain a 100603  
one-star rating in the Step Up to Quality Program. 100604

The committee may issue reports as necessary and shall issue 100605  
a final report with any findings or recommendations not later 100606  
December 1, 2022. 100607

Any report issued by the study committee is nonbinding and 100608  
shall be considered only as a recommendation. 100609

The committee shall provide a copy of each report it issues 100610  
to the Governor and to the Ohio General Assembly and Ohio 100611  
Legislative Service Commission in accordance with division (B) of 100612  
section 101.68 of the Revised Code. 100613

(3) The staff of the Legislative Service Commission shall 100614  
provide services to the committee. 100615

(D) This section expires on the adjournment of the 134th 100616  
General Assembly. 100617

**Section 307.260. UNEMPLOYMENT COMPENSATION** 100618

Not later than March 1, 2022, the Director of Job and Family 100619  
Services shall certify to the Director of Budget and Management, 100620  
the President and Minority Leader of the Senate, the Speaker and 100621  
Minority Leader of the House of Representatives, and to the 100622  
chairpersons and ranking members of the Senate and House of 100623  
Representatives standing committees that consider unemployment 100624  
compensation issues the amount of unrecovered unemployment 100625  
compensation as defined in section 4141.284 of the Revised Code 100626  
and Pandemic Unemployment Assistance benefits provided under the 100627  
"Coronavirus Aid, Relief, and Economic Security Act," 15 U.S.C. 100628  
9021, that were issued due to fraudulent misrepresentation during 100629  
the period March 1, 2020, and December 31, 2021. 100630

**Section 307.270. PUBLICLY FUNDED CHILD CARE** 100631

Of the foregoing appropriation item 600617, Child Care 100632  
Federal, \$50,000,000 in fiscal year 2022 of the amounts provided 100633  
from the "Consolidated Appropriations Act, 2021" Pub. L. No. 100634  
116-260 shall be used to provide a discount to the co-payments, 100635  
established under section 5104.38 of the Revised Code, for 100636  
families participating in publicly funded child care. 100637

All of the following apply to funds provided through the 100638  
"Consolidated Appropriations Act, 2021," Pub. L. No. 116-260 or 100639

the "American Rescue Plan Act of 2021," Pub. L. No. 117-2, 100640  
including funds appropriated through appropriation item 600617, 100641  
Child Care Federal: 100642

(A) In the event "Consolidated Appropriations Act, 2021," 100643  
Pub. L. No. 116-260, funds not previously appropriated by the 100644  
General Assembly, including through Controlling Board or as part 100645  
of S.B. 109 of the 134th General Assembly, remain available, the 100646  
Department of Job and Family Services shall use the funds to 100647  
assist with stabilizing and sustaining the child care program, 100648  
improve workforce recruitment and retention, and increase access 100649  
for families. 100650

(B) In the event Ohio receives federal Child Care Development 100651  
Fund (CCDF) supplemental discretionary funds from the "American 100652  
Rescue Plan Act of 2021," Pub. L. No. 117-2, the Department of Job 100653  
and Family Services shall use the funds to assist with stabilizing 100654  
and sustaining the child care program, improve workforce 100655  
recruitment and retention, and increase access for families. 100656

**Section 307.280.** Beginning on the effective date of this 100657  
section and through June 30, 2023, all of the following apply to a 100658  
family's eligibility for publicly funded child care as described 100659  
in division (A) of section 5104.38 of the Revised Code: 100660

(A) Except as provided in division (B) of this section, the 100661  
maximum amount of income that a family may have for initial 100662  
eligibility shall not exceed one hundred forty-two per cent of the 100663  
federal poverty line; 100664

(B) For special needs child care, as defined in section 100665  
5104.01 of the Revised Code, the maximum amount of income that the 100666  
family may have for initial eligibility shall not exceed one 100667  
hundred fifty per cent of the federal poverty line. 100668

(C) The maximum amount of income that a family may have for 100669

continued eligibility shall not exceed three hundred per cent of 100670  
the federal poverty line. 100671

**Section 307.290.** (A) Notwithstanding any provision of law or 100672  
regulation to the contrary, in order to improve the timeliness of 100673  
public assistance benefit deliveries, maximize operational 100674  
efficiencies, increase cost savings, and minimize fraud, each 100675  
county department of job and family services shall participate in 100676  
a no cost, ninety-day pilot, under which each county department 100677  
shall obtain real-time employment and income information from a 100678  
third-party commercial consumer reporting agency, in accordance 100679  
with the "Fair Credit Reporting Act," 15 U.S.C. 1681 et seq., for 100680  
the purpose of assisting with eligibility determinations for 100681  
Supplemental Nutrition Assistance Program benefits, benefits 100682  
funded by the Temporary Assistance for Needy Families block grant, 100683  
and unemployment compensation benefits. Each county department 100684  
shall conduct an analysis on the pilot and undertake efforts to 100685  
incorporate real-time employment and income information into 100686  
existing verification and eligibility determination procedures. 100687

(B) Following the conclusion of the ninety-day pilot, the 100688  
department of job and family services may contract with a vendor 100689  
capable of providing the same or similar services to those 100690  
described in this section. Of the foregoing appropriation item 100691  
600551, Job and Family Services Support, up to \$1,000,000 in 100692  
fiscal year 2022 may be used to contract with a vendor. 100693

**Section 307.300.** PUBLIC ASSISTANCE BENEFITS ACCOUNTABILITY 100694  
TASK FORCE 100695

(A) There is hereby created the Public Assistance Benefits 100696  
Accountability Task Force consisting of the following fifteen 100697  
members: 100698

(1) The Medicaid Director, or the Director's designee, who 100699

shall serve as an ex-officio, nonvoting member; 100700

(2) The Director of the Department of Job and Family Services, or the Director's designee, who shall serve as an ex-officio, nonvoting member; 100701  
100702  
100703

(3) The Director of the Office of InnovateOhio, or the Director's designee, who shall serve as an ex-officio, nonvoting member; 100704  
100705  
100706

(4) The following members appointed by the President of the Senate; 100707  
100708

(a) A director of a county department of job and family services; 100709  
100710

(b) A business owner who employs fewer than one hundred people; 100711  
100712

(c) A director of a child support enforcement agency; 100713

(d) Three members of the Senate, two from the majority party and one from the minority party. 100714  
100715

(5) The following members appointed by the Speaker of the House of Representatives: 100716  
100717

(a) A business owner who employs fewer than five hundred people; 100718  
100719

(b) A representative of the Ohio Job and Family Services Directors' Association; 100720  
100721

(c) A director of a county workforce development agency; 100722

(d) Three members of the House of Representatives, two from the majority party and one from the minority party. 100723  
100724

(B) Not later than ninety days from the effective date of this section, the President of the Senate and the Speaker of the House of Representatives shall each appoint a co-chairperson from among the members they appoint to the task force. Thereafter, the 100725  
100726  
100727  
100728

task force shall meet at the call of the co-chairpersons. 100729

(C) The task force shall have the power to do the following: 100730

(1) Review the November 9, 2020, report of the State Auditor 100731  
entitled "Ohio's Medicaid Eligibility Determination Process" and 100732  
determine to what extent the recommendations included in the 100733  
report have been adopted. Within ninety days of conducting this 100734  
review, the task force shall report to the President of the Senate 100735  
and the Speaker of the House of Representatives regarding the 100736  
status of implementation of these recommendations. 100737

(2) Review past and present welfare to work county programs 100738  
and their effectiveness on assisting individuals in achieving 100739  
employment. 100740

(3) Review existing fraud prevention efforts at the state and 100741  
county levels and determine best practices for fraud prevention in 100742  
the Supplemental Nutrition Assistance Program, Medicaid Program, 100743  
Ohio Works First, and publicly funded child care program. 100744

(4) Review and establish best practices regarding overpayment 100745  
of benefits in the Supplemental Nutrition Assistance Program, 100746  
Medicaid program, and publicly funded child care program and 100747  
determine how these overpayments can be prevented at the state and 100748  
county levels. 100749

(5) Review and recommend best practices for processing public 100750  
assistance cases to create efficiencies and reduce errors through 100751  
the use of technology. 100752

(6) Review and evaluate the length of time that individuals 100753  
receive public assistance in this state and recommend ways to 100754  
return individuals to the workforce. 100755

(7) Review existing efforts to ensure compliance with child 100756  
support enforcement across public assistance benefit programs and 100757  
recommend additional ways compliance could be improved. 100758

(8) Review the costs and benefits associated with 100759  
implementing a requirement that each Supplemental Nutrition 100760  
Assistance Program debit card include a color photograph of at 100761  
least one adult member of the household. 100762

(D) Members of the task force shall serve without 100763  
compensation. 100764

(E) Not later than eighteen months after convening, the task 100765  
force shall prepare and submit a report to the General Assembly, 100766  
in accordance with section 101.68 of the Revised Code, regarding 100767  
any recommendations concerning the topics described in division 100768  
(C) of this section. Upon the submission of its report, the task 100769  
force shall cease to exist. 100770

**Section 309.10.** JCR JOINT COMMITTEE ON AGENCY RULE REVIEW 100771

General Revenue Fund 100772

|            |                    |    |         |    |         |        |
|------------|--------------------|----|---------|----|---------|--------|
| GRF 029321 | Operating Expenses | \$ | 570,000 | \$ | 570,000 | 100773 |
|------------|--------------------|----|---------|----|---------|--------|

|           |                      |    |         |    |         |        |
|-----------|----------------------|----|---------|----|---------|--------|
| TOTAL GRF | General Revenue Fund | \$ | 570,000 | \$ | 570,000 | 100774 |
|-----------|----------------------|----|---------|----|---------|--------|

|                              |  |    |         |    |         |        |
|------------------------------|--|----|---------|----|---------|--------|
| TOTAL ALL BUDGET FUND GROUPS |  | \$ | 570,000 | \$ | 570,000 | 100775 |
|------------------------------|--|----|---------|----|---------|--------|

OPERATING GUIDANCE 100776

The Legislative Service Commission shall act as fiscal agent 100777  
for the Joint Committee on Agency Rule Review. Members of the 100778  
Committee shall be paid in accordance with section 101.35 of the 100779  
Revised Code. 100780

OPERATING EXPENSES 100781

On July 1, 2021, or as soon as possible thereafter, the 100782  
Executive Director of the Joint Committee on Agency Rule Review 100783  
may certify to the Director of Budget and Management an amount up 100784  
to the unexpended, unencumbered balance of the foregoing 100785  
appropriation item 029321, Operating Expenses, at the end of 100786  
fiscal year 2021 to be reappropriated to fiscal year 2022. The 100787  
amount certified is hereby reappropriated to the same 100788

appropriation item for fiscal year 2022. 100789

On July 1, 2022, or as soon as possible thereafter, the 100790  
Executive Director of the Joint Committee on Agency Rule Review 100791  
may certify to the Director of Budget and Management an amount up 100792  
to the unexpended, unencumbered balance of the foregoing 100793  
appropriation item 029321, Operating Expenses, at the end of 100794  
fiscal year 2022 to be reappropriated to fiscal year 2023. The 100795  
amount certified is hereby reappropriated to the same 100796  
appropriation item for fiscal year 2023. 100797

**Section 313.10.** JMO JOINT MEDICAID OVERSIGHT COMMITTEE 100798

General Revenue Fund 100799

GRF 048321 Operating Expenses \$ 371,848 \$ 575,083 100800

TOTAL GRF General Revenue Fund \$ 371,848 \$ 575,083 100801

TOTAL ALL BUDGET FUND GROUPS \$ 371,848 \$ 575,083 100802

OPERATING EXPENSES 100803

The foregoing appropriation item 048321, Operating Expenses, 100804  
shall be used to support expenses related to the Joint Medicaid 100805  
Oversight Committee created by section 103.41 of the Revised Code. 100806

On July 1, 2021, or as soon as possible thereafter, the 100807  
Executive Director of the Joint Medicaid Oversight Committee may 100808  
certify to the Director of Budget and Management an amount up to 100809  
the unexpended, unencumbered balance of the foregoing 100810  
appropriation item 048321, Operating Expenses, at the end of 100811  
fiscal year 2021 to be reappropriated to fiscal year 2022. The 100812  
amount certified is hereby reappropriated to the same 100813  
appropriation item for fiscal year 2022. 100814

On July 1, 2022, or as soon as possible thereafter, the 100815  
Executive Director of the Joint Medicaid Oversight Committee may 100816  
certify to the Director of Budget and Management an amount up to 100817  
the unexpended, unencumbered balance of the foregoing 100818

appropriation item 048321, Operating Expenses, at the end of 100819  
 fiscal year 2022 to be reappropriated to fiscal year 2023. The 100820  
 amount certified is hereby reappropriated to the same 100821  
 appropriation item for fiscal year 2023. 100822

**Section 315.10.** JCO JUDICIAL CONFERENCE OF OHIO 100823

General Revenue Fund 100824

|            |                    |    |           |    |           |        |
|------------|--------------------|----|-----------|----|-----------|--------|
| GRF 018321 | Operating Expenses | \$ | 1,046,464 | \$ | 1,083,265 | 100825 |
|------------|--------------------|----|-----------|----|-----------|--------|

|           |                      |    |           |    |           |        |
|-----------|----------------------|----|-----------|----|-----------|--------|
| TOTAL GRF | General Revenue Fund | \$ | 1,046,464 | \$ | 1,083,265 | 100826 |
|-----------|----------------------|----|-----------|----|-----------|--------|

Dedicated Purpose Fund Group 100827

|             |           |    |         |    |         |        |
|-------------|-----------|----|---------|----|---------|--------|
| 4030 018601 | Ohio Jury | \$ | 531,471 | \$ | 540,421 | 100828 |
|-------------|-----------|----|---------|----|---------|--------|

Instructions

|           |                        |    |         |    |         |        |
|-----------|------------------------|----|---------|----|---------|--------|
| TOTAL DPF | Dedicated Purpose Fund | \$ | 531,471 | \$ | 540,421 | 100829 |
|-----------|------------------------|----|---------|----|---------|--------|

Group

|                              |  |    |           |    |           |        |
|------------------------------|--|----|-----------|----|-----------|--------|
| TOTAL ALL BUDGET FUND GROUPS |  | \$ | 1,577,935 | \$ | 1,623,686 | 100830 |
|------------------------------|--|----|-----------|----|-----------|--------|

STATE COUNCIL OF UNIFORM STATE LAWS 100831

Notwithstanding section 105.26 of the Revised Code, of the 100832  
 foregoing appropriation item 018321, Operating Expenses, up to 100833  
 \$96,305 in fiscal year 2022 and up to \$99,194 in fiscal year 2023 100834  
 shall be used to pay the expenses of the State Council of Uniform 100835  
 State Laws, including membership dues to the National Conference 100836  
 of Commissioners on Uniform State Laws. 100837

OHIO JURY INSTRUCTIONS FUND 100838

The Ohio Jury Instructions Fund (Fund 4030) shall consist of 100839  
 grants, royalties, dues, conference fees, bequests, devises, and 100840  
 other gifts received for the purpose of supporting costs incurred 100841  
 by the Judicial Conference of Ohio in its activities as a part of 100842  
 the judicial system of the state as determined by the Judicial 100843  
 Conference Executive Committee. Fund 4030 shall be used by the 100844  
 Judicial Conference of Ohio to pay expenses incurred in its 100845  
 activities as a part of the judicial system of the state as 100846

determined by the Judicial Conference Executive Committee. All 100847  
moneys accruing to Fund 4030 in excess of the amount appropriated 100848  
for the current fiscal year are hereby appropriated for the 100849  
purposes authorized. No money in Fund 4030 shall be transferred to 100850  
any other fund by the Director of Budget and Management or the 100851  
Controlling Board. 100852

**Section 317.10.** JSC THE JUDICIARY/SUPREME COURT 100853

General Revenue Fund 100854

GRF 005321 Operating Expenses - \$ 185,879,257 \$ 190,389,942 100855  
Judiciary/Supreme  
Court

GRF 005401 State Criminal \$ 1,346,891 \$ 1,438,123 100856  
Sentencing Commission

GRF 005406 Law-Related Education \$ 350,000 \$ 350,000 100857

GRF 005409 Ohio Courts \$ 3,829,540 \$ 3,843,940 100858  
Technology Initiative

TOTAL GRF General Revenue Fund \$ 191,405,688 \$ 196,022,005 100859

Dedicated Purpose Fund Group 100860

4C80 005605 Attorney Services \$ 11,015,310 \$ 10,979,027 100861

5HT0 005617 Court Interpreter \$ 7,000 \$ 7,000 100862  
Certification

5SP0 005626 Civil Justice Grant \$ 350,000 \$ 350,000 100863  
Program

5T80 005609 Grants and Awards \$ 5,000 \$ 5,000 100864

6720 005601 Judiciary/Supreme \$ 105,000 \$ 105,000 100865  
Court Education

TOTAL DPF Dedicated Purpose Fund \$ 11,482,310 \$ 11,446,027 100866  
Group

Fiduciary Fund Group 100867

5JY0 005620 County Law Library \$ 308,000 \$ 323,500 100868  
Resources Boards

|                                |    |             |    |             |        |
|--------------------------------|----|-------------|----|-------------|--------|
| TOTAL FID Fiduciary Fund Group | \$ | 308,000     | \$ | 323,500     | 100869 |
| Federal Fund Group             |    |             |    |             | 100870 |
| 3J00 005603 Federal Grants     | \$ | 1,155,203   | \$ | 1,026,530   | 100871 |
| TOTAL FED Federal Fund Group   | \$ | 1,155,203   | \$ | 1,026,530   | 100872 |
| TOTAL ALL BUDGET FUND GROUPS   | \$ | 204,351,201 | \$ | 208,818,062 | 100873 |

**Section 317.20.** STATE CRIMINAL SENTENCING COMMISSION 100875

The foregoing appropriation item 005401, State Criminal Sentencing Commission, shall be used for the operation of the State Criminal Sentencing Commission established by section 181.21 of the Revised Code. 100876  
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LAW-RELATED EDUCATION 100880

Of the foregoing appropriation item 005406, Law-Related Education, \$200,000 in each fiscal year shall be distributed directly to the Ohio Center for Law-Related Education for the purposes of providing continuing citizenship education activities to primary and secondary students, expanding delinquency prevention programs, increasing activities for at-risk youth, and accessing additional public and private money for new programs. 100881  
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Of the foregoing appropriation item 005406, Law-Related Education, \$150,000 in each fiscal year shall be used to promote information about candidates running for Chief Justice or Justice of the Ohio Supreme Court or judge of a court of appeals who were nominated at a primary election to appear on the ballot at the general election with a political party designation. No funds shall be used for the endorsement or promotion of any candidate. 100888  
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OHIO COURTS TECHNOLOGY INITIATIVE 100895

The foregoing appropriation item 005409, Ohio Courts Technology Initiative, shall be used to fund an initiative by the Supreme Court to facilitate the exchange of information and warehousing of data by and between Ohio courts and other justice 100896  
100897  
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system partners through the creation of an Ohio Courts Network, 100900  
the delivery of technology services to courts throughout the 100901  
state, including the provision of hardware, software, and the 100902  
development and implementation of educational and training 100903  
programs for judges and court personnel, and operation of the 100904  
Commission on Technology and the Courts by the Supreme Court for 100905  
the promulgation of statewide rules, policies, and uniform 100906  
standards, and to aid in the orderly adoption and comprehensive 100907  
use of technology in Ohio courts. 100908

ATTORNEY SERVICES 100909

The Attorney Registration Fund (Fund 4C80) shall consist of 100910  
money received by the Supreme Court (The Judiciary) pursuant to 100911  
the Rules for the Government of the Bar of Ohio. In addition to 100912  
funding other activities considered appropriate by the Supreme 100913  
Court, the foregoing appropriation item 005605, Attorney Services, 100914  
may be used to compensate employees and to fund appropriate 100915  
activities of the following offices established by the Supreme 100916  
Court: the Office of Disciplinary Counsel, the Board of 100917  
Commissioners on Grievances and Discipline, the Clients' Security 100918  
Fund, and the Attorney Services Division which include the Office 100919  
of Bar Admissions. If it is determined by the Administrative 100920  
Director of the Supreme Court that changes to the appropriation 100921  
are necessary, the amounts are hereby appropriated. 100922

No money in Fund 4C80 shall be transferred to any other fund 100923  
by the Director of Budget and Management or the Controlling Board. 100924  
Interest earned on money in Fund 4C80 shall be credited to the 100925  
fund. 100926

COURT INTERPRETER CERTIFICATION 100927

The Court Interpreter Certification Fund (Fund 5HT0) shall 100928  
consist of money received by the Supreme Court (The Judiciary) 100929  
pursuant to Rules 80 through 87 of the Rules of Superintendence 100930

for the Courts of Ohio. The foregoing appropriation item 005617, 100931  
Court Interpreter Certification, shall be used to provide 100932  
training, to provide the written examination, and to pay language 100933  
experts to rate, or grade, the oral examinations of those applying 100934  
to become certified court interpreters. If it is determined by the 100935  
Administrative Director of the Supreme Court that changes to the 100936  
appropriation are necessary, the amounts are hereby appropriated. 100937

No money in Fund 5HT0 shall be transferred to any other fund 100938  
by the Director of Budget and Management or the Controlling Board. 100939  
Interest earned on money in Fund 5HT0 shall be credited to the 100940  
fund. 100941

CIVIL JUSTICE GRANT PROGRAM 100942

The Civil Justice Program Fund (Fund 5SP0) shall consist of 100943  
(1) \$50 voluntary donations made as part of the biennium attorney 100944  
registration process and (2) \$150 increase in the pro hac vice 100945  
fees for out-of-state attorneys pursuant to Government of the Bar 100946  
Rule amendments. The foregoing appropriation item 005626, Civil 100947  
Justice Grant Program, shall be used by the Supreme Court of Ohio 100948  
for grants to not-for-profit organizations and agencies dedicated 100949  
to providing civil legal aid to underserved populations, to fund 100950  
innovative programs directed at this purpose, and to increase 100951  
access to judicial service to that population. If it is determined 100952  
by the Administrative Director of the Supreme Court that changes 100953  
to the appropriation are necessary, the amounts are hereby 100954  
appropriated. 100955

No money in Fund 5SP0 shall be transferred to any other fund 100956  
by the Director of Budget and Management or the Controlling Board. 100957  
Interest earned on money in Fund 5SP0 shall be credited to the 100958  
fund. 100959

GRANTS AND AWARDS 100960

The Grants and Awards Fund (Fund 5T80) shall consist of 100961

grants and other money awarded to the Supreme Court (The  
Judiciary) by the State Justice Institute, the Division of  
Criminal Justice Services, or other entities. The foregoing  
appropriation item 005609, Grants and Awards, shall be used in a  
manner consistent with the purpose of the grant or award. If it is  
determined by the Administrative Director of the Supreme Court  
that changes to the appropriation are necessary, the amounts are  
hereby appropriated.

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No money in Fund 5T80 shall be transferred to any other fund  
by the Director of Budget and Management or the Controlling Board.  
Interest earned on money in Fund 5T80 shall be credited or  
transferred to the General Revenue Fund.

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JUDICIARY/SUPREME COURT EDUCATION

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The Judiciary/Supreme Court Education Fund (Fund 6720) shall  
consist of fees paid for attending judicial and public education  
on the law, reimbursement of costs for judicial and public  
education on the law, and other gifts and grants received for the  
purpose of judicial and public education on the law. The foregoing  
appropriation item 005601, Judiciary/Supreme Court Education,  
shall be used to pay expenses for judicial education courses for  
judges, court personnel, and those who serve the courts, and for  
public education on the law. If it is determined by the  
Administrative Director of the Supreme Court that changes to the  
appropriation are necessary, the amounts are hereby appropriated.

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No money in Fund 6720 shall be transferred to any other fund  
by the Director of Budget and Management or the Controlling Board.  
Interest earned on money in Fund 6720 shall be credited to the  
fund.

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COUNTY LAW LIBRARY RESOURCES BOARDS

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The Statewide Consortium of County Law Library Resources  
Boards Fund (Fund 5JY0) shall consist of moneys deposited pursuant

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100992

to section 307.515 of the Revised Code into a county's law library 100993  
resources fund and forwarded by that county's treasurer for 100994  
deposit in the state treasury pursuant to division (E)(1) of 100995  
section 3375.481 of the Revised Code. The foregoing appropriation 100996  
item 005620, County Law Library Resources Boards, shall be used 100997  
for the operation of the Statewide Consortium of County Law 100998  
Library Resources Boards. If it is determined by the 100999  
Administrative Director of the Supreme Court that changes to the 101000  
appropriation are necessary, the amounts are hereby appropriated. 101001

No money in Fund 5JY0 shall be transferred to any other fund 101002  
by the Director of Budget and Management or the Controlling Board. 101003  
Interest earned on money in Fund 5JY0 shall be credited to the 101004  
fund. 101005

FEDERAL GRANTS 101006

The Federal Grants Fund (Fund 3J00) shall consist of grants 101007  
and other moneys awarded to the Supreme Court (The Judiciary) by 101008  
the United States Government or other entities that receive the 101009  
moneys directly from the United States Government and distribute 101010  
those moneys to the Supreme Court (The Judiciary). The foregoing 101011  
appropriation item 005603, Federal Grants, shall be used in a 101012  
manner consistent with the purpose of the grant or award. If it is 101013  
determined by the Administrative Director of the Supreme Court 101014  
that changes to the appropriation are necessary, the amounts are 101015  
hereby appropriated. 101016

No money in Fund 3J00 shall be transferred to any other fund 101017  
by the Director of Budget and Management or the Controlling Board. 101018  
However, interest earned on money in Fund 3J00 shall be credited 101019  
or transferred to the General Revenue Fund. 101020

**Section 319.10. LEC LAKE ERIE COMMISSION** 101021

Dedicated Purpose Fund Group 101022

|                    |        |                        |    |         |    |         |        |
|--------------------|--------|------------------------|----|---------|----|---------|--------|
| 4C00               | 780601 | Lake Erie Protection   | \$ | 699,000 | \$ | 699,000 | 101023 |
| 6H20               | 780604 | H2Ohio                 | \$ | 125,000 | \$ | 125,000 | 101024 |
| TOTAL              | DPF    | Dedicated Purpose Fund | \$ | 824,000 | \$ | 824,000 | 101025 |
| Group              |        |                        |    |         |    |         |        |
| Federal Fund Group |        |                        |    |         |    |         | 101026 |
| 3EP0               | 780603 | LEC Federal Grants     | \$ | 50,000  | \$ | 50,000  | 101027 |
| TOTAL              | FED    | Federal Fund Group     | \$ | 50,000  | \$ | 50,000  | 101028 |
| TOTAL              | ALL    | BUDGET FUND GROUPS     | \$ | 874,000 | \$ | 874,000 | 101029 |

CASH TRANSFERS TO THE LAKE ERIE PROTECTION FUND 101030

On July 1 of each fiscal year, or as soon as possible 101031  
thereafter, and upon approval by the Controlling Board, the 101032  
Director of Budget and Management may transfer cash from the funds 101033  
specified below, up to the amounts specified below, to the Lake 101034  
Erie Protection Fund (Fund 4C00). Fund 4C00 may accept 101035  
contributions and transfers made to the fund. 101036

| Fund | Fund Name                         | User                               | FY 2022  | FY 2023  |        |
|------|-----------------------------------|------------------------------------|----------|----------|--------|
| 5BC0 | Environmental<br>Protection       | Environmental<br>Protection Agency | \$25,000 | \$25,000 | 101038 |
| 6690 | Pesticide,<br>Fertilizer and Lime | Department of<br>Agriculture       | \$25,000 | \$25,000 | 101039 |
| 4700 | General Operations                | Department of<br>Health            | \$25,000 | \$25,000 | 101040 |
| 1570 | Program Support                   | Department of<br>Natural Resources | \$25,000 | \$25,000 | 101041 |

On July 1, 2021, or as soon as possible thereafter, and upon 101042  
approval by the Controlling Board, the Director of Budget and 101043  
Management may transfer \$25,000 cash from a fund used by the 101044  
Department of Development, as specified by the Director of 101045  
Development, to Fund 4C00. 101046

On July 1, 2022, or as soon as possible thereafter, and upon 101047  
approval by the Controlling Board, the Director of Budget and 101048  
Management may transfer \$25,000 cash from a fund used by the 101049

Department of Development, as specified by the Director of 101050  
 Development, to Fund 4C00. 101051

On July 1, 2021, or as soon as possible thereafter, and upon 101052  
 approval by the Controlling Board, the Director of Budget and 101053  
 Management may transfer \$25,000 cash from a fund used by the 101054  
 Department of Transportation, as specified by the Director of 101055  
 Transportation, to Fund 4C00. 101056

On July 1, 2022, or as soon as possible thereafter, and upon 101057  
 approval by the Controlling Board, the Director of Budget and 101058  
 Management may transfer \$25,000 cash from a fund used by the 101059  
 Department of Transportation, as specified by the Director of 101060  
 Transportation, to Fund 4C00. 101061

H2OHIO FUND 101062

On July 1, 2022, or as soon as possible thereafter, the 101063  
 Director of the Lake Erie Commission may certify to the Director 101064  
 of Budget and Management an amount up to the unexpended, 101065  
 unencumbered balance of the foregoing appropriation item, 780604, 101066  
 H2Ohio, at the end of fiscal year 2022 to be reappropriated in 101067  
 fiscal year 2023. Upon Controlling Board approval, the amount 101068  
 certified is hereby reappropriated to the same appropriation item 101069  
 for fiscal year 2023. 101070

**Section 321.10. JLE JOINT LEGISLATIVE ETHICS COMMITTEE 101071**

General Revenue Fund 101072

GRF 028321 Legislative Ethics \$ 625,000 \$ 625,000 101073  
 Committee

TOTAL GRF General Revenue Fund \$ 625,000 \$ 625,000 101074

Dedicated Purpose Fund Group 101075

4G70 028601 Joint Legislative \$ 150,000 \$ 150,000 101076  
 Ethics Committee

5HN0 028602 Investigations and \$ 10,000 \$ 10,000 101077



|                              |                              |               |               |        |
|------------------------------|------------------------------|---------------|---------------|--------|
| GRF 035410                   | Legislative                  | \$ 11,003,890 | \$ 11,003,890 | 101104 |
|                              | Information Systems          |               |               |        |
| GRF 035420                   | Ohio Redistricting           | \$ 100,000    | \$ 0          | 101105 |
|                              | Commission                   |               |               |        |
| GRF 035501                   | Litigation                   | \$ 1,000,000  | \$ 1,000,000  | 101106 |
| TOTAL GRF                    | General Revenue Fund         | \$ 36,623,290 | \$ 35,523,290 | 101107 |
|                              | Dedicated Purpose Fund Group |               |               | 101108 |
| 4100 035601                  | Sale of Publications         | \$ 10,000     | \$ 10,000     | 101109 |
| TOTAL DPF                    | Dedicated Purpose Fund       | \$ 10,000     | \$ 10,000     | 101110 |
|                              | Group                        |               |               |        |
| TOTAL ALL BUDGET FUND GROUPS |                              | \$ 36,633,290 | \$ 35,533,290 | 101111 |

**Section 323.20. OPERATING EXPENSES** 101113

On July 1, 2021, or as soon as possible thereafter, the 101114  
 Director of the Legislative Service Commission may certify to the 101115  
 Director of Budget and Management an amount up to the unexpended, 101116  
 unencumbered balance of the foregoing appropriation item 035321, 101117  
 Operating Expenses, at the end of fiscal year 2021 to be 101118  
 reappropriated to fiscal year 2022. The amount certified is hereby 101119  
 reappropriated to the same appropriation item for fiscal year 101120  
 2022. 101121

On July 1, 2022, or as soon as possible thereafter, the 101122  
 Director of the Legislative Service Commission may certify to the 101123  
 Director of Budget and Management an amount up to the unexpended, 101124  
 unencumbered balance of the foregoing appropriation item 035321, 101125  
 Operating Expenses, at the end of fiscal year 2022 to be 101126  
 reappropriated to fiscal year 2023. The amount certified is hereby 101127  
 reappropriated to the same appropriation item for fiscal year 101128  
 2023. 101129

**CORRECTIONAL INSTITUTION INSPECTION COMMITTEE** 101130

On July 1, 2021, or as soon as possible thereafter, the 101131  
 Director of the Legislative Service Commission may certify to the 101132

Director of Budget and Management an amount up to the unexpended, 101133  
unencumbered balance of the foregoing appropriation item 035405, 101134  
Correctional Institution Inspection Committee, at the end of 101135  
fiscal year 2021 to be reappropriated to fiscal year 2022. The 101136  
amount certified is hereby reappropriated to the same 101137  
appropriation item for fiscal year 2022. 101138

On July 1, 2022, or as soon as possible thereafter, the 101139  
Director of the Legislative Service Commission may certify to the 101140  
Director of Budget and Management an amount up to the unexpended, 101141  
unencumbered balance of the foregoing appropriation item 035405, 101142  
Correctional Institution Inspection Committee, at the end of 101143  
fiscal year 2022 to be reappropriated to fiscal year 2023. The 101144  
amount certified is hereby reappropriated to the same 101145  
appropriation item for fiscal year 2023. 101146

LEGISLATIVE TASK FORCE ON REDISTRICTING 101147

An amount equal to the unexpended, unencumbered balance of 101148  
the foregoing appropriation item 035407, Legislative Task Force on 101149  
Redistricting, at the end of fiscal year 2021 is hereby 101150  
reappropriated to the Legislative Service Commission for the same 101151  
purpose for fiscal year 2022. 101152

An amount equal to the unexpended, unencumbered balance of 101153  
the foregoing appropriation item 035407, Legislative Task Force on 101154  
Redistricting, at the end of fiscal year 2022 is hereby 101155  
reappropriated to the Legislative Service Commission for the same 101156  
purpose for fiscal year 2023. 101157

LEGISLATIVE INFORMATION SYSTEMS 101158

On July 1, 2021, or as soon as possible thereafter, the 101159  
Director of the Legislative Service Commission may certify to the 101160  
Director of Budget and Management an amount up to the unexpended, 101161  
unencumbered balance of the foregoing appropriation item 035410, 101162  
Legislative Information Systems, at the end of fiscal year 2021 to 101163

be reappropriated to fiscal year 2022. The amount certified is 101164  
hereby reappropriated to the same appropriation item for fiscal 101165  
year 2022. 101166

On July 1, 2022, or as soon as possible thereafter, the 101167  
Director of the Legislative Service Commission may certify to the 101168  
Director of Budget and Management an amount up to the unexpended, 101169  
unencumbered balance of the foregoing appropriation item 035410, 101170  
Legislative Information Systems, at the end of fiscal year 2022 to 101171  
be reappropriated to fiscal year 2023. The amount certified is 101172  
hereby reappropriated to the same appropriation item for fiscal 101173  
year 2023. 101174

OHIO REDISTRICTING COMMISSION 101175

The foregoing appropriation item 035420, Ohio Redistricting 101176  
Commission, shall be used by the Commission solely to perform its 101177  
duties in accordance with Articles XI and XIX of the Ohio 101178  
Constitution. Notwithstanding any provision of law to the 101179  
contrary, any moneys expended from the foregoing appropriation 101180  
item 035420, Ohio Redistricting Commission, shall be used 101181  
exclusively for expenditures that serve a proper public purpose 101182  
and be spent by the Commission during the time period beginning on 101183  
the date the Commission first convenes, and ending on the date the 101184  
Commission dissolves, in accordance with Articles XI and XIX of 101185  
the Ohio Constitution. Moneys from the foregoing appropriation 101186  
item 035420, Ohio Redistricting Commission, shall not be used for 101187  
any legal services or consulting rendered for the purpose of 101188  
bringing legal action against the state or any of its agents in 101189  
connection with the redistricting of congressional and General 101190  
Assembly districts of this state. 101191

LITIGATION 101192

The foregoing appropriation item 035501, Litigation, shall be 101193  
used for any lawsuit in which the General Assembly, or either 101194

house of the General Assembly, is made a party or for any action 101195  
under section 101.55 of the Revised Code. The chairperson and 101196  
vice-chairperson of the Legislative Service Commission shall both 101197  
approve the use of the appropriated moneys. 101198

An amount equal to the unexpended, unencumbered balance of 101199  
the foregoing appropriation item 035501, Litigation, at the end of 101200  
fiscal year 2021 is hereby reappropriated to the Legislative 101201  
Service Commission for the same purpose for fiscal year 2022. 101202

An amount equal to the unexpended, unencumbered balance of 101203  
the foregoing appropriation item 035501, Litigation, at the end of 101204  
fiscal year 2022 is hereby reappropriated to the Legislative 101205  
Service Commission for the same purpose for fiscal year 2023. 101206

**Section 325.10. LIB STATE LIBRARY BOARD** 101207

General Revenue Fund 101208

|     |        |                    |    |           |    |           |        |
|-----|--------|--------------------|----|-----------|----|-----------|--------|
| GRF | 350321 | Operating Expenses | \$ | 4,293,122 | \$ | 4,293,122 | 101209 |
|-----|--------|--------------------|----|-----------|----|-----------|--------|

|     |        |                             |    |         |    |         |        |
|-----|--------|-----------------------------|----|---------|----|---------|--------|
| GRF | 350401 | Ohioana Library Association | \$ | 305,000 | \$ | 305,000 | 101210 |
|-----|--------|-----------------------------|----|---------|----|---------|--------|

|     |        |                          |    |         |    |         |        |
|-----|--------|--------------------------|----|---------|----|---------|--------|
| GRF | 350502 | Regional Library Systems | \$ | 480,000 | \$ | 480,000 | 101211 |
|-----|--------|--------------------------|----|---------|----|---------|--------|

|           |                      |  |    |           |    |           |        |
|-----------|----------------------|--|----|-----------|----|-----------|--------|
| TOTAL GRF | General Revenue Fund |  | \$ | 5,078,122 | \$ | 5,078,122 | 101212 |
|-----------|----------------------|--|----|-----------|----|-----------|--------|

Dedicated Purpose Fund Group 101213

|      |        |                        |    |           |    |           |        |
|------|--------|------------------------|----|-----------|----|-----------|--------|
| 4590 | 350603 | Services for Libraries | \$ | 4,252,887 | \$ | 4,252,887 | 101214 |
|------|--------|------------------------|----|-----------|----|-----------|--------|

|      |        |                                         |    |           |    |           |        |
|------|--------|-----------------------------------------|----|-----------|----|-----------|--------|
| 4S40 | 350604 | Ohio Public Library Information Network | \$ | 5,696,898 | \$ | 5,698,898 | 101215 |
|------|--------|-----------------------------------------|----|-----------|----|-----------|--------|

|      |        |                       |    |           |    |           |        |
|------|--------|-----------------------|----|-----------|----|-----------|--------|
| 5GB0 | 350605 | Library for the Blind | \$ | 1,274,194 | \$ | 1,274,194 | 101216 |
|------|--------|-----------------------|----|-----------|----|-----------|--------|

|           |                              |  |    |            |    |            |        |
|-----------|------------------------------|--|----|------------|----|------------|--------|
| TOTAL DPF | Dedicated Purpose Fund Group |  | \$ | 11,223,979 | \$ | 11,225,979 | 101217 |
|-----------|------------------------------|--|----|------------|----|------------|--------|

Internal Service Activity Fund 101218

|      |        |                    |    |       |    |       |        |
|------|--------|--------------------|----|-------|----|-------|--------|
| 1390 | 350602 | Services for State | \$ | 8,000 | \$ | 8,000 | 101219 |
|------|--------|--------------------|----|-------|----|-------|--------|

Agencies

|                                     |    |            |    |            |        |
|-------------------------------------|----|------------|----|------------|--------|
| TOTAL ISA Internal Service Activity | \$ | 8,000      | \$ | 8,000      | 101220 |
| Fund Group                          |    |            |    |            |        |
| Federal Fund Group                  |    |            |    |            | 101221 |
| 3130 350601 LSTA Federal            | \$ | 5,366,565  | \$ | 5,366,565  | 101222 |
| TOTAL FED Federal Fund Group        | \$ | 5,366,565  | \$ | 5,366,565  | 101223 |
| TOTAL ALL BUDGET FUND GROUPS        | \$ | 21,676,666 | \$ | 21,678,666 | 101224 |

**Section 325.20.** OHIOANA LIBRARY ASSOCIATION 101226

Of the foregoing appropriation item 350401, Ohioana Library Association, \$180,000 in each fiscal year shall be used to support the operating expenses of the Martha Kinney Cooper Ohioana Library Association under section 3375.61 of the Revised Code. 101227  
101228  
101229  
101230

The remainder of the foregoing appropriation item 350401, Ohioana Library Association, shall be used to pay the rental expenses of the Martha Kinney Cooper Ohioana Library Association under section 3375.61 of the Revised Code. 101231  
101232  
101233  
101234

REGIONAL LIBRARY SYSTEMS 101235

The foregoing appropriation item 350502, Regional Library Systems, shall be used to support regional library systems eligible for funding under sections 3375.83 and 3375.90 of the Revised Code. 101236  
101237  
101238  
101239

OHIO PUBLIC LIBRARY INFORMATION NETWORK 101240

(A) The foregoing appropriation item 350604, Ohio Public Library Information Network, shall be used for an information telecommunications network linking public libraries in the state and such others as may participate in the Ohio Public Library Information Network (OPLIN). 101241  
101242  
101243  
101244  
101245

The Ohio Public Library Information Network Board of Trustees created under section 3375.65 of the Revised Code may make decisions regarding use of the foregoing appropriation item 101246  
101247  
101248

350604, Ohio Public Library Information Network. 101249

(B) The OPLIN Board shall research and assist or advise local 101250  
libraries with regard to emerging technologies and methods that 101251  
may be effective means to control access to obscene and illegal 101252  
materials. The OPLIN Director shall provide written reports upon 101253  
request within ten days to the Governor, the Speaker and Minority 101254  
Leader of the House of Representatives, and the President and 101255  
Minority Leader of the Senate on any steps being taken by OPLIN 101256  
and public libraries in the state to limit and control such 101257  
improper usage as well as information on technological, legal, and 101258  
law enforcement trends nationally and internationally affecting 101259  
this area of public access and service. 101260

(C) The Ohio Public Library Information Network, INFOhio, and 101261  
OhioLINK shall, to the extent feasible, coordinate and cooperate 101262  
in their purchase or other acquisition of the use of electronic 101263  
databases for their respective users and shall contribute funds in 101264  
an equitable manner to such effort. 101265

LIBRARY FOR THE BLIND 101266

The foregoing appropriation item 350605, Library for the 101267  
Blind, shall be used for the statewide Talking Book Program to 101268  
assist the blind and disabled. 101269

TRANSFER TO OPLIN TECHNOLOGY FUND 101270

Notwithstanding sections 5747.03 and 5747.47 of the Revised 101271  
Code and any other provision of law to the contrary, in accordance 101272  
with a schedule established by the Director of Budget and 101273  
Management, the Director of Budget and Management shall transfer 101274  
\$3,689,788 cash in each fiscal year from the Public Library Fund 101275  
(Fund 7065) to the OPLIN Technology Fund (Fund 4S40). 101276

TRANSFER TO LIBRARY FOR THE BLIND FUND 101277

Notwithstanding sections 5747.03 and 5747.47 of the Revised 101278

Code and any other provision of law to the contrary, in accordance 101279  
with a schedule established by the Director of Budget and 101280  
Management, the Director of Budget and Management shall transfer 101281  
\$1,274,194 cash in each fiscal year from the Public Library Fund 101282  
(Fund 7065) to the Library for the Blind Fund (Fund 5GB0). 101283

**Section 327.10. LCO LIQUOR CONTROL COMMISSION** 101284

Dedicated Purpose Fund Group 101285  
5LP0 970601 Commission Operating \$ 1,031,108 \$ 1,036,458 101286  
Expenses  
TOTAL DPF Dedicated Purpose Fund \$ 1,031,108 \$ 1,036,458 101287  
Group  
TOTAL ALL BUDGET FUND GROUPS \$ 1,031,108 \$ 1,036,458 101288

**Section 329.10. LOT STATE LOTTERY COMMISSION** 101290

State Lottery Fund Group 101291  
7044 950321 Operating Expenses \$ 57,344,482 \$ 58,581,656 101292  
7044 950402 Advertising Contracts \$ 27,925,000 \$ 27,925,000 101293  
7044 950403 Gaming Contracts \$ 84,082,171 \$ 90,357,570 101294  
7044 950601 Direct Prize Payments \$ 158,700,369 \$ 162,809,344 101295  
7044 950605 Problem Gambling \$ 4,000,000 \$ 4,000,000 101296  
8710 950602 Annuity Prizes \$ 56,311,050 \$ 58,328,775 101297  
TOTAL SLF State Lottery Fund Group \$ 388,363,072 \$ 402,002,345 101298  
TOTAL ALL BUDGET FUND GROUPS \$ 388,363,072 \$ 402,002,345 101299

**OPERATING EXPENSES** 101300

Notwithstanding sections 127.14 and 131.35 of the Revised 101301  
Code, the Controlling Board may, at the request of the State 101302  
Lottery Commission, authorize expenditures from the State Lottery 101303  
Fund in excess of the amounts appropriated, up to a maximum of 10 101304  
per cent of anticipated total revenue accruing from the sale of 101305  
lottery products. Upon the approval of the Controlling Board, the 101306  
additional amounts are hereby appropriated. 101307

|                                                                                                                                                                                                                                                                                                                                                                                                                                       |                                                                    |
|---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|--------------------------------------------------------------------|
| DIRECT PRIZE PAYMENTS                                                                                                                                                                                                                                                                                                                                                                                                                 | 101308                                                             |
| Any amounts, in addition to the amounts appropriated in appropriation item 950601, Direct Prize Payments, that the Director of the State Lottery Commission determines to be necessary to fund prizes are hereby appropriated.                                                                                                                                                                                                        | 101309<br>101310<br>101311<br>101312                               |
| ANNUITY PRIZES                                                                                                                                                                                                                                                                                                                                                                                                                        | 101313                                                             |
| Upon request of the State Lottery Commission, the Director of Budget and Management may transfer cash from the State Lottery Fund (Fund 7044) to the Deferred Prizes Trust Fund (Fund 8710) in an amount sufficient to fund deferred prizes. The Treasurer of State, from time to time, shall credit the Deferred Prizes Trust Fund (Fund 8710) the pro rata share of interest earned by the Treasurer of State on invested balances. | 101314<br>101315<br>101316<br>101317<br>101318<br>101319<br>101320 |
| Any amounts, in addition to the amounts appropriated in appropriation item 950602, Annuity Prizes, that the Director of the State Lottery Commission determines to be necessary to fund deferred prizes and interest are hereby appropriated.                                                                                                                                                                                         | 101321<br>101322<br>101323<br>101324                               |
| TRANSFERS TO THE LOTTERY PROFITS EDUCATION FUND                                                                                                                                                                                                                                                                                                                                                                                       | 101325                                                             |
| Estimated transfers from the State Lottery Fund (Fund 7044) to the Lottery Profits Education Fund (Fund 7017) are to be \$1,234,000,000 in fiscal year 2022 and \$1,263,000,000 in fiscal year 2023. Transfers by the Director of Budget and Management to the Lottery Profits Education Fund shall be administered as the statutes direct.                                                                                           | 101326<br>101327<br>101328<br>101329<br>101330<br>101331           |
| <b>Section 333.10.</b> MCD DEPARTMENT OF MEDICAID                                                                                                                                                                                                                                                                                                                                                                                     | 101332                                                             |
| General Revenue Fund                                                                                                                                                                                                                                                                                                                                                                                                                  | 101333                                                             |
| GRF 651425 Medicaid Program \$ 158,301,609 \$ 158,837,954                                                                                                                                                                                                                                                                                                                                                                             | 101334                                                             |
| Support - State                                                                                                                                                                                                                                                                                                                                                                                                                       |                                                                    |
| GRF 651426 Positive Education \$ 2,500,000 \$ 0                                                                                                                                                                                                                                                                                                                                                                                       | 101335                                                             |
| Program Connections                                                                                                                                                                                                                                                                                                                                                                                                                   |                                                                    |

|           |        |                                                   |                   |                   |        |
|-----------|--------|---------------------------------------------------|-------------------|-------------------|--------|
| GRF       | 651525 | Medicaid Health Care Services - State             | \$ 3,873,221,271  | \$ 5,363,449,603  | 101336 |
|           |        | Medicaid Health Care Services - Federal           | \$ 10,675,590,808 | \$ 13,176,728,743 | 101337 |
|           |        | Medicaid Health Care Services - Total             | \$ 14,548,812,079 | \$ 18,540,178,346 | 101338 |
| GRF       | 651526 | Medicare Part D                                   | \$ 494,158,753    | \$ 590,346,922    | 101339 |
| GRF       | 651529 | Brigid's Path Pilot                               | \$ 1,000,000      | \$ 1,000,000      | 101340 |
| GRF       | 651533 | Food Farmacy Pilot Project                        | \$ 250,000        | \$ 250,000        | 101341 |
| TOTAL GRF |        | General Revenue Fund                              |                   |                   | 101342 |
|           |        | State                                             | \$ 4,529,431,633  | \$ 6,113,884,479  | 101343 |
|           |        | Federal                                           | \$ 10,675,590,808 | \$ 13,176,728,743 | 101344 |
|           |        | GRF Total                                         | \$ 15,205,022,441 | \$ 19,290,613,222 | 101345 |
|           |        | Dedicated Purpose Fund Group                      |                   |                   | 101346 |
| 4E30      | 651605 | Resident Protection Fund                          | \$ 7,000,000      | \$ 7,000,000      | 101347 |
| 5AN0      | 651686 | Care Innovation and Community Improvement Program | \$ 84,195,790     | \$ 82,970,165     | 101348 |
| 5DL0      | 651639 | Medicaid Services - Recoveries                    | \$ 552,500,000    | \$ 615,150,000    | 101349 |
| 5DL0      | 651685 | Medicaid Recoveries - Program Support             | \$ 98,332,700     | \$ 80,747,100     | 101350 |
| 5DL0      | 651690 | Multi-system Youth Custody Relinquishment         | \$ 16,000,000     | \$ 16,000,000     | 101351 |
| 5FX0      | 651638 | Medicaid Services - Payment Withholding           | \$ 12,000,000     | \$ 12,000,000     | 101352 |
| 5GF0      | 651656 | Medicaid Services - Hospital Franchise Fee        | \$ 931,200,000    | \$ 980,800,000    | 101353 |
| 5R20      | 651608 | Medicaid Services -                               | \$ 415,000,000    | \$ 415,000,000    | 101354 |

|                              |        |                                                           |                  |                  |  |        |
|------------------------------|--------|-----------------------------------------------------------|------------------|------------------|--|--------|
|                              |        | Long Term                                                 |                  |                  |  |        |
| 5SA4                         | 651689 | Medicaid Health &<br>Human Services                       | \$ 900,000,000   | \$ 300,000,000   |  | 101355 |
| 5TN0                         | 651684 | Medicaid Services -<br>HIC Fee                            | \$ 991,000,000   | \$ 951,000,000   |  | 101356 |
| 5XY0                         | 651694 | Improvements for<br>Priority Populations                  | \$ 10,500,000    | \$ 10,500,000    |  | 101357 |
| 6510                         | 651649 | Medicaid Services -<br>Hospital Care<br>Assurance Program | \$ 216,671,003   | \$ 241,843,358   |  | 101358 |
| TOTAL DPF                    |        | Dedicated Purpose Fund<br>Group                           | \$ 4,234,399,493 | \$ 3,713,010,623 |  | 101359 |
|                              |        | Holding Account Fund Group                                |                  |                  |  | 101360 |
| R055                         | 651644 | Refunds and<br>Reconciliation                             | \$ 1,000,000     | \$ 1,000,000     |  | 101361 |
| TOTAL HLD                    |        | Holding Account Fund<br>Group                             | \$ 1,000,000     | \$ 1,000,000     |  | 101362 |
|                              |        | Federal Fund Group                                        |                  |                  |  | 101363 |
| 3ER0                         | 651603 | Medicaid and Health<br>Transformation<br>Technology       | \$ 10,083,900    | \$ 9,660,200     |  | 101364 |
| 3F00                         | 651623 | Medicaid Services -<br>Federal                            | \$11,004,684,967 | \$ 8,661,585,383 |  | 101365 |
| 3F00                         | 651624 | Medicaid Program<br>Support - Federal                     | \$ 543,733,300   | \$ 509,264,400   |  | 101366 |
| 3FA0                         | 651680 | Health Care Grants -<br>Federal                           | \$ 3,000,000     | \$ 3,000,000     |  | 101367 |
| 3G50                         | 651655 | Medicaid Interagency<br>Pass Through                      | \$ 241,692,200   | \$ 241,692,200   |  | 101368 |
| TOTAL FED                    |        | Federal Fund Group                                        | \$11,803,194,367 | \$ 9,425,202,183 |  | 101369 |
| TOTAL ALL BUDGET FUND GROUPS |        |                                                           | \$31,243,616,301 | \$32,429,826,028 |  | 101370 |
|                              |        | <b>Section 333.20. MEDICAID HEALTH CARE SERVICES</b>      |                  |                  |  | 101372 |

The foregoing appropriation item 651525, Medicaid Health Care Services, shall not be limited by section 131.33 of the Revised Code. 101373  
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**Section 333.30. LEAD ABATEMENT AND RELATED ACTIVITIES** 101376

Upon the request of the Medicaid Director, the Director of Budget and Management may transfer up to \$5,000,000 in appropriations in each fiscal year from appropriation item 651525, Medicaid Health Care Services, to appropriation items in the Department of Health for the purpose of lead abatement activities. The Medicaid Director may seek Controlling Board approval to transfer amounts in excess of \$5,000,000 in appropriations in each fiscal year to the Department of Health for lead abatement activities. The Director of Medicaid may transfer federal funds as the state's single state agency for Medicaid reimbursements, as drawn for these transactions. Amounts transferred are hereby appropriated. 101377  
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**Section 333.35. POSITIVE EDUCATION PROGRAM CONNECTIONS** 101389

The foregoing appropriation item, 651426, Positive Education Program Connections, shall be used for the Positive Education Program Connections in Cuyahoga County. 101390  
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**Section 333.40. HOSPITAL FRANCHISE FEE PROGRAM** 101393

The Director of Budget and Management may authorize additional expenditures from appropriation item 651623, Medicaid Services - Federal, appropriation item 651525, Medicaid Health Care Services, and appropriation item 651656, Medicaid Services - Hospital Franchise Fee, in order to implement the programs authorized by sections 5168.20 through 5168.28 of the Revised Code. Any amounts authorized are hereby appropriated. 101394  
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**Section 333.45.** HOSPITAL FRANCHISE FEE ADDITIONAL 101401  
APPROPRIATIONS 101402

Notwithstanding section 131.35 of the Revised Code, if the 101403  
Medicaid Director determines that, due to the impact of the 101404  
COVID-19 public health emergency, additional appropriations are 101405  
necessary in appropriation items 651656, Medicaid Services - 101406  
Hospital Franchise Fee and 651623, Medicaid Services - Federal, 101407  
the Medicaid Director may request Controlling Board approval to 101408  
increase appropriations by up to \$400,000,000 in appropriation 101409  
item 651656, Medicaid Services - Hospital Franchise Fee, and up to 101410  
\$1,000,000,000 in appropriation item 651623, Medicaid Services - 101411  
Federal, in each fiscal year. Upon the approval of the Controlling 101412  
Board, the additional amounts are hereby appropriated. 101413

**Section 333.50.** MEDICARE PART D 101414

The foregoing appropriation item 651526, Medicare Part D, may 101415  
be used by the Department of Medicaid for the implementation and 101416  
operation of the Medicare Part D requirements contained in the 101417  
"Medicare Prescription Drug, Improvement, and Modernization Act of 101418  
2003," Pub. L. No. 108-173, as amended. Upon the request of the 101419  
Medicaid Director, the Director of Budget and Management may 101420  
transfer the state share of appropriations between appropriation 101421  
item 651525, Medicaid Health Care Services, and appropriation item 101422  
651526, Medicare Part D. If the state share of appropriation item 101423  
651525, Medicaid Health Care Services, is adjusted, the Director 101424  
of Budget and Management shall adjust the federal share 101425  
accordingly. The Department of Medicaid shall provide notification 101426  
to the Controlling Board of any transfers at the next scheduled 101427  
Controlling Board meeting. 101428

**Section 333.55.** BRIGID'S PATH PILOT 101429

The foregoing appropriation item, 651529, Brigid's Path 101430

Pilot, shall be distributed to Brigid's Path Program in Montgomery 101431  
County. If the Medicaid Director files rules with the Joint 101432  
Committee on Agency Rule Review to implement a mother baby dyad 101433  
program under which residential pediatric recovery centers would 101434  
receive reimbursement for treatment of infants with neonatal 101435  
abstinence syndrome, upon the rules' effective date or as soon as 101436  
possible thereafter, the Medicaid Director shall certify to the 101437  
Director of Budget and Management the unexpended, unencumbered 101438  
funds from appropriation item 651529 remaining for fiscal year 101439  
2022 and fiscal year 2023. Upon certification, the Director of 101440  
Budget and Management shall transfer the remaining appropriation 101441  
to appropriation item 651525, Medicaid Health Care Services. 101442

**Section 333.57. FOOD FARMACY PILOT PROJECT** 101443

The foregoing appropriation item 651533, Food Farmacy Pilot 101444  
Project, shall be distributed to the Akron Canton Regional 101445  
Foodbank to provide comprehensive medical, nutrition, and 101446  
lifestyle support for food-insecure patients with chronic diseases 101447  
and their families. 101448

**Section 333.60. CARE INNOVATION AND COMMUNITY IMPROVEMENT** 101449  
**PROGRAM** 101450

(A) As used in this section: 101451

(1) "Nonprofit hospital agency" means a nonprofit hospital 101452  
agency, as defined in section 140.01 of the Revised Code, that is 101453  
affiliated with a state university as defined in section 3345.011 101454  
of the Revised Code. 101455

(2) "Participating agency" means a nonprofit hospital agency 101456  
or public hospital agency participating in the Care Innovation and 101457  
Community Improvement Program. 101458

(3) "Public hospital agency" has the same meaning as in 101459  
section 140.01 of the Revised Code. 101460

(B) The Medicaid Director shall continue the Care Innovation and Community Improvement Program for the 2022-2023 fiscal biennium. Any nonprofit hospital agency or public hospital agency may volunteer to participate in the program if the agency operates a hospital that has a Medicaid provider agreement.

(C) Participating agencies are responsible for the state share of the program's costs and shall make or request the appropriate government entity to make intergovernmental transfers to pay for those costs. The Medicaid Director shall establish a schedule for making the intergovernmental transfers.

(D) Each participating agency shall receive supplemental payments under the Medicaid program for physician and other professional services that are covered by the Medicaid program and provided to Medicaid recipients. The amount of the supplemental payments shall equal the difference between the Medicaid payment rates for the services and the average commercial payment rates for the services. The Director may terminate, or adjust the amount of, the supplemental payments if the amount of the funds available for the Care Innovation and Community Improvement Program is inadequate.

(E) Each participating agency shall jointly participate in quality improvement initiatives that align with and advance the goals of the Department of Medicaid's quality strategy required under 42. C.F.R. 438.340.

(F) The Medicaid Director shall maintain a process to evaluate the work done by participating agencies under division (E) of this section and the agencies' progress in meeting the goals of the Care Innovation and Community Improvement Program. The Director may terminate an agency's participation in the program if the Director determines that the agency is not participating as specified in division (E) of this section or making progress in meeting the program's quality improvement

goals. 101493

(G) Not later than December 31 of each year, the Medicaid 101494  
Director shall submit a report to the Speaker of the House of 101495  
Representatives, the President of the Senate, and the Joint 101496  
Medicaid Oversight Committee, detailing the efficacy, trends, 101497  
outcomes, and number of agencies enrolled in the Care Innovation 101498  
and Community Improvement Program. The report also shall specify 101499  
the total amount of supplemental payments made to participating 101500  
agencies under division (D) of this section. All data contained 101501  
within the report shall be aggregated. 101502

(H) All intergovernmental transfers made under division (C) 101503  
of this section shall be deposited into the Care Innovation and 101504  
Community Improvement Program Fund created by Section 333.320 of 101505  
H.B. 49 of the 132nd General Assembly. Money in the fund and the 101506  
corresponding federal financial participation in the Health Care - 101507  
Federal Fund created under section 5162.50 of the Revised Code 101508  
shall be used to make supplemental payments under division (D) of 101509  
this section. 101510

**Section 333.70. DEPOSITS TO THE HEALTH CARE/MEDICAID SUPPORT 101511  
AND RECOVERIES FUND 101512**

Of the amount received by the Department of Medicaid during 101513  
fiscal year 2022 and fiscal year 2023 from the first installment 101514  
of assessments paid under section 5168.06 of the Revised Code and 101515  
intergovernmental transfers made under section 5168.07 of the 101516  
Revised Code, the Medicaid Director shall deposit \$2,500,000 cash 101517  
in each fiscal year into the state treasury to the credit of the 101518  
Health Care/Medicaid Support and Recoveries Fund (Fund 5DL0). 101519

**Section 333.90. CASH TRANSFERS FROM THE HEALTH CARE/MEDICAID 101520  
SUPPORT AND RECOVERIES FUND TO THE STATEWIDE PREVENTION AND 101521  
TREATMENT FUND 101522**

Upon the request of the Medicaid Director, and subject to the approval of the Controlling Board, the Director of Budget and Management may transfer up to \$2,000,000 cash in each fiscal year from the Health Care/Medicaid Support and Recoveries Fund (Fund 5DL0) to the Statewide Prevention and Treatment Fund (Fund 4750), used by the Department of Mental Health and Addiction Services. Any transferred funds shall be used to support Centers of Excellence and related activities. Any transferred amounts are hereby appropriated.

**Section 333.100. HEALTH INSURING CORPORATION CLASS FRANCHISE FEE**

If receipts credited to the Health Insuring Corporation Class Franchise Fee Fund (Fund 5TN0) exceed the amounts appropriated from the fund, the Medicaid Director may request the Director of Budget and Management to authorize expenditures from the fund in excess of the amounts appropriated. If any additional amounts are authorized, the Director of Budget and Management shall adjust, using the federal reimbursement rate, the federal appropriation item identified by the Medicaid Director accordingly. Any authorized amounts and any corresponding federal adjustments are hereby appropriated.

**Section 333.110. HOSPITAL CARE ASSURANCE MATCH**

If receipts credited to the Health Care Federal Fund (Fund 3F00) exceed the amounts appropriated from the fund for making the hospital care assurance program distribution, the Medicaid Director may request the Director of Budget and Management to authorize expenditures from the fund in excess of the amounts appropriated. Upon the approval of the Director of Budget and Management, the additional amounts are hereby appropriated.

The foregoing appropriation item 651649, Medicaid Services -

Health Care Assurance Program, shall be used by the Department of 101553  
Medicaid for distributing the state share of all hospital care 101554  
assurance program funds to hospitals under section 5168.09 of the 101555  
Revised Code. If receipts credited to the Hospital Care Assurance 101556  
Program Fund (Fund 6510) exceed the amounts appropriated from the 101557  
fund for making the hospital care assurance program distribution, 101558  
the Medicaid Director may request the Director of Budget and 101559  
Management to authorize expenditures from the fund in excess of 101560  
the amounts appropriated. Upon the approval of the Director of 101561  
Budget and Management, the additional amounts are hereby 101562  
appropriated. 101563

**Section 333.120. REFUNDS AND RECONCILIATION FUND** 101564

If receipts credited to the Refunds and Reconciliation Fund 101565  
(Fund R055) exceed the amounts appropriated from the fund, the 101566  
Medicaid Director may request the Director of Budget and 101567  
Management to authorize expenditures from the fund in excess of 101568  
the amounts appropriated. Upon approval of the Director of Budget 101569  
and Management, the additional amounts are hereby appropriated. 101570

**Section 333.140. NON-EMERGENCY MEDICAL TRANSPORTATION** 101571

In order to ensure access to a non-emergency medical 101572  
transportation brokerage program established pursuant to section 101573  
1902(a)(70) of the "Social Security Act," 42 U.S.C. 1396a(a)(70), 101574  
upon the request of the Medicaid Director, the Director of Budget 101575  
and Management may transfer the state share appropriations between 101576  
General Revenue Fund appropriation item 651525, Medicaid Health 101577  
Care Services, within the Department of Medicaid and 655523, 101578  
Medicaid Program Support - Local Transportation, within the 101579  
Department of Job and Family Services. If such a transfer occurs, 101580  
the Director of Budget and Management shall adjust, using the 101581  
federal reimbursement rate, the federal share appropriations of 101582

General Revenue Fund appropriation item 651525, Medicaid Health Care Services, within the Department of Medicaid, and the Medicaid Program Support Fund (Fund 3F01) appropriation item 655624, Medicaid Program Support - Federal, within the Department of Job and Family Services. The Director of Medicaid shall transmit to the Medicaid Program Support Fund (Fund 3F01) the federal funds which the Department of Medicaid, as the state's sole point of contact with the federal government for Medicaid reimbursements, has drawn for this transaction.

**Section 333.150. PUBLIC ASSISTANCE ELIGIBILITY DETERMINATION AND LOCAL PROGRAM SUPPORT**

The Director of Budget and Management shall transfer \$2,500,000 of state share appropriations in each fiscal year between General Revenue Fund appropriation item 651525, Medicaid Health Care Services, within the Department of Medicaid, and 655522, Medicaid Program Support - Local, within the Department of Job and Family Services. In addition, upon the request of the Medicaid Director, the Director of Budget and Management may transfer up to an additional \$2,500,000 of state share appropriations in each fiscal year between appropriation items 651525 and 655522. When any transfers occur, the Director of Budget and Management shall adjust, using the federal reimbursement rate, the federal share appropriations of General Revenue Fund appropriation item 651525, Medicaid Health Care Services, within the Department of Medicaid, and the Medicaid Program Support Fund (Fund 3F01) appropriation item 655624, Medicaid Program Support - Federal, within the Department of Job and Family Services. The Director of Medicaid shall transmit to the Medicaid Program Support Fund (Fund 3F01) the federal funds which the Department of Medicaid, as the state's sole point of contact with the federal government for Medicaid reimbursements, has drawn for this transaction.

The Medicaid Director shall establish criteria for 101615  
distributing these funds and for county departments of job and 101616  
family services to submit allowable expenses. 101617

County departments of job and family services shall comply 101618  
with new roles, processes, and responsibilities related to the new 101619  
eligibility determination system. County departments of job and 101620  
family services shall report to the Ohio Department of Job and 101621  
Family Services and the Ohio Department of Medicaid, on a schedule 101622  
determined by the Medicaid Director, how the funds were used. 101623

**Section 333.160. MEDICAID PAYMENT RATES FOR COMMUNITY 101624**  
BEHAVIORAL HEALTH SERVICES 101625

(A) As used in this section: 101626

(1) "Community behavioral health services" has the same 101627  
meaning as in section 5164.01 of the Revised Code. 101628

(2) "Hospital" has the same meaning as in section 3727.01 of 101629  
the Revised Code. 101630

(3) "Intermediate care facility for individuals with 101631  
intellectual disabilities" has the same meaning as in section 101632  
5124.01 of the Revised Code. 101633

(4) "Nursing facility" has the same meaning as in section 101634  
5165.01 of the Revised Code. 101635

(B) Subject to division (C) of this section, the Department 101636  
of Medicaid may establish Medicaid payment rates for community 101637  
behavioral health services provided during fiscal year 2022 and 101638  
fiscal year 2023 that exceed the authorized rates paid for the 101639  
services under the Medicare program. 101640

(C) This section does not apply to community behavioral 101641  
health services provided by any of the following: 101642

(1) Hospitals on an inpatient basis; 101643

|                                                                                                                                                                                                                                                                                                                                                                                                                                                 |                                                                    |
|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|--------------------------------------------------------------------|
| (2) Nursing facilities;                                                                                                                                                                                                                                                                                                                                                                                                                         | 101644                                                             |
| (3) Intermediate care facilities for individuals with<br>intellectual disabilities.                                                                                                                                                                                                                                                                                                                                                             | 101645<br>101646                                                   |
| <b>Section 333.165. ADULT DAY CARE PROVIDER PAYMENT RATES</b>                                                                                                                                                                                                                                                                                                                                                                                   | 101647                                                             |
| (A) Of the foregoing appropriation item 651525, Medicaid<br>Health Care Services, \$5,000,000 in each fiscal year shall be used<br>to increase the payment rates during fiscal year 2022 and fiscal<br>year 2023 for the adult day care services provided by<br>Medicaid-funded and state-funded providers under the PASSPORT<br>program, the Ohio Home Care waiver program, the MyCare Ohio waiver<br>program, and the Assisted Living waiver. | 101648<br>101649<br>101650<br>101651<br>101652<br>101653<br>101654 |
| (B) The Department of Medicaid shall establish a methodology<br>for calculating the rate increase from the funds under division<br>(A) of this section.                                                                                                                                                                                                                                                                                         | 101655<br>101656<br>101657                                         |
| <b>Section 333.166. HCBS WAIVER PAYMENT RATES</b>                                                                                                                                                                                                                                                                                                                                                                                               | 101658                                                             |
| (A) For fiscal year 2022, the payment rates for the services<br>enumerated under division (C) of this section that are provided by<br>a waiver- or state plan-funded provider under the PASSPORT<br>program, the Ohio Home Care waiver program, the MyCare Ohio waiver<br>program, and the Assisted Living waiver shall be four per cent<br>higher than the rates in effect on June 30, 2021.                                                   | 101659<br>101660<br>101661<br>101662<br>101663<br>101664           |
| (B) For fiscal year 2023, the payment rates for the services<br>enumerated under division (C) of this section that are provided by<br>a waiver- or state plan-funded provider under the PASSPORT<br>program, the Ohio Home Care waiver program, the MyCare Ohio waiver<br>program, and the Assisted Living waiver shall be two per cent<br>higher than the rates in effect on June 30, 2022.                                                    | 101665<br>101666<br>101667<br>101668<br>101669<br>101670           |
| (C) This section applies to the following services:                                                                                                                                                                                                                                                                                                                                                                                             | 101671                                                             |
| (1) Private duty nursing;                                                                                                                                                                                                                                                                                                                                                                                                                       | 101672                                                             |

|                                                                     |        |
|---------------------------------------------------------------------|--------|
| (2) Nursing;                                                        | 101673 |
| (3) Home health aide;                                               | 101674 |
| (4) Personal care;                                                  | 101675 |
| (5) Home care attendant and homemaker;                              | 101676 |
| (6) Assisted living;                                                | 101677 |
| (7) Speech therapy;                                                 | 101678 |
| (8) Occupational therapy;                                           | 101679 |
| (9) Physical therapy.                                               | 101680 |
| <b>Section 333.170. AREA AGENCIES ON AGING AND MEDICAID MANAGED</b> | 101681 |
| CARE                                                                | 101682 |
| (A) As used in this section:                                        | 101683 |
| (1) "Care management system" means the system established           | 101684 |
| under section 5167.03 of the Revised Code.                          | 101685 |
| (2) "Dual eligible individuals" has the same meaning as in          | 101686 |
| section 5160.01 of the Revised Code.                                | 101687 |
| (3) "Medicaid managed care organization" has the same meaning       | 101688 |
| as in section 5167.01 of the Revised Code.                          | 101689 |
| (4) "Medicaid waiver component" has the same meaning as in          | 101690 |
| section 5166.01 of the Revised Code.                                | 101691 |
| (B) If the Department of Medicaid expands the inclusion of          | 101692 |
| the aged, blind, and disabled Medicaid eligibility group or dual    | 101693 |
| eligible individuals in the care management system during the FY    | 101694 |
| 2022 - FY 2023 fiscal biennium, the Department shall do both of     | 101695 |
| the following for the remainder of the fiscal biennium:             | 101696 |
| (1) Require area agencies on aging to be the coordinators of        | 101697 |
| home and community-based services available under Medicaid waiver   | 101698 |
| components that those individuals and that eligibility group        | 101699 |
| receive and permit Medicaid managed care organizations to delegate  | 101700 |

to the agencies full-care coordination functions for those 101701  
services and other health-care services those individuals and that 101702  
eligibility group receive; 101703

(2) In selecting managed care organizations with which to 101704  
contract under section 5167.10 of the Revised Code, give 101705  
preference to those organizations that will enter into 101706  
subcapitation arrangements with area agencies on aging under which 101707  
the agencies are to perform, in addition to other functions, 101708  
network management and payment functions for home and 101709  
community-based services available under Medicaid waiver 101710  
components that those individuals and that eligibility group 101711  
receive. 101712

**Section 333.175.** OHIO INVESTS IN IMPROVEMENTS FOR PRIORITY 101713  
POPULATIONS 101714

(A) As used in this section: 101715

(1) "Care management system" and "enrollee" have the same 101716  
meanings as in section 5167.01 of the Revised Code. 101717

(2) "State university" has the same meaning as in section 101718  
3345.011 of the Revised Code. 101719

(B) There is hereby created the Ohio Invests in Improvements 101720  
for Priority Populations (OIPP) Program. The program shall be a 101721  
directed payment program for inpatient and outpatient hospital 101722  
services provided to Medicaid care management system enrollees 101723  
receiving care at state university-owned hospitals with less than 101724  
three hundred inpatient beds. Participating hospitals shall 101725  
receive payments directly for services provided under the program 101726  
and remit to the Department of Medicaid, through intergovernmental 101727  
transfer, the nonfederal share of those services. Transfers made 101728  
for the program shall be deposited into the Hospital Directed 101729  
Payment Program Fund. The Medicaid Director shall seek approval 101730

from the Centers for Medicare and Medicaid Services for the 101731  
program in accordance with section 5162.07 of the Revised Code. 101732

(C) The foregoing appropriation item 651694, Improvements for 101733  
Priority Populations, and the corresponding federal share in 101734  
appropriation item 651623, Medicaid Services - Federal, shall be 101735  
used for the OIPP Program. 101736

(D) If receipts credited to the Hospital Directed Payment 101737  
Program Fund (Fund 5XY0) exceed the amounts appropriated from the 101738  
fund, the Medicaid Director may request the Director of Budget and 101739  
Management to authorize expenditures from the fund in excess of 101740  
the amounts appropriated. If any additional amounts are 101741  
authorized, the Director of Budget and Management shall adjust, 101742  
using the federal reimbursement rate, the appropriation in 101743  
appropriation item 651623, Medicaid Services - Federal, 101744  
accordingly. Any authorized amounts are hereby appropriated. 101745

**Section 333.180. WORK COMMUNITY ENGAGEMENT PROGRAM -** 101746  
**OHIOMEANSJOBS COSTS** 101747

Upon the request of the Medicaid Director, the Director of 101748  
Budget and Management may transfer state share appropriations in 101749  
each fiscal year between appropriation item 651685, Medicaid 101750  
Recoveries - Program Support, within the Department of Medicaid, 101751  
and 655425, Medicaid Program Support, within the Department of Job 101752  
and Family Services. If such a transfer occurs, the Director of 101753  
Budget and Management shall adjust, using the federal 101754  
reimbursement rate, the federal share appropriations of 101755  
appropriation item 651624, Medicaid Program Support - Federal, 101756  
within the Department of Medicaid, and appropriation item 655624, 101757  
Medicaid Program Support - Federal, within the Department of Job 101758  
and Family Services. Any transfer of funds shall be provided to 101759  
the Department of Job and Family Services and shall only be used 101760  
for costs related to transitioning to a new work community 101761

engagement program for the Medicaid program as prescribed by the Medicaid Director.

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**Section 333.190.** WORK COMMUNITY ENGAGEMENT PROGRAM - COUNTY COSTS

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Upon the request of the Medicaid Director, the Director of Budget and Management may transfer state share appropriations in each fiscal year between appropriation item 651525, Medicaid Health Care Services, within the Department of Medicaid, and 655522, Medicaid Program Support - Local, within the Department of Job and Family Services. If such a transfer occurs, the Director of Budget and Management shall adjust, using the federal reimbursement rate, the federal share appropriations of appropriation item 651525, Medicaid Health Care Services, within the Department of Medicaid, and appropriation item 655624, Medicaid Program Support - Federal, within the Department of Job and Family Services. Any increase in funding shall be provided to county departments of job and family services and shall only be used for costs related to transitioning to a new work community engagement program under the Medicaid program as prescribed by the Medicaid Director. These funds shall not be used for existing and ongoing operating expenses. The Medicaid Director shall establish criteria for distributing these funds and for county departments of job and family services to submit allowable expenses.

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**Section 333.205.** MEDICAID HEALTH & HUMAN SERVICES

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The Medicaid Director shall seek Controlling Board approval before any funds can be expended from appropriation item 651689, Medicaid Health & Human Services.

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**Section 333.210.** VOLUNTARY MEDICAID COMMUNITY ENGAGEMENT PROGRAM

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(A) As used in this section: 101791

(1) "Expansion eligibility group" has the same meaning as in 101792  
section 5163.01 of the Revised Code. 101793

(2) "Medical assistance recipient" has the same meaning as in 101794  
section 5160.01 of the Revised Code. 101795

(B) As a result of the COVID-19 public health emergency, 101796  
which created impediments to implementing the work and community 101797  
engagement waiver component under section 5166.37 of the Revised 101798  
Code requiring individuals to meet at least one of the enumerated 101799  
requirements as a condition to enrolling in Medicaid as part of 101800  
the expansion eligibility group, the Medicaid Director shall 101801  
establish and implement a voluntary community engagement program 101802  
in accordance with this section not later than January 1, 2022. 101803

(C) The community engagement program shall be available to 101804  
all medical assistance recipients. Participation in the program 101805  
shall be voluntary. 101806

(D) The community engagement program shall do all of the 101807  
following: 101808

(1) Encourage medical assistance recipients to work who are 101809  
of working age and able-bodied; 101810

(2) Promote to medical assistance recipients the economic 101811  
stability, financial independence, and improved health outcomes 101812  
from work; 101813

(3) Provide information to medical assistance recipients 101814  
about the services available under the community engagement 101815  
program, including an explanation of the importance of work to 101816  
overall physical and mental health. 101817

(E) The community engagement program shall continue through 101818  
the FY 2022 - FY 2023 fiscal biennium or until Ohio is able to 101819  
implement the waiver component under section 5166.37 of the 101820

Revised Code, whichever is sooner, at which point it will cease to exist. 101821  
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(F) As part of the community engagement program, the Medicaid Director shall explore partnerships with education and training providers to increase training opportunities for Medicaid recipients. 101823  
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**Section 333.215. VALUE-BASED PURCHASING SUPPLEMENTAL REBATE** 101827

(A) Not later than sixty days after the effective date of this section, the Department of Medicaid shall submit to the United States Centers for Medicare and Medicaid Services a Medicaid state plan amendment to authorize the Department to enter into value-based purchasing supplemental rebate agreements with pharmaceutical manufacturers. 101828  
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(B) The agreements authorized by the state plan amendment shall establish criteria for the payment of supplemental rebates. The Department of Medicaid shall use its best efforts to ensure that the form value-based supplemental rebate agreement submitted to the Centers for Medicare and Medicaid Services permits rebates to be calculated on many different bases at the discretion of the Department with the approval of the pharmaceutical manufacturer, including under outcome-based models, shared savings models, subscription or modified subscription models, risk-sharing models, or guarantees. The rebates may be calculated and paid in a single year or over multiple years. 101834  
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(C) Nothing in this section requires a drug manufacturer or the Department to enter into a supplemental rebate agreement under this section. 101845  
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**Section 333.217. MEDICAID COST ASSURANCE PILOT PROGRAM** 101848

(A) As used in this section: 101849

(1) "Care management system," "enrollee," "Medicaid managed care organization," and "provider" have the same meanings as in section 5167.01 of the Revised Code.

(2) "Expansion eligibility group" has the same meaning as in section 5163.01 of the Revised Code.

(B) The Department of Medicaid shall establish the Medicaid Cost Assurance Pilot Program during FY 2022 and FY 2023. The pilot program shall be available to enrollees who qualify for Medicaid as part of the expansion eligibility group. The Department may expand the program based on determinations made under division (E) of this section about whether the program has met demonstrated success criteria, as established in rules authorized by division (G) of this section.

(C) The pilot program shall do all of the following:

(1) Identify eligible enrollees who are members of the expansion eligibility group to participate in the program;

(2) Provide Medicaid services to pilot program participants at a rate of 95 per cent of current Medicaid managed care organization capitation rates;

(3) Use technology to do all of the following:

(a) Utilize automation and artificial intelligence to provide Medicaid program savings by avoiding traditional cost structures;

(b) Diversify care management system programs to achieve better health outcomes at better value;

(c) Enable seamless communication between providers and care management entities under the program;

(d) Improve the Medicaid program experience for providers and enrollees.

(4) Develop and implement strategies to provide opportunities for pilot program participants to rise above the poverty level

|                                                                    |        |
|--------------------------------------------------------------------|--------|
| criteria for Medicaid eligibility;                                 | 101880 |
| (5) Enable care management entities under the program to take      | 101881 |
| the risks incidental to the practice of insurance, as a health     | 101882 |
| insuring corporation licensed to do business in this state under   | 101883 |
| Chapter 1751. of the Revised Code;                                 | 101884 |
| (6) After program implementation, include 90-day study             | 101885 |
| periods to determine whether to expand, sustain, or terminate the  | 101886 |
| pilot program.                                                     | 101887 |
| (D) The Department shall contract with a care management           | 101888 |
| entity to administer Medicaid benefits under the pilot program.    | 101889 |
| The care management entity shall meet all of the following         | 101890 |
| criteria:                                                          | 101891 |
| (1) Be a health insuring corporation licensed to do business       | 101892 |
| in this state under Chapter 1751. of the Revised Code;             | 101893 |
| (2) Be a start-up company domiciled in this state;                 | 101894 |
| (3) Meet the solvency requirements for health insuring             | 101895 |
| corporations under Chapter 1751. of the Revised Code.              | 101896 |
| (E) Not later than December 31, 2022, the Department shall         | 101897 |
| submit a report outlining clinical outcome data and cost impacts   | 101898 |
| of the pilot program. The report shall be submitted to the Speaker | 101899 |
| of the House of Representatives and the Senate President, in       | 101900 |
| accordance with section 101.68 of the Revised Code, and to the     | 101901 |
| members of the Joint Medicaid Oversight Committee.                 | 101902 |
| (F) The Medicaid Director shall adopt rules under section          | 101903 |
| 5160.02 of the Revised Code as necessary to implement the pilot    | 101904 |
| program, including the geographic areas where the program will     | 101905 |
| occur, program participant eligibility requirements, and program   | 101906 |
| demonstrated success criteria.                                     | 101907 |
| <b>Section 333.240. NURSING FACILITY REBASING</b>                  | 101908 |

(A) As used in this section, "ancillary and support costs," 101909  
"capital costs," "direct care costs," "nursing facility," 101910  
"provider," "rebasings," and "tax costs" have the same meanings as 101911  
in section 5165.01 of the Revised Code. 101912

(B) The Department of Medicaid shall conduct its next 101913  
rebasings on the effective date of the amendments to section 101914  
5165.36 of the Revised Code by this act. That rebasing calculation 101915  
shall be based on data provided by nursing facilities for calendar 101916  
year 2019. 101917

(C) Of the foregoing appropriation item 651525, Medicaid 101918  
Health Care Services, \$125,000,000 in each fiscal year shall be 101919  
used by the Department of Medicaid to pay for rebasing 101920  
determinations of nursing facilities' Medicaid rates under this 101921  
section. Notwithstanding section 5165.36 of the Revised Code or 101922  
any other provision of law to the contrary, the Department shall 101923  
do both of the following: 101924

(1) From this earmark, pay for the rebasing determinations 101925  
calculated under this section in the following order: 101926

(a) Direct care costs; 101927

(b) Ancillary and support costs; 101928

(c) Tax costs. 101929

(2) Prorate the rebasing determinations as needed to stay 101930  
within this earmark. 101931

(D) For state fiscal years 2022 and 2023, each nursing 101932  
facility provider shall submit a report to the Department 101933  
identifying the amounts spent on each cost center included in the 101934  
rebasings under this section. Reports shall be submitted quarterly 101935  
or at such other times as determined by the Department on a form 101936  
prescribed by the Department. 101937

(E) The Department may conduct a review of the reports 101938

required by division (D) of this section to determine whether the 101939  
reported amounts comply with the requirements of that division and 101940  
section 5165.36 of the Revised Code. A nursing facility provider 101941  
shall reimburse to the Department any amounts, plus interest, 101942  
spent on cost centers other than as permitted under division (D) 101943  
of this section and section 5165.36 of the Revised Code. 101944

(F) The Department may adopt rules authorized under section 101945  
5165.02 of the Revised Code as necessary to implement this 101946  
section. 101947

**Section 333.245. PHARMACY SUPPLEMENTAL DISPENSING FEE** 101948

(A) Effective July 1, 2021, the Department of Medicaid shall 101949  
provide a supplemental dispensing fee under the care management 101950  
system to retail pharmacies during fiscal years 2022 and 2023. The 101951  
supplemental dispensing fee shall have at least three different 101952  
payment levels based on both of the following: 101953

(1) The ratio of Medicaid prescriptions a pharmacy location 101954  
fills compared to the total prescriptions the pharmacy location 101955  
fills based on the latest available "Survey of the Average Cost of 101956  
Dispensing a Medicaid Prescription in the State of Ohio" prepared 101957  
for the Department of Medicaid; 101958

(2) The number of retail pharmacy locations participating in 101959  
the care management system based on Medicaid recipient enrollment 101960  
in Medicaid MCO plans, as defined in section 5167.01 of the 101961  
Revised Code, in a geographic area approved by the Department of 101962  
Medicaid as the geographic area where the pharmacy location's 101963  
customer population is located. The geographic area shall be 101964  
periodically reviewed and approved by the Department. 101965

(B) Pharmacies that have a high ratio under division (A)(1) 101966  
of this section and a low number under division (A)(2) of this 101967  
section shall be placed in the higher dispensing fee payment 101968

levels. 101969

(C) The supplemental dispensing fee shall not cause a 101970  
reduction in other payments made to the pharmacy for providing 101971  
prescribed drugs under the care management system. 101972

(D) The Medicaid Director shall adjust the supplemental 101973  
dispensing fees if federal Medicaid statutes or regulations 101974  
adopted by the Centers for Medicare and Medicaid Services reduce 101975  
the amount of federal funds the Department receives for the 101976  
supplemental dispensing fee. The Department of Medicaid shall 101977  
expend \$5,000,000 in fiscal year 2022 and \$10,150,000 in fiscal 101978  
year 2023 in appropriation item 651639, Medicaid Services - 101979  
Recoveries, along with any corresponding federal shares from 101980  
appropriation item 651623, Medicaid Services - Federal, for the 101981  
supplemental dispensing fees provided under this section. 101982

(E) During fiscal years 2022 and 2023, the Director of Budget 101983  
and Management may make temporary cash transfers from the General 101984  
Revenue Fund to the Health Care/Medicaid Support and Recoveries 101985  
Fund (Fund 5DL0) to ensure sufficient balances in Fund 5DL0 for 101986  
making supplemental dispensing fee payments and shall replenish 101987  
the General Revenue Fund for any such transfers. 101988

**Section 333.253. MEDICAID COVERAGE OF WOMEN POSTPARTUM** 101989

If federal law provides Medicaid coverage for a longer 101990  
postpartum period than sixty days, the Director of Medicaid shall 101991  
amend the state's Medicaid plan and seek any necessary waiver from 101992  
the United States Centers for Medicare and Medicaid Services to 101993  
provide Medicaid coverage to women postpartum beginning on the 101994  
last day of the pregnancy to the maximum period permitted under 42 101995  
U.S.C. 1396a(e). 101996

**Section 333.255. POST-COVID MEDICAID REDETERMINATION** 101997

(A) Not later than November 1, 2021, the Department of 101998

Medicaid shall seek controlling board approval to permit the Department or the Department's designee to use third-party data sources and systems to conduct eligibility redeterminations of all Medicaid recipients in this state not later than 90 days after the conclusion of the emergency period due to COVID-19, as defined in 42 U.S.C. 1320b-5(g)(1)(B).

(B) To the extent permitted by state and federal law, the Department, or the Department's designee shall verify each Medicaid recipient's enrollment records against third-party data sources and systems, including all of the following:

(1) Information accessed through databases available to the Department under 42 C.F.R. 435.948, 435.949, and 435.956, as permitted under 42 C.F.R. 435.916(a)(2);

(2) Identity records;

(3) Death records;

(4) Employment and wage records;

(5) Lottery winnings records;

(6) Residency checks;

(7) Household composition and asset records;

(8) Any other records the Department considers appropriate in order to strengthen program integrity, reduce costs, and reduce fraud, waste, and abuse in the Medicaid program.

(C) Within 90 days after the conclusion of the emergency period due to COVID-19, as defined in 42 U.S.C. 1320b-5(g)(1)(B), the Department, or the Department's designee shall conduct an expedited eligibility review of those Medicaid recipients identified as likely ineligible for the Medicaid program based on the verification conducted under division (B) of this section to determine whether or not a recipient continues to be eligible for the Medicaid program. To the extent permitted by federal law, the

Department shall disenroll those recipients who are deemed no 102029  
longer eligible for the Medicaid program under the expedited 102030  
eligibility review. 102031

(D) Not later than six months after the conclusion of the 102032  
emergency period due to COVID-19, as defined in 42 U.S.C. 102033  
1320b-5(g)(1)(B), the Department, or the Department's designee 102034  
shall conduct an expedited eligibility review of those Medicaid 102035  
recipients program who were newly enrolled in the Medicaid program 102036  
for three or more months during the emergency period, but who were 102037  
not newly enrolled during the last six months of the emergency 102038  
period, to determine whether or not a recipient continues to be 102039  
eligible for the Medicaid program. To the extent permitted by 102040  
federal law, the Department shall disenroll those recipients who 102041  
are deemed no longer eligible for the Medicaid program under the 102042  
expedited eligibility review. 102043

(E) The Department shall complete a report containing its 102044  
findings from the verification conducted under division (B) of 102045  
this section, including any findings of fraud, waste, or abuse in 102046  
the Medicaid program. Not later than 120 days after the conclusion 102047  
of the emergency period due to COVID-19, as defined in 42 U.S.C. 102048  
1320b-5(g)(1)(B), the Department shall submit the report to all of 102049  
the following: 102050

(1) The Governor; 102051

(2) The Lieutenant Governor; 102052

(3) The members of the Joint Medicaid Oversight Committee; 102053

(4) The Senate President; 102054

(5) The Speaker of the House of Representatives; 102055

(6) The Chairperson of the Senate Finance Committee; 102056

(7) The Chairperson of the House of Representatives Finance 102057  
Committee; 102058

(8) The chairperson of any other standing committees of the Senate and the House of Representatives having jurisdiction over the Department. 102059  
 102060  
 102061

(F) Any third-party vendor expenses incurred from the verification required by division (B) of this section shall be entirely contingent on validated cost savings that have been realized by the Department. In no case shall vendor expenses exceed twenty per cent of those savings. 102062  
 102063  
 102064  
 102065  
 102066

**Section 335.10. MED STATE MEDICAL BOARD** 102067

Dedicated Purpose Fund Group 102068  
 5C60 883609 Operating Expenses \$ 12,299,149 \$ 12,551,618 102069  
 TOTAL DPF Dedicated Purpose Fund \$ 12,299,149 \$ 12,551,618 102070  
 Group  
 TOTAL ALL BUDGET FUND GROUPS \$ 12,299,149 \$ 12,551,618 102071

**Section 335.20. OPERATING EXPENSES** 102073

Of the foregoing appropriation item 883609, Operating Expenses, up to \$5,000 in fiscal year 2022 shall be used to create a brochure or other educational materials regarding the right of conscience established in section 4743.10 of the Revised Code. Any materials developed shall be made available on the State Medical Board's web site. 102074  
 102075  
 102076  
 102077  
 102078  
 102079

**Section 337.10. MHA DEPARTMENT OF MENTAL HEALTH AND ADDICTION** 102080

SERVICES 102081  
 General Revenue Fund 102082  
 GRF 336321 Central Administration \$ 17,267,311 \$ 17,555,983 102083  
 GRF 336402 Resident Trainees \$ 450,000 \$ 450,000 102084  
 GRF 336406 Prevention and Wellness \$ 4,868,659 \$ 4,868,659 102085

|           |        |                                                                    |    |             |    |             |        |
|-----------|--------|--------------------------------------------------------------------|----|-------------|----|-------------|--------|
| GRF       | 336412 | Hospital Services                                                  | \$ | 256,956,156 | \$ | 262,210,314 | 102086 |
| GRF       | 336415 | Mental Health<br>Facilities Lease<br>Rental Bond Payments          | \$ | 27,000,000  | \$ | 27,000,000  | 102087 |
| GRF       | 336421 | Continuum of Care<br>Services                                      | \$ | 89,506,596  | \$ | 88,914,846  | 102088 |
| GRF       | 336422 | Criminal Justice<br>Services                                       | \$ | 19,805,937  | \$ | 19,805,937  | 102089 |
| GRF       | 336423 | Addiction Services<br>Partnership with<br>Corrections              | \$ | 33,830,547  | \$ | 34,409,472  | 102090 |
| GRF       | 336424 | Recovery Housing                                                   | \$ | 3,000,000   | \$ | 3,000,000   | 102091 |
| GRF       | 336425 | Specialized Docket<br>Support                                      | \$ | 10,250,000  | \$ | 10,250,000  | 102092 |
| GRF       | 336504 | Community Innovations                                              | \$ | 15,500,000  | \$ | 15,500,000  | 102093 |
| GRF       | 336506 | Court Costs                                                        | \$ | 1,000,000   | \$ | 1,000,000   | 102094 |
| GRF       | 336510 | Residential State<br>Supplement                                    | \$ | 16,000,000  | \$ | 16,000,000  | 102095 |
| GRF       | 336511 | Early Childhood<br>Mental Health<br>Counselors and<br>Consultation | \$ | 1,250,000   | \$ | 1,250,000   | 102096 |
| GRF       | 336516 | Appalachian Children<br>Coalition                                  | \$ | 1,250,000   | \$ | 1,250,000   | 102097 |
| GRF       | 652321 | Medicaid Support                                                   | \$ | 1,298,574   | \$ | 1,587,246   | 102098 |
| TOTAL GRF |        | General Revenue Fund                                               | \$ | 499,233,780 | \$ | 505,052,457 | 102099 |
|           |        | Dedicated Purpose Fund Group                                       |    |             |    |             | 102100 |
| 4750      | 336623 | Statewide Treatment<br>and Prevention                              | \$ | 20,600,000  | \$ | 20,600,000  | 102101 |
| 4850      | 336632 | Mental Health<br>Operating                                         | \$ | 9,000,000   | \$ | 9,000,000   | 102102 |
| 5AU0      | 336615 | Behavioral Health<br>Care                                          | \$ | 10,010,000  | \$ | 10,010,000  | 102103 |

|           |        |                                           |    |             |    |             |        |
|-----------|--------|-------------------------------------------|----|-------------|----|-------------|--------|
| 5CV1      | 336513 | COVID Response -<br>Mental Health         | \$ | 7,000,000   | \$ | 0           | 102104 |
| 5JL0      | 336629 | Problem Gambling and<br>Casino Addiction  | \$ | 6,085,000   | \$ | 6,085,000   | 102105 |
| 5T90      | 336641 | Problem Gambling<br>Services              | \$ | 1,820,000   | \$ | 1,820,000   | 102106 |
| 5TZ0      | 336600 | Substance Abuse<br>Stabilization Centers  | \$ | 6,000,000   | \$ | 6,000,000   | 102107 |
| 5TZ0      | 336643 | ADAMHS Boards                             | \$ | 11,000,000  | \$ | 11,000,000  | 102108 |
| 5VV0      | 336645 | Transcranial Magnetic<br>Stimulaton Pilot | \$ | 6,000,000   | \$ | 6,000,000   | 102109 |
| 6320      | 336616 | Community Capital<br>Replacement          | \$ | 350,000     | \$ | 350,000     | 102110 |
| 6890      | 336640 | Education and<br>Conferences              | \$ | 75,000      | \$ | 75,000      | 102111 |
| TOTAL DPF |        | Dedicated Purpose Fund<br>Group           | \$ | 77,940,000  | \$ | 70,940,000  | 102112 |
|           |        | Internal Service Activity Fund Group      |    |             |    |             | 102113 |
| 1490      | 336609 | Hospital Operating<br>Expenses            | \$ | 16,000,000  | \$ | 16,000,000  | 102114 |
| 1490      | 336610 | Operating Expenses                        | \$ | 5,500,000   | \$ | 5,500,000   | 102115 |
| 1510      | 336601 | Ohio Pharmacy<br>Services                 | \$ | 99,585,489  | \$ | 100,512,696 | 102116 |
| 4P90      | 336604 | Community Mental<br>Health Projects       | \$ | 250,000     | \$ | 250,000     | 102117 |
| TOTAL ISA |        | Internal Service Activity<br>Fund Group   | \$ | 121,335,489 | \$ | 122,262,696 | 102118 |
|           |        | Federal Fund Group                        |    |             |    |             | 102119 |
| 3240      | 336605 | Medicaid/Medicare                         | \$ | 20,000,000  | \$ | 20,000,000  | 102120 |
| 3A70      | 336612 | Social Services Block<br>Grant            | \$ | 7,700,000   | \$ | 7,700,000   | 102121 |
| 3A80      | 336613 | Federal Grants                            | \$ | 5,500,000   | \$ | 5,500,000   | 102122 |

|                              |        |                                      |    |               |    |             |        |
|------------------------------|--------|--------------------------------------|----|---------------|----|-------------|--------|
| 3A90                         | 336614 | Mental Health Block<br>Grant         | \$ | 72,883,470    | \$ | 38,830,720  | 102123 |
| 3B10                         | 652636 | Community Medicaid<br>Legacy Support | \$ | 4,000,000     | \$ | 4,000,000   | 102124 |
| 3G40                         | 336618 | Substance Abuse Block<br>Grant       | \$ | 125,942,756   | \$ | 85,691,166  | 102125 |
| 3H80                         | 336606 | Demonstration Grants                 | \$ | 15,000,000    | \$ | 15,000,000  | 102126 |
| 3HB1                         | 336644 | State Opioid Response                | \$ | 110,176,079   | \$ | 110,176,079 | 102127 |
| 3N80                         | 336639 | Administrative<br>Reimbursement      | \$ | 1,000,000     | \$ | 1,000,000   | 102128 |
| TOTAL FED Federal Fund Group |        |                                      | \$ | 362,202,305   | \$ | 287,897,965 | 102129 |
| TOTAL ALL BUDGET FUND GROUPS |        |                                      | \$ | 1,060,711,574 | \$ | 986,153,118 | 102130 |

**Section 337.20. PREVENTION AND WELLNESS** 102132

The foregoing appropriation item 336406, Prevention and 102133  
Wellness, shall be used as follows: 102134

(A) Up to \$1,250,000 in each fiscal year shall be distributed 102135  
to boards of alcohol, drug addiction, and mental health services 102136  
to purchase the provision of evidence-based prevention services 102137  
from providers certified by the Department of Mental Health and 102138  
Addiction Services. 102139

(B) Up to \$500,000 in each fiscal year shall be used to 102140  
support suicide prevention efforts. 102141

(C) Up to \$2,250,000 in each fiscal year shall be used to 102142  
increase access to early identification of behavioral health 102143  
disorders. 102144

(D) \$250,000 in each fiscal year shall be used to support the 102145  
use of LifeAct's certified suicide prevention programs in middle 102146  
schools and high schools. 102147

(E) \$120,000 in each fiscal year shall be allocated to the 102148  
Northeast Ohio Medical University's statewide campus safety and 102149

mental health programs, including suicide prevention. 102150

**Section 337.30.** MENTAL HEALTH FACILITIES LEASE RENTAL BOND 102151  
PAYMENTS 102152

The foregoing appropriation item 336415, Mental Health 102153  
Facilities Lease Rental Bond Payments, shall be used to meet all 102154  
payments during the period from July 1, 2021, through June 30, 102155  
2023, by the Department of Mental Health and Addiction Services 102156  
pursuant to leases and agreements made under section 154.20 of the 102157  
Revised Code. These appropriations are the source of funds pledged 102158  
for bond service charges on obligations issued pursuant to Chapter 102159  
154. of the Revised Code. 102160

**Section 337.40.** CONTINUUM OF CARE SERVICES 102161

The foregoing appropriation item 336421, Continuum of Care 102162  
Services, shall be used as follows: 102163

(A) A portion of this appropriation shall be allocated to 102164  
boards of alcohol, drug addiction, and mental health services in 102165  
accordance with a distribution methodology determined by the 102166  
Director of Mental Health and Addiction Services for the boards to 102167  
purchase mental health and addiction services permitted under 102168  
Chapter 340. of the Revised Code. Boards may use a portion of the 102169  
funds allocated: 102170

(1) To provide subsidized support for psychotropic medication 102171  
needs of indigent citizens in the community to reduce unnecessary 102172  
hospitalization due to lack of medication; and 102173

(2) To provide subsidized support for medication-assisted 102174  
treatment costs. 102175

(B) A portion of this appropriation may be distributed to 102176  
boards of alcohol, drug addiction, and mental health services, 102177  
community addiction and/or mental health services providers, 102178

courts, or other governmental entities to provide specific grants 102179  
in support of initiatives concerning mental health and addiction 102180  
services. 102181

(C) Of the foregoing appropriation item 336421, Continuum of 102182  
Care Services, \$1,500,000 in each fiscal year shall be allocated 102183  
by the Department of Mental Health and Addiction Services to 102184  
boards of alcohol, drug addiction, and mental health services. The 102185  
boards shall use their allocations to establish and administer, in 102186  
collaboration with the other boards that serve the same state 102187  
psychiatric hospital region, mental health crisis stabilization 102188  
centers or, upon approval from the Director of Mental Health and 102189  
Addiction Services, boards may use these funds in conjunction with 102190  
funds earmarked in division (A) of Section 337.130 of this act, to 102191  
establish and administer crisis stabilization centers that have 102192  
the ability to serve individuals with substance use and/or mental 102193  
health needs. There shall be at least one center located in each 102194  
state psychiatric hospital region. 102195

Boards of alcohol, drug addiction, and mental health services 102196  
shall ensure that each mental health crisis stabilization center 102197  
established and administered under division (C) of this section 102198  
complies with all of the following: 102199

(1) It serves individuals before and after the individuals 102200  
receive treatment and care at hospital emergency departments or 102201  
freestanding emergency departments. 102202

(2) It serves individuals before and after the individuals 102203  
are confined in state or local correctional facilities. 102204

(3) It has a Medicaid provider agreement. 102205

(4) It serves individuals who present as needing the crisis 102206  
stabilization services provided by the center. 102207

(5) It connects individuals when they are discharged from the 102208  
center with community-based continuum of care services and 102209

supports as described in section 340.032 of the Revised Code. 102210

(D) Boards of alcohol, drug addiction, and mental health 102211  
services shall submit to the Director of Mental Health and 102212  
Addiction Services for approval a plan for establishing and 102213  
administering crisis stabilization centers pursuant to division 102214  
(C) of this section and division (A) of Section 337.130 of this 102215  
act that meet the mental health and substance use needs of 102216  
individuals within their service districts. 102217

(E) As used in division (C) of this section: 102218

(1) "State or local correctional facility" means any of the 102219  
following: 102220

(a) A "state correctional institution," as defined in section 102221  
2967.01 of the Revised Code; 102222

(b) A "local correctional facility," as defined in section 102223  
2903.13 of the Revised Code; 102224

(c) A correctional facility that is privately operated and 102225  
managed pursuant to section 9.06 of the Revised Code. 102226

(2) "State psychiatric hospital regions" means the six 102227  
districts into which the Department of Mental Health and Addiction 102228  
Services has divided the state pursuant to division (B)(2) of 102229  
section 5119.14 of the Revised Code. 102230

(F) Of the foregoing appropriation item 336421, Continuum of 102231  
Care Services, up to \$5,500,000 in each fiscal year shall be used 102232  
to develop a strategic approach to strengthening cross-systems 102233  
collaboration efforts to serve adults with serious mental illness 102234  
who are involved in multiple behavioral health, health, human 102235  
services, and criminal justice systems. 102236

(G) Of the foregoing appropriation item 336421, Continuum of 102237  
Care Services, up to \$2,500,000 in each fiscal year shall be used 102238  
to develop, evaluate, and expand crisis services infrastructure to 102239

provide support for adults, children, and families in a variety of 102240  
settings. 102241

(H) Of the foregoing appropriation item 336421, Continuum of 102242  
Care Services, \$2,000,000 in each fiscal year shall be used to 102243  
support new or expand existing confidential treatment and 102244  
monitoring programs offered by occupational licensing boards to 102245  
licensed healthcare workers with mental health or substance use 102246  
disorders, including by allowing an occupational licensing board 102247  
to contract with a monitoring organization to administer a 102248  
confidential treatment and monitoring program, but only if the 102249  
organization meets all of the following requirements: 102250

(1) Is organized as a not-for-profit entity and exempt from 102251  
federal income taxation under subsection 501(c)(3) of the Internal 102252  
Revenue Code; 102253

(2) Contracts with or employs to serve as the organization's 102254  
medical director an individual who is authorized under Chapter 102255  
4731. of the Revised Code to practice medicine and surgery or 102256  
osteopathic medicine and surgery and specializes or has training 102257  
and expertise in addiction medicine or psychiatry; 102258

(3) Contracts with or employs one or more individuals 102259  
licensed under Chapter 4732., 4757., or 4758. of the Revised Code 102260  
as necessary for the organization's operation. 102261

(I) Of the foregoing appropriation item 336421, Continuum of 102262  
Care Services, \$1,000,000 in each fiscal year shall be used to 102263  
operate the two-year pilot program established in Section 337.205 102264  
of this act. 102265

(J) Of the foregoing appropriation item 336421, Continuum of 102266  
Care Services, \$519,514 in each fiscal year shall be provided to 102267  
the Near West Side Multi-Service Corporation dba May Dugan Center. 102268

(K) Of the foregoing appropriation item 336421, Continuum of 102269  
Care Services, up to \$475,000 in each fiscal year shall be used to 102270

support the operation of a statewide, twenty-four-hour, 102271  
seven-days-a-week, behavioral health support line. 102272

(L) Of the foregoing appropriation item 336421, Continuum of 102273  
Care Services, \$1,000,000 in each fiscal year shall be provided to 102274  
the Bellefaire Jewish Children's Bureau to be used for 102275  
unanticipated operating expenditures resulting from the COVID-19 102276  
pandemic that are not reimbursed by any other sources of state or 102277  
federal funding. Expenditures may include, but are not limited to, 102278  
personnel costs of health care and social workers. 102279

(M) Of the foregoing appropriation item 336421, Continuum of 102280  
Care Services, \$325,000 in each fiscal year shall be distributed 102281  
to OhioGuidestone for the Adverse Childhood Experiences Pilot 102282  
Project. 102283

(N) Of the foregoing appropriation item 336421, Continuum of 102284  
Care Services, \$225,000 in each fiscal year shall be distributed 102285  
to LifeTown Columbus to provide additional support for facility 102286  
renovations and operations, including professional development, 102287  
curriculum development, educational materials, equipment, 102288  
marketing, and recruitment. 102289

(O) Of the foregoing appropriation item 336421, Continuum of 102290  
Care Services, \$100,000 in fiscal year 2022 shall be distributed 102291  
to Applewood Centers, Inc. to be used for information technology 102292  
operations related to telehealth and electronic health records. 102293

(P) Of the foregoing appropriation item 336421, Continuum of 102294  
Care Services, \$100,000 in each fiscal year shall be distributed 102295  
to The Refuge, Inc. for facility improvements. 102296

(Q) Of the foregoing appropriation item 336421, Continuum of 102297  
Care Services, \$591,750 in fiscal year 2022 shall be distributed 102298  
to the Ashland Center for Addictions Project. 102299

**Section 337.50. CRIMINAL JUSTICE SERVICES** 102300

Except as otherwise provided in this act, the foregoing 102301  
appropriation item 336422, Criminal Justice Services, shall be 102302  
used to provide forensic psychiatric evaluations to courts of 102303  
common pleas and to conduct evaluations of patients of forensic 102304  
status in facilities operated or designated by the Department of 102305  
Mental Health and Addiction Services prior to conditional release 102306  
to the community. A portion of this appropriation may be allocated 102307  
through boards of alcohol, drug addiction, and mental health 102308  
services to community addiction and/or mental health services 102309  
providers in accordance with a distribution methodology as 102310  
determined by the Director of Mental Health and Addiction 102311  
Services. 102312

Of the foregoing appropriation item, 336422, Criminal Justice 102313  
Services, up to \$3,000,000 in each fiscal year shall be allocated 102314  
to the Psychotropic Drug Reimbursement Program established in 102315  
section 5119.19 of the Revised Code. These funds shall only be 102316  
allocated to existing programs. 102317

On July 1, 2022, or as soon as possible thereafter, the 102318  
Director of Mental Health and Addiction Services shall certify to 102319  
the Director of Budget and Management the amount of the 102320  
unexpended, unencumbered balance of this earmark in fiscal year 102321  
2022. The amount certified is hereby reappropriated to the 102322  
appropriation item in fiscal year 2023 for the same purpose. 102323

Of the foregoing appropriation item 336422, Criminal Justice 102324  
Services, up to \$2,000,000 in each fiscal year shall be allocated 102325  
to the reimbursement program, established in section 5119.191 of 102326  
the Revised Code, for drugs used in medication-assisted treatment 102327  
or drugs used in withdrawal management or detoxification. 102328

The foregoing appropriation item 336422, Criminal Justice 102329  
Services, may also be used to: 102330

(A) Provide forensic monitoring and tracking of individuals 102331

|                                                                                                                                                                                                                                                           |                                      |
|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|--------------------------------------|
| on conditional release;                                                                                                                                                                                                                                   | 102332                               |
| (B) Provide forensic training;                                                                                                                                                                                                                            | 102333                               |
| (C) Support projects that assist courts and law enforcement<br>to identify and develop appropriate alternative services to<br>incarceration for nonviolent mentally ill offenders;                                                                        | 102334<br>102335<br>102336           |
| (D) Provide specialized re-entry services to offenders<br>leaving prisons and jails;                                                                                                                                                                      | 102337<br>102338                     |
| (E) Provide specific grants in support of addiction services<br>alternatives to incarceration;                                                                                                                                                            | 102339<br>102340                     |
| (F) Support therapeutic communities;                                                                                                                                                                                                                      | 102341                               |
| (G) Support specialty dockets and expand or create new<br>certified court programs;                                                                                                                                                                       | 102342<br>102343                     |
| (H) Establish and administer outpatient competency<br>restoration services.                                                                                                                                                                               | 102344<br>102345                     |
| <br>                                                                                                                                                                                                                                                      |                                      |
| <b>Section 337.60. SUBSTANCE USE DISORDER TREATMENT IN</b>                                                                                                                                                                                                | 102346                               |
| <b>SPECIALIZED DOCKET PROGRAMS</b>                                                                                                                                                                                                                        | 102347                               |
| (A) As used in this section:                                                                                                                                                                                                                              | 102348                               |
| (1) "Community addiction services provider" has the same<br>meaning as in section 5119.01 of the Revised Code.                                                                                                                                            | 102349<br>102350                     |
| (2) "Community control sanction" has the same meaning as in<br>section 2929.01 of the Revised Code.                                                                                                                                                       | 102351<br>102352                     |
| (3) "Drug used in medication-assisted treatment" means a drug<br>approved by the United States Food and Drug Administration for use<br>in medication-assisted treatment.                                                                                  | 102353<br>102354<br>102355           |
| (4) "Drug used in withdrawal management or detoxification"<br>means a drug approved by the United States Food and Drug<br>Administration for use in, or a drug in standard use for,<br>mitigating alcohol or opioid withdrawal symptoms or assisting with | 102356<br>102357<br>102358<br>102359 |

detoxification. 102360

(5) "Medication-assisted treatment" has the same meaning as 102361  
in section 340.01 of the Revised Code. 102362

(6) "Medication-assisted treatment drug court program" and 102363  
"MAT drug court program" mean a session of any of the following 102364  
that holds initial or final certification from the Supreme Court 102365  
of Ohio as a specialized docket program for drugs and that uses 102366  
medication-assisted treatment as part of its specialized docket 102367  
program: a common pleas court, municipal court, or county court, 102368  
or a division of any of those courts. 102369

(7) "Prescriber" has the same meaning as in section 4729.01 102370  
of the Revised Code. 102371

(8) "Recovery supports" has the same meaning as in section 102372  
5119.01 of the Revised Code. 102373

(9) "Substance use disorder treatment" has the same meaning 102374  
as "alcohol and drug addiction services" as defined in section 102375  
5119.01 of the Revised Code. 102376

(B)(1) The Department of Mental Health and Addiction Services 102377  
shall conduct a program to provide substance use disorder 102378  
treatment to persons who are eligible to participate in a 102379  
medication-assisted treatment drug court program and are selected 102380  
under this section to be participants in a MAT drug court program 102381  
because of a substance use disorder. The substance use disorder 102382  
treatment provided under the Department's program may include the 102383  
following: 102384

(a) Drugs used in medication-assisted treatment; 102385

(b) Services involved in providing medication-assisted 102386  
treatment; 102387

(c) Drugs used in withdrawal management or detoxification; 102388

(d) Services involved in providing withdrawal management or 102389

detoxification; 102390

(e) Recovery supports. 102391

(2) The Department shall conduct its program in collaboration 102392  
with any counties in Ohio that are conducting MAT drug court 102393  
programs. 102394

(3) In addition to conducting its program in accordance with 102395  
division (B)(2) of this section, the Department may conduct its 102396  
program in collaboration with any other court that is conducting a 102397  
MAT drug court program. 102398

(C) In conducting its program, the Department shall 102399  
collaborate with the Supreme Court, the Department of 102400  
Rehabilitation and Correction, and any agency of the state that 102401  
the Department of Mental Health and Addiction Services determines 102402  
may be of assistance in accomplishing the objectives of the 102403  
Department's program. The Department may collaborate with the 102404  
boards of alcohol, drug addiction, and mental health services and 102405  
with local law enforcement agencies that serve the counties in 102406  
which a court participating in the Department's program is 102407  
located. 102408

(D)(1) A MAT drug court program participating in the 102409  
Department's program shall select the persons who are to be its 102410  
participants for purposes of the Department's program. To be 102411  
selected, a person must be a criminal offender, including an 102412  
offender under a community control sanction, or be involved in a 102413  
drug or family dependency court. A person shall not be selected to 102414  
be a participant unless the person meets the legal and clinical 102415  
eligibility criteria for the MAT drug court program and is an 102416  
active participant in the MAT drug court program, or unless the 102417  
offender is under a community control sanction with the program's 102418  
participating judge. 102419

(2) After a MAT drug court program enrolls a person as a 102420

participant for purposes of the Department's program, the 102421  
participant shall comply with all requirements of the MAT drug 102422  
court program. 102423

(E) The substance use disorder treatment provided under the 102424  
Department's program in collaboration with a MAT drug court 102425  
program, including any recovery supports that are provided, shall 102426  
be provided by a community addiction services provider. The 102427  
provider shall do all of the following: 102428

(1) Provide treatment based on an integrated service delivery 102429  
model that consists of the coordination of care between a 102430  
prescriber and the community addiction services provider; 102431

(2) Conduct professional, comprehensive substance abuse and 102432  
mental health diagnostic assessments of a person under 102433  
consideration for selection as a program participant to determine 102434  
whether the person would benefit from substance use disorder 102435  
treatment and monitoring; 102436

(3) Determine, based on the assessment described in division 102437  
(E)(2) of this section, the treatment needs of the program 102438  
participants served by the community addiction services provider; 102439

(4) Develop, for program participants served by the community 102440  
addiction services provider, individualized goals and objectives; 102441

(5) Subject to division (F) of this section, provide access 102442  
to both of the following drug therapies to the extent they are 102443  
included in the program's substance use disorder treatment: drugs 102444  
used in medication-assisted treatment and drugs used in withdrawal 102445  
management or detoxification; 102446

(6) Provide other types of therapies, including psychosocial 102447  
therapies, for both substance use disorder and any disorders that 102448  
are considered by the community addiction services provider to be 102449  
co-occurring disorders; 102450

(7) Monitor program compliance through the use of regular drug testing, including urinalysis, of the program participants served by the community addiction services provider; 102451  
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(8) Provide access to time-limited recovery supports that help eliminate barriers to treatment and are specific to the participant's needs, including assistance with housing, transportation, child care, job training, obtaining a driver's license or state identification card, and any other matter considered relevant by the provider. 102454  
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(F) With regard to the drug therapies included in the substance use disorder treatment provided under the Department's program, both of the following apply: 102460  
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(1) One or more drugs may be used, but each drug that is used must constitute either or both of the following: 102463  
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(a) Long-acting antagonist therapy, partial agonist therapy, or full agonist therapy; 102465  
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(b) Alpha-2 agonist therapy for withdrawal management or detoxification. 102467  
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(2) If a drug constituting partial or full agonist therapy is used, the program shall provide safeguards to minimize abuse and diversion of the drug, including such safeguards as routine drug testing of program participants. 102469  
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(G) It is anticipated and expected that MAT drug court programs will expand their ability to serve more drug court participants as a result of increased access to commercial or publicly funded health insurance. In order to ensure that funds appropriated to support the Department's program are used in the most efficient manner with a goal of enrolling the maximum number of participants, the Medicaid Director, in collaboration with major Ohio health care plans, shall develop plans consistent with this division. There shall be no prior authorizations or step 102473  
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therapy for program participants to have access to any drug 102482  
therapy included in the substance use disorder treatment provided 102483  
under the Department's program. The plans developed under this 102484  
division shall ensure all of the following: 102485

(1) The development of an efficient and timely process for 102486  
review of eligibility for health benefits for all persons selected 102487  
to participate in the program; 102488

(2) A rapid conversion to reimbursement for all health care 102489  
services by the participant's health care plan following approval 102490  
for coverage of health care benefits; 102491

(3) The development of a consistent benefit package that 102492  
provides ready access to and reimbursement for essential health 102493  
care services including, but not limited to, primary health care 102494  
services, alcohol and opioid detoxification services, appropriate 102495  
psychosocial services, drugs used in medication-assisted 102496  
treatment, and drugs used in withdrawal management or 102497  
detoxification; 102498

(4) The development of guidelines that require the provision 102499  
of all treatment services, including medication, with minimal 102500  
administrative barriers and within a time frame that meets the 102501  
requirements of individual patient care plans. 102502

(H) Of the foregoing appropriation item 336422, Criminal 102503  
Justice Services, up to \$5,000,000 in each fiscal year shall be 102504  
used to support the substance use disorder treatment included in 102505  
the Department's program for drug court specialized docket 102506  
programs and to support the administrative expenses of courts and 102507  
community addiction services providers participating in the 102508  
Department's program. 102509

**Section 337.70. RECOVERY HOUSING** 102510

The foregoing appropriation item 336424, Recovery Housing, 102511

shall be used to expand and support access to recovery housing as 102512  
defined in section 340.01 of the Revised Code and in accordance 102513  
with section 340.034 of the Revised Code. For expenditures that 102514  
are capital in nature, the Department of Mental Health and 102515  
Addiction Services shall develop procedures to administer these 102516  
funds in a manner that is consistent with current community 102517  
capital assistance guidelines. 102518

**Section 337.80. SPECIALIZED DOCKET SUPPORT** 102519

(A) Of the foregoing appropriation item 336425, Specialized 102520  
Docket Support, \$250,000 in each fiscal year shall be distributed 102521  
to the Participating in Victory of Transition (PIVOT) pilot 102522  
program in Seneca County. 102523

(B) The remainder of appropriation item 336425, Specialized 102524  
Docket Support, shall be used to defray a portion of the annual 102525  
payroll costs associated with the specialized docket of a common 102526  
pleas court, municipal court, county court, juvenile court, or 102527  
family court that meets all of the eligibility requirements in 102528  
division (C) of this section, including a family dependency 102529  
treatment docket. The foregoing appropriation item 336425, 102530  
Specialized Docket Support, may also be used to defray costs 102531  
associated with treatment services and recovery supports for 102532  
participants. 102533

(C) To be eligible, the specialized docket must have received 102534  
Supreme Court of Ohio initial or final certification and include 102535  
participants with behavioral health needs in its target 102536  
population. 102537

(D) Of the foregoing appropriation item 336425, Specialized 102538  
Docket Support, the Department of Mental Health and Addiction 102539  
Services shall use up to one per cent of the funds appropriated in 102540  
each fiscal year to pay the cost it incurs in administering the 102541  
duties established in this section. 102542

(E) The Department, in consultation with the Supreme Court of Ohio, may adopt funding distribution methodology, guidelines, and procedures as necessary to carry out the purposes of this section.

**Section 337.90. COMMUNITY INNOVATIONS**

The foregoing appropriation item 336504, Community Innovations, may be used by the Department of Mental Health and Addiction Services to make targeted investments in programs, projects, or systems operated by or under the authority of other state agencies, governmental entities, or private not-for-profit agencies that impact, or are impacted by, the operations and functions of the Department, with the goal of achieving a net reduction in expenditure of state general revenue funds and/or improved outcomes for Ohio citizens without a net increase in state general revenue fund spending.

The Director shall identify and evaluate programs, projects, or systems proposed or operated, in whole or in part, outside of the authority of the Department, where targeted investment of these funds in the program, project, or system is expected to decrease demand for the Department or other resources funded with state general revenue funds, and/or to measurably improve outcomes for Ohio citizens with mental illness or with alcohol, drug, or gambling addictions. The Director shall have discretion to provide funds from this appropriation item to private not-for-profit entities in amounts, and subject to conditions, that the Director determines most likely to achieve state savings and/or improved outcomes. Distribution of funds from this appropriation item shall not be subject to sections 9.23 to 9.239 or Chapter 125. of the Revised Code.

The Department shall enter into an agreement with each recipient of community innovation funds, identifying: allowable expenditure of the funds; other commitment of funds or other

resources to the program, project, or system; expected state 102574  
savings and/or improved outcomes and proposed mechanisms for 102575  
measurement of such savings or outcomes; and required reporting 102576  
regarding expenditure of funds and savings or outcomes achieved. 102577

Of the foregoing appropriation item 336504, Community 102578  
Innovations, up to \$6,000,000 in each fiscal year shall be used 102579  
for operating expenses that result in improved quality of life for 102580  
adults with severe mental illness living in class two and class 102581  
three residential facilities. 102582

Of the foregoing appropriation item 336504, Community 102583  
Innovations, up to \$4,000,000 in each fiscal year shall be used to 102584  
provide funding for community projects across the state that focus 102585  
on support for families, assisting families in avoiding crisis, 102586  
and crisis intervention. 102587

Of the foregoing appropriation item 336504, Community 102588  
Innovations, up to \$3,500,000 in each fiscal year shall be used to 102589  
support workforce development initiatives. 102590

Of the foregoing appropriation item 336504, Community 102591  
Innovations, up to \$1,500,000 in each fiscal year shall be used to 102592  
improve behavioral health outcomes for racial and ethnic 102593  
minorities. 102594

Of the foregoing appropriation item 336504, Community 102595  
Innovations, \$500,000 in each fiscal year shall be distributed to 102596  
the Values-in-Action Foundation for the organization's Just Be 102597  
Kind Program and Values-in-Action Workforce Training. 102598

**Section 337.100. RESIDENTIAL STATE SUPPLEMENT** 102599

(A) The foregoing appropriation item 336510, Residential 102600  
State Supplement, may be used by the Department of Mental Health 102601  
and Addiction Services to provide training and other supports for 102602  
residential facilities providing accommodations, supervision, and 102603

personal care services to three to sixteen unrelated adults with 102604  
mental illness and to make payments to residential state 102605  
supplement recipients. 102606

(B) The Department of Mental Health and Addiction Services 102607  
shall adopt rules establishing eligibility criteria and payment 102608  
amounts under section 5119.41 of the Revised Code. 102609

**Section 337.110. EARLY CHILDHOOD MENTAL HEALTH COUNSELORS AND 102610  
CONSULTATION 102611**

The foregoing appropriation item 336511, Early Childhood 102612  
Mental Health Counselors and Consultation, shall be used to 102613  
promote identification and intervention for early childhood mental 102614  
health and to enhance healthy social emotional development in 102615  
order to reduce preschool to third grade classroom expulsions. 102616  
Funds shall be used by the Department of Mental Health and 102617  
Addiction Services to support early childhood mental health 102618  
credentialed counselors and consultation services, as well as 102619  
administration and workforce development for the program. 102620

**Section 337.115. APPALACHIAN CHILDREN COALITION 102621**

The foregoing appropriation item 336516, Appalachian Children 102622  
Coalition, shall be provided to the Appalachian Children Coalition 102623  
to address systemic challenges children face in southeast Ohio. 102624  
The coalition shall use the funds as follows: \$1,000,000 in each 102625  
fiscal year shall be used to provide funding for the training, 102626  
hiring, and retention of entry-level child mental and behavioral 102627  
health workers in school settings, and \$250,000 in each fiscal 102628  
year shall be used to enhance child mental health outcomes, 102629  
promote implementation of whole-child models of care, and to 102630  
expand the mental health workforce in the region. 102631

**Section 337.120. MEDICAID SUPPORT 102632**

The foregoing appropriation item 652321, Medicaid Support, 102633  
shall be used to fund specified Medicaid Services as delegated by 102634  
the state's single agency responsible for the Medicaid Program. 102635

**Section 337.125.** COVID Response - Mental Health 102636

Of the foregoing appropriation item 336513, COVID Response - 102637  
Mental Health, \$5,000,000 in fiscal year 2022 shall be distributed 102638  
to community behavioral health organizations certified by the 102639  
Department of Mental Health and Addiction Services and used to 102640  
develop and sustain workforce recruitment and retention 102641  
initiatives and to offer supervision support. 102642

**Section 337.130.** SUBSTANCE ABUSE STABILIZATION CENTERS 102643

(A) The foregoing appropriation item 336600, Substance Abuse 102644  
Stabilization Centers, shall be used to establish and administer, 102645  
in collaboration with the other boards that serve the same state 102646  
psychiatric hospital region, substance use stabilization centers 102647  
or, upon approval from the Director of Mental Health and Addiction 102648  
Services, boards may use these funds in conjunction with funds 102649  
earmarked in division (C) of Section 337.40 of this act to 102650  
establish and administer crisis stabilization centers that have 102651  
the ability to serve individuals with substance use and/or mental 102652  
health needs. There shall be a minimum of one center located in 102653  
each state psychiatric hospital region. 102654

(B) Boards of alcohol, drug addiction, and mental health 102655  
services shall submit to the Director of Mental Health and 102656  
Addiction Services for approval a plan for establishing and 102657  
administering crisis stabilization centers pursuant to division 102658  
(A) of this section and division (C) of Section 337.40 of this act 102659  
that meet the needs of individuals within their service districts. 102660

(C) As used in this section, "state psychiatric hospital 102661  
regions" means the six districts into which the Department of 102662

Mental Health and Addiction Services has divided the state 102663  
pursuant to division (B)(2) of section 5119.14 of the Revised 102664  
Code. 102665

**Section 337.140. ADAMHS BOARDS** 102666

(A) Of the foregoing appropriation item 336643, ADAMHS 102667  
Boards, \$5,000,000 in each fiscal year shall be allocated as 102668  
follows: 102669

(1) Each board shall receive \$50,000 in each fiscal year for 102670  
each of the counties that are part of the board's district. 102671

(2) Each board shall receive a percentage of any remaining 102672  
amount to be determined by a formula developed by the Director of 102673  
Mental Health and Addiction Services. 102674

(B) Of the foregoing appropriation item 336643, ADAMHS 102675  
Boards, up to \$6,000,000 in each fiscal year shall be used to fund 102676  
a continuum of crisis stabilization and crisis prevention services 102677  
and supports to allow individuals to be served in the least 102678  
restrictive setting. 102679

(C) Boards of alcohol, drug addiction, and mental health 102680  
services shall submit for approval by the Director of Mental 102681  
Health and Addiction Services a plan for establishing and 102682  
administering crisis services in conjunction with the plan 102683  
submitted pursuant to division (D) of Section 337.40 and division 102684  
(B) of Section 337.130 of this act. 102685

**Section 337.150. PROBLEM GAMBLING AND CASINO ADDICTION** 102686

A portion of appropriation item 336629, Problem Gambling and 102687  
Casino Addiction, shall be allocated to boards of alcohol, drug 102688  
addiction, and mental health services in accordance with a 102689  
distribution methodology determined by the Director of Mental 102690  
Health and Addiction Services. 102691

**Section 337.170.** ACCESS SUCCESS II PROGRAM 102692

To the extent cash is available, the Director of Budget and 102693  
Management may transfer cash from a fund designated by the 102694  
Medicaid Director, to the Sale of Goods and Services Fund (Fund 102695  
1490), used by the Department of Mental Health and Addiction 102696  
Services. The transferred cash is hereby appropriated. 102697

The Department of Mental Health and Addiction Services shall 102698  
use the transferred funds to administer the Access Success II 102699  
Program to help non-Medicaid patients in any hospital established, 102700  
controlled, or supervised by the Department under Chapter 5119. of 102701  
the Revised Code to transition from inpatient status to a 102702  
community setting. 102703

**Section 337.180.** CASH TRANSFER FROM THE INDIGENT DRIVERS 102704  
ALCOHOL TREATMENT FUND TO THE STATEWIDE TREATMENT AND PREVENTION 102705  
FUND 102706

On a schedule determined by the Director of Budget and 102707  
Management, the Director of Mental Health and Addiction Services 102708  
shall certify to the Director of Budget and Management the amount 102709  
of excess license reinstatement fees that are available pursuant 102710  
to division (F)(2)(c) of section 4511.191 of the Revised Code to 102711  
be transferred from the Indigent Drivers Alcohol Treatment Fund 102712  
(Fund 7049) to the Statewide Treatment and Prevention Fund (Fund 102713  
4750). Upon certification, the Director of Budget and Management 102714  
may transfer cash from the Indigent Drivers Alcohol Treatment Fund 102715  
to the Statewide Treatment and Prevention Fund. 102716

**Section 337.185.** CASH TRANSFER FROM THE MILITARY INJURY 102717  
RELIEF FUND TO THE ELECTROENCEPHALOGRAM (EEG) COMBINED 102718  
TRANSCRANIAL MAGNETIC STIMULATION FUND 102719

Notwithstanding section 5902.05 of the Revised Code, on July 102720

1, 2021, or as soon as possible thereafter, the Director of Budget 102721  
and Management shall transfer \$1,500,000 cash from the Military 102722  
Injury Relief Fund (Fund 5DB0) to the Electroencephalogram (EEG) 102723  
Combined Transcranial Magnetic Stimulation Fund (Fund 5VV0). 102724

**Section 337.190.** TRANSCRANIAL MAGNETIC STIMULATION PROGRAM 102725

The foregoing appropriation item 336645, Transcranial 102726  
Magnetic Stimulation Program, shall be used for the 102727  
electroencephalogram (EEG) combined transcranial magnetic 102728  
stimulation program as described in section 5902.09 of the Revised 102729  
Code. These funds shall also be used to serve up to three hundred 102730  
additional veterans and up to three hundred additional first 102731  
responders and law enforcement officers. 102732

**Section 337.200.** The two-year licensing period established by 102733  
section 5119.37 of the Revised Code, as amended by this act, does 102734  
not affect the scheduled expiration date of an opioid treatment 102735  
program license that was issued prior to the effective date of 102736  
this section. If the license is renewed, the Department of Mental 102737  
Health and Addiction Services shall, except as provided in 102738  
division (E)(2) of that section, renew the license for a two-year 102739  
period. 102740

**Section 337.205.** (A) As used in this section: 102741

(1) "Controlled substance" and "schedule II" have the same 102742  
meanings as in section 3719.01 of the Revised Code. 102743

(2) "Lockable container" means a container that meets both of 102744  
the following requirements: 102745

(a) Has special packaging; 102746

(b) Has a locking mechanism that can be unlocked in any of 102747  
the following ways: 102748

(i) Physically by using a key or other object capable of unlocking a locked container; 102749  
102750

(ii) Physically by entering a numeric or alphanumeric combination code that is selected by the patient or an individual acting on behalf of the patient; 102751  
102752  
102753

(iii) Electronically by entering a password or code that is selected by the patient or an individual acting on behalf of the patient. 102754  
102755  
102756

(3) "Special packaging" has the same meaning as in the "Poison Prevention Packaging Act of 1970," 15 U.S.C. 1471. 102757  
102758

(4) "Tamper-evident container" means a container that meets both of the following requirements: 102759  
102760

(a) Has special packaging; 102761

(b) Displays a visual sign when there is unauthorized entry into the container or has a numerical display of the time that the container was last opened. 102762  
102763  
102764

(5) "Third-party payer" has the same meaning as in section 3901.38 of the Revised Code. 102765  
102766

(B)(1) Subject to division (C) of this section, the Department of Mental Health and Addiction Services shall operate a two-year pilot program under which all schedule II controlled substances in solid oral dosage formulations are dispensed by participating pharmacies in lockable containers or tamper-evident containers. Under the pilot program, the Department shall reimburse participating pharmacies for the expenses they incur in participating in the program, including a fee determined by the Department for dispensing all schedule II controlled substances in solid oral dosage formulations in those containers. 102767  
102768  
102769  
102770  
102771  
102772  
102773  
102774  
102775  
102776

(2) The Department shall select the pharmacies to be included in the pilot program. Any pharmacy may volunteer to participate in 102777  
102778

the pilot program by notifying the Department. 102779

(3) In each of the pilot program's participating pharmacies, 102780  
all of the following apply: 102781

(a) A pharmacist shall dispense a schedule II controlled 102782  
substance in a solid oral dosage formulation in a lockable 102783  
container or tamper-evident container unless the patient or an 102784  
individual acting on behalf of the patient requests that the drug 102785  
not be dispensed in such a container. 102786

(b) The expenses that the pharmacy incurs for the containers 102787  
shall not be included in any amount that is to be paid by a 102788  
patient, an individual acting on behalf of the patient, or a 102789  
third-party payer. 102790

(4) A pharmacist, pharmacist's delegate, or pharmacy is not 102791  
liable for damages in any civil action, subject to prosecution in 102792  
any criminal proceeding, or subject to professional disciplinary 102793  
action for actions taken in good faith in accordance with this 102794  
section, including either of the following: 102795

(a) Disclosing information to aid a patient or an individual 102796  
acting on the patient's behalf in obtaining entry into a lockable 102797  
container or tamper-evident container; 102798

(b) Dispensing a drug in a lockable container or 102799  
tamper-evident container that fails to restrict unauthorized 102800  
access into the container. 102801

(5) Not later than six months after the pilot program ends, 102802  
the Department shall prepare a report describing its findings 102803  
regarding the impact of the program. In evaluating the pilot 102804  
program's impact, the Department shall contract with a third-party 102805  
research organization to assess whether a measured decrease in 102806  
diversion of schedule II controlled substances occurred regarding 102807  
drugs dispensed through the program as compared with those 102808  
dispensed outside of the program. On completion of the report, the 102809

Department shall submit the report to the General Assembly in 102810  
accordance with section 101.68 of the Revised Code. 102811

(C) The pilot program shall be operated for two years or 102812  
until funds appropriated for the program are expended, whichever 102813  
occurs first. 102814

(D) The Department may adopt rules to administer the pilot 102815  
program. Any rules shall be adopted in accordance with Chapter 102816  
119. of the Revised Code. 102817

(E) Nothing in this section precludes a pharmacy that is not 102818  
participating in the pilot program from stocking lockable 102819  
containers or tamper-evident containers and offering to have drugs 102820  
containing a schedule II controlled substance dispensed in those 102821  
containers. 102822

**Section 339.10. MIH COMMISSION ON MINORITY HEALTH** 102823

General Revenue Fund 102824

|            |                      |    |           |    |           |        |
|------------|----------------------|----|-----------|----|-----------|--------|
| GRF 149321 | Operating Expenses   | \$ | 733,463   | \$ | 767,026   | 102825 |
| GRF 149501 | Demonstration Grants | \$ | 852,606   | \$ | 852,606   | 102826 |
| GRF 149502 | Lupus Program        | \$ | 113,680   | \$ | 113,680   | 102827 |
| GRF 149503 | Infant Mortality     | \$ | 3,389,967 | \$ | 3,356,404 | 102828 |

Health Grants

TOTAL GRF General Revenue Fund \$ 5,089,716 \$ 5,089,716 102829

Dedicated Purpose Fund Group 102830

|             |                 |    |        |    |        |        |
|-------------|-----------------|----|--------|----|--------|--------|
| 4C20 149601 | Minority Health | \$ | 35,000 | \$ | 35,000 | 102831 |
|-------------|-----------------|----|--------|----|--------|--------|

Conference

TOTAL DPF Dedicated Purpose Fund \$ 35,000 \$ 35,000 102832

Group

TOTAL ALL BUDGET FUND GROUPS \$ 5,124,716 \$ 5,124,716 102833

**Section 341.10. CRB MOTOR VEHICLE REPAIR BOARD** 102835

Dedicated Purpose Fund Group 102836

|                                        |                    |    |         |    |         |        |
|----------------------------------------|--------------------|----|---------|----|---------|--------|
| 4K90 865601                            | Operating Expenses | \$ | 636,389 | \$ | 636,389 | 102837 |
| TOTAL DPF Dedicated Purpose Fund Group |                    | \$ | 636,389 | \$ | 636,389 | 102838 |
| TOTAL ALL BUDGET FUND GROUPS           |                    | \$ | 636,389 | \$ | 636,389 | 102839 |

**Section 343.10.** DNR DEPARTMENT OF NATURAL RESOURCES 102841

|                      |                                                              |    |            |    |            |        |
|----------------------|--------------------------------------------------------------|----|------------|----|------------|--------|
| General Revenue Fund |                                                              |    |            |    |            | 102842 |
| GRF 725401           | Division of Wildlife-Operating Subsidy                       | \$ | 1,595,700  | \$ | 1,595,700  | 102843 |
| GRF 725413           | Parks and Recreational Facilities Lease Rental Bond Payments | \$ | 64,000,000 | \$ | 76,500,000 | 102844 |
| GRF 725456           | Canal Lands                                                  | \$ | 117,855    | \$ | 117,855    | 102845 |
| GRF 725505           | Healthy Lake Erie Program                                    | \$ | 900,000    | \$ | 900,000    | 102846 |
| GRF 725507           | Coal and Mine Safety Programs                                | \$ | 2,800,000  | \$ | 2,900,000  | 102847 |
| GRF 725903           | Natural Resources General Obligation Bond Debt Service       | \$ | 20,600,000 | \$ | 23,000,000 | 102848 |
| GRF 727321           | Division of Forestry                                         | \$ | 6,965,023  | \$ | 6,965,023  | 102849 |
| GRF 729321           | Office of Information Technology                             | \$ | 181,478    | \$ | 181,478    | 102850 |
| GRF 730321           | Parks and Recreation                                         | \$ | 39,829,739 | \$ | 39,829,739 | 102851 |
| GRF 736321           | Division of Engineering                                      | \$ | 2,035,650  | \$ | 2,035,650  | 102852 |
| GRF 737321           | Division of Water Resources                                  | \$ | 1,692,044  | \$ | 1,692,044  | 102853 |
| GRF 738321           | Office of Real Estate and Land Management                    | \$ | 728,322    | \$ | 728,322    | 102854 |
| GRF 741321           | Division of Natural Areas and Preserves                      | \$ | 3,696,134  | \$ | 3,696,134  | 102855 |

|                                    |    |             |    |             |        |
|------------------------------------|----|-------------|----|-------------|--------|
| TOTAL GRF General Revenue Fund     | \$ | 145,141,945 | \$ | 160,141,945 | 102856 |
| Dedicated Purpose Fund Group       |    |             |    |             | 102857 |
| 2270 725406 Parks Projects         | \$ | 2,009,943   | \$ | 2,062,630   | 102858 |
| Personnel                          |    |             |    |             |        |
| 4300 725671 Canal Lands            | \$ | 998,229     | \$ | 1,002,531   | 102859 |
| 4S90 725622 NatureWorks Personnel  | \$ | 341,177     | \$ | 351,329     | 102860 |
| 4U60 725668 Scenic Rivers          | \$ | 100,000     | \$ | 100,000     | 102861 |
| Protection                         |    |             |    |             |        |
| 5090 725602 State Forest           | \$ | 8,312,871   | \$ | 8,312,871   | 102862 |
| 5110 725646 Ohio Geological        | \$ | 8,599,989   | \$ | 5,799,989   | 102863 |
| Mapping                            |    |             |    |             |        |
| 5110 725679 Geographic Information | \$ | 641,719     | \$ | 646,449     | 102864 |
| System Centralized                 |    |             |    |             |        |
| Services                           |    |             |    |             |        |
| 5120 725605 State Parks Operations | \$ | 49,362,070  | \$ | 35,412,070  | 102865 |
| 5140 725606 Lake Erie Shoreline    | \$ | 2,446,910   | \$ | 2,446,910   | 102866 |
| 5160 725620 Water Management       | \$ | 3,007,006   | \$ | 3,007,006   | 102867 |
| 5180 725643 Oil and Gas Regulation | \$ | 28,446,157  | \$ | 29,523,770  | 102868 |
| and Safety                         |    |             |    |             |        |
| 5180 725677 Oil and Gas Well       | \$ | 22,481,036  | \$ | 22,849,836  | 102869 |
| Plugging                           |    |             |    |             |        |
| 5210 725627 Off-Road Vehicle       | \$ | 460,000     | \$ | 460,000     | 102870 |
| Trails                             |    |             |    |             |        |
| 5220 725656 Natural Areas and      | \$ | 1,725,494   | \$ | 1,582,122   | 102871 |
| Preserves                          |    |             |    |             |        |
| 5290 725639 Mining Regulation and  | \$ | 4,750,000   | \$ | 4,800,000   | 102872 |
| Safety                             |    |             |    |             |        |
| 5310 725648 Reclamation Forfeiture | \$ | 2,530,000   | \$ | 2,530,000   | 102873 |
| 5CV1 725697 Coronavirus Relief DNR |    | 2,500,000   | \$ | 0           | 102874 |
| COVID Safety                       |    |             |    |             |        |
| 5EL0 725612 Wildlife Law           | \$ | 12,000      | \$ | 12,000      | 102875 |
| Enforcement                        |    |             |    |             |        |
| 5EM0 725613 Natural Resources Law  | \$ | 34,000      | \$ | 34,000      | 102876 |

|       |        |                                      |    |             |    |             |        |
|-------|--------|--------------------------------------|----|-------------|----|-------------|--------|
|       |        | Enforcement                          |    |             |    |             |        |
| 5HK0  | 725625 | Ohio Nature Preserves                | \$ | 100,000     | \$ | 100,000     | 102877 |
| 5P20  | 725634 | Wildlife Boater Angler               | \$ | 5,000,000   | \$ | 5,000,000   | 102878 |
|       |        | Administration                       |    |             |    |             |        |
| 5TD0  | 725514 | Park Maintenance                     | \$ | 1,481,150   | \$ | 1,481,150   | 102879 |
| 6150  | 725661 | Dam Safety                           | \$ | 1,166,602   | \$ | 1,266,602   | 102880 |
| 6970  | 725670 | Submerged Lands                      | \$ | 717,155     | \$ | 717,155     | 102881 |
| 6H20  | 725681 | H2Ohio                               | \$ | 25,000,000  | \$ | 25,000,000  | 102882 |
| 7015  | 725607 | Appalachian Hills                    | \$ | 28,600,000  | \$ | 0           | 102883 |
| 7015  | 740401 | Division of Wildlife                 | \$ | 65,482,330  | \$ | 65,482,330  | 102884 |
|       |        | Conservation                         |    |             |    |             |        |
| 7086  | 725414 | Waterways Improvement                | \$ | 6,193,671   | \$ | 6,193,671   | 102885 |
| 7086  | 739401 | Watercraft Operations                | \$ | 34,527,175  | \$ | 34,007,086  | 102886 |
| 8150  | 725636 | Cooperative Management               | \$ | 650,000     | \$ | 650,000     | 102887 |
|       |        | Projects                             |    |             |    |             |        |
| 8160  | 725649 | Wetlands Habitat                     | \$ | 2,366,885   | \$ | 966,885     | 102888 |
| 8170  | 725655 | Wildlife Conservation                | \$ | 2,000,000   | \$ | 2,000,000   | 102889 |
|       |        | Checkoff                             |    |             |    |             |        |
| 8180  | 725629 | Cooperative Fisheries                | \$ | 1,500,000   | \$ | 1,500,000   | 102890 |
|       |        | Research                             |    |             |    |             |        |
| 8190  | 725685 | Ohio River Management                | \$ | 150,000     | \$ | 150,000     | 102891 |
| 81B0  | 725688 | Wildlife Habitats                    | \$ | 2,000,000   | \$ | 2,000,000   | 102892 |
| TOTAL | DPF    | Dedicated Purpose Fund               | \$ | 315,693,569 | \$ | 267,448,392 | 102893 |
|       |        | Group                                |    |             |    |             |        |
|       |        | Internal Service Activity Fund Group |    |             |    |             | 102894 |
| 1550  | 725601 | Departmental Projects                | \$ | 1,800,392   | \$ | 1,625,481   | 102895 |
| 1550  | 725676 | Hocking Hills State                  | \$ | 3,000,000   | \$ | 3,000,000   | 102896 |
|       |        | Park Lodge                           |    |             |    |             |        |
| 1570  | 725651 | Program Support                      | \$ | 21,956,264  | \$ | 22,290,566  | 102897 |
| 5100  | 725631 | Maintenance -                        | \$ | 189,611     | \$ | 189,611     | 102898 |
|       |        | State-owned                          |    |             |    |             |        |
|       |        | Residences                           |    |             |    |             |        |
| TOTAL | ISA    | Internal Service Activity            | \$ | 26,946,267  | \$ | 27,105,658  | 102899 |

|                                 |        |                       |               |                      |
|---------------------------------|--------|-----------------------|---------------|----------------------|
| Fund Group                      |        |                       |               |                      |
| Capital Projects Fund Group     |        |                       |               | 102900               |
| 7061                            | 725405 | Clean Ohio Trail      | \$ 301,796    | \$ 301,796 102901    |
| Operating                       |        |                       |               |                      |
| TOTAL CPF Capital Projects Fund |        |                       | \$ 301,796    | \$ 301,796 102902    |
| Group                           |        |                       |               |                      |
| Fiduciary Fund Group            |        |                       |               | 102903               |
| 4M80                            | 725675 | FOP Contract          | \$ 20,219     | \$ 20,219 102904     |
| TOTAL FID Fiduciary Fund Group  |        |                       | \$ 20,219     | \$ 20,219 102905     |
| Holding Account Fund Group      |        |                       |               | 102906               |
| R017                            | 725659 | Performance Cash Bond | \$ 554,730    | \$ 554,730 102907    |
| Refunds                         |        |                       |               |                      |
| R043                            | 725624 | Forestry              | \$ 2,400,000  | \$ 2,400,000 102908  |
| TOTAL HLD Holding Account Fund  |        |                       | \$ 2,954,730  | \$ 2,954,730 102909  |
| Group                           |        |                       |               |                      |
| Federal Fund Group              |        |                       |               | 102910               |
| 3320                            | 725669 | Federal Mine Safety   | \$ 335,000    | \$ 335,000 102911    |
| Grant                           |        |                       |               |                      |
| 3B30                            | 725640 | Federal Forest        | \$ 500,000    | \$ 500,000 102912    |
| Pass-Thru                       |        |                       |               |                      |
| 3B40                            | 725641 | Federal Flood         | \$ 125,000    | \$ 125,000 102913    |
| Pass-Thru                       |        |                       |               |                      |
| 3B50                            | 725645 | Federal Abandoned     | \$ 13,825,000 | \$ 14,145,000 102914 |
| Mine Lands                      |        |                       |               |                      |
| 3B60                            | 725653 | Federal Land and      | \$ 10,800,000 | \$ 10,800,000 102915 |
| Water Conservation              |        |                       |               |                      |
| Grants                          |        |                       |               |                      |
| 3B70                            | 725654 | Reclamation -         | \$ 1,800,000  | \$ 1,800,000 102916  |
| Regulatory                      |        |                       |               |                      |
| 3P10                            | 725632 | Geological Survey -   | \$ 260,000    | \$ 260,000 102917    |
| Federal                         |        |                       |               |                      |
| 3P20                            | 725642 | Oil and Gas - Federal | \$ 147,000    | \$ 147,000 102918    |

|                  |                    |                                           |    |             |    |             |        |
|------------------|--------------------|-------------------------------------------|----|-------------|----|-------------|--------|
| 3P30             | 725650             | Coastal Management -<br>Federal           | \$ | 2,820,185   | \$ | 2,820,185   | 102919 |
| 3P40             | 725660             | Federal - Soil and<br>Water Resources     | \$ | 251,310     | \$ | 264,746     | 102920 |
| 3R50             | 725673             | Acid Mine Drainage<br>Abatement/Treatment | \$ | 1,000,000   | \$ | 1,000,000   | 102921 |
| 3Z50             | 725657             | Federal Recreation<br>and Trails          | \$ | 3,159,175   | \$ | 3,161,429   | 102922 |
| TOTAL FED        | Federal Fund Group |                                           | \$ | 35,022,670  | \$ | 35,358,360  | 102923 |
| TOTAL ALL BUDGET | FUND GROUPS        |                                           | \$ | 526,081,196 | \$ | 493,331,100 | 102924 |

**Section 343.20. PROGRAM SUPPORT FUND** 102926

The Department of Natural Resources shall use a methodology 102927  
for determining each division's payments into the Program Support 102928  
Fund (Fund 1570). The methodology used shall contain the 102929  
characteristics of administrative ease and uniform application in 102930  
compliance with federal grant requirements. It may include direct 102931  
cost charges for specific services provided. Payments to Fund 1570 102932  
shall be made using an intrastate transfer voucher. 102933

The foregoing appropriation item 725401, Division of 102934  
Wildlife-Operating Subsidy, shall be used to pay the direct and 102935  
indirect costs of the Division of Wildlife. 102936

**PARKS AND RECREATIONAL FACILITIES LEASE RENTAL BOND PAYMENTS** 102937

The foregoing appropriation item 725413, Parks and 102938  
Recreational Facilities Lease Rental Bond Payments, shall be used 102939  
to meet all payments during the period from July 1, 2021, through 102940  
June 30, 2023, by the Department of Natural Resources pursuant to 102941  
leases and agreements made under section 154.22 of the Revised 102942  
Code. These appropriations are the source of funds pledged for 102943  
bond service charges on related obligations issued under Chapter 102944  
154. of the Revised Code. 102945

**HEALTHY LAKE ERIE PROGRAM** 102946

The foregoing appropriation item 725505, Healthy Lake Erie Program, shall be used by the Director of Natural Resources, in support of the following: (1) conservation measures in the Western Lake Erie Basin as determined by the Director; (2) funding assistance for soil testing, winter cover crops, edge of field testing, tributary monitoring, animal waste abatement; and (3) any additional efforts to reduce nutrient runoff as the Director may decide. The Director shall give priority to recommendations that encourage farmers to adopt agricultural production guidelines commonly known as 4R nutrient stewardship practices.

COAL AND MINE SAFETY PROGRAMS 102957

The foregoing appropriation item 725507, Coal and Mine Safety Programs, shall be used for the administration of the Mine Safety Program and the Coal Regulation Program.

NATURAL RESOURCES GENERAL OBLIGATION BOND DEBT SERVICE 102961

The foregoing appropriation item 725903, Natural Resources General Obligation Bond Debt Service, shall be used to pay all debt service and related financing costs during the period July 1, 2021, through June 30, 2023, on obligations issued under sections 151.01 and 151.05 of the Revised Code.

**Section 343.30.** STATE PARK OPERATIONS 102967

Of the foregoing appropriation item, 725605, State Park Operations, \$13,950,000 over the biennium ending June 30, 2023, shall be used to purchase the Geneva Lodge and Conference Center and pay operating costs for the facility pursuant to Section 715.20 of this act. An amount equal to \$13,950,000 less any amount used to purchase or to pay the operating costs for the Geneva Lodge and Conference Center in fiscal year 2022 is hereby appropriated for the same purpose in fiscal year 2023.

OIL AND GAS WELL PLUGGING 102976

The foregoing appropriation item 725677, Oil and Gas Well Plugging, shall be used exclusively for the purposes of plugging wells and to properly restore the land surface of idle and orphan oil and gas wells pursuant to section 1509.071 of the Revised Code. This appropriation item shall not be used for salaries, maintenance, equipment, or other administrative purposes, except for those costs directly attributable to the plugging of an idle or orphan well. In addition, this appropriation item shall not be used to transfer cash to any other fund or appropriation item.

H2OHIO FUND

On July 1, 2022, or as soon as possible thereafter, the Director of Natural Resources may certify to the Director of Budget and Management an amount up to the unexpended, unencumbered balance of the foregoing appropriation item, 725681, H2Ohio, at the end of fiscal year 2022 to be reappropriated in fiscal year 2023. Upon Controlling Board approval, the amount certified is hereby reappropriated to the same appropriation item for fiscal year 2023.

APPALACHIAN HILLS

The foregoing appropriation item 725607, Appalachian Hills, shall be used to purchase the remainder of the American Electric Power ReCreation Land in southeastern Ohio. An amount equal to the unexpended, unencumbered portion of the foregoing appropriation item 725607, Appalachian Hills, at the end of fiscal year 2022 is hereby reappropriated to fiscal year 2023 for the same purpose.

WELL LOG FILING FEES

The Chief of the Division of Water Resources shall deposit fees forwarded to the Division pursuant to section 1521.05 of the Revised Code into the Water Management Fund (Fund 5160) for the purposes described in that section.

PARKS CAPITAL EXPENSES FUND

The Director of Natural Resources shall submit to the 103008  
Director of Budget and Management the estimated design, 103009  
engineering, and planning costs of capital-related work to be done 103010  
by Department of Natural Resources staff for parks projects within 103011  
the Ohio Parks and Recreation Improvement Fund (Fund 7035). If the 103012  
Director of Budget and Management approves the estimated costs, 103013  
the Director may release appropriations from Fund 7035 103014  
appropriation item C725E6, Project Planning, for those purposes. 103015  
Upon release of the appropriations, the Department of Natural 103016  
Resources shall pay for these expenses from the Parks Capital 103017  
Expenses Fund (Fund 2270). Expenses paid from Fund 2270 shall be 103018  
reimbursed by Fund 7035 using an intrastate transfer voucher. 103019

NATUREWORKS CAPITAL EXPENSES FUND 103020

The Department of Natural Resources shall submit to the 103021  
Director of Budget and Management the estimated design, planning, 103022  
and engineering costs of capital-related work to be done by 103023  
Department of Natural Resources staff for each capital improvement 103024  
project within the Ohio Parks and Natural Resources Fund (Fund 103025  
7031). If the Director of Budget and Management approves the 103026  
estimated costs, the Director may release appropriations from Fund 103027  
7031 appropriation item C725E5, Project Planning, for those 103028  
purposes. Upon release of the appropriations, the Department of 103029  
Natural Resources shall pay for these expenses from the Capital 103030  
Expenses Fund (Fund 4S90). Expenses paid from Fund 4S90 shall be 103031  
reimbursed by Fund 7031 using an intrastate transfer voucher. 103032

PARK MAINTENANCE 103033

The foregoing appropriation item 725514, Park Maintenance, 103034  
shall be used by the Department of Natural Resources to pay the 103035  
costs of projects supported by the State Park Maintenance Fund 103036  
(Fund 5TD0) under section 1501.08 of the Revised Code. 103037

On July 1 of each fiscal year or as soon as possible 103038

thereafter, the Director of Natural Resources shall certify the 103039  
amount of five percent of the average of the previous five years 103040  
of deposits in the State Park Fund (Fund 5120) to the Director of 103041  
Budget and Management. The Director of Budget and Management may 103042  
transfer up to \$1,600,000 from Fund 5120 to the State Park 103043  
Maintenance Fund (Fund 5TD0). 103044

**Section 343.50.** CLEAN OHIO TRAIL OPERATING EXPENSES 103045

The foregoing appropriation item 725405, Clean Ohio Trail 103046  
Operating, shall be used by the Department of Natural Resources in 103047  
administering Clean Ohio Trail Fund (Fund 7061) projects pursuant 103048  
to section 1519.05 of the Revised Code. 103049

**Section 345.10.** NUR STATE BOARD OF NURSING 103050

Dedicated Purpose Fund Group 103051  
4K90 884609 Operating Expenses \$ 11,378,121 \$ 11,689,893 103052  
5AC0 884602 Nurse Education Grant \$ 1,513,000 \$ 1,513,000 103053  
Program  
5P80 884601 Nursing Special \$ 500 \$ 500 103054  
Issues  
TOTAL DPF Dedicated Purpose 103055  
Fund Group \$ 12,891,621 \$ 13,203,393 103056  
TOTAL ALL BUDGET FUND GROUPS \$ 12,891,621 \$ 13,203,393 103057

**Section 347.10.** PYT OCCUPATIONAL THERAPY, PHYSICAL THERAPY, 103059  
AND ATHLETIC TRAINERS BOARD 103060

Dedicated Purpose Fund Group 103061  
4K90 890609 Operating Expenses \$ 1,168,045 \$ 1,168,045 103062  
TOTAL DPF Dedicated Purpose Fund 103063  
Group \$ 1,168,045 \$ 1,168,045  
TOTAL ALL BUDGET FUND GROUPS \$ 1,168,045 \$ 1,168,045 103064

|           |        |                                                           |    |            |               |        |
|-----------|--------|-----------------------------------------------------------|----|------------|---------------|--------|
|           |        | <b>Section 353.10. OOD OPPORTUNITIES FOR OHIOANS WITH</b> |    |            | 103066        |        |
|           |        | DISABILITIES AGENCY                                       |    |            | 103067        |        |
|           |        | General Revenue Fund                                      |    |            | 103068        |        |
| GRF       | 415402 | Independent Living                                        | \$ | 252,000    | \$ 252,000    | 103069 |
|           |        | Council                                                   |    |            |               |        |
| GRF       | 415406 | Assistive Technology                                      | \$ | 25,819     | \$ 25,819     | 103070 |
| GRF       | 415431 | Brain Injury                                              | \$ | 550,000    | \$ 550,000    | 103071 |
| GRF       | 415506 | Services for                                              | \$ | 18,418,244 | \$ 18,418,244 | 103072 |
|           |        | Individuals with                                          |    |            |               |        |
|           |        | Disabilities                                              |    |            |               |        |
| GRF       | 415508 | Services for the Deaf                                     | \$ | 27,580     | \$ 27,580     | 103073 |
| GRF       | 415511 | Centers for                                               | \$ | 500,000    | \$ 500,000    | 103074 |
|           |        | Independent Living                                        |    |            |               |        |
| GRF       | 415512 | Visually Impaired                                         | \$ | 50,000     | \$ 50,000     | 103075 |
|           |        | Reading Services                                          |    |            |               |        |
| TOTAL GRF |        | General Revenue Fund                                      | \$ | 19,823,643 | \$ 19,823,643 | 103076 |
|           |        | Dedicated Purpose Fund Group                              |    |            |               | 103077 |
| 4670      | 415609 | Business Enterprise                                       | \$ | 1,545,498  | \$ 1,555,368  | 103078 |
|           |        | Operating Expenses                                        |    |            |               |        |
| 4680      | 415618 | Third Party Services                                      | \$ | 8,000,000  | \$ 8,000,000  | 103079 |
|           |        | Funding                                                   |    |            |               |        |
| 4L10      | 415619 | Services for                                              | \$ | 3,000,000  | \$ 3,000,000  | 103080 |
|           |        | Rehabilitation                                            |    |            |               |        |
| TOTAL DPF |        | Dedicated Purpose Fund                                    | \$ | 12,545,498 | \$ 12,555,368 | 103081 |
|           |        | Group                                                     |    |            |               |        |
|           |        | Internal Service Activity Fund Group                      |    |            |               | 103082 |
| 4W50      | 415606 | Program Management                                        | \$ | 15,865,315 | \$ 16,138,415 | 103083 |
| TOTAL ISA |        | Internal Service Activity                                 | \$ | 15,865,315 | \$ 16,138,415 | 103084 |
|           |        | Fund Group                                                |    |            |               |        |
|           |        | Federal Fund Group                                        |    |            |               | 103085 |
| 3170      | 415620 | Disability                                                | \$ | 84,246,693 | \$ 85,518,074 | 103086 |

|                              |                    |                                                 |    |             |    |                    |
|------------------------------|--------------------|-------------------------------------------------|----|-------------|----|--------------------|
|                              |                    | Determination                                   |    |             |    |                    |
| 3790                         | 415616             | Federal - Vocational<br>Rehabilitation          | \$ | 129,098,355 | \$ | 130,495,615 103087 |
| 3GH0                         | 415602             | Personal Care<br>Assistance                     | \$ | 3,133,972   | \$ | 3,139,040 103088   |
| 3GH0                         | 415604             | Community Centers for<br>the Deaf               | \$ | 950,000     | \$ | 950,000 103089     |
| 3GH0                         | 415613             | Independent Living                              | \$ | 737,411     | \$ | 737,411 103090     |
| 3L10                         | 415608             | Social Security<br>Vocational<br>Rehabilitation | \$ | 9,100,000   | \$ | 9,100,000 103091   |
| 3L40                         | 415614             | Buisness Enterprise<br>Federal Relief           | \$ | 1,031,161   | \$ | 0 103092           |
| 3L40                         | 415615             | Federal - Supported<br>Employment               | \$ | 850,000     | \$ | 850,000 103093     |
| 3L40                         | 415617             | Independent Living<br>Older Blind               | \$ | 2,545,971   | \$ | 1,733,658 103094   |
| TOTAL FED                    | Federal Fund Group |                                                 | \$ | 231,693,563 | \$ | 232,523,798 103095 |
| TOTAL ALL BUDGET FUND GROUPS |                    |                                                 | \$ | 279,928,019 | \$ | 281,041,224 103096 |

**Section 353.20.** INDEPENDENT LIVING 103098

The foregoing appropriation item 415402, Independent Living 103099  
Council, shall be used to support the state independent living 103100  
programs and centers under Title VII of the Independent Living 103101  
Services and Centers for Independent Living of the Rehabilitation 103102  
Act Amendments of 1992, 106 Stat. 4344, 29 U.S.C. 796d. 103103

Of the foregoing appropriation item 415402, Independent 103104  
Living Council, \$67,662 in each fiscal year shall be used as state 103105  
matching funds for vocational rehabilitation innovation and 103106  
expansion activities. 103107

The foregoing appropriation item 415511, Centers for 103108  
Independent Living, shall be used to support the operations of the 103109

Centers for Independent Living in accordance with the State Plan 103110  
for Independent Living. 103111

ASSISTIVE TECHNOLOGY 103112

The foregoing appropriation item 415406, Assistive 103113  
Technology, shall be provided to Assistive Technology of Ohio to 103114  
provide grants and assistive technology services for people with 103115  
disabilities in the State of Ohio. 103116

BRAIN INJURY 103117

The foregoing appropriation item 415431, Brain Injury, shall 103118  
be provided to The Ohio State University College of Medicine to 103119  
support the Brain Injury Program established under section 3335.60 103120  
of the Revised Code. 103121

SERVICES FOR INDIVIDUALS WITH DISABILITIES 103122

In addition to funding the general vocational rehabilitation 103123  
program, the foregoing appropriation item 415506, Services for 103124  
Individuals with Disabilities, shall be used as state match to: 103125  
continue partnerships with certified drug courts to expand access 103126  
to employment through vocational rehabilitation services and 103127  
increase employment outcomes that promote recovery and 103128  
rehabilitation; continue partnerships with community colleges and 103129  
state universities to ensure college students with disabilities 103130  
can compete for in-demand jobs in tomorrow's labor market and 103131  
increase the median earnings of individuals who obtain employment; 103132  
create paid on-the-job work experiences for eligible candidates 103133  
placed in state agencies to develop work skills needed to pursue 103134  
permanent employment and increase the number of individuals with 103135  
disabilities employed in state government; and increase access to 103136  
vocational rehabilitation services for eligible students enrolled 103137  
at the Ohio State School for the Blind and the Ohio School for the 103138  
Deaf that will prepare students who are blind or deaf for 103139  
transition to college or employment. 103140

|                                                                                                                                                                                                                                                                                                                                                                                                  |    |            |    |            |                                                                    |
|--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|----|------------|----|------------|--------------------------------------------------------------------|
| SERVICES FOR THE DEAF                                                                                                                                                                                                                                                                                                                                                                            |    |            |    |            | 103141                                                             |
| The foregoing appropriation item 415508, Services for the Deaf, shall be used to support community centers for the deaf.                                                                                                                                                                                                                                                                         |    |            |    |            | 103142<br>103143                                                   |
| VISUALLY IMPAIRED READING SERVICES                                                                                                                                                                                                                                                                                                                                                               |    |            |    |            | 103144                                                             |
| The foregoing appropriation item 415512, Visually Impaired Reading Services, shall be used to support VOICEcorps Reading Services to provide reading services for blind individuals.                                                                                                                                                                                                             |    |            |    |            | 103145<br>103146<br>103147                                         |
| SIGHT CENTERS                                                                                                                                                                                                                                                                                                                                                                                    |    |            |    |            | 103148                                                             |
| Of the foregoing appropriation item 415617, Independent Living Older Blind, \$30,000 in each fiscal year shall be used to contract in equal amounts with the Cleveland Sight Center, the Cincinnati Association for the Blind and Visually Impaired, and the Sight Center of Northwest Ohio to provide independent living services to the community of individuals with blindness or low vision. |    |            |    |            | 103149<br>103150<br>103151<br>103152<br>103153<br>103154<br>103155 |
| <b>Section 361.10. PEN PENSION SUBSIDIES</b>                                                                                                                                                                                                                                                                                                                                                     |    |            |    |            | 103156                                                             |
| General Revenue Fund                                                                                                                                                                                                                                                                                                                                                                             |    |            |    |            | 103157                                                             |
| GRF 090524 Police and Fire Disability Pension Fund                                                                                                                                                                                                                                                                                                                                               | \$ | 1,000      | \$ | 1,000      | 103158                                                             |
| GRF 090534 Police and Fire Ad Hoc Cost of Living                                                                                                                                                                                                                                                                                                                                                 | \$ | 22,000     | \$ | 22,000     | 103159                                                             |
| GRF 090554 Police and Fire Survivor Benefits                                                                                                                                                                                                                                                                                                                                                     | \$ | 201,000    | \$ | 201,000    | 103160                                                             |
| GRF 090575 Police and Fire Death Benefits                                                                                                                                                                                                                                                                                                                                                        | \$ | 35,000,000 | \$ | 35,250,000 | 103161                                                             |
| TOTAL GRF General Revenue Fund                                                                                                                                                                                                                                                                                                                                                                   | \$ | 35,224,000 | \$ | 35,474,000 | 103162                                                             |
| TOTAL ALL BUDGET FUND GROUPS                                                                                                                                                                                                                                                                                                                                                                     | \$ | 35,224,000 | \$ | 35,474,000 | 103163                                                             |
| <b>Section 361.20. POLICE AND FIRE DEATH BENEFIT FUND</b>                                                                                                                                                                                                                                                                                                                                        |    |            |    |            | 103165                                                             |

The foregoing appropriation item 090575, Police and Fire Death Benefits, shall be disbursed quarterly by the Treasurer of State at the beginning of each quarter of each fiscal year to the Board of Trustees of the Ohio Police and Fire Pension Fund, which serves as trustees of the Ohio Public Safety Officers Death Benefit Fund pursuant to section 742.62 of the Revised Code. The Treasurer of State shall certify such amounts quarterly to the Director of Budget and Management. By the twentieth day of June of each fiscal year, the Board of Trustees shall certify to the Treasurer of State the amount disbursed in the current fiscal year to make the payments required by sections 124.824 and 742.63 of the Revised Code and shall return to the Treasurer of State moneys received from this appropriation item but not disbursed.

Notwithstanding any provision of section 124.824 of the Revised Code to the contrary, for each death benefit fund recipient who participates in health, medical, hospital, dental, surgical, or vision benefits under section 124.824 of the Revised Code, the Board of Trustees of the Ohio Police and Fire Pension Fund shall forward as a pass-through from the revenue received from the foregoing appropriation item 090575, Police and Fire Death Benefits, the percentage of the cost for the applicable benefits that would be paid by a state employer for a state employee who elects that coverage and any applicable administrative costs, which shall not exceed two per cent of the total cost of the benefits. The Board of Trustees shall also withhold from the benefits paid to a death benefit fund recipient under section 742.63 of the Revised Code the percentage of the cost for such benefits that would be paid by a state employee, and forward the withheld amounts to the Department of Administrative Services from the revenue received from the foregoing appropriation item 090575, Police and Fire Death Benefits.

In fiscal year 2022 or 2023, if it is determined by the

Director of Administrative Services, in consultation with the 103198  
 Chairperson of the Board of Trustees of the Ohio Police and Fire 103199  
 Pension Fund, or designee, that additional amounts are necessary 103200  
 to pay the cost of providing benefits under section 124.824 or 103201  
 742.63 of the Revised Code, the Director of Administrative 103202  
 Services may certify the additional amount necessary to the 103203  
 Director of Budget and Management. The amount certified is hereby 103204  
 appropriated. 103205

|                                                               |                       |              |              |        |
|---------------------------------------------------------------|-----------------------|--------------|--------------|--------|
| <b>Section 363.10. UST PETROLEUM UNDERGROUND STORAGE TANK</b> |                       |              |              | 103206 |
| RELEASE COMPENSATION BOARD                                    |                       |              |              | 103207 |
| Dedicated Purpose Fund Group                                  |                       |              |              | 103208 |
| 6910 810632                                                   | Petroleum Underground | \$ 1,470,292 | \$ 1,489,689 | 103209 |
|                                                               | Storage Tank Release  |              |              |        |
|                                                               | Compensation Board -  |              |              |        |
|                                                               | Operating             |              |              |        |
| TOTAL DPF Dedicated Purpose Fund                              |                       | \$ 1,470,292 | \$ 1,489,689 | 103210 |
| Group                                                         |                       |              |              |        |
| TOTAL ALL BUDGET FUND GROUPS                                  |                       | \$ 1,470,292 | \$ 1,489,689 | 103211 |

|                                                    |                      |               |               |        |
|----------------------------------------------------|----------------------|---------------|---------------|--------|
| <b>Section 367.10. PRX STATE BOARD OF PHARMACY</b> |                      |               |               | 103213 |
| Dedicated Purpose Fund Group                       |                      |               |               | 103214 |
| 4A50 887605                                        | Drug Law Enforcement | \$ 50,000     | \$ 50,000     | 103215 |
| 4K90 658605                                        | OARRS Integration -  | \$ 265,000    | \$ 265,000    | 103216 |
|                                                    | STATE                |               |               |        |
| 4K90 887609                                        | Operating Expenses   | \$ 11,750,000 | \$ 12,200,000 | 103217 |
| 5SG0 887612                                        | Drug Database        | \$ 100,000    | \$ 100,000    | 103218 |
| 5SY0 887613                                        | Medical Marijuana    | \$ 3,150,000  | \$ 3,250,000  | 103219 |
|                                                    | Control Program      |               |               |        |
| TOTAL DPF Dedicated Purpose Fund                   |                      | \$ 15,315,000 | \$ 15,865,000 | 103220 |
| Group                                              |                      |               |               |        |
| Federal Fund Group                                 |                      |               |               | 103221 |

|                                                            |        |                               |    |             |    |             |        |
|------------------------------------------------------------|--------|-------------------------------|----|-------------|----|-------------|--------|
| 3HD0                                                       | 887614 | Pharmacy Federal Grants       | \$ | 1,050,000   | \$ | 1,050,000   | 103222 |
| 3HH0                                                       | 658601 | OARRS Integration - Federal   | \$ | 2,500,000   | \$ | 2,500,000   | 103223 |
| 3HM0                                                       | 887615 | Equitable Sharing Treasury    | \$ | 5,000       | \$ | 5,000       | 103224 |
| 3HN0                                                       | 887616 | Equitable Sharing Justice     | \$ | 30,000      | \$ | 30,000      | 103225 |
| TOTAL FED                                                  |        | Federal Fund Group            | \$ | 3,585,000   | \$ | 3,585,000   | 103226 |
| TOTAL ALL BUDGET FUND GROUPS                               |        |                               | \$ | 18,900,000  | \$ | 19,450,000  | 103227 |
| <b>Section 369.10. PSY STATE BOARD OF PSYCHOLOGY</b>       |        |                               |    |             |    |             | 103229 |
| Dedicated Purpose Fund Group                               |        |                               |    |             |    |             | 103230 |
| 4K90                                                       | 882609 | Operating Expenses            | \$ | 679,000     | \$ | 696,000     | 103231 |
| TOTAL DPF                                                  |        | Dedicated Purpose Fund Group  | \$ | 679,000     | \$ | 696,000     | 103233 |
| TOTAL ALL BUDGET FUND GROUPS                               |        |                               | \$ | 679,000     | \$ | 696,000     | 103234 |
| <b>Section 371.10. PUB OHIO PUBLIC DEFENDER COMMISSION</b> |        |                               |    |             |    |             | 103236 |
| General Revenue Fund                                       |        |                               |    |             |    |             | 103237 |
| GRF                                                        | 019401 | State Legal Defense Services  | \$ | 6,944,609   | \$ | 7,419,884   | 103238 |
| GRF                                                        | 019403 | Multi-County: State Share     | \$ | 4,881,554   | \$ | 5,076,816   | 103239 |
| GRF                                                        | 019404 | Trumbull County - State Share | \$ | 2,063,870   | \$ | 2,146,425   | 103240 |
| GRF                                                        | 019405 | Training Account              | \$ | 50,000      | \$ | 50,000      | 103241 |
| GRF                                                        | 019501 | County Reimbursement          | \$ | 132,197,392 | \$ | 136,138,934 | 103242 |
| TOTAL GRF                                                  |        | General Revenue Fund          | \$ | 146,137,425 | \$ | 150,832,059 | 103243 |
| Dedicated Purpose Fund Group                               |        |                               |    |             |    |             | 103244 |
| 1010                                                       | 019607 | Juvenile Legal Assistance     | \$ | 205,000     | \$ | 205,000     | 103245 |

|                                                                                                                                                                                               |        |                                         |    |             |    |             |                            |
|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|--------|-----------------------------------------|----|-------------|----|-------------|----------------------------|
| 4060                                                                                                                                                                                          | 019603 | Training and Publications               | \$ | 25,000      | \$ | 25,000      | 103246                     |
| 4070                                                                                                                                                                                          | 019604 | County Representation                   | \$ | 285,000     | \$ | 285,000     | 103247                     |
| 4080                                                                                                                                                                                          | 019605 | Client Payments                         | \$ | 737,389     | \$ | 737,389     | 103248                     |
| 4C70                                                                                                                                                                                          | 019601 | Multi-County: County Share              | \$ | 149,879     | \$ | 272,016     | 103249                     |
| 4N90                                                                                                                                                                                          | 019613 | Gifts and Grants                        | \$ | 13,440      | \$ | 13,440      | 103250                     |
| 4X70                                                                                                                                                                                          | 019610 | Trumbull County - County Share          | \$ | 47,699      | \$ | 86,568      | 103251                     |
| 5740                                                                                                                                                                                          | 019606 | Civil Legal Aid                         | \$ | 14,500,000  | \$ | 14,500,000  | 103252                     |
| 5CX0                                                                                                                                                                                          | 019617 | Civil Case Filing Fee                   | \$ | 542,904     | \$ | 602,904     | 103253                     |
| 5DY0                                                                                                                                                                                          | 019618 | Indigent Defense Support - County Share | \$ | 25,896,000  | \$ | 27,888,000  | 103254                     |
| 5DY0                                                                                                                                                                                          | 019619 | Indigent Defense Support - State Office | \$ | 6,684,000   | \$ | 6,684,000   | 103255                     |
| TOTAL DPF                                                                                                                                                                                     |        | Dedicated Purpose Fund Group            | \$ | 49,086,311  | \$ | 51,299,317  | 103256                     |
| Federal Fund                                                                                                                                                                                  |        | Group                                   |    |             |    |             | 103257                     |
| 3S80                                                                                                                                                                                          | 019608 | Federal Representation                  | \$ | 38,315      | \$ | 38,315      | 103258                     |
| TOTAL FED                                                                                                                                                                                     |        | Federal Fund Group                      | \$ | 38,315      | \$ | 38,315      | 103259                     |
| TOTAL ALL BUDGET FUND GROUPS                                                                                                                                                                  |        |                                         | \$ | 195,262,051 | \$ | 202,169,691 | 103260                     |
| INDIGENT DEFENSE OFFICE                                                                                                                                                                       |        |                                         |    |             |    |             | 103261                     |
| The foregoing appropriation items 019404, Trumbull County - State Share, and 019610, Trumbull County - County Share, shall be used to support an indigent defense office for Trumbull County. |        |                                         |    |             |    |             | 103262<br>103263<br>103264 |
| MULTI-COUNTY OFFICE                                                                                                                                                                           |        |                                         |    |             |    |             | 103265                     |
| The foregoing appropriation items 019403, Multi-County: State Share, and 019601, Multi-County: County Share, shall be used to support the Office of the Ohio Public Defender's Multi-County   |        |                                         |    |             |    |             | 103266<br>103267<br>103268 |

|                                                                     |        |
|---------------------------------------------------------------------|--------|
| Branch Office Program.                                              | 103269 |
| TRAINING ACCOUNT                                                    | 103270 |
| The foregoing appropriation item 019405, Training Account,          | 103271 |
| shall be used by the Ohio Public Defender to provide legal          | 103272 |
| training programs at no cost for private appointed counsel who      | 103273 |
| represent at least one indigent defendant at no cost, and for       | 103274 |
| state and county public defenders and attorneys who contract with   | 103275 |
| the Ohio Public Defender to provide indigent defense services.      | 103276 |
| ADOPTION PROCEEDINGS                                                | 103277 |
| Notwithstanding any provision of law to the contrary, of the        | 103278 |
| foregoing appropriation item 019501, County Reimbursement,          | 103279 |
| \$3,000,000 in each fiscal year shall be used to reimburse counties | 103280 |
| for the costs and expenses of providing legal representation to     | 103281 |
| indigent persons in adoption proceedings.                           | 103282 |
| CASH TRANSFER FROM THE GENERAL REVENUE FUND TO THE LEGAL AID        | 103283 |
| FUND                                                                | 103284 |
| On July 1 of each fiscal year, or as soon as possible               | 103285 |
| thereafter, the Director of Budget and Management shall transfer    | 103286 |
| \$500,000 cash from the General Revenue Fund to the Legal Aid Fund  | 103287 |
| (Fund 5740). The transferred cash shall be distributed by the Ohio  | 103288 |
| Access to Justice Foundation to Ohio's civil legal aid societies    | 103289 |
| as follows: \$250,000 in each fiscal year for the sole purpose of   | 103290 |
| providing legal services for economically disadvantaged             | 103291 |
| individuals and families seeking assistance with legal issues       | 103292 |
| arising as a result of substance abuse disorders, and \$250,000 in  | 103293 |
| each fiscal year for the sole purpose of providing legal services   | 103294 |
| for veterans. None of the funds shall be used for administrative    | 103295 |
| costs, including, but not limited to, salaries, benefits, or        | 103296 |
| travel reimbursements.                                              | 103297 |
| FEDERAL REPRESENTATION                                              | 103298 |

The foregoing appropriation item 019608, Federal Representation, shall be used to support representation provided by the Ohio Public Defender in federal court cases.

103299  
103300  
103301

**Section 373.10.** DPS DEPARTMENT OF PUBLIC SAFETY

103302

General Revenue Fund

103303

|           |        |                                                  |    |            |    |            |        |
|-----------|--------|--------------------------------------------------|----|------------|----|------------|--------|
| GRF       | 761403 | Recovery Ohio Law Enforcement                    | \$ | 13,075,000 | \$ | 13,155,000 | 103304 |
| GRF       | 763403 | EMA Operating                                    | \$ | 5,878,897  | \$ | 5,868,428  | 103305 |
| GRF       | 763513 | Security Grants                                  | \$ | 4,250,000  | \$ | 4,250,000  | 103306 |
| GRF       | 767420 | Investigative Unit Operating                     | \$ | 14,545,000 | \$ | 14,875,000 | 103307 |
| GRF       | 768425 | Justice Program Services                         | \$ | 13,320,000 | \$ | 13,350,000 | 103308 |
| GRF       | 769406 | Homeland Security - Operating                    | \$ | 3,376,000  | \$ | 3,455,000  | 103309 |
| GRF       | 769407 | Youthful Driver Safety                           | \$ | 500,000    | \$ | 500,000    | 103310 |
| GRF       | 769501 | School Safety                                    | \$ | 2,705,500  | \$ | 2,705,500  | 103311 |
| TOTAL GRF |        | General Revenue Fund                             | \$ | 57,650,397 | \$ | 58,158,928 | 103312 |
|           |        | Dedicated Purpose Fund Group                     |    |            |    |            | 103313 |
| 4P60      | 768601 | Justice Program Services                         | \$ | 226,500    | \$ | 226,500    | 103314 |
| 4V30      | 763662 | EMA Service and Reimbursements                   | \$ | 915,000    | \$ | 840,000    | 103315 |
| 5330      | 763601 | State Disaster Relief                            | \$ | 1,875,000  | \$ | 1,875,000  | 103316 |
| 5B90      | 766632 | Private Investigator and Security Guard Provider | \$ | 2,035,000  | \$ | 2,035,000  | 103317 |
| 5BK0      | 768687 | Criminal Justice Services - Operating            | \$ | 550,000    | \$ | 550,000    | 103318 |
| 5BK0      | 768689 | Family Violence                                  | \$ | 1,550,000  | \$ | 1,550,000  | 103319 |

|       |        |                        |    |             |    |             |        |
|-------|--------|------------------------|----|-------------|----|-------------|--------|
|       |        | Shelter Programs       |    |             |    |             |        |
| 5CV1  | 763691 | Coronavirus            | \$ | 29,000,000  | \$ | 0           | 103320 |
|       |        | Relief-DPS             |    |             |    |             |        |
| 5ET0  | 768625 | Drug Law Enforcement   | \$ | 4,000,000   | \$ | 4,000,000   | 103321 |
| 5LM0  | 768698 | Criminal Justice       | \$ | 850,946     | \$ | 850,946     | 103322 |
|       |        | Services Law           |    |             |    |             |        |
|       |        | Enforcement Support    |    |             |    |             |        |
| 5ML0  | 769635 | Infrastructure         | \$ | 80,000      | \$ | 80,000      | 103323 |
|       |        | Protection             |    |             |    |             |        |
| 5RH0  | 767697 | OIU Special Projects   | \$ | 900,000     | \$ | 900,000     | 103324 |
| 5RS0  | 768621 | Community Police       | \$ | 1,150,000   | \$ | 1,150,000   | 103325 |
|       |        | Relations              |    |             |    |             |        |
| 5Y10  | 767696 | Ohio Investigative     | \$ | 10,000      | \$ | 10,000      | 103326 |
|       |        | Unit Continuing        |    |             |    |             |        |
|       |        | Professional Training  |    |             |    |             |        |
| 6220  | 767615 | Investigative,         | \$ | 1,000,000   | \$ | 1,000,000   | 103327 |
|       |        | Contraband, and        |    |             |    |             |        |
|       |        | Forfeiture             |    |             |    |             |        |
| 6570  | 763652 | Utility Radiological   | \$ | 1,368,624   | \$ | 1,378,304   | 103328 |
|       |        | Safety                 |    |             |    |             |        |
| 6810  | 763653 | SARA Title III Hazmat  | \$ | 287,310     | \$ | 287,994     | 103329 |
|       |        | Planning               |    |             |    |             |        |
| TOTAL | DPF    | Dedicated Purpose Fund | \$ | 45,798,380  | \$ | 16,733,744  | 103330 |
|       |        | Group                  |    |             |    |             |        |
|       |        | Federal Fund Group     |    |             |    |             | 103331 |
| 3370  | 763515 | COVID Relief -         | \$ | 150,000,000 | \$ | 150,000,000 | 103332 |
|       |        | Federal                |    |             |    |             |        |
| 3370  | 763609 | Federal Disaster       | \$ | 69,948,672  | \$ | 69,948,672  | 103333 |
|       |        | Relief                 |    |             |    |             |        |
| 3FP0  | 767620 | Ohio Investigative     | \$ | 30,000      | \$ | 30,000      | 103334 |
|       |        | Unit Justice           |    |             |    |             |        |
|       |        | Contraband             |    |             |    |             |        |
| 3GL0  | 768619 | Justice Assistance     | \$ | 12,500,000  | \$ | 12,500,000  | 103335 |

|                              |                       |    |             |    |                    |
|------------------------------|-----------------------|----|-------------|----|--------------------|
|                              | Grants - FFY15        |    |             |    |                    |
| 3GT0 767691                  | Investigative Unit    | \$ | 100,000     | \$ | 100,000 103336     |
|                              | Federal Equity Share  |    |             |    |                    |
| 3GU0 769610                  | Investigations Grants | \$ | 1,400,000   | \$ | 1,400,000 103337   |
|                              | - Food Stamps, Liquor |    |             |    |                    |
|                              | and Tobacco Laws      |    |             |    |                    |
| 3GU0 769631                  | Homeland Security     | \$ | 800,000     | \$ | 800,000 103338     |
|                              | Disaster Grants       |    |             |    |                    |
| 3HT0 768699                  | Coronavirus Emergency | \$ | 5,000,000   | \$ | 850,000 103339     |
|                              | Support Funding       |    |             |    |                    |
| 3L50 768604                  | Justice Program       | \$ | 12,600,000  | \$ | 12,600,000 103340  |
| TOTAL FED                    | Federal Fund Group    | \$ | 252,378,672 | \$ | 248,228,672 103341 |
| TOTAL ALL BUDGET FUND GROUPS |                       | \$ | 355,827,449 | \$ | 323,121,344 103342 |

**Section 373.20.** RECOVERY OHIO LAW ENFORCEMENT 103344

Of the foregoing appropriation item 761403, Recovery Ohio Law 103345  
Enforcement, up to \$6,575,000 in fiscal year 2022 and \$6,655,000 103346  
in fiscal year 2023 may be used to operate and maintain a highly 103347  
specialized Narcotics Intelligence Center consisting of personnel 103348  
assigned to intelligence and computer forensic analysis that will 103349  
assist Ohio narcotics task forces and law enforcement agencies. 103350

Of the foregoing appropriation item 761403, Recovery Ohio Law 103351  
Enforcement, up to \$3,400,000 in each fiscal year may be used by 103352  
the Office of Criminal Justice Services to support local law 103353  
enforcement narcotics task forces that focus on cartel trafficking 103354  
interdiction. The interdiction task forces shall be designated 103355  
Ohio Organized Crime Commission task forces subject to approval 103356  
and supervision of the Commission. This earmarked amount may also 103357  
be used to provide funding to local law enforcement agencies, the 103358  
Commission for task force related equipment purchases, and for 103359  
operating expenses of the Office of Criminal Justice Services 103360  
related to the narcotics interdiction task force program. 103361

Of the foregoing appropriation item 761403, Recovery Ohio Law Enforcement, up to \$2,500,000 in each fiscal year may be used by the Office of Criminal Justice Services for Ohio's narcotics task forces in order to build new and strengthen existing partnerships with local law enforcement. This earmarked amount may also be used to provide funding to local law enforcement agencies and for operating expenses of the Office of Criminal Justice Services related to the Ohio narcotics task force program.

Of the foregoing appropriation item 761403, Recovery Ohio Law Enforcement, up to \$600,000 in each fiscal year may be used to partner with the Office of Information Technology in the Department of Administrative Services to enhance and maintain a uniform records management and data intelligence system, and provide case management, collaboration, data sharing, and data analytics tools for Ohio narcotics task forces and law enforcement agencies.

LAKE COUNTY EMERGENCY MANAGEMENT AGENCY

Of the foregoing appropriation item 763403, EMA Operating, \$300,000 in fiscal year 2022 shall be distributed to the Lake County Emergency Management Agency to improve wireless and microwave communication for emergency operations.

JUSTICE PROGRAM SERVICES

Of the foregoing appropriation item 768425, Justice Program Services, up to \$5,000,000 in each fiscal year shall be used by the Office of Criminal Justice Services to administer and distribute grants to state and local law enforcement agencies to implement or enhance body-worn camera programs.

Of the foregoing appropriation item 768425, Justice Program Services, up to \$4,000,000 in each fiscal year shall be used by the Office of Criminal Justice Services to administer and distribute grants to state and local law enforcement agencies to

assist local communities in reducing and preventing crime through 103393  
the use of promising or proven crime reduction strategies. The use 103394  
of the grants includes, but is not limited to, overtime, 103395  
equipment, technical assistance, and analytical support to 103396  
implement crime reduction strategies. The disbursement of the 103397  
grants requires approval by the Controlling Board. 103398

Of the foregoing appropriation item 768425, Justice Program 103399  
Services, up to \$1,000,000 in each fiscal year shall be used by 103400  
the Office of Criminal Justice Services to distribute grants to 103401  
state and/or local law enforcement to conduct investigations on 103402  
sexual assault kit testing results and related expenses. 103403

Of the foregoing appropriation item 768425, Justice Program 103404  
Services, up to \$500,000 in each fiscal year shall be used by the 103405  
Office of Criminal Justice Services to support state and local law 103406  
enforcement agencies in the recruitment, hiring, and training of 103407  
qualified individuals to serve as peace officers. 103408

Of the foregoing appropriation item 768425, Justice Program 103409  
Services, up to \$200,000 in each fiscal year shall be used by the 103410  
Office of Criminal Justice Services to implement recommendations 103411  
of the Governor's Warrant Task Force. 103412

YOUTHFUL DRIVER SAFETY 103413

The foregoing appropriation item 769407, Youthful Driver 103414  
Safety, shall be used to enhance driver training for a statewide 103415  
youthful driver safety program. The program will use best 103416  
practices and technology to focus on behind-the-wheel driver 103417  
training for drivers aged sixteen to twenty-four in order to 103418  
reduce the number of at-fault youthful fatal car crashes. 103419

SCHOOL SAFETY 103420

The foregoing appropriation item 769501, School Safety, shall 103421  
be used by the Department of Public Safety for the operations of 103422  
the Ohio School Safety Center, including maintaining and promoting 103423

the Safer Ohio Schools Tip Line and assisting local schools and first responders in preventing, preparing for, and responding to threats and acts of violence, including self-harm, through a holistic, solutions-based approach to improving school safety.

LOCAL DISASTER ASSISTANCE

An amount equal to the unexpended, unencumbered balance of appropriation item 763511, Local Disaster Assistance, at the end of fiscal year 2021 is hereby reappropriated for the April 17, 2018, and April 8, 2019, Major Disaster Declarations for fiscal year 2022.

An amount equal to the unexpended, unencumbered balance of appropriation item 763511, Local Disaster Assistance, at the end of fiscal year 2022 is hereby reappropriated for the April 17, 2018, and April 8, 2019, Major Disaster Declarations for fiscal year 2023.

STATE DISASTER RELIEF

On July 1 of each fiscal year, or as soon as possible thereafter, the Director of Budget and Management may transfer \$1,875,000 cash from the Disaster Services Fund (Fund 5E20) to the State Disaster Relief Fund (Fund 5330) to be used to pay for estimated program administrative costs and Emergency Operations Center activation costs for that fiscal year.

The State Disaster Relief Fund (Fund 5330) may accept transfers of cash or appropriations from Controlling Board appropriation items for the Ohio Emergency Management Agency disaster response costs and disaster program management costs, and may also be used for the following purposes:

(A) To accept transfers of cash or appropriations from Controlling Board appropriation items for Ohio Emergency Management Agency recovery and mitigation program match costs to reimburse eligible local governments and private nonprofit

organizations for costs related to disasters; 103455

(B) To accept transfers of cash or appropriations from 103456  
Controlling Board appropriation items to cover costs incurred and 103457  
to reimburse government entities for Emergency Management 103458  
Assistance Compact (EMAC) missions; 103459

(C) To accept disaster related reimbursement from federal, 103460  
state, and local governments. The Director of Budget and 103461  
Management may transfer cash from reimbursements received by this 103462  
fund to other funds of the state from which transfers were 103463  
originally approved by the Controlling Board. 103464

(D) To accept transfers of cash or appropriations from 103465  
Controlling Board appropriation items to fund the State Disaster 103466  
Relief Program, for disasters that qualify for the program by 103467  
written authorization of the Governor, and the State Individual 103468  
Assistance Program for disasters that have been declared by the 103469  
federal Small Business Administration and that qualify for the 103470  
program by written authorization from the Governor. 103471

(E) The State Disaster Relief Fund (Fund 5330) may accept, 103472  
hold, administer, and expend any cash received from a gift, 103473  
donation, bequest, devise, or contribution. 103474

**Section 373.30.** TRANSFER FROM STATE FIRE MARSHAL FUND TO 103475  
EMERGENCY MANAGEMENT AGENCY SERVICE AND REIMBURSEMENT FUND 103476

On July 1 of each fiscal year, or as soon as possible 103477  
thereafter, the Director of Budget and Management shall transfer 103478  
\$450,000 cash from the State Fire Marshall Fund (Fund 5460) to the 103479  
Emergency Management Agency Service and Reimbursement Fund (Fund 103480  
4V30). 103481

Of the foregoing appropriation item 763662, EMA Service and 103482  
Reimbursements, \$200,000 in each fiscal year shall be distributed 103483  
to the Ohio Task Force One - Urban Search and Rescue Unit, other 103484

similar urban search and rescue units around the state, and for 103485  
maintenance of the statewide fire emergency response plan by an 103486  
entity recognized by the Ohio Emergency Management Agency. 103487

Of the foregoing appropriation item 763662, EMA Service and 103488  
Reimbursements, \$250,000 in each fiscal year shall be distributed 103489  
to the Ohio Task Force One - Urban Search and Rescue Unit to pay 103490  
for its operating expenses and developing new programs. 103491

DRUG LAW ENFORCEMENT FUND 103492

Notwithstanding division (D) of section 5502.68 of the 103493  
Revised Code, in each of fiscal years 2022 and 2023, the 103494  
cumulative amount of funding provided to any single drug task 103495  
force out of the Drug Law Enforcement Fund (Fund 5ET0) may not 103496  
exceed \$500,000 in any calendar year. 103497

COMMUNITY POLICE RELATIONS 103498

The foregoing appropriation item 768621, Community Police 103499  
Relations, shall be used to implement key recommendations of the 103500  
Ohio Task Force on Community-Police Relations, including a public 103501  
awareness campaign and state-provided assistance with 103502  
policy-making and manuals. 103503

SARA TITLE III HAZMAT PLANNING 103504

The SARA Title III Hazmat Planning Fund (Fund 6810) is 103505  
entitled to receive grant funds from the Emergency Response 103506  
Commission to implement the Emergency Management Agency's 103507  
responsibilities under Chapter 3750. of the Revised Code. 103508

SECURITY GRANTS 103509

(A) The foregoing appropriation item 763513, Security Grants, 103510  
shall be used to make competitive grants of up to \$100,000 to 103511  
nonprofit organizations, houses of worship, chartered nonpublic 103512  
schools, and licensed preschools for eligible security 103513  
improvements that assist the organization in preventing, preparing 103514

for, or responding to acts of terrorism, to acquire or retain the 103515  
services of a resource officer, special duty police officer, or 103516  
licensed armed security guards, or for the purchase of qualified 103517  
equipment, including equipment for emergency and crisis 103518  
communication, crisis management, or trauma and crisis response to 103519  
assist in preventing, preparing for, or responding to acts of 103520  
terrorism. 103521

The Emergency Management Agency shall allow for a portion of 103522  
the funds granted to acquire or retain the services of a resource 103523  
officer, special duty police officer, or licensed armed security 103524  
guard to be used for training, licensing, or certification of such 103525  
as resource officers. 103526

(B) The Emergency Management Agency shall administer and 103527  
award the grants described in division (A) of this section. The 103528  
Agency shall establish procedures and forms by which applicants 103529  
may apply for a grant, a competitive process for ranking 103530  
applicants and awarding the grants, and procedures for 103531  
distributing grants to recipients. The procedures shall require 103532  
each applicant to do all of the following: 103533

(1) Identify and substantiate prior threats or attacks by a 103534  
terrorist organization, network, or cell against the nonprofit 103535  
organization, house of worship, chartered nonpublic school, or 103536  
licensed preschool; 103537

(2) Indicate the symbolic or strategic value of one or more 103538  
sites that renders the site a possible target of terrorism; 103539

(3) Discuss potential consequences to the organization if the 103540  
site is damaged, destroyed, or disrupted by a terrorist; 103541

(4) Describe how the grant will be used to integrate 103542  
organizational preparedness with broader state and local 103543  
preparedness efforts; 103544

(5) Submit either a vulnerability assessment conducted by 103545

experienced security, law enforcement, or military personnel, or a 103546  
credible intelligence and threat analysis from one or more 103547  
qualified homeland security, counterintelligence, or 103548  
anti-terrorism experts, and a description of how the grant will be 103549  
used to address the vulnerabilities identified in the assessment. 103550

The Agency shall consider all of the above factors in 103551  
evaluating grant applications. The grantee shall have twenty-four 103552  
months from the date of the first disbursement to meet program 103553  
requirements. 103554

The Emergency Management Agency may prioritize a portion of 103555  
funding, but not more than \$1,000,000 in each fiscal year, for 103556  
innovative community-public safety partnerships addressing 103557  
counterterrorism prevention, provided the grantee is eligible to 103558  
receive the grant as a nonprofit organization that is at risk of 103559  
terror attack. 103560

(C) Any grant submission described in division (I) of section 103561  
3313.536 of the Revised Code or section 149.433 of the Revised 103562  
Code is not a public record under section 149.43 of the Revised 103563  
Code and is not subject to mandatory release or disclosure under 103564  
that section. 103565

(D) The Emergency Management Agency may use up to two and 103566  
one-half per cent of the total amount appropriated to administer 103567  
the program, a portion of which may be used to pay costs incurred 103568  
by the Department of Public Safety to provide security-related or 103569  
specialized assistance in reviewing vulnerability assessments and 103570  
prioritizing grant applications. 103571

(E) As used in this section: 103572

(1) "Eligible security improvements" means any of the 103573  
following: 103574

(a) Physical security enhancement equipment or inspection and 103575  
screening equipment included on the Authorized Equipment List 103576

published by the United States Department of Homeland Security; 103577

(b) Attendance fees and associated materials, supplies, and 103578  
equipment costs for security-related training courses and programs 103579  
regarding the protection of critical infrastructure and key 103580  
resources, physical and cyber security, target hardening, or 103581  
terrorism awareness or preparedness. Personnel and travel costs 103582  
associated with training shall not be considered an eligible 103583  
expense of the grant; 103584

(c) The purchase, upgrade, or maintenance of high-speed 103585  
internet for those utilizing it for security purposes. 103586

(2) "Nonprofit organization" means a corporation, 103587  
association, group, institution, society, or other organization 103588  
that is exempt from federal income taxation under section 103589  
501(c)(3) of the "Internal Revenue Code of 1986," 100 Stat. 2085, 103590  
26 U.S.C. 501(c)(3), as amended. 103591

(3) "Resource officer" means any law enforcement officer of 103592  
an accredited local law enforcement agency providing special duty 103593  
services in a school setting to create or maintain a safe, secure, 103594  
and orderly environment. A resource officer may include a special 103595  
duty police officer, off-duty police officer, deputy sheriff, or 103596  
other peace officer of the applicable local law enforcement agency 103597  
in which the chartered nonpublic school or licensed preschool is 103598  
located or qualifying personnel of an accredited local law 103599  
enforcement agency for any jurisdiction in this state. 103600

(4) "Terrorism" means any act taken by a group or individual 103601  
used to intimidate or coerce a nonprofit organization, house of 103602  
worship, chartered nonpublic school, or licensed preschool, its 103603  
employees, and anyone who is or in the future may be associated 103604  
with it, as well as their families; to influence the policy of the 103605  
nonprofit organization, house of worship, chartered nonpublic 103606  
school, or licensed preschool; and to affect the conduct of the 103607

nonprofit organization, house of worship, chartered nonpublic school, or licensed preschool. 103608  
 103609

(F) Effective July 1, 2021, the Director of Budget and Management shall cancel any existing encumbrances against appropriation item 763514, Security Grants - Personnel, and reestablish them against appropriation item 763513, Security Grants. The reestablished encumbrance amounts are hereby appropriated. 103610  
 103611  
 103612  
 103613  
 103614  
 103615

(G) An amount equal to the unexpended, unencumbered balance of the foregoing appropriation item 763513, Security Grants, at the end of fiscal year 2021 is hereby reappropriated for the same purpose in fiscal year 2022. 103616  
 103617  
 103618  
 103619

(H) An amount equal to the unexpended, unencumbered balance of the foregoing appropriation item 763513, Security Grants, at the end of fiscal year 2022 is hereby reappropriated for the same purpose in fiscal year 2023. 103620  
 103621  
 103622  
 103623

**Section 375.10. PUC PUBLIC UTILITIES COMMISSION OF OHIO** 103624

Dedicated Purpose Fund Group 103625

4A30 870614 Grade Crossing \$ 2,200,000 \$ 2,200,000 103626  
 Protection

Devices-State

4L80 870617 Pipeline Safety-State \$ 346,253 \$ 346,253 103627

5610 870606 Power Siting Board \$ 1,205,185 \$ 1,205,185 103628

5F60 870622 Utility and Railroad \$ 36,615,760 \$ 36,615,760 103629  
 Regulation

5F60 870624 NARUC/NRRI Subsidy \$ 85,000 \$ 85,000 103630

5LT0 870640 Intrastate \$ 195,000 \$ 195,000 103631  
 Registration

5LT0 870641 Unified Carrier \$ 450,000 \$ 450,000 103632  
 Registration

|                                                    |        |                                                                                                        |    |            |    |            |        |
|----------------------------------------------------|--------|--------------------------------------------------------------------------------------------------------|----|------------|----|------------|--------|
| 5LT0                                               | 870643 | Non-hazardous<br>Materials Civil<br>Forfeiture                                                         | \$ | 299,942    | \$ | 299,942    | 103633 |
| 5LT0                                               | 870644 | Hazardous Materials<br>Civil Forfeiture                                                                | \$ | 1,165,000  | \$ | 1,165,000  | 103634 |
| 5LT0                                               | 870645 | Motor Carrier<br>Enforcement                                                                           | \$ | 4,919,696  | \$ | 4,919,696  | 103635 |
| 5Q50                                               | 870626 | Telecommunications<br>Relay Service                                                                    | \$ | 3,000,000  | \$ | 3,000,000  | 103636 |
| 5QR0                                               | 870646 | Underground Facilities<br>Protection                                                                   | \$ | 50,000     | \$ | 50,000     | 103637 |
| 5QS0                                               | 870647 | Underground Facilities<br>Administration                                                               | \$ | 316,000    | \$ | 316,000    | 103638 |
| TOTAL DPF                                          |        | Dedicated Purpose Fund                                                                                 | \$ | 50,847,836 | \$ | 50,847,836 | 103639 |
| Group                                              |        |                                                                                                        |    |            |    |            |        |
| Federal Fund Group                                 |        |                                                                                                        |    |            |    |            | 103640 |
| 3330                                               | 870601 | Gas Pipeline Safety                                                                                    | \$ | 1,397,959  | \$ | 1,397,959  | 103641 |
| 3500                                               | 870608 | Motor Carrier Safety                                                                                   | \$ | 10,082,069 | \$ | 10,082,069 | 103642 |
| 3500                                               | 870648 | Motor Carrier<br>Administration High<br>Priority Activities<br>Grants and<br>Cooperative<br>Agreements | \$ | 450,000    | \$ | 450,000    | 103643 |
| 3V30                                               | 870604 | Commercial Vehicle<br>Information<br>Systems/Networks                                                  | \$ | 21,000     | \$ | 0          | 103644 |
| TOTAL FED                                          |        | Federal Fund Group                                                                                     | \$ | 11,951,028 | \$ | 11,930,028 | 103645 |
| TOTAL ALL BUDGET FUND GROUPS                       |        |                                                                                                        | \$ | 62,798,864 | \$ | 62,777,864 | 103646 |
| <b>Section 377.10. PWC PUBLIC WORKS COMMISSION</b> |        |                                                                                                        |    |            |    |            | 103648 |
| General Revenue Fund                               |        |                                                                                                        |    |            |    |            | 103649 |

|                              |                                |                                                                          |    |             |    |             |        |
|------------------------------|--------------------------------|--------------------------------------------------------------------------|----|-------------|----|-------------|--------|
| GRF                          | 150904                         | Conservation General<br>Obligation Bond Debt<br>Service                  | \$ | 50,500,000  | \$ | 53,500,000  | 103650 |
| GRF                          | 150907                         | Infrastructure<br>Improvement General<br>Obligation Bond Debt<br>Service | \$ | 246,500,000 | \$ | 237,000,000 | 103651 |
| TOTAL GRF                    | General Revenue Fund           |                                                                          | \$ | 297,000,000 | \$ | 290,500,000 | 103652 |
| Capital Projects Fund Group  |                                |                                                                          |    |             |    |             | 103653 |
| 7038                         | 150321                         | State Capital<br>Improvements Program<br>- Operating Expenses            | \$ | 937,244     | \$ | 946,036     | 103654 |
| 7056                         | 150403                         | Clean Ohio<br>Conservation<br>Operating                                  | \$ | 304,822     | \$ | 307,922     | 103655 |
| TOTAL CPF                    | Capital Projects Fund<br>Group |                                                                          | \$ | 1,242,066   | \$ | 1,253,958   | 103656 |
| TOTAL ALL BUDGET FUND GROUPS |                                |                                                                          | \$ | 298,242,066 | \$ | 291,753,958 | 103657 |

**Section 377.20.** CONSERVATION GENERAL OBLIGATION BOND DEBT 103659  
SERVICE 103660

The foregoing appropriation item 150904, Conservation General 103661  
Obligation Bond Debt Service, shall be used to pay all debt 103662  
service and related financing costs during the period from July 1, 103663  
2021, through June 30, 2023, on obligations issued under sections 103664  
151.01 and 151.09 of the Revised Code. 103665

INFRASTRUCTURE IMPROVEMENT GENERAL OBLIGATION BOND DEBT 103666  
SERVICE 103667

The foregoing appropriation item 150907, Infrastructure 103668  
Improvement General Obligation Bond Debt Service, shall be used to 103669  
pay all debt service and related financing costs during the period 103670  
from July 1, 2021, through June 30, 2023, on obligations issued 103671

under sections 151.01 and 151.08 of the Revised Code. 103672

CLEAN OHIO CONSERVATION OPERATING 103673

The foregoing appropriation item 150403, Clean Ohio 103674  
Conservation Operating, shall be used by the Ohio Public Works 103675  
Commission in administering Clean Ohio Conservation Fund (Fund 103676  
7056) projects pursuant to sections 164.20 to 164.27 of the 103677  
Revised Code. 103678

STATE CAPITAL IMPROVEMENTS PROGRAM - OPERATING EXPENSES 103679

The foregoing appropriation item 150321, State Capital 103680  
Improvements Program - Operating Expenses, shall be used by the 103681  
Ohio Public Works Commission to administer the State Capital 103682  
Improvement Program under sections 164.01 to 164.16 of the Revised 103683  
Code. 103684

DISTRICT ADMINISTRATION COSTS 103685

The Director of the Public Works Commission is authorized to 103686  
create a District Administration Costs Program from proceeds of 103687  
the Capital Improvements Fund and Local Transportation Improvement 103688  
Program Fund. The program shall be used to provide for the direct 103689  
costs of district administration of the nineteen public works 103690  
districts. Districts choosing to participate in the program shall 103691  
only expend State Capital Improvements Fund moneys for State 103692  
Capital Improvements Fund costs and Local Transportation 103693  
Improvement Program Fund moneys for Local Transportation 103694  
Improvement Program Fund costs. The District Administration Costs 103695  
Program account shall not exceed \$1,235,000 per fiscal year. Each 103696  
public works district may be eligible for up to \$65,000 per fiscal 103697  
year from its district allocation as provided in sections 164.08 103698  
and 164.14 of the Revised Code. 103699

The Director, by rule, shall define allowable and 103700  
non-allowable costs for the purpose of the District Administration 103701  
Costs Program. Non-allowable costs include indirect costs, elected 103702

official salaries and benefits, and project-specific costs. No 103703  
district public works committee may participate in the District 103704  
Administration Costs Program without the approval of those costs 103705  
by the district public works committee under section 164.04 of the 103706  
Revised Code. 103707

NATURAL RESOURCE ASSISTANCE COUNCIL ADMINISTRATION COSTS 103708

The Director of the Public Works Commission is authorized to 103709  
create a District Administration Costs Program for districts 103710  
represented by natural resource assistance councils. This program 103711  
shall be funded from proceeds of the Clean Ohio Conservation Fund. 103712  
The program shall be used by natural resource assistance councils 103713  
in order to provide for administration costs of the nineteen 103714  
natural resource assistance councils for the direct costs of 103715  
council administration. Councils choosing to participate in this 103716  
program may be eligible for up to \$15,000 per fiscal year from its 103717  
district allocation as provided in section 164.27 of the Revised 103718  
Code. 103719

The Director shall define allowable and non-allowable costs 103720  
for the purpose of the District Administration Costs Program. 103721  
Non-allowable costs include indirect costs, elected official 103722  
salaries and benefits, and project-specific costs. 103723

**Section 379.10.** RAC STATE RACING COMMISSION 103724

Dedicated Purpose Fund Group 103725

5620 875601 Thoroughbred \$ 1,200,000 \$ 1,200,000 103726

Development

5630 875602 Standardbred \$ 1,550,000 \$ 1,550,000 103727

Development

5650 875604 Racing Commission \$ 4,070,948 \$ 4,070,948 103728

Operating

5JK0 875610 Horse Racing \$ 8,512,095 \$ 8,512,095 103729

|                              |                                                           |    |            |    |            |        |
|------------------------------|-----------------------------------------------------------|----|------------|----|------------|--------|
|                              | Development-Casino                                        |    |            |    |            |        |
| 5NL0 875611                  | Revenue                                                   | \$ | 8,200,000  | \$ | 8,200,000  | 103730 |
|                              | Redistribution                                            |    |            |    |            |        |
| TOTAL DPF                    | Dedicated Purpose Fund                                    | \$ | 23,533,043 | \$ | 23,533,043 | 103731 |
|                              | Group                                                     |    |            |    |            |        |
|                              | Fiduciary Fund Group                                      |    |            |    |            | 103732 |
| 5C40 875607                  | Simulcast Horse                                           | \$ | 7,000,000  | \$ | 7,000,000  | 103733 |
|                              | Racing Purse                                              |    |            |    |            |        |
| TOTAL FID                    | Fiduciary Fund Group                                      | \$ | 7,000,000  | \$ | 7,000,000  | 103734 |
|                              | Group                                                     |    |            |    |            |        |
|                              | Holding Account Fund Group                                |    |            |    |            | 103735 |
| R021 875605                  | Bond Reimbursements                                       | \$ | 100,000    | \$ | 100,000    | 103736 |
| TOTAL HLD                    | Holding Account Fund                                      | \$ | 100,000    | \$ | 100,000    | 103737 |
|                              | Group                                                     |    |            |    |            |        |
| TOTAL ALL BUDGET FUND GROUPS |                                                           | \$ | 30,633,043 | \$ | 30,633,043 | 103738 |
|                              | <b>Section 381.10. BOR DEPARTMENT OF HIGHER EDUCATION</b> |    |            |    |            | 103740 |
|                              | General Revenue Fund                                      |    |            |    |            | 103741 |
| GRF 235321                   | Operating Expenses                                        | \$ | 5,742,147  | \$ | 5,914,411  | 103742 |
| GRF 235402                   | Sea Grants                                                | \$ | 299,250    | \$ | 299,250    | 103743 |
| GRF 235406                   | Articulation and                                          | \$ | 1,818,947  | \$ | 1,873,515  | 103744 |
|                              | Transfer                                                  |    |            |    |            |        |
| GRF 235408                   | Midwest Higher                                            | \$ | 116,725    | \$ | 118,476    | 103745 |
|                              | Education Compact                                         |    |            |    |            |        |
| GRF 235414                   | Grants and Scholarship                                    | \$ | 850,729    | \$ | 876,251    | 103746 |
|                              | Administration                                            |    |            |    |            |        |
| GRF 235417                   | Technology Maintenance                                    | \$ | 3,530,641  | \$ | 3,636,561  | 103747 |
|                              | and Operations                                            |    |            |    |            |        |
| GRF 235428                   | Appalachian New                                           | \$ | 4,041,600  | \$ | 4,041,600  | 103748 |
|                              | Economy Workforce                                         |    |            |    |            |        |
|                              | Partnership                                               |    |            |    |            |        |
| GRF 235438                   | Choose Ohio First                                         | \$ | 25,000,000 | \$ | 28,000,000 | 103749 |
|                              | Scholarship                                               |    |            |    |            |        |

|            |                                                                            |                  |                  |        |
|------------|----------------------------------------------------------------------------|------------------|------------------|--------|
| GRF 235443 | Adult Basic and<br>Literacy Education -<br>State                           | \$ 7,083,344     | \$ 7,083,344     | 103750 |
| GRF 235444 | Ohio Technical Centers                                                     | \$ 21,310,120    | \$ 21,810,120    | 103751 |
| GRF 235474 | Area Health Education<br>Centers Program<br>Support                        | \$ 873,000       | \$ 873,000       | 103752 |
| GRF 235492 | Campus Safety and<br>Training                                              | \$ 612,000       | \$ 630,360       | 103753 |
| GRF 235495 | Northeast Ohio Medical<br>University Dental<br>School                      | \$ 0             | \$ 1,000,000     | 103754 |
| GRF 235501 | State Share of<br>Instruction                                              | \$ 2,056,678,116 | \$ 2,075,761,402 | 103755 |
| GRF 235504 | War Orphans and<br>Severely Disabled<br>Veterans' Children<br>Scholarships | \$ 14,000,000    | \$ 15,500,000    | 103756 |
| GRF 235507 | OhioLINK                                                                   | \$ 5,654,164     | \$ 5,752,427     | 103757 |
| GRF 235508 | Air Force Institute of<br>Technology                                       | \$ 1,824,219     | \$ 1,863,387     | 103758 |
| GRF 235510 | Ohio Supercomputer<br>Center                                               | \$ 4,294,160     | \$ 4,422,984     | 103759 |
| GRF 235511 | The Ohio State<br>University Extension<br>Service                          | \$ 24,563,453    | \$ 24,761,619    | 103760 |
| GRF 235514 | Central State<br>Supplement                                                | \$ 11,551,202    | \$ 11,685,515    | 103761 |
| GRF 235515 | Case Western Reserve<br>University School of<br>Medicine                   | \$ 2,038,940     | \$ 2,038,940     | 103762 |
| GRF 235519 | Family Practice                                                            | \$ 3,007,876     | \$ 3,007,876     | 103763 |
| GRF 235520 | Shawnee State                                                              | \$ 4,636,500     | \$ 5,409,250     | 103764 |

|            |                        |    |            |    |                   |
|------------|------------------------|----|------------|----|-------------------|
|            | Supplement             |    |            |    |                   |
| GRF 235525 | Geriatric Medicine     | \$ | 496,043    | \$ | 496,043 103765    |
| GRF 235526 | Primary Care           | \$ | 1,425,000  | \$ | 1,425,000 103766  |
|            | Residencies            |    |            |    |                   |
| GRF 235533 | Program and Project    | \$ | 1,540,925  | \$ | 853,000 103767    |
|            | Support                |    |            |    |                   |
| GRF 235535 | Ohio Agricultural      | \$ | 35,785,072 | \$ | 36,086,454 103768 |
|            | Research and           |    |            |    |                   |
|            | Development Center     |    |            |    |                   |
| GRF 235536 | The Ohio State         | \$ | 9,185,494  | \$ | 9,185,494 103769  |
|            | University Clinical    |    |            |    |                   |
|            | Teaching               |    |            |    |                   |
| GRF 235537 | University of          | \$ | 8,334,944  | \$ | 8,334,944 103770  |
|            | Cincinnati Clinical    |    |            |    |                   |
|            | Teaching               |    |            |    |                   |
| GRF 235538 | University of Toledo   | \$ | 5,888,670  | \$ | 5,888,670 103771  |
|            | Clinical Teaching      |    |            |    |                   |
| GRF 235539 | Wright State           | \$ | 2,860,830  | \$ | 2,860,830 103772  |
|            | University Clinical    |    |            |    |                   |
|            | Teaching               |    |            |    |                   |
| GRF 235540 | Ohio University        | \$ | 2,765,651  | \$ | 2,765,651 103773  |
|            | Clinical Teaching      |    |            |    |                   |
| GRF 235541 | Northeast Ohio Medical | \$ | 2,844,469  | \$ | 2,844,469 103774  |
|            | University Clinical    |    |            |    |                   |
|            | Teaching               |    |            |    |                   |
| GRF 235543 | Kent State University  | \$ | 450,000    | \$ | 500,000 103775    |
|            | College of Podiatric   |    |            |    |                   |
|            | Medicine Clinic        |    |            |    |                   |
|            | Subsidy                |    |            |    |                   |
| GRF 235546 | Central State          | \$ | 4,883,340  | \$ | 4,883,340 103776  |
|            | Agricultural Research  |    |            |    |                   |
|            | and Development        |    |            |    |                   |
| GRF 235548 | Central State          | \$ | 5,084,568  | \$ | 5,084,568 103777  |

|            |                                                                              |    |               |    |                      |
|------------|------------------------------------------------------------------------------|----|---------------|----|----------------------|
|            | Cooperative Extension<br>Services                                            |    |               |    |                      |
| GRF 235552 | Capital Component                                                            | \$ | 1,584,491     | \$ | 1,584,491 103778     |
| GRF 235555 | Library Depositories                                                         | \$ | 1,310,702     | \$ | 1,326,762 103779     |
| GRF 235556 | Ohio Academic<br>Resources Network                                           | \$ | 2,915,605     | \$ | 2,978,512 103780     |
| GRF 235558 | Long-term Care<br>Research                                                   | \$ | 309,035       | \$ | 309,035 103781       |
| GRF 235563 | Ohio College<br>Opportunity Grant                                            | \$ | 106,756,352   | \$ | 112,500,000 103782   |
| GRF 235569 | The Ohio State<br>University College of<br>Veterinary Medicine<br>Supplement | \$ | 4,000,000     | \$ | 5,000,000 103783     |
| GRF 235572 | The Ohio State<br>University Clinic<br>Support                               | \$ | 728,206       | \$ | 728,206 103784       |
| GRF 235578 | Federal Research<br>Network                                                  | \$ | 4,950,000     | \$ | 4,950,000 103785     |
| GRF 235591 | Co-Op Internship<br>Program                                                  | \$ | 890,000       | \$ | 890,000 103786       |
| GRF 235595 | Commercial Truck<br>Driver Student Aid<br>Program                            | \$ | 2,500,000     | \$ | 2,500,000 103787     |
| GRF 235598 | Rural University<br>Program                                                  | \$ | 400,000       | \$ | 400,000 103788       |
| GRF 235599 | National Guard<br>Scholarship Program                                        | \$ | 19,000,000    | \$ | 19,000,000 103789    |
| GRF 235909 | Higher Education<br>General Obligation<br>Bond Debt Service                  | \$ | 331,000,000   | \$ | 301,000,000 103790   |
| TOTAL GRF  | General Revenue Fund                                                         | \$ | 2,757,416,530 | \$ | 2,760,735,757 103791 |
|            | Dedicated Purpose Fund Group                                                 |    |               |    | 103792               |

|           |        |                                                             |    |            |    |            |        |
|-----------|--------|-------------------------------------------------------------|----|------------|----|------------|--------|
| 2200      | 235614 | Program Approval and<br>Reauthorization                     | \$ | 800,485    | \$ | 825,000    | 103793 |
| 4560      | 235603 | Sales and Services                                          | \$ | 199,250    | \$ | 199,250    | 103794 |
| 4E80      | 235602 | Higher Educational<br>Facility Commission<br>Administration | \$ | 63,000     | \$ | 65,000     | 103795 |
| 5D40      | 235675 | Conference/Special<br>Purposes                              | \$ | 1,000,000  | \$ | 1,000,000  | 103796 |
| 5FR0      | 235650 | State and Non-Federal<br>Grants and Award                   | \$ | 1,402,150  | \$ | 1,402,150  | 103797 |
| 5JC0      | 235649 | MAGNET Apprenticeship<br>Program                            | \$ | 200,000    | \$ | 200,000    | 103798 |
| 5NH0      | 235517 | Short-Term Certificates                                     | \$ | 3,500,000  | \$ | 3,500,000  | 103799 |
| 5P30      | 235663 | Variable Savings Plan                                       | \$ | 8,049,501  | \$ | 8,159,165  | 103800 |
| 5RA0      | 235616 | Workforce and Higher<br>Education Programs                  | \$ | 1,000,000  | \$ | 1,000,000  | 103801 |
| 5UK0      | 235594 | OhioCorps Program                                           | \$ | 150,000    | \$ | 0          | 103802 |
| 5YD0      | 235494 | Second Chance Grant<br>Pilot Program                        | \$ | 3,000,000  | \$ | 0          | 103803 |
| 6450      | 235664 | Guaranteed Savings<br>Plan                                  | \$ | 1,035,116  | \$ | 1,047,209  | 103804 |
| 6820      | 235606 | Nursing Loan Program                                        | \$ | 1,116,842  | \$ | 1,116,842  | 103805 |
| TOTAL DPF |        | Dedicated Purpose Fund<br>Group                             | \$ | 21,516,344 | \$ | 18,514,616 | 103806 |
|           |        | Bond Research and Development Fund Group                    |    |            |    |            | 103807 |
| 7011      | 235634 | Research Incentive<br>Third Frontier                        | \$ | 5,000,000  | \$ | 5,000,000  | 103808 |
| 7014      | 235639 | Research Incentive<br>Third Frontier - Tax                  | \$ | 3,000,000  | \$ | 3,000,000  | 103809 |
| TOTAL BRD |        | Bond Research and<br>Development Fund Group                 | \$ | 8,000,000  | \$ | 8,000,000  | 103810 |
|           |        | Federal Fund Group                                          |    |            |    |            | 103811 |

|                  |                    |                                                           |    |               |    |               |        |
|------------------|--------------------|-----------------------------------------------------------|----|---------------|----|---------------|--------|
| 3120             | 235577             | Education, Research,<br>Development, and<br>Dissemination | \$ | 25,691        | \$ | 25,691        | 103812 |
| 3120             | 235611             | Gear-up Grant                                             | \$ | 2,000,000     | \$ | 2,000,000     | 103813 |
| 3120             | 235612             | Carl D. Perkins<br>Grant/Plan<br>Administration           | \$ | 1,350,000     | \$ | 1,350,000     | 103814 |
| 3120             | 235641             | Adult Basic and<br>Literacy Education -<br>Federal        | \$ | 17,600,000    | \$ | 17,600,000    | 103815 |
| 3BG0             | 235651             | Gear Up Grant<br>Scholarships                             | \$ | 1,750,000     | \$ | 1,750,000     | 103816 |
| 3N60             | 235658             | John R. Justice<br>Student Loan<br>Repayment Program      | \$ | 70,000        | \$ | 70,000        | 103817 |
| TOTAL FED        | FEDERAL FUND GROUP |                                                           | \$ | 22,795,691    | \$ | 22,795,691    | 103818 |
| TOTAL ALL BUDGET | FUND GROUPS        |                                                           | \$ | 2,809,728,565 | \$ | 2,810,046,064 | 103819 |

**Section 381.20. SEA GRANTS** 103821

The foregoing appropriation item 235402, Sea Grants, shall be used to match federal dollars and leverage additional support by The Ohio State University's Sea Grant program, including Stone Laboratory, for research, education, and outreach to enhance the economic value, public utilization, and responsible management of Lake Erie and Ohio's coastal resources. 103822-103827

**Section 381.30. ARTICULATION AND TRANSFER** 103828

The foregoing appropriation item 235406, Articulation and Transfer, shall be used by the Chancellor of Higher Education to maintain and expand the work of the Articulation and Transfer Network Advisory Council to develop a system of transfer policies to ensure that students at state institutions of higher education can transfer and have coursework apply to their majors and degrees. 103829-103834

at any other state institution of higher education without 103835  
unnecessary duplication or institutional barriers under sections 103836  
3333.16, 3333.161, 3333.162, and 3333.164 of the Revised Code. 103837

**Section 381.40. MIDWEST HIGHER EDUCATION COMPACT** 103838

The foregoing appropriation item 235408, Midwest Higher 103839  
Education Compact, shall be distributed by the Chancellor of 103840  
Higher Education under section 3333.40 of the Revised Code. 103841

**Section 381.50. GRANTS AND SCHOLARSHIP ADMINISTRATION** 103842

The foregoing appropriation item 235414, Grants and 103843  
Scholarship Administration, shall be used by the Chancellor of 103844  
Higher Education to manage and administer student financial aid 103845  
programs created by the General Assembly and grants for which the 103846  
Department of Higher Education is responsible. The appropriation 103847  
item also shall be used to support all state financial aid audits 103848  
and student financial aid programs created by Congress, and to 103849  
provide fiscal and administrative services for the Ohio National 103850  
Guard Scholarship Program. 103851

**Section 381.60. TECHNOLOGY MAINTENANCE AND OPERATIONS** 103852

The foregoing appropriation item 235417, Technology 103853  
Maintenance and Operations, shall be used by the Chancellor of 103854  
Higher Education to support the development and implementation of 103855  
information technology solutions designed to improve the 103856  
performance and capacity of the Department of Higher Education. 103857  
The information technology solutions may be provided by the Ohio 103858  
Technology Consortium (OH-TECH). 103859

Of the foregoing appropriation item 235417, Technology 103860  
Maintenance and Operations, a portion in each fiscal year may be 103861  
used by the Chancellor to support the continued implementation of 103862  
eStudent Services, a consortium organized under division (T) of 103863

section 3333.04 of the Revised Code to expand access to dual 103864  
enrollment opportunities for high school students, as well as 103865  
adult and higher education opportunities through technology. The 103866  
funds shall be used by eStudent Services to develop and promote 103867  
learning and assessment through the use of technology, to test and 103868  
provide advice on emerging learning-directed technologies, to 103869  
facilitate cost-effectiveness through shared educational 103870  
technology investments, and for any other strategic priorities of 103871  
the Chancellor of Higher Education. 103872

Of the foregoing appropriation item 235417, Technology 103873  
Maintenance and Operations, a portion in each fiscal year shall be 103874  
used by the Chancellor to implement a high priority data 103875  
warehouse, advanced analytics, and visualization integration 103876  
services associated with the Higher Education Information (HEI) 103877  
system. The services may be facilitated by OH-TECH. 103878

Of the foregoing appropriation item 235417, Technology 103879  
Maintenance and Operations, \$150,000 in each fiscal year shall be 103880  
used to support Ohio Reach to provide mentoring and support 103881  
services to former foster youth attending college. 103882

**Section 381.70.** APPALACHIAN NEW ECONOMY WORKFORCE PARTNERSHIP 103883

Of the foregoing appropriation item 235428, Appalachian New 103884  
Economy Workforce Partnership, \$500,000 in each fiscal year shall 103885  
be allocated to the Mahoning Valley Innovation and 103886  
Commercialization Center. 103887

The remainder of the foregoing appropriation item 235428, 103888  
Appalachian New Economy Workforce Partnership, shall be 103889  
distributed to Ohio University to continue a multi-campus and 103890  
multi-agency coordinated effort to link Appalachia to the new 103891  
economy. Ohio University shall use these funds to provide 103892  
leadership in the development and implementation of initiatives in 103893  
the areas of entrepreneurship, management, education, and 103894

technology. 103895

**Section 381.80.** CHOOSE OHIO FIRST SCHOLARSHIP 103896

The foregoing appropriation item 235438, Choose Ohio First 103897  
Scholarship, shall be used to operate the program prescribed in 103898  
sections 3333.60 to 3333.69 of the Revised Code. 103899

During each fiscal year, the Chancellor of Higher Education, 103900  
as soon as possible after cancellation, may certify to the 103901  
Director of Budget and Management the amount of canceled 103902  
prior-year encumbrances in appropriation item 235438, Choose Ohio 103903  
First Scholarship. Upon receipt of the certification, the Director 103904  
of Budget and Management may transfer cash, up to the certified 103905  
amount, from the General Revenue Fund to the Choose Ohio First 103906  
Scholarship Reserve Fund (Fund 5PV0). 103907

**Section 381.90.** ASPIRE 103908

The foregoing appropriation item 235443, Adult Basic and 103909  
Literacy Education - State, shall be used to support the Aspire 103910  
program. The supported programs shall satisfy the state match and 103911  
maintenance of effort requirements for the state-administered 103912  
grant program. 103913

**Section 381.100.** OHIO TECHNICAL CENTERS FUNDING 103914

The foregoing appropriation item 235444, Ohio Technical 103915  
Centers, shall be used by the Chancellor of Higher Education to 103916  
support post-secondary adult career-technical education. The 103917  
Chancellor shall provide coordination for Ohio Technical Centers 103918  
through program approval processes, data collection of program and 103919  
student outcomes, and subsidy disbursements from the foregoing 103920  
appropriation item 235444, Ohio Technical Centers. 103921

(A)(1) As soon as possible in each fiscal year, in accordance 103922  
with instructions of the Chancellor, each Ohio Technical Center 103923

shall report its actual data, consistent with the definitions in 103924  
the Higher Education Information (HEI) system's files, to the 103925  
Chancellor. 103926

(a) In defining the number of full-time equivalent students 103927  
for state subsidy purposes, the Chancellor shall exclude all 103928  
students who are not residents of Ohio. 103929

(b) A full-time equivalent student shall be defined as a 103930  
student who completes 450 hours. Those students that complete some 103931  
portion of 450 hours shall be counted as a partial full-time 103932  
equivalent for funding purposes, while students that complete more 103933  
than 450 hours shall be counted as proportionally greater than one 103934  
full-time equivalent. 103935

(c) In calculating each Ohio Technical Center's full-time 103936  
equivalent students, the Chancellor shall use a three-year 103937  
average. 103938

(d) Ohio Technical Centers shall operate with, or be an 103939  
active candidate for, accreditation by an accreditor authorized by 103940  
the United States Department of Education to be eligible to 103941  
receive subsidies from the foregoing appropriation item 235444, 103942  
Ohio Technical Centers. 103943

(2) In each fiscal year, 25 per cent of the allocation for 103944  
Ohio Technical Centers shall be distributed based on the 103945  
proportion of each Center's full-time equivalent students to the 103946  
total full-time equivalent students who complete a post-secondary 103947  
technical workforce training program approved by the Chancellor 103948  
with a grade of C or better or a grade of pass if the program is 103949  
evaluated on a pass/fail basis. 103950

(3) In each fiscal year, 20 per cent of the allocation for 103951  
Ohio Technical Centers shall be distributed based on the 103952  
proportion of each Center's full-time equivalent students to the 103953  
total full-time equivalent students who complete 50 per cent of a 103954

program of study as a measure of student retention. 103955

(4) In each fiscal year, 50 per cent of the allocation for 103956  
Ohio Technical Centers shall be distributed based on the 103957  
proportion of each Center's full-time equivalent students to the 103958  
total full-time equivalent students who have found employment, 103959  
entered military service, or enrolled in additional post-secondary 103960  
education and training in accordance with the placement 103961  
definitions of the Strengthening Career and Technical Education 103962  
for the 21st Century Act, 20 U.S.C. 2323 (Perkins). The 103963  
calculation for eligible full-time equivalent students shall be 103964  
based on the per cent of Perkins placements for students who have 103965  
completed at least 50 per cent of a program of study. 103966

(5) In each fiscal year, five per cent of the allocation for 103967  
Ohio Technical Centers shall be distributed based on the 103968  
proportion of each Center's full-time equivalent students to the 103969  
total full-time equivalent students who have earned a credential 103970  
from an industry-recognized third party. 103971

(B) Of the foregoing appropriation item 235444, Ohio 103972  
Technical Centers, up to 2.38 per cent in each fiscal year may be 103973  
distributed by the Chancellor to the Ohio Central School System, 103974  
up to \$48,000 in each fiscal year may be utilized for assistance 103975  
for Ohio Technical Centers, and up to \$3,000,000 in each fiscal 103976  
year may be distributed by the Chancellor to Ohio Technical 103977  
Centers that provide customized training and business consultation 103978  
services with matching local dollars, with preference to 103979  
industries on the in-demand jobs list created under section 103980  
6301.11 of the Revised Code, industries in regionally emerging 103981  
fields, or local businesses and industries. Each center meeting 103982  
this requirement shall receive at least \$25,000 but not more than 103983  
a maximum amount determined by the Chancellor. 103984

(C) The remainder of the foregoing appropriation item 235444, 103985  
Ohio Technical Centers, in each fiscal year shall be distributed 103986

|                                                                                                                                                                                                                                                                                                                                                                                                 |        |
|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|--------|
| in accordance with division (A) of this section.                                                                                                                                                                                                                                                                                                                                                | 103987 |
| (D) PHASE-IN OF PERFORMANCE FUNDING FOR OHIO TECHNICAL CENTERS                                                                                                                                                                                                                                                                                                                                  | 103988 |
|                                                                                                                                                                                                                                                                                                                                                                                                 | 103989 |
| (1) In each fiscal year, no Ohio Technical Center shall receive performance funding calculated under division (A) of this section, excluding funding for third party credentials calculated under division (A)(5) of this section, that is less than 50 per cent of the average allocation the Center received, excluding funding for third party credentials, in the three prior fiscal years. | 103990 |
|                                                                                                                                                                                                                                                                                                                                                                                                 | 103991 |
|                                                                                                                                                                                                                                                                                                                                                                                                 | 103992 |
|                                                                                                                                                                                                                                                                                                                                                                                                 | 103993 |
|                                                                                                                                                                                                                                                                                                                                                                                                 | 103994 |
|                                                                                                                                                                                                                                                                                                                                                                                                 | 103995 |
|                                                                                                                                                                                                                                                                                                                                                                                                 | 103996 |
| (2) In order to ensure that no Center receives less than the amounts identified for each fiscal year in accordance with division (D)(1) of this section, funds shall be made available to support the phase-in allocation by proportionally reducing formula earnings from each Center not receiving phase-in funding.                                                                          | 103997 |
|                                                                                                                                                                                                                                                                                                                                                                                                 | 103998 |
|                                                                                                                                                                                                                                                                                                                                                                                                 | 103999 |
|                                                                                                                                                                                                                                                                                                                                                                                                 | 104000 |
|                                                                                                                                                                                                                                                                                                                                                                                                 | 104001 |
| <b>Section 381.110.</b> AREA HEALTH EDUCATION CENTERS PROGRAM SUPPORT                                                                                                                                                                                                                                                                                                                           | 104002 |
|                                                                                                                                                                                                                                                                                                                                                                                                 | 104003 |
| The foregoing appropriation item 235474, Area Health Education Centers Program Support, shall be used by the Chancellor of Higher Education to support the medical school regional area health education centers' educational programs for the continued support of medical and other health professions education and for support of the Area Health Education Center Program.                 | 104004 |
|                                                                                                                                                                                                                                                                                                                                                                                                 | 104005 |
|                                                                                                                                                                                                                                                                                                                                                                                                 | 104006 |
|                                                                                                                                                                                                                                                                                                                                                                                                 | 104007 |
|                                                                                                                                                                                                                                                                                                                                                                                                 | 104008 |
|                                                                                                                                                                                                                                                                                                                                                                                                 | 104009 |
| <b>Section 381.120.</b> CAMPUS SAFETY AND TRAINING                                                                                                                                                                                                                                                                                                                                              | 104010 |
| The foregoing appropriation item 235492, Campus Safety and Training, shall be used by the Chancellor of Higher Education for the purpose of developing model best practices for preventing and responding to sexual violence on campus. The Chancellor, in consultation with state institutions of higher education as defined in section 3345.011 of the Revised Code and private              | 104011 |
|                                                                                                                                                                                                                                                                                                                                                                                                 | 104012 |
|                                                                                                                                                                                                                                                                                                                                                                                                 | 104013 |
|                                                                                                                                                                                                                                                                                                                                                                                                 | 104014 |
|                                                                                                                                                                                                                                                                                                                                                                                                 | 104015 |
|                                                                                                                                                                                                                                                                                                                                                                                                 | 104016 |

nonprofit institutions of higher education holding certificates of 104017  
authorization under Chapter 1713. of the Revised Code, shall 104018  
continue to develop model best practices in line with emerging 104019  
trends, research, and evidence-based training for preventing and 104020  
responding to sexual violence and protecting students and staff 104021  
who are victims of sexual violence on campus. The Chancellor shall 104022  
convene state institutions of higher education and private 104023  
nonprofit institutions of higher education in the training and 104024  
implementation of best practices regarding campus sexual violence. 104025

NORTHEAST OHIO MEDICAL UNIVERSITY DENTAL SCHOOL 104026

The foregoing appropriation item 235495, Northeast Ohio 104027  
Medical University Dental School, shall be distributed to 104028  
Northeast Ohio Medical University to support the creation of its 104029  
dental school, which shall meet all of the accreditation standards 104030  
of the Commission on Dental Accreditation to train dental students 104031  
and award only a Doctor of Dental Surgery (D.D.S.) or a Doctor of 104032  
Dental Medicine (D.M.D.) degree. Prior to the distribution of 104033  
funds from the foregoing appropriation item 235495, Northeast Ohio 104034  
Medical University Dental School, the Northeast Ohio Medical 104035  
University shall submit a plan describing the creation of its 104036  
dental school to the Chancellor of Higher Education. If, after 104037  
reviewing the plan, the Chancellor approves it, the Chancellor 104038  
shall seek Controlling Board approval to disburse the funds. 104039  
Northeast Ohio Medical University shall match any moneys it 104040  
receives from the state and report to the Chancellor of Higher 104041  
Education how it is using moneys it received from the foregoing 104042  
appropriation item 235495, Northeast Ohio Medical University 104043  
Dental School. 104044

**Section 381.140.** STATE SHARE OF INSTRUCTION FORMULAS 104045

The Chancellor of Higher Education shall establish procedures 104046  
to allocate the foregoing appropriation item 235501, State Share 104047

of Instruction, based on the formulas detailed in this section 104048  
that utilize the enrollment, course completion, degree attainment, 104049  
and student achievement factors reported annually by each state 104050  
institution of higher education participating in the Higher 104051  
Education Information (HEI) system. 104052

(A) FULL-TIME EQUIVALENT (FTE) ENROLLMENTS AND COURSE 104053  
COMPLETIONS 104054

(1) As soon as possible during each fiscal year of the 104055  
biennium ending June 30, 2023, in accordance with instructions of 104056  
the Department of Higher Education, each state institution of 104057  
higher education shall report its actual data, consistent with the 104058  
definitions in the Higher Education Information (HEI) system's 104059  
enrollment files, to the Chancellor of Higher Education. 104060

(2) In defining the number of full-time equivalent students 104061  
for state subsidy instructional cost purposes, the Chancellor 104062  
shall exclude all undergraduate students who are not residents of 104063  
Ohio or who do not meet the definition of residency for state 104064  
subsidy and tuition surcharge purposes, except those charged 104065  
in-state fees in accordance with reciprocity agreements made under 104066  
section 3333.17 of the Revised Code or employer contracts entered 104067  
into under section 3333.32 of the Revised Code. 104068

(B) TOTAL COSTS PER FULL-TIME EQUIVALENT STUDENT 104069

For purposes of calculating state share of instruction 104070  
allocations, the total instructional costs per full-time 104071  
equivalent student shall be: 104072

| Model                 | Fiscal Year 2022 | Fiscal Year 2023 |        |
|-----------------------|------------------|------------------|--------|
| ARTS AND HUMANITIES 1 | \$9,482          | \$9,663          | 104073 |
| ARTS AND HUMANITIES 2 | \$13,675         | \$13,936         | 104074 |
| ARTS AND HUMANITIES 3 | \$16,402         | \$16,715         | 104075 |
| ARTS AND HUMANITIES 4 | \$24,051         | \$24,511         | 104076 |
| ARTS AND HUMANITIES 5 | \$42,322         | \$43,131         | 104077 |

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**As Reported by the Committee of Conference**

|                                                                 |          |          |        |
|-----------------------------------------------------------------|----------|----------|--------|
| ARTS AND HUMANITIES 6                                           | \$40,174 | \$40,942 | 104079 |
| BUSINESS, EDUCATION &<br>SOCIAL SCIENCES 1                      | \$9,167  | \$9,342  | 104080 |
| BUSINESS, EDUCATION &<br>SOCIAL SCIENCES 2                      | \$9,756  | \$9,943  | 104081 |
| BUSINESS, EDUCATION &<br>SOCIAL SCIENCES 3                      | \$12,701 | \$12,944 | 104082 |
| BUSINESS, EDUCATION &<br>SOCIAL SCIENCES 4                      | \$14,599 | \$14,878 | 104083 |
| BUSINESS, EDUCATION &<br>SOCIAL SCIENCES 5                      | \$23,626 | \$24,077 | 104084 |
| BUSINESS, EDUCATION &<br>SOCIAL SCIENCES 6                      | \$26,009 | \$26,507 | 104085 |
| BUSINESS, EDUCATION &<br>SOCIAL SCIENCES 7                      | \$36,053 | \$36,742 | 104086 |
| DOCTORAL 1                                                      | \$49,062 | \$50,000 | 104087 |
| DOCTORAL 2                                                      | \$53,655 | \$54,681 | 104088 |
| SCIENCE, TECHNOLOGY,<br>ENGINEERING, MATHEMATICS,<br>MEDICINE 1 | \$9,077  | \$9,251  | 104089 |
| SCIENCE, TECHNOLOGY,<br>ENGINEERING, MATHEMATICS,<br>MEDICINE 2 | \$11,912 | \$12,139 | 104090 |
| SCIENCE, TECHNOLOGY,<br>ENGINEERING, MATHEMATICS,<br>MEDICINE 3 | \$13,624 | \$13,884 | 104091 |
| SCIENCE, TECHNOLOGY,<br>ENGINEERING, MATHEMATICS,<br>MEDICINE 4 | \$15,737 | \$16,038 | 104092 |
| SCIENCE, TECHNOLOGY,<br>ENGINEERING, MATHEMATICS,<br>MEDICINE 5 | \$19,380 | \$19,750 | 104093 |
| SCIENCE, TECHNOLOGY,                                            | \$21,044 | \$21,446 | 104094 |

|                                                                 |                  |                  |          |        |
|-----------------------------------------------------------------|------------------|------------------|----------|--------|
| ENGINEERING, MATHEMATICS,<br>MEDICINE 6                         |                  |                  |          |        |
| SCIENCE, TECHNOLOGY,                                            | \$25,629         |                  | \$26,119 | 104095 |
| ENGINEERING, MATHEMATICS,<br>MEDICINE 7                         |                  |                  |          |        |
| SCIENCE, TECHNOLOGY,                                            | \$40,444         |                  | \$41,217 | 104096 |
| ENGINEERING, MATHEMATICS,<br>MEDICINE 8                         |                  |                  |          |        |
| SCIENCE, TECHNOLOGY,                                            | \$54,427         |                  | \$55,467 | 104097 |
| ENGINEERING, MATHEMATICS,<br>MEDICINE 9                         |                  |                  |          |        |
| Doctoral I and Doctoral II models shall be allocated in         |                  |                  |          | 104098 |
| accordance with division (D)(2) of this section.                |                  |                  |          | 104099 |
| Medical I and Medical II models shall be allocated in           |                  |                  |          | 104100 |
| accordance with divisions (D)(3) and (D)(4) of this section.    |                  |                  |          | 104101 |
| (C) SCIENCE, TECHNOLOGY, ENGINEERING, MATHEMATICS, MEDICAL,     |                  |                  |          | 104102 |
| AND GRADUATE WEIGHTS                                            |                  |                  |          | 104103 |
| For the purpose of implementing the recommendations of the      |                  |                  |          | 104104 |
| 2006 State Share of Instruction Consultation and the Higher     |                  |                  |          | 104105 |
| Education Funding Study Council that priority be given to       |                  |                  |          | 104106 |
| maintaining state support for science, technology, engineering, |                  |                  |          | 104107 |
| mathematics, medicine, and graduate programs, the costs in      |                  |                  |          | 104108 |
| division (B) of this section shall be weighted by the amounts   |                  |                  |          | 104109 |
| provided below:                                                 |                  |                  |          | 104110 |
| Model                                                           | Fiscal Year 2022 | Fiscal Year 2023 |          | 104111 |
| ARTS AND HUMANITIES 1                                           | 1.0000           | 1.0000           |          | 104112 |
| ARTS AND HUMANITIES 2                                           | 1.0000           | 1.0000           |          | 104113 |
| ARTS AND HUMANITIES 3                                           | 1.0000           | 1.0000           |          | 104114 |
| ARTS AND HUMANITIES 4                                           | 1.0000           | 1.0000           |          | 104115 |
| ARTS AND HUMANITIES 5                                           | 1.0425           | 1.0425           |          | 104116 |
| ARTS AND HUMANITIES 6                                           | 1.0425           | 1.0425           |          | 104117 |
| BUSINESS, EDUCATION &                                           | 1.0000           | 1.0000           |          | 104118 |

|                                                                 |        |        |        |
|-----------------------------------------------------------------|--------|--------|--------|
| SOCIAL SCIENCES 1                                               |        |        |        |
| BUSINESS, EDUCATION &                                           | 1.0000 | 1.0000 | 104119 |
| SOCIAL SCIENCES 2                                               |        |        |        |
| BUSINESS, EDUCATION &                                           | 1.0000 | 1.0000 | 104120 |
| SOCIAL SCIENCES 3                                               |        |        |        |
| BUSINESS, EDUCATION &                                           | 1.0000 | 1.0000 | 104121 |
| SOCIAL SCIENCES 4                                               |        |        |        |
| BUSINESS, EDUCATION &                                           | 1.0425 | 1.0425 | 104122 |
| SOCIAL SCIENCES 5                                               |        |        |        |
| BUSINESS, EDUCATION &                                           | 1.0425 | 1.0425 | 104123 |
| SOCIAL SCIENCES 6                                               |        |        |        |
| BUSINESS, EDUCATION &                                           | 1.0425 | 1.0425 | 104124 |
| SOCIAL SCIENCES 7                                               |        |        |        |
| DOCTORAL 1                                                      | 1.0000 | 1.0000 | 104125 |
| DOCTORAL 2                                                      | 1.0000 | 1.0000 | 104126 |
| SCIENCE, TECHNOLOGY,<br>ENGINEERING, MATHEMATICS,<br>MEDICINE 1 | 1.0000 | 1.0000 | 104127 |
| SCIENCE, TECHNOLOGY,<br>ENGINEERING, MATHEMATICS,<br>MEDICINE 2 | 1.0017 | 1.0017 | 104128 |
| SCIENCE, TECHNOLOGY,<br>ENGINEERING, MATHEMATICS,<br>MEDICINE 3 | 1.6150 | 1.6150 | 104129 |
| SCIENCE, TECHNOLOGY,<br>ENGINEERING, MATHEMATICS,<br>MEDICINE 4 | 1.6920 | 1.6920 | 104130 |
| SCIENCE, TECHNOLOGY,<br>ENGINEERING, MATHEMATICS,<br>MEDICINE 5 | 1.4222 | 1.4222 | 104131 |
| SCIENCE, TECHNOLOGY,<br>ENGINEERING, MATHEMATICS,<br>MEDICINE 6 | 1.8798 | 1.8798 | 104132 |

|                                                                    |        |        |        |
|--------------------------------------------------------------------|--------|--------|--------|
| SCIENCE, TECHNOLOGY,                                               | 1.4380 | 1.4380 | 104133 |
| ENGINEERING, MATHEMATICS,                                          |        |        |        |
| MEDICINE 7                                                         |        |        |        |
| SCIENCE, TECHNOLOGY,                                               | 1.5675 | 1.5675 | 104134 |
| ENGINEERING, MATHEMATICS,                                          |        |        |        |
| MEDICINE 8                                                         |        |        |        |
| SCIENCE, TECHNOLOGY,                                               | 1.1361 | 1.1361 | 104135 |
| ENGINEERING, MATHEMATICS,                                          |        |        |        |
| MEDICINE 9                                                         |        |        |        |
| (D) CALCULATION OF STATE SHARE OF INSTRUCTION FORMULA              |        |        | 104136 |
| ENTITLEMENTS AND ADJUSTMENTS FOR UNIVERSITIES                      |        |        | 104137 |
| (1) Of the foregoing appropriation item 235501, State Share        |        |        | 104138 |
| of Instruction, 50 per cent of the appropriation for universities, |        |        | 104139 |
| as established in division (A)(2) of the section of this act       |        |        | 104140 |
| entitled "STATE SHARE OF INSTRUCTION FOR FISCAL YEARS 2022 AND     |        |        | 104141 |
| 2023," in each fiscal year shall be reserved for support of        |        |        | 104142 |
| associate, baccalaureate, master's, and professional level degree  |        |        | 104143 |
| attainment.                                                        |        |        | 104144 |
| The degree attainment funding shall be allocated to                |        |        | 104145 |
| universities in proportion to each campus's share of the total     |        |        | 104146 |
| statewide degrees granted, weighted by the cost of the degree      |        |        | 104147 |
| programs. The degree cost calculations shall include the model     |        |        | 104148 |
| cost weights for the science, technology, engineering,             |        |        | 104149 |
| mathematics, and medicine models as established in division (C) of |        |        | 104150 |
| this section.                                                      |        |        | 104151 |
| For degrees including credits earned at multiple                   |        |        | 104152 |
| institutions, degree attainment funding shall be allocated to      |        |        | 104153 |
| universities in proportion to each campus's share of the           |        |        | 104154 |
| student-specific cost of earned credits for the degree. Each       |        |        | 104155 |
| institution shall receive its prorated share of degree funding for |        |        | 104156 |
| credits earned at that institution. Cost of credits not earned at  |        |        | 104157 |
| a university main or regional campus shall be credited to the      |        |        | 104158 |

degree-granting institution for the first degree earned by a 104159  
student at each degree level. The cost credited to the 104160  
degree-granting institution shall not be eligible for at-risk 104161  
weights and shall be limited to 12.5 per cent of the 104162  
student-specific degree costs. However, the 12.5 per cent 104163  
limitation shall not apply if the student transferred 12 or fewer 104164  
credits into the degree granting institution. 104165

In calculating the subsidy entitlements for degree attainment 104166  
for universities, the Chancellor shall use the following count of 104167  
degrees and degree costs: 104168

(a) The subsidy eligible undergraduate degrees shall be 104169  
defined as follows: 104170

(i) The subsidy eligible degrees conferred to students 104171  
identified as residents of the state of Ohio in any term of their 104172  
studies, as reported through the Higher Education Information 104173  
(HEI) system student enrollment file, shall be weighted by a 104174  
factor of 1. 104175

(ii) The subsidy eligible degrees conferred to students 104176  
identified as out-of-state residents during all terms of their 104177  
studies, as reported through the Higher Education Information 104178  
(HEI) system student enrollment file, who remain in the state of 104179  
Ohio at least one year after graduation, as calculated based on 104180  
the three-year average in-state residency rate using the 104181  
Unemployment Wage data for out-of-state graduates at each 104182  
institution, shall be weighted by a factor of 50 per cent. 104183

(iii) Subsidy eligible associate degrees are defined as those 104184  
earned by students attending any state-supported university main 104185  
or regional campus. 104186

(b) In calculating each campus's count of degrees, the 104187  
Chancellor shall use the three-year average associate, 104188  
baccalaureate, master's, and professional degrees awarded for the 104189

most recent completed three-year period that is practicable as 104190  
agreed to by the Inter-University Council and the Chancellor. 104191

(i) If a student is awarded an associate degree and, 104192  
subsequently, is awarded a baccalaureate degree, the amount funded 104193  
for the baccalaureate degree shall be limited to either the 104194  
difference in cost between the cost of the baccalaureate degree 104195  
and the cost of the associate degree paid previously, or if the 104196  
associate degree has a higher cost than the baccalaureate degree, 104197  
the cost of the credits earned by the student after the associate 104198  
degree was awarded. 104199

(ii) If a student earns an associate degree then, 104200  
subsequently, earns a baccalaureate degree, the associate degree 104201  
granting institution shall only receive the prorated share of the 104202  
baccalaureate degree funding for the credits earned at that 104203  
institution after the associate degree is awarded. 104204

(iii) If a student earns more than one degree at the same 104205  
institution at the same degree level in the same fiscal year, the 104206  
funding for the highest cost degree shall be prorated among 104207  
institutions based on where the credits were earned and additional 104208  
degrees shall be funded at 25 per cent of the cost of the degrees. 104209

(c) Associate degrees and baccalaureate degrees earned by a 104210  
student defined as at-risk based on academic underpreparation, 104211  
age, minority status, financial status, or first generation 104212  
post-secondary status based on neither parent completing any 104213  
education beyond high school, shall be defined as degrees earned 104214  
by an at-risk student and shall be weighted by the following: 104215

A student-specific degree completion weight, where the weight 104216  
is calculated based on the at-risk factors of the individual 104217  
student, determined by calculating the difference between the 104218  
percentage of students with each risk factor who earned a degree 104219  
and the percentage of non-at-risk students who earned a degree. 104220

(2) Of the foregoing appropriation item 235501, State Share of Instruction, up to 11.78 per cent of the appropriation for universities, as established in division (A)(2) of the section of this act entitled "STATE SHARE OF INSTRUCTION FOR FISCAL YEARS 2022 AND 2023," in each fiscal year shall be reserved for support of doctoral programs to implement the funding recommendations made by representatives of the universities. The amount so reserved shall be referred to as the doctoral set-aside.

In each fiscal year, the doctoral set-aside funding allocation shall be allocated to universities as follows:

(a) 25 per cent of the doctoral set-aside shall be allocated to universities in proportion to their share of the statewide total earnings of each state institution's three-year average course completions. The subsidy eligible enrollments by model shall equal only those FTE students who successfully complete the course as defined and reported through the Higher Education Information (HEI) system course enrollment file. Course completion earnings shall be determined by multiplying the amounts listed above in divisions (B) and (C) of this section by the subsidy-eligible FTEs for the most recent completed three-year period that is practicable as agreed to by the Inter-University Council and the Chancellor for all doctoral enrollments in graduate-level models.

(b) 50 per cent of the doctoral set-aside shall be allocated to universities in proportion to each campus's share of the total statewide doctoral degrees, weighted by the cost of the doctoral discipline. In calculating each campus's doctoral degrees the Chancellor shall use the three-year average doctoral degrees awarded for the most recent completed three-year period that is practicable as agreed to by the Inter-University Council and the Chancellor.

(c) 25 per cent of the doctoral set-aside shall be allocated

to universities in proportion to their share of research grant 104253  
activity. Funding for this component shall be allocated to 104254  
eligible universities in proportion to their share of research 104255  
grant activity published by the National Science Foundation. Grant 104256  
awards from the Department of Health and Human Services shall be 104257  
weighted at 50 per cent. 104258

(3) Of the foregoing appropriation item 235501, State Share 104259  
of Instruction, 6.41 per cent of the appropriation for 104260  
universities, as established in division (A)(2) of the section of 104261  
this act entitled "STATE SHARE OF INSTRUCTION FOR FISCAL YEARS 104262  
2022 AND 2023," in each fiscal year shall be reserved for support 104263  
of Medical II FTEs. The amount so reserved shall be referred to as 104264  
the medical II set-aside. 104265

The medical II set-aside shall be allocated to universities 104266  
in proportion to their share of the statewide total of each state 104267  
institution's three-year average Medical II FTEs as calculated in 104268  
division (A) of this section. 104269

In calculating the core subsidy entitlements for Medical II 104270  
models only, students repeating terms may be no more than five per 104271  
cent of current year enrollment. 104272

(4) Of the foregoing appropriation item 235501, State Share 104273  
of Instruction, 1.48 per cent of the appropriation for 104274  
universities, as established in division (A)(2) of the section of 104275  
this act entitled "STATE SHARE OF INSTRUCTION FOR FISCAL YEARS 104276  
2022 AND 2023," in each fiscal year shall be reserved for support 104277  
of Medical I FTEs. The amount so reserved shall be referred to as 104278  
the medical I set-aside. 104279

The medical I set-aside shall be allocated to universities in 104280  
proportion to their share of the statewide total of each state 104281  
institution's three-year average Medical I FTEs as calculated in 104282  
division (A) of this section. 104283

(5) In calculating the course completion funding for universities, the Chancellor shall use the following count of FTE students: 104284  
104285  
104286

(a) The subsidy eligible enrollments by model shall equal only those FTE students who successfully complete the course as defined and reported through the Higher Education Information (HEI) system course enrollment file; 104287  
104288  
104289  
104290

(b) Those undergraduate FTE students with successful course completions, identified in division (D)(5)(a) of this section, that are defined as at-risk based on academic under-preparation or financial status shall have their eligible completions weighted by the following: 104291  
104292  
104293  
104294  
104295

(i) Institution-specific course completion indexes, where the indexes are calculated based upon the number of at-risk students enrolled during the 2018-2020 academic years; and 104296  
104297  
104298

(ii) A statewide average at-risk course completion weight determined for each subsidy model. The statewide average at-risk course completion weight shall be determined by calculating the difference between the percentage of traditional students who complete a course and the percentage of at-risk students who complete the same course. 104299  
104300  
104301  
104302  
104303  
104304

(c) The course completion earnings shall be determined by multiplying the amounts listed above in divisions (B) and (C) of this section by the subsidy-eligible FTEs for the most recent completed three-year period that is practicable as agreed to by the Inter-University Council and the Chancellor for all models except Medical I and Medical II. 104305  
104306  
104307  
104308  
104309  
104310

(d) For universities, the Chancellor shall compute the course completion earnings by dividing the appropriation for universities, established in division (A)(2) of the section of this act entitled "STATE SHARE OF INSTRUCTION FOR FISCAL YEARS 104311  
104312  
104313  
104314

2022 AND 2023," less the degree attainment funding as calculated 104315  
in division (D)(1) of this section, less the doctoral set-aside, 104316  
less the medical I set-aside, and less the medical II set-aside, 104317  
by the sum of all campuses' instructional costs as calculated in 104318  
division (D)(5) of this section. 104319

(E) CALCULATION OF STATE SHARE OF INSTRUCTION FORMULA 104320  
ENTITLEMENTS AND ADJUSTMENTS FOR COMMUNITY COLLEGES 104321

(1) Of the foregoing appropriation item 235501, State Share 104322  
of Instruction, 50 per cent of the appropriation for 104323  
state-supported community colleges, state community colleges, and 104324  
technical colleges as established in division (A)(1) of the 104325  
section of this act entitled "STATE SHARE OF INSTRUCTION FOR 104326  
FISCAL YEARS 2022 AND 2023," in each fiscal year shall be reserved 104327  
for course completion FTEs as aggregated by the subsidy models 104328  
defined in division (B) of this section. 104329

The course completion funding shall be allocated to campuses 104330  
in proportion to each campus's share of the total sector's course 104331  
completions, weighted by the instructional cost of the subsidy 104332  
models. 104333

To calculate the subsidy entitlements for course completions 104334  
at community colleges, state community colleges, and technical 104335  
colleges, the Chancellor shall use the following calculations: 104336

(a) In calculating each campus's count of FTE course 104337  
completions, the Chancellor shall use a three-year average for 104338  
course completions for the three year period ending in the prior 104339  
year for students identified as residents of the state of Ohio in 104340  
any term of their studies, as reported through the Higher 104341  
Education Information (HEI) system student enrollment file. 104342

(b) The subsidy eligible enrollments by model shall equal 104343  
only those FTE students who successfully complete the course as 104344  
defined and reported through the Higher Education Information 104345

(HEI) system course enrollment file. 104346

(c) Those students with successful course completions, that 104347  
are defined as access students based on financial status, minority 104348  
status, age, or academic under-preparation shall have their 104349  
eligible course completions weighted by a statewide access weight. 104350  
The weight given to any student that meets any access factor shall 104351  
be 15 per cent for all course completions. 104352

(d) The model costs as used in the calculation shall be 104353  
augmented by the model weights for science, technology, 104354  
engineering, mathematics, and medicine models as established in 104355  
division (C) of this section. 104356

(2) Of the foregoing appropriation item 235501, State Share 104357  
of Instruction, 25 per cent of the appropriation for 104358  
state-supported community colleges, state community colleges, and 104359  
technical colleges as established in division (A)(1) of the 104360  
section of this act entitled "STATE SHARE OF INSTRUCTION FOR 104361  
FISCAL YEARS 2022 AND 2023," in each fiscal year shall be reserved 104362  
for colleges in proportion to their share of college student 104363  
success factors. 104364

Student success factors shall be awarded at the institutional 104365  
level for each subsidy-eligible student that successfully: 104366

(a) Completes a college-level math course within the first 30 104367  
hours of completed coursework. 104368

(b) Completes a college-level English course within the first 104369  
30 hours of completed coursework. 104370

(c) Completes 12 semester credit hours of college-level 104371  
coursework. 104372

(d) Completes 24 semester credit hours of college-level 104373  
coursework. 104374

(e) Completes 36 semester credit hours of college-level 104375

coursework. 104376

(3) Of the foregoing appropriation item 235501, State Share 104377  
of Instruction, 25 per cent of the appropriation for 104378  
state-supported community colleges, state community colleges, and 104379  
technical colleges as established in division (A)(1) of the 104380  
section of this act entitled "STATE SHARE OF INSTRUCTION FOR 104381  
FISCAL YEARS 2022 AND 2023," in each fiscal year shall be reserved 104382  
for completion milestones. 104383

Completion milestones shall include associate degrees, 104384  
technical certificates over 30 credit hours as designated by the 104385  
Department of Higher Education, and students transferring to any 104386  
four-year institution with at least 12 credit hours of 104387  
college-level coursework earned at that community college, state 104388  
community college, or technical college. 104389

The completion milestone funding shall be allocated to 104390  
colleges in proportion to each institution's share of the sector's 104391  
total completion milestones, weighted by the instructional cost of 104392  
the associate degree, certificate, or transfer models. Costs for 104393  
technical certificates over 30 hours shall be weighted at one-half 104394  
of the associate degree model costs and transfers with at least 12 104395  
credit hours of college-level coursework shall be weighted at 104396  
one-fourth of the average cost for all associate degree model 104397  
costs. 104398

(4) To calculate the subsidy entitlements for completions at 104399  
community colleges, state community colleges, and technical 104400  
colleges, the Chancellor shall use the following calculations: 104401

(a) In calculating each campus's count of completions, the 104402  
Chancellor shall use a three-year average for completion 104403  
milestones awarded to students identified as subsidy eligible in 104404  
any term of their studies, as reported through the Higher 104405  
Education Information (HEI) system student enrollment file. 104406

(b) The subsidy eligible completion milestones by model shall equal only those students who successfully complete an associate degree or technical certificate over 30 credit hours, or transfer to any four-year institution with at least 12 credit hours of college-level coursework as defined and reported in the Higher Education Information (HEI) system. Student completions reported in HEI shall have an accompanying course enrollment record in order to be subsidy eligible.

(c) Those students with successful completions for associate degrees, technical certificates over 30 credit hours, or transfer to any four-year institution with at least 12 credit hours of college-level coursework, identified in division (E)(3) of this section, that are defined as access students based on financial status, minority status, age, or academic under-preparation shall have their eligible completions weighted by a statewide access weight. The weight shall be 25 per cent for students with one access factor, 66 per cent for students with two access factors, 150 per cent for students with three access factors, and 200 per cent for students with four access factors.

(d) For those students who complete more than one completion milestone, funding for each additional associate degree or technical certificate over 30 credit hours designated as such by the Department of Higher Education shall be funded at 50 per cent of the model costs as defined in division (E)(3) of this section.

(5) For purposes of the calculations made in division (E) of this section, the Chancellor shall only include subsidy-eligible students identified as residents of the state of Ohio in any term of their studies, as reported through the Higher Education Information (HEI) system student enrollment file. The Chancellor shall be prohibited from including nonresident students as subsidy-eligible except for those students otherwise identified as subsidy-eligible in division (A)(2) of this section.

(F) CAPITAL COMPONENT DEDUCTION 104439

After all other adjustments have been made, state share of 104440  
instruction earnings shall be reduced for each campus by the 104441  
amount, if any, by which debt service charged in H.B. 16 of the 104442  
126th General Assembly, H.B. 699 of the 126th General Assembly, 104443  
H.B. 496 of the 127th General Assembly, and H.B. 562 of the 127th 104444  
General Assembly for that campus exceeds that campus's capital 104445  
component earnings. The sum of the amounts deducted shall be 104446  
transferred to appropriation item 235552, Capital Component, in 104447  
each fiscal year. 104448

(G) EXCEPTIONAL CIRCUMSTANCES 104449

Adjustments may be made to the state share of instruction 104450  
payments and other subsidies distributed by the Chancellor of 104451  
Higher Education to state colleges and universities for 104452  
exceptional circumstances. No adjustments for exceptional 104453  
circumstances may be made without the recommendation of the 104454  
Chancellor and the approval of the Controlling Board. 104455

(H) APPROPRIATION REDUCTIONS TO THE STATE SHARE OF 104456  
INSTRUCTION 104457

The standard provisions of the state share of instruction 104458  
calculation as described in the preceding sections of temporary 104459  
law shall apply to any reductions made to appropriation item 104460  
235501, State Share of Instruction, before the Chancellor has 104461  
formally approved the final allocation of the state share of 104462  
instruction funds for any fiscal year. 104463

Any reductions made to appropriation item 235501, State Share 104464  
of Instruction, after the Chancellor has formally approved the 104465  
final allocation of the state share of instruction funds for any 104466  
fiscal year, shall be uniformly applied to each campus in 104467  
proportion to its share of the final allocation. 104468

(I) DISTRIBUTION OF STATE SHARE OF INSTRUCTION 104469

The state share of instruction payments to the institutions 104470  
shall be in substantially equal monthly amounts during the fiscal 104471  
year, unless otherwise determined by the Director of Budget and 104472  
Management pursuant to section 126.09 of the Revised Code. 104473  
Payments during the first six months of the fiscal year may be 104474  
based upon the state share of instruction appropriation estimates 104475  
made for the various institutions of higher education and payments 104476  
during the last six months of the fiscal year may be based on the 104477  
final data from the Chancellor. If agreed to by the Chancellor and 104478  
the Inter-University Council, payments to universities in each 104479  
month of a fiscal year shall be based on final data in the higher 104480  
education information system for the selected three-year period 104481  
that is acceptable to both parties. 104482

(J) STUDY ON THE USE OF AT-RISK WEIGHTS IN THE STATE SHARE OF 104483  
INSTRUCTION FORMULAS 104484

The Chancellor of Higher Education, with the assistance of 104485  
the Inter-University Council and the Ohio Association of Community 104486  
Colleges, shall study the most appropriate definitions of at-risk 104487  
students and formula weights for at-risk students that may be used 104488  
in the distribution to universities and community colleges from 104489  
the foregoing appropriation item 235501, State Share of 104490  
Instruction, beginning in fiscal year 2024. The study shall do all 104491  
of the following: 104492

(1) Examine and evaluate the impact on formula distributions 104493  
of the at-risk weights that have been used in the state share of 104494  
instruction formulas since the inception of a performance-based 104495  
funding model in Ohio, including the overall level of at-risk 104496  
funding, the distribution of such funding among the state 104497  
institutions of higher education, and the impact of such funding 104498  
on institutional outcomes such as course completion and degree or 104499  
certificate completion; 104500

(2) Research the use of at-risk weights in the funding 104501

formulas of other states; 104502

(3) Survey the academic research on at-risk weights in higher 104503  
education allocation formulas, particularly in the context of 104504  
performance-based funding; 104505

(4) Make recommendations on the definitions of at-risk 104506  
students, the funding formula weights for such identified 104507  
students, and the level of funding for at-risk students. The 104508  
recommendations should have as their objectives fairness, 104509  
simplicity, transparency, and the provision of sufficient 104510  
incentives to increase the course completion and degree completion 104511  
of at-risk students in state institutions of higher education. 104512  
Separate definitions and weighting schemes may be considered 104513  
within each sector's share of the foregoing appropriation item 104514  
235501, State Share of Instruction. 104515

The study shall be completed by June 30, 2022. 104516

**Section 381.150.** STATE SHARE OF INSTRUCTION FOR FISCAL YEARS 104517  
2022 AND 2023 104518

(A) The foregoing appropriation item 235501, State Share of 104519  
Instruction, shall be distributed according to the section of this 104520  
act entitled "STATE SHARE OF INSTRUCTION FORMULAS." 104521

(1) Of the foregoing appropriation item 235501, State Share 104522  
of Instruction, \$474,064,305 in fiscal year 2022 and \$478,463,002 104523  
in fiscal year 2023 shall be distributed to state-supported 104524  
community colleges, state community colleges, and technical 104525  
colleges. 104526

(2) Of the foregoing appropriation item 235501, State Share 104527  
of Instruction, \$1,582,613,811 in fiscal year 2022 and 104528  
\$1,597,298,400 in fiscal year 2023 shall be distributed to 104529  
state-supported university main and regional campuses. 104530

(B) Any increases in the amount distributed to an institution 104531

from appropriation item 235501, State Share of Instruction, above 104532  
the prior year may be used by the institution to provide 104533  
need-based aid and to provide counseling, support services, and 104534  
workforce preparation services to students. 104535

**Section 381.160.** RESTRICTION ON FEE INCREASES 104536

(A) In fiscal years 2022 and 2023, the boards of trustees of 104537  
state institutions of higher education shall restrain increases in 104538  
in-state undergraduate instructional and general fees. 104539

(1) For the 2021-2022 and 2022-2023 academic years, all of 104540  
the following shall apply: 104541

(a) Each state university or college, as defined in section 104542  
3345.12 of the Revised Code and university branch established 104543  
under Chapter 3355. of the Revised Code shall not increase its 104544  
in-state undergraduate instructional and general fees by more than 104545  
two per cent over what the institution charged for the previous 104546  
academic year. 104547

(b) Each community college established under Chapter 3354., 104548  
state community college established under Chapter 3358., or 104549  
technical college established under Chapter 3357. of the Revised 104550  
Code may increase its in-state undergraduate instructional and 104551  
general fees by not more than five dollars per credit hour over 104552  
what the institution charged for the previous academic year. 104553

(c) For state institutions of higher education, as defined in 104554  
section 3345.011 of the Revised Code, increases for all other 104555  
special fees, including the creation of new special fees, shall be 104556  
subject to the approval of the Chancellor of Higher Education. 104557

(2) The limitations under division (A)(1) of this section do 104558  
not apply to student health insurance, fees for auxiliary goods or 104559  
services provided to students at the cost incurred to the 104560  
institution, fees assessed to students as a pass-through for 104561

licensure and certification examinations, fees in elective courses 104562  
associated with travel experiences, elective service charges, 104563  
fines, and voluntary sales transactions. 104564

(B) The limitations under this section shall not apply to 104565  
increases required to comply with institutional covenants related 104566  
to their obligations or to meet unfunded legal mandates or legally 104567  
binding obligations incurred or commitments made prior to the 104568  
effective date of this section with respect to which the 104569  
institution had identified such fee increases as the source of 104570  
funds. Any increase required by such covenants and any such 104571  
mandates, obligations, or commitments shall be reported by the 104572  
Chancellor of Higher Education to the Controlling Board. These 104573  
limitations may also be modified by the Chancellor, with the 104574  
approval of the Controlling Board, to respond to exceptional 104575  
circumstances as identified by the Chancellor. 104576

(C) Institutions offering an undergraduate tuition guarantee 104577  
pursuant to section 3345.48 of the Revised Code may increase 104578  
instructional and general fees pursuant to that section. 104579

**Section 381.170. HIGHER EDUCATION - BOARD OF TRUSTEES** 104580

(A) Funds appropriated for instructional subsidies at 104581  
colleges and universities may be used to provide such branch or 104582  
other off-campus undergraduate courses of study and such master's 104583  
degree courses of study as may be approved by the Chancellor of 104584  
Higher Education. 104585

(B) In providing instructional and other services to 104586  
students, boards of trustees of state institutions of higher 104587  
education shall supplement state subsidies with income from 104588  
charges to students. Except as otherwise provided in this act, 104589  
each board shall establish the fees to be charged to all students, 104590  
including an instructional fee for educational and associated 104591  
operational support of the institution and a general fee for 104592

noninstructional services, including locally financed student 104593  
services facilities used for the benefit of enrolled students. The 104594  
instructional fee and the general fee shall encompass all charges 104595  
for services assessed uniformly to all enrolled students. Each 104596  
board may also establish special purpose fees, service charges, 104597  
and fines as required; such special purpose fees and service 104598  
charges shall be for services or benefits furnished individual 104599  
students or specific categories of students and shall not be 104600  
applied uniformly to all enrolled students. A tuition surcharge 104601  
shall be paid by all students who are not residents of Ohio. 104602

The board of trustees of a state institution of higher 104603  
education shall not authorize a waiver or nonpayment of 104604  
instructional fees or general fees for any particular student or 104605  
any class of students other than waivers specifically authorized 104606  
by law or approved by the Chancellor. This prohibition is not 104607  
intended to limit the authority of boards of trustees to provide 104608  
for payments to students for services rendered the institution, 104609  
nor to prohibit the budgeting of income for staff benefits or for 104610  
student assistance in the form of payment of such instructional 104611  
and general fees. 104612

Each state institution of higher education in its statement 104613  
of charges to students shall separately identify the instructional 104614  
fee, the general fee, the tuition charge, and the tuition 104615  
surcharge. Fee charges to students for instruction shall not be 104616  
considered to be a price of service but shall be considered to be 104617  
an integral part of the state government financing program in 104618  
support of higher educational opportunity for students. 104619

(C) The boards of trustees of state institutions of higher 104620  
education shall ensure that faculty members devote a proper and 104621  
judicious part of their work week to the actual instruction of 104622  
students. Total class credit hours of production per academic term 104623  
per full-time faculty member is expected to meet the standards set 104624

forth in the budget data submitted by the Chancellor of Higher Education. 104625  
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(D) The authority of government vested by law in the boards of trustees of state institutions of higher education shall in fact be exercised by those boards. Boards of trustees may consult extensively with appropriate student and faculty groups. Administrative decisions about the utilization of available resources, about organizational structure, about disciplinary procedure, about the operation and staffing of all auxiliary facilities, and about administrative personnel shall be the exclusive prerogative of boards of trustees. Any delegation of authority by a board of trustees in other areas of responsibility shall be accompanied by appropriate standards of guidance concerning expected objectives in the exercise of such delegated authority and shall be accompanied by periodic review of the exercise of this delegated authority to the end that the public interest, in contrast to any institutional or special interest, shall be served. 104627  
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**Section 381.180. WAR ORPHANS AND SEVERELY DISABLED VETERANS' CHILDREN SCHOLARSHIPS** 104643  
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The foregoing appropriation item 235504, War Orphans and Severely Disabled Veterans' Children Scholarships, shall be used to reimburse state institutions of higher education for waivers of instructional fees and general fees provided by them, to provide grants to institutions that have received a certificate of authorization from the Chancellor of Higher Education under Chapter 1713. of the Revised Code, in accordance with the provisions of section 5910.04 of the Revised Code, and to fund additional scholarship benefits provided by section 5910.032 of the Revised Code. 104645  
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During each fiscal year, the Chancellor, as soon as possible 104655

after cancellation, may certify to the Director of Budget and Management the amount of canceled prior-year encumbrances in appropriation item 235504, War Orphans and Severely Disabled Veterans' Children Scholarships. Upon receipt of the certification, the Director of Budget and Management may transfer cash, up to the certified amount, from the General Revenue Fund to the War Orphans and Severely Disabled Veterans' Children Scholarship Reserve Fund (Fund 5PW0).

**Section 381.200. OHIOLINK** 104664

The foregoing appropriation item 235507, OhioLINK, shall be used by the Chancellor of Higher Education to support OhioLINK, a consortium organized under division (T) of section 3333.04 of the Revised Code to serve as the state's electronic library information and retrieval system, which provides access statewide to an extensive set of electronic databases and resources, the library holdings of Ohio's public and participating private nonprofit colleges and universities, and the State Library of Ohio.

**Section 381.210. AIR FORCE INSTITUTE OF TECHNOLOGY** 104674

Of the foregoing appropriation item 235508, Air Force Institute of Technology, \$75,000 in each fiscal year shall be allocated to the Aerospace Professional Development Center in Dayton for statewide workforce development services in the aerospace industry.

The remainder of the foregoing appropriation item 235508, Air Force Institute of Technology, shall be used to: (A) strengthen the research and educational linkages between the Wright Patterson Air Force Base and institutions of higher education in Ohio; and (B) support the Defense Associated Graduate Student Innovators, an engineering graduate consortium of Wright State University, the

University of Dayton, and the Air Force Institute of Technology, 104686  
with the participation of the University of Cincinnati and The 104687  
Ohio State University. 104688

**Section 381.220. OHIO SUPERCOMPUTER CENTER** 104689

The foregoing appropriation item 235510, Ohio Supercomputer 104690  
Center, shall be used by the Chancellor of Higher Education to 104691  
support the operation of the Ohio Supercomputer Center, a 104692  
consortium organized under division (T) of section 3333.04 of the 104693  
Revised Code, located at The Ohio State University. The Ohio 104694  
Supercomputer Center is a statewide resource available to Ohio 104695  
research universities both public and private. It is also intended 104696  
that the center be made accessible to private industry as 104697  
appropriate. 104698

The Ohio Supercomputer Center's services shall support Ohio's 104699  
colleges, universities, and businesses to make Ohio a leader in 104700  
using computational science, modeling, and simulation to promote 104701  
higher education, research, and economic competitiveness. 104702

**Section 381.230. THE OHIO STATE UNIVERSITY EXTENSION SERVICE** 104703

The foregoing appropriation item 235511, The Ohio State 104704  
University Extension Service, shall be disbursed through the 104705  
Chancellor of Higher Education to The Ohio State University in 104706  
monthly payments, unless otherwise determined by the Director of 104707  
Budget and Management under section 126.09 of the Revised Code. 104708

**Section 381.240. CENTRAL STATE SUPPLEMENT** 104709

The foregoing appropriation item 235514, Central State 104710  
Supplement, shall be disbursed by the Chancellor of Higher 104711  
Education to Central State University. Funds shall be used in a 104712  
manner consistent with the goals of increasing enrollment, 104713  
improving course completion, and increasing the number of degrees 104714

conferred. 104715

**Section 381.250.** CASE WESTERN RESERVE UNIVERSITY SCHOOL OF MEDICINE 104716  
104717

The foregoing appropriation item 235515, Case Western Reserve University School of Medicine, shall be disbursed to Case Western Reserve University through the Chancellor of Higher Education in accordance with agreements entered into under section 3333.10 of the Revised Code, provided that the state support per full-time medical student shall not exceed that provided to full-time medical students at state universities. 104718  
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**Section 381.260.** FAMILY PRACTICE 104725

The foregoing appropriation item 235519, Family Practice, shall be distributed in each fiscal year, based on each medical school's share of residents placed in a family practice and graduates practicing in a family practice. 104726  
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**Section 381.270.** SHAWNEE STATE SUPPLEMENT 104730

The foregoing appropriation item 235520, Shawnee State Supplement, shall be disbursed by the Chancellor of Higher Education to Shawnee State University. Funds shall be used in a manner consistent with the goals of improving course completion, increasing the number of degrees conferred, and furthering the university's mission of service to the Appalachian region. 104731  
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**Section 381.280.** GERIATRIC MEDICINE 104737

The Chancellor of Higher Education shall distribute appropriation item 235525, Geriatric Medicine, consistent with existing criteria and guidelines. 104738  
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**Section 381.285.** PRIMARY CARE RESIDENCIES 104741

The foregoing appropriation item 235526, Primary Care Residencies, shall be distributed in each fiscal year, based on each medical school's share of residents placed in a primary care field and graduates practicing in a primary care field.

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**Section 381.287.** PROGRAM AND PROJECT SUPPORT

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Of the foregoing appropriation item 235533, Program and Project Support, \$500,000 in each fiscal year shall be used to support the Ohio Aerospace Institute's Space Grant Consortium.

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Of the foregoing appropriation item 235533, Program and Project Support, \$487,925 in fiscal year 2022 shall be allocated to support the Ashland University Military and Veterans Resource Center Project.

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Of the foregoing appropriation item 235533, Program and Project Support, \$200,000 in fiscal year 2022 shall be allocated to Youngstown State University to provide for initial staffing of the Mahoning Valley Workforce Partnership.

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Of the foregoing appropriation item 235533, Program and Project Support, \$125,000 in each fiscal year shall be used by the Chancellor of Higher Education to support the expansion of an unmanned aviation STEM pilot program at Emmanuel Christian Academy for public and nonpublic highschool students in Clark County.

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Of the foregoing appropriation item 235533, Program and Project Support, \$100,000 in each fiscal year shall be allocated to support the Kent State University Rising Scholars Program.

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Of the foregoing appropriation item 235533, Program and Project Support, \$100,000 in each fiscal year shall be used to support the Clearance Ready Program at Wright State University.

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Of the foregoing appropriation item 235533, Program and Project Support, \$28,000 in each fiscal year shall be allocated to support Cincinnati Hillel at the University of Cincinnati.

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**Section 381.290.** OHIO AGRICULTURAL RESEARCH AND DEVELOPMENT 104772  
CENTER 104773

The foregoing appropriation item 235535, Ohio Agricultural 104774  
Research and Development Center, shall be disbursed through the 104775  
Chancellor of Higher Education to The Ohio State University in 104776  
monthly payments, unless otherwise determined by the Director of 104777  
Budget and Management under section 126.09 of the Revised Code. 104778

The Ohio Agricultural Research and Development Center, an 104779  
entity of the College of Food, Agricultural, and Environmental 104780  
Sciences of The Ohio State University, shall further its mission 104781  
of enhancing Ohio's economic development and job creation by 104782  
continuing to internally allocate on a competitive basis 104783  
appropriated funding of programs based on demonstrated 104784  
performance. Academic units, faculty, and faculty-driven programs 104785  
shall be evaluated and rewarded consistent with agreed-upon 104786  
performance expectations as called for in the College's 104787  
Expectations and Criteria for Performance Assessment. 104788

**Section 381.300.** STATE UNIVERSITY CLINICAL TEACHING 104789

The foregoing appropriation items 235536, The Ohio State 104790  
University Clinical Teaching; 235537, University of Cincinnati 104791  
Clinical Teaching; 235538, University of Toledo Clinical Teaching; 104792  
235539, Wright State University Clinical Teaching; 235540, Ohio 104793  
University Clinical Teaching; and 235541, Northeast Ohio Medical 104794  
University Clinical Teaching, shall be distributed through the 104795  
Chancellor of Higher Education. 104796

Of the foregoing appropriation item 235537, University of 104797  
Cincinnati Clinical Teaching, \$500,000 in each fiscal year shall 104798  
be provided to People Working Cooperatively for the Safe and 104799  
Healthy at Home Initiative. The funds shall be used to make 104800  
critical home modifications and emergency repairs for low-income 104801

and elderly homeowners and for health care and housing 104802  
partnerships to address chronic housing related health care 104803  
issues. 104804

**Section 381.310. CENTRAL STATE AGRICULTURAL RESEARCH AND 104805**  
DEVELOPMENT 104806

The foregoing appropriation item 235546, Central State 104807  
Agricultural Research and Development, shall be used in 104808  
conjunction with appropriation item 235548, Central State 104809  
Cooperative Extension Services, by Central State University for 104810  
its state match requirement as an 1890 land grant university. 104811

**Section 381.320. CAPITAL COMPONENT 104812**

The foregoing appropriation item 235552, Capital Component, 104813  
shall be used by the Chancellor of Higher Education to provide 104814  
funding for prior commitments made pursuant to the state's former 104815  
capital funding policy for state colleges and universities that 104816  
was originally established in H.B. 748 of the 121st General 104817  
Assembly. Appropriations from this item shall be distributed to 104818  
all campuses for which the estimated campus debt service 104819  
attributable to qualifying capital projects was less than the 104820  
campus's formula-determined capital component allocation. Campus 104821  
allocations shall be determined by subtracting the estimated 104822  
campus debt service attributable to qualifying capital projects 104823  
from the campus's formula-determined capital component allocation. 104824  
Moneys distributed from this appropriation item shall be 104825  
restricted to capital-related purposes. 104826

Any campus for which the estimated campus debt service 104827  
attributable to qualifying capital projects is greater than the 104828  
campus's formula-determined capital component allocation shall 104829  
have the difference subtracted from its State Share of Instruction 104830  
allocation in each fiscal year. Appropriation equal to the sum of 104831

all such amounts shall be transferred from appropriation item 104832  
235501, State Share of Instruction, to appropriation item 235552, 104833  
Capital Component. 104834

**Section 381.330. LIBRARY DEPOSITORIES** 104835

The foregoing appropriation item 235555, Library 104836  
Depositories, shall be distributed to the state's five regional 104837  
depository libraries for the cost-effective storage of and access 104838  
to lesser-used materials in university library collections. The 104839  
depositories shall be administrated by the Chancellor of Higher 104840  
Education, or by OhioLINK at the discretion of the Chancellor. 104841

**Section 381.340. OHIO ACADEMIC RESOURCES NETWORK (OARNET)** 104842

The foregoing appropriation item 235556, Ohio Academic 104843  
Resources Network, shall be used by the Chancellor of Higher 104844  
Education to support the operations of the Ohio Academic Resources 104845  
Network, a consortium organized under division (T) of section 104846  
3333.04 of the Revised Code, which shall include support for 104847  
Ohio's colleges and universities in maintaining and enhancing 104848  
network connections, using new network technologies to improve 104849  
research, education, and economic development programs, and 104850  
sharing information technology services. To the extent network 104851  
capacity is available, OARnet shall support allocating bandwidth 104852  
to eligible programs directly supporting Ohio's economic 104853  
development. 104854

**Section 381.350. LONG-TERM CARE RESEARCH** 104855

The foregoing appropriation item 235558, Long-term Care 104856  
Research, shall be disbursed to Miami University for long-term 104857  
care research. 104858

**Section 381.360. OHIO COLLEGE OPPORTUNITY GRANT** 104859

|                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                       |                                                                                                                      |
|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|----------------------------------------------------------------------------------------------------------------------|
| (A)(1) As used in this section:                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                       | 104860                                                                                                               |
| (a) "Eligible institution" means any institution described in divisions (B)(2)(a) to (c) of section 3333.122 of the Revised Code.                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                     | 104861<br>104862<br>104863                                                                                           |
| (b) The three "sectors" of institutions of higher education consist of the following:                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                 | 104864<br>104865                                                                                                     |
| (i) State colleges and universities, community colleges, state community colleges, university branches, and technical colleges;                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                       | 104866<br>104867<br>104868                                                                                           |
| (ii) Eligible private nonprofit institutions of higher education;                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                     | 104869<br>104870                                                                                                     |
| (iii) Eligible private for-profit career colleges and schools.                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                        | 104871<br>104872                                                                                                     |
| (2) Awards for students attending an eligible institution shall be determined by the Chancellor.                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                      | 104873<br>104874                                                                                                     |
| For students attending an eligible institution year-round, awards may be distributed on an annual basis, once Pell grants have been exhausted.                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                        | 104875<br>104876<br>104877                                                                                           |
| (3) If the Chancellor determines that the amounts appropriated for support of the Ohio College Opportunity Grant program are inadequate to provide grants to all eligible students as calculated under division (D) of section 3333.122 of the Revised Code, the Chancellor may create a distribution formula for fiscal year 2022 and fiscal year 2023 based on the formula used in fiscal year 2021, or may follow methods established in division (C)(1)(a) or (b) of section 3333.122 of the Revised Code. If the Chancellor determines that reductions in award amounts are necessary, the Chancellor shall reduce the award amounts proportionally among the sectors of institutions specified in division (A)(1) of this section in a manner determined by the | 104878<br>104879<br>104880<br>104881<br>104882<br>104883<br>104884<br>104885<br>104886<br>104887<br>104888<br>104889 |

Chancellor. The Chancellor shall notify the Controlling Board of 104890  
the distribution method. Any formula calculated under this 104891  
division shall be complete and established to coincide with the 104892  
start of each academic year. 104893

(B) Prior to determining the amount of funds available to 104894  
award under this section and section 3333.122 of the Revised Code, 104895  
the Chancellor shall use the foregoing appropriation item 235563, 104896  
Ohio College Opportunity Grant, to pay for waivers of tuition and 104897  
student fees for eligible students under the Ohio Safety Officer's 104898  
College Memorial Fund Program under sections 3333.26 of the 104899  
Revised Code. 104900

In each fiscal year, with the exception of sections 3333.121 104901  
and 3333.124 of the Revised Code and the section of this act 104902  
entitled "STATE FINANCIAL AID RECONCILIATION," the Chancellor 104903  
shall not distribute or obligate or commit to be distributed an 104904  
amount greater than what is appropriated under the foregoing 104905  
appropriation item 235563, Ohio College Opportunity Grant. 104906

(C) The Chancellor shall establish, and post on the 104907  
Department of Higher Education's web site, award tables based on 104908  
any formulas created under division (A) of this section. The 104909  
Chancellor shall notify students and institutions of any 104910  
reductions in awards under this section. 104911

(D) Notwithstanding section 3333.122 of the Revised Code, no 104912  
student shall be eligible to receive an Ohio College Opportunity 104913  
Grant for more than ten semesters, fifteen quarters, or the 104914  
equivalent of five academic years, less the number of semesters or 104915  
quarters in which the student received an Ohio Instructional 104916  
Grant. 104917

(E) During each fiscal year, the Chancellor, as soon as 104918  
possible after cancellation, may certify to the Director of Budget 104919  
and Management the amount of canceled prior-year encumbrances in 104920

appropriation item 235563, Ohio College Opportunity Grant. Upon 104921  
receipt of the certification, the Director of Budget and 104922  
Management may transfer cash, up to the certified amount, from the 104923  
General Revenue Fund to the Ohio College Opportunity Grant Program 104924  
Reserve Fund (Fund 5PU0). 104925

**Section 381.365.** THE OHIO STATE UNIVERSITY COLLEGE OF 104926  
VETERINARY MEDICINE SUPPLEMENT 104927

The foregoing appropriation item 235569, The Ohio State 104928  
University College of Veterinary Medicine Supplement, shall be 104929  
distributed through the Chancellor of Higher Education to The Ohio 104930  
State University College of Veterinary Medicine to provide 104931  
supplemental support for education, research, and operations. 104932

**Section 381.370.** THE OHIO STATE UNIVERSITY CLINIC SUPPORT 104933

The foregoing appropriation item 235572, The Ohio State 104934  
University Clinic Support, shall be distributed through the 104935  
Chancellor of Higher Education to The Ohio State University for 104936  
support of dental and veterinary medicine clinics. 104937

**Section 381.373.** FEDERAL RESEARCH NETWORK 104938

The foregoing appropriation item 235578, Federal Research 104939  
Network, shall be allocated to The Ohio State University to 104940  
collaborate with federal installations in Ohio, state institutions 104941  
of higher education as defined in section 3345.011 of the Revised 104942  
Code, private nonprofit institutions of higher education holding 104943  
certificates of authorization under Chapter 1713. of the Revised 104944  
Code, and the private sector to align the state's research assets 104945  
with emerging missions and job growth opportunities emanating from 104946  
federal installations, strengthen related workforce development 104947  
and technology commercialization programs, and better position the 104948  
state's university system to directly impact new job creation in 104949

Ohio. A portion of the foregoing appropriation item 235578, 104950  
Federal Research Network, shall be used to support the growth of 104951  
small business federal contractors in the state and to expand the 104952  
participation of Ohio businesses in the federal Small Business 104953  
Innovation Research Program and related federal programs. 104954

**Section 381.375. CO-OP INTERNSHIP PROGRAM** 104955

Of the foregoing appropriation item 235591, Co-Op Internship 104956  
Program, \$165,000 in each fiscal year shall be used to support the 104957  
operations of Ohio University's Voinovich School. 104958

Of the foregoing appropriation item 235591, Co-Op Internship 104959  
Program, \$150,000 in each fiscal year shall be used to support 104960  
students who attend institutions of higher education in Ohio and 104961  
participate in the internship program of The Washington Center. 104962

Of the foregoing appropriation item 235591, Co-Op Internship 104963  
Program, \$75,000 in each fiscal year shall be used to support the 104964  
Model United Nations Program and the operations of the Center for 104965  
Liberal Arts Student Success at Wright State University. 104966

Of the foregoing appropriation item 235591, Co-Op Internship 104967  
Program, \$62,500 in each fiscal year shall be used to support the 104968  
operations of The Ohio State University's John Glenn College of 104969  
Public Affairs. 104970

Of the foregoing appropriation item 235591, Co-Op Internship 104971  
Program, \$62,500 in each fiscal year shall be used to support the 104972  
Bliss Institute of Applied Politics at the University of Akron. 104973

Of the foregoing appropriation item 235591, Co-Op Internship 104974  
Program, \$50,000 in each fiscal year shall be used to support the 104975  
Center for Public Management and Regional Affairs at Miami 104976  
University. 104977

Of the foregoing appropriation item 235591, Co-Op Internship 104978  
Program, \$50,000 in each fiscal year shall be used to support the 104979

Ohio Center for the Advancement of Women in Public Service at the 104980  
Maxine Goodman Levin College of Urban Affairs at Cleveland State 104981  
University. 104982

Of the foregoing appropriation item 235591, Co-Op Internship 104983  
Program, \$50,000 in each fiscal year shall be used to support the 104984  
University of Cincinnati Internship Program. 104985

Of the foregoing appropriation item 235591, Co-Op Internship 104986  
Program, \$50,000 in each fiscal year shall be used to support the 104987  
Kent State University Washington Program in National Issues. 104988

Of the foregoing appropriation item 235591, Co-Op Internship 104989  
Program, \$50,000 in each fiscal year shall be used to support the 104990  
Kent State University Columbus Program. 104991

Of the foregoing appropriation item 235591, Co-Op Internship 104992  
Program, \$50,000 in each fiscal year shall be used to support the 104993  
University of Toledo Urban Affairs Center. 104994

Of the foregoing appropriation item 235591, Co-Op Internship 104995  
Program, \$50,000 in each fiscal year shall be used to support the 104996  
operations of the Center for Regional Development at Bowling Green 104997  
State University. 104998

Of the foregoing appropriation item 235591, Co-Op Internship 104999  
Program, \$25,000 in each fiscal year shall be used to support the 105000  
Shawnee State University Institute for Appalachian Public Policy. 105001

COMMERCIAL TRUCK DRIVER STUDENT AID PROGRAM 105002

The foregoing appropriation item 235595, Commercial Truck 105003  
Driver Student Aid Program, shall be used to provide grants and 105004  
loans under the Commercial Truck Driver Student Aid Program 105005  
established in section 3333.125 of the Revised Code. 105006

Of the foregoing appropriation item 235595, Commercial Truck 105007  
Driver Student Aid Program, up to \$1,250,000 in each fiscal year 105008  
shall be distributed by the Chancellor of Higher Education as 105009

grants pursuant to section 3333.125 of the Revised Code. 105010

Of the foregoing appropriation item 235595, Commercial Truck 105011  
Driver Student Aid Program, up to \$1,250,000 in each fiscal year 105012  
shall be distributed by the Chancellor of Higher Education as 105013  
loans pursuant to section 3333.125 of the Revised Code. 105014

**Section 381.376. RURAL UNIVERSITY PROGRAM** 105015

The foregoing appropriation item 235598, Rural University 105016  
Program, shall be used for the Rural University Program, a 105017  
collaboration of Bowling Green State University, Kent State 105018  
University, Miami University, and Ohio University that provides 105019  
rural communities with economic development, public 105020  
administration, and public health services. Each of the four 105021  
participating universities shall receive \$100,000 in each fiscal 105022  
year to support their respective programs. 105023

**Section 381.380. NATIONAL GUARD SCHOLARSHIP PROGRAM** 105024

The Chancellor of Higher Education shall disburse funds from 105025  
appropriation item 235599, National Guard Scholarship Program. 105026  
During each fiscal year, the Chancellor, as soon as possible after 105027  
cancellation, may certify to the Director of Budget and Management 105028  
the amount of canceled prior-year encumbrances in appropriation 105029  
item 235599, National Guard Scholarship Program. Upon receipt of 105030  
the certification, the Director of Budget and Management may 105031  
transfer cash, up to the certified amount, from the General 105032  
Revenue Fund to the National Guard Scholarship Reserve Fund (Fund 105033  
5BM0). 105034

**Section 381.390. PLEDGE OF FEES** 105035

Any new pledge of fees, or new agreement for adjustment of 105036  
fees, made in the biennium ending June 30, 2023, to secure bonds 105037  
or notes of a state institution of higher education for a project 105038

for which bonds or notes were not outstanding on the effective 105039  
date of this section or to secure a refund of prior debt that is 105040  
anticipated to increase the total cost of retiring the original 105041  
debt shall be effective only after approval by the Chancellor of 105042  
Higher Education, unless approved in a previous biennium. 105043

**Section 381.400.** HIGHER EDUCATION GENERAL OBLIGATION BOND 105044  
DEBT SERVICE 105045

The foregoing appropriation item 235909, Higher Education 105046  
General Obligation Bond Debt Service, shall be used to pay all 105047  
debt service and related financing costs during the period from 105048  
July 1, 2021, through June 30, 2023, for obligations issued under 105049  
sections 151.01 and 151.04 of the Revised Code. 105050

**Section 381.410.** SALES AND SERVICES 105051

The Chancellor of Higher Education is authorized to charge 105052  
and accept payment for the provision of goods and services. Such 105053  
charges shall be reasonably related to the cost of producing the 105054  
goods and services. Except as otherwise provided by law, no 105055  
charges may be levied for goods or services that are produced as 105056  
part of the routine responsibilities or duties of the Chancellor. 105057  
All revenues received by the Chancellor shall be deposited into 105058  
Fund 4560, and may be used by the Chancellor to pay for the costs 105059  
of producing the goods and services. 105060

**Section 381.420.** HIGHER EDUCATIONAL FACILITY COMMISSION 105061  
ADMINISTRATION 105062

The foregoing appropriation item 235602, Higher Educational 105063  
Facility Commission Administration, shall be used by the 105064  
Chancellor of Higher Education for operating expenses related to 105065  
the Chancellor's support of the activities of the Ohio Higher 105066  
Educational Facility Commission. Upon the request of the 105067

Chancellor, the Director of Budget and Management may transfer 105068  
cash in an amount up to the amount appropriated from the foregoing 105069  
appropriation item 235602, Higher Educational Facility Commission 105070  
Administration, in each fiscal year from the HEFC Operating 105071  
Expenses Fund (Fund 4610) to the HEFC Administration Fund (Fund 105072  
4E80). 105073

**Section 381.430. MAGNET APPRENTICESHIP PROGRAM** 105074

The foregoing appropriation item 235649, MAGNET 105075  
Apprenticeship Program, shall be used by the Chancellor of Higher 105076  
Education to support the development and implementation of an 105077  
apprenticeship program administered through the Manufacturing 105078  
Advocacy and Growth Network's (MAGNET) Early College Early Career 105079  
Program. The apprenticeship program shall place high school 105080  
students in a participating local private business that will 105081  
employ the student and provide the training necessary for the 105082  
student to earn a technical certification in Computer Integrated 105083  
Manufacturing (CIM), machining, or welding. 105084

**Section 381.440. SHORT-TERM CERTIFICATES** 105085

The foregoing appropriation item 235517, Short-Term 105086  
Certificates, shall be used by the Chancellor of Higher Education 105087  
to award need-based financial aid to students who are enrolled in 105088  
a state-supported community college, state community college, 105089  
technical college, or an Ohio Technical Center in a program that 105090  
may be completed in less than one year and for which a certificate 105091  
or industry-recognized credential is awarded in an in-demand job. 105092

**Section 381.450. WORKFORCE AND HIGHER EDUCATION PROGRAMS** 105093

(A) The foregoing appropriation item 235616, Workforce and 105094  
Higher Education Programs, shall be distributed by the Chancellor 105095  
of Higher Education to the Ohio Academy of Science, in 105096

collaboration with Entrepreneurial Engagement Ohio, for the 105097  
continuing development and implementation of recommendations of 105098  
the Ohio Board of Regents that seek to create an innovation 105099  
pathway between Ohio's K-12 education system and Ohio's colleges 105100  
and universities and post-secondary career centers and vocational 105101  
schools. The purpose of this program is to help create a "Culture 105102  
of Innovation" in Ohio high schools, junior high schools, and 105103  
middle schools, to encourage students to continue their educations 105104  
and careers in Ohio, to provide college scholarships to encourage 105105  
Ohio's most innovative and entrepreneurial high school students to 105106  
remain in Ohio by focusing on the practical application of 105107  
science, technology, engineering, and mathematics and related 105108  
fields, and to prepare students for the future through the 105109  
development of an entrepreneurial mindset and critical thinking 105110  
skills that will be needed in the future by Ohio's workforce and 105111  
job creators, especially as Ohio emerges from the COVID-19 105112  
pandemic and seeks to rebuild the economy. 105113

(B) The STEM Entrepreneurship and Innovation Program for 105114  
Students to Help Develop Ohio's Future Workforce shall include: 105115

(1) A comprehensive professional development program for 105116  
teachers in grades 7-12 to help them develop a 'Culture of 105117  
Innovation' in their schools; 105118

(2) In-school STEM Innovation and Entrepreneurship programs 105119  
and STEM Commercialization Plan and STEM Business Plan 105120  
competitions for students in grades 7-12 that include student 105121  
incentive awards for competition winners and related curriculum, 105122  
content, and other program support to teachers and students; 105123

(3) Mentoring programs in collaboration with Ohio colleges 105124  
and universities and other innovation or entrepreneurship 105125  
organizations, with a special emphasis on underserved urban and 105126  
rural schools; 105127

(4) A statewide STEM Commercialization Plan and STEM Business Plan competition, open to the winners of related local high school competition award winners, that includes scholarships to attend any Ohio college, university, post-secondary career center, or vocational school;

(5) A statewide STEM Scholarship Program that recognizes students in grades 11 and 12 in each Ohio Senate and Ohio House of Representatives District for their contributions to STEM innovation and entrepreneurship. Scholarships of up to \$2,500 shall be awarded to students to be used at any Ohio college, university, post-secondary career center, or vocational school. The program shall also introduce participating students to the Department of Higher Education's Choose Ohio First Scholarship Program.

(C) All aspects of the STEM Entrepreneurship and Innovation Program for Students to Help Develop Ohio's Future Workforce shall be open to any Ohio high school, junior high school, and middle school student, with an emphasis on minority, rural and economically disadvantaged students.

(D) The STEM Entrepreneurship and Innovation Program for Students to Help Develop Ohio's Future Workforce shall collaborate with Ohio's colleges and universities, and existing STEM, innovation, and entrepreneurship programs to implement these provisions and encourage enrollment at Ohio institutions of post-secondary and higher education.

**Section 381.460. OHIOCORPS PROGRAM**

Of the foregoing appropriation item 235594, OhioCorps Program, up to \$50,000 in fiscal year 2022 shall be used by the Chancellor of Higher Education to implement and administer the OhioCorps Program pursuant to sections 3333.80 to 3333.802 of the Revised Code.

The remainder of the foregoing appropriation item 235594, 105159  
OhioCorps Program, shall be used by the Chancellor of Higher 105160  
Education to assist eligible state institutions of higher 105161  
education, as defined in division (A)(4) of section 3333.80 of the 105162  
Revised Code, in establishing and administering OhioCorps 105163  
mentorship programs and scholarships under sections 3333.80 and 105164  
3333.801 of the Revised Code. 105165

On July 1, 2021, or as soon as possible thereafter, the 105166  
Chancellor of Higher Education may certify to the Director of 105167  
Budget and Management an amount up to the unexpended, unencumbered 105168  
balance of the foregoing appropriation item, 235594, OhioCorps 105169  
Program, at the end of fiscal year 2021 to be reappropriated to 105170  
fiscal year 2022. The amount certified is hereby reappropriated to 105171  
the same appropriation item for fiscal year 2022 for purposes of 105172  
providing funds to support mentorship programs and scholarships 105173  
under the OhioCorps Program. 105174

The OhioCorps Program established under sections 3333.80 to 105175  
3333.802 of the Revised Code shall be prohibited from adding new 105176  
students after the 2020-2021 academic year and shall cease to 105177  
exist at the conclusion of the 2021-2022 academic year. 105178  
Notwithstanding sections 3333.80 to 3333.802 of the Revised Code, 105179  
each student that is otherwise eligible to receive a scholarship 105180  
under the OhioCorp Program established under those sections shall 105181  
receive \$1,000 upon conclusion of the 2021-2022 academic year. 105182

**Section 381.470. STATE FINANCIAL AID RECONCILIATION** 105183

By the first day of September in each fiscal year, or as soon 105184  
as possible thereafter, the Chancellor of Higher Education shall 105185  
certify to the Director of Budget and Management the amount 105186  
necessary to pay any outstanding prior year obligations to higher 105187  
education institutions for the state's financial aid programs. The 105188  
amounts certified are hereby appropriated to appropriation item 105189

235618, State Financial Aid Reconciliation, from revenues received 105190  
in the State Financial Aid Reconciliation Fund (Fund 5Y50). 105191

**Section 381.480.** SECOND CHANCE GRANT PILOT PROGRAM 105192

The foregoing appropriation item 235494, Second Chance Grant 105193  
Pilot Program, shall be distributed by the Chancellor of Higher 105194  
Education to qualifying institutions of higher education and Ohio 105195  
Technical Centers to provide grants to eligible students under the 105196  
Second Chance Grant Pilot Program. 105197

NURSING LOAN PROGRAM 105198

The foregoing appropriation item 235606, Nursing Loan 105199  
Program, shall be used to administer the nurse education 105200  
assistance program. 105201

**Section 381.520.** RESEARCH INCENTIVE THIRD FRONTIER 105202

The foregoing appropriation items 235634, Research Incentive 105203  
Third Frontier, and 235639, Research Incentive Third Frontier-Tax, 105204  
shall be used by the Chancellor of Higher Education to advance 105205  
collaborative research at institutions of higher education. Of the 105206  
foregoing appropriation items 235634, Research Incentive Third 105207  
Frontier, and 235639, Research Incentive Third Frontier - Tax, up 105208  
to \$2,500,000 in each fiscal year may be allocated toward research 105209  
regarding the improvement of water quality, up to \$1,500,000 in 105210  
each fiscal year may be allocated for spinal cord research, up to 105211  
\$1,000,000 in each fiscal year may be allocated toward research 105212  
regarding the reduction of infant mortality, up to \$1,000,000 in 105213  
each fiscal year may be allocated toward research regarding opiate 105214  
addiction issues in Ohio, up to \$750,000 in each fiscal year may 105215  
be allocated toward research regarding cyber security initiatives, 105216  
up to \$300,000 in each fiscal year may be allocated toward the 105217  
I-Corps@Ohio program, and up to \$200,000 in each fiscal year may 105218  
be allocated toward the Ohio Innovation Exchange program. 105219

**Section 381.530. VETERANS PREFERENCES** 105220

The Chancellor of Higher Education shall work with the 105221  
Department of Veterans Services to develop specific veterans 105222  
preference guidelines for higher education institutions. These 105223  
guidelines shall ensure that the institutions' hiring practices 105224  
are in accordance with the intent of Ohio's veterans preference 105225  
laws. 105226

**Section 381.540. (A) As used in this section:** 105227

(1) "Board of trustees" includes the managing authority of a 105228  
university branch district. 105229

(2) "State institution of higher education" has the same 105230  
meaning as in section 3345.011 of the Revised Code. 105231

(B) The board of trustees of any state institution of higher 105232  
education, notwithstanding any rule of the institution to the 105233  
contrary, may adopt a policy providing for mandatory furloughs of 105234  
employees, including faculty, to achieve spending reductions 105235  
necessitated by institutional budget deficits. 105236

**Section 381.550. EFFICIENCY REPORTS** 105237

In each fiscal year, the board of trustees of each public 105238  
institution of higher education shall approve the institution's 105239  
efficiency report submitted to the Chancellor of Higher Education 105240  
under section 3333.95 of the Revised Code. 105241

**MEDICAL EDUCATION POST-GRADUATION RESIDENCY REPORTS** 105242

For each fiscal year, each institution of higher education 105243  
that receives funds from the foregoing appropriation items 235515, 105244  
Case Western Reserve University School of Medicine, 235519, Family 105245  
Practice, 235525, Geriatric Medicine, 235526, Primary Care 105246  
Residencies, 235536, The Ohio State University Clinical Teaching, 105247

235537, University of Cincinnati Clinical Teaching, 235538, 105248  
University of Toledo Clinical Teaching, 235539, Wright State 105249  
University Clinical Teaching, 235540, Ohio University Clinical 105250  
Teaching, 235541, Northeast Ohio Medical University Clinical 105251  
Teaching, 235558, Long-term Care Research, and 235572, The Ohio 105252  
State University Clinic Support, shall report to the Chancellor of 105253  
Higher Education the residency status of graduates from the 105254  
respective programs receiving support from those appropriation 105255  
items one year and five years after graduating. 105256

**Section 381.580.** The Chancellor of Higher Education shall 105257  
support the continued development of the Ohio Innovation Exchange 105258  
for the purpose of showcasing the research expertise of Ohio's 105259  
university and college faculty in a variety of fields, including, 105260  
but not limited to, engineering, biomedicine, and information 105261  
technology, and to identify institutional research equipment 105262  
available in the state. 105263

**Section 381.620.** FUND NAME CHANGES 105264

On July 1, 2021, or as soon as possible thereafter, the 105265  
Director of Budget and Management shall rename the Publications 105266  
Fund (Fund 4560) the Sales and Services Fund (Fund 4560) and the 105267  
OIG Reconciliation Fund (Fund 5Y50) the State Financial Aid 105268  
Reconciliation Fund (Fund 5Y50). 105269

**Section 381.630.** (A) The Task Force to evaluate current 105270  
operational structures and procedures at Wright State University's 105271  
Lake Campus is hereby created. 105272

(B) The task force shall consist of not more than fourteen 105273  
members, seven of whom are appointed by the Speaker of the House 105274  
of Representatives and seven of whom are appointed by the 105275  
President of the Senate. Membership shall include representatives 105276  
from each of the following sectors: 105277

|                                                                                                                                                                                                                                                                                                                                                                                                                            |                                                                    |
|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|--------------------------------------------------------------------|
| (1) Wright State University's Lake Campus;                                                                                                                                                                                                                                                                                                                                                                                 | 105278                                                             |
| (2) Primary and secondary education;                                                                                                                                                                                                                                                                                                                                                                                       | 105279                                                             |
| (3) Business organizations;                                                                                                                                                                                                                                                                                                                                                                                                | 105280                                                             |
| (4) Nursing;                                                                                                                                                                                                                                                                                                                                                                                                               | 105281                                                             |
| (5) Engineering;                                                                                                                                                                                                                                                                                                                                                                                                           | 105282                                                             |
| (6) Any other local stakeholders as determined by the Speaker<br>or the Senate President.                                                                                                                                                                                                                                                                                                                                  | 105283<br>105284                                                   |
| The Chancellor shall not serve on the Task Force, but the<br>Task Force may consult with the Chancellor as it determines<br>necessary. The Chancellor shall provide any available information<br>the Task Force requests.                                                                                                                                                                                                  | 105285<br>105286<br>105287<br>105288                               |
| (C) The Task Force shall evaluate current successes,<br>challenges, and opportunities for Wright State University's Lake<br>Campus and develop a long-term strategic plan that ensures the<br>Western Ohio region is served with a campus offering high quality<br>educational programs that meet local needs, and is affordable,<br>accessible, and positions the region for continued economic and<br>community success. | 105289<br>105290<br>105291<br>105292<br>105293<br>105294<br>105295 |
| (D) Not later than December 31, 2022, the Task Force shall<br>submit to the General Assembly, in accordance with section 101.68<br>of the Revised Code, and to the Chancellor a report detailing its<br>findings and recommendations. The report shall include a long-term<br>strategic plan.                                                                                                                              | 105296<br>105297<br>105298<br>105299<br>105300                     |
| <b>Section 383.10.</b> DRC DEPARTMENT OF REHABILITATION AND<br>CORRECTION                                                                                                                                                                                                                                                                                                                                                  | 105301<br>105302                                                   |
| General Revenue Fund                                                                                                                                                                                                                                                                                                                                                                                                       | 105303                                                             |
| GRF 501321 Institutional Operations                                                                                                                                                                                                                                                                                                                                                                                        | \$ 1,192,004,968 \$ 1,234,125,637 105304                           |
| GRF 501405 Halfway House                                                                                                                                                                                                                                                                                                                                                                                                   | \$ 70,019,786 \$ 70,019,786 105305                                 |

|           |                              |                                                                                   |    |               |    |               |        |
|-----------|------------------------------|-----------------------------------------------------------------------------------|----|---------------|----|---------------|--------|
| GRF       | 501406                       | Adult Correctional<br>Facilities Lease<br>Rental Bond Payments                    | \$ | 85,000,000    | \$ | 85,000,000    | 105306 |
| GRF       | 501407                       | Community<br>Nonresidential<br>Programs                                           | \$ | 67,644,863    | \$ | 67,644,863    | 105307 |
| GRF       | 501408                       | Community Misdemeanor<br>Programs                                                 | \$ | 9,340,276     | \$ | 9,340,276     | 105308 |
| GRF       | 501501                       | Community Residential<br>Programs - Community<br>Based Correctional<br>Facilities | \$ | 84,757,815    | \$ | 88,835,863    | 105309 |
| GRF       | 503321                       | Parole and Community<br>Operations                                                | \$ | 96,680,240    | \$ | 106,525,655   | 105310 |
| GRF       | 504321                       | Administrative<br>Operations                                                      | \$ | 24,658,204    | \$ | 25,132,130    | 105311 |
| GRF       | 505321                       | Institution Medical<br>Services                                                   | \$ | 290,898,936   | \$ | 302,940,702   | 105312 |
| GRF       | 506321                       | Institution Education<br>Services                                                 | \$ | 35,541,578    | \$ | 35,665,119    | 105313 |
| TOTAL GRF | General Revenue Fund         |                                                                                   | \$ | 1,956,546,666 | \$ | 2,025,230,031 | 105314 |
|           | Dedicated Purpose Fund Group |                                                                                   |    |               |    |               | 105315 |
| 4B00      | 501601                       | Sewer Treatment<br>Services                                                       | \$ | 1,200,000     | \$ | 1,200,000     | 105316 |
| 4D40      | 501603                       | Prisoner Programs                                                                 | \$ | 400,000       | \$ | 400,000       | 105317 |
| 4L40      | 501604                       | Transitional Control                                                              | \$ | 2,450,000     | \$ | 2,450,000     | 105318 |
| 4S50      | 501608                       | Education Services                                                                | \$ | 4,660,000     | \$ | 4,660,000     | 105319 |
| 5AF0      | 501609                       | State and Non-Federal<br>Awards                                                   | \$ | 1,300,000     | \$ | 1,300,000     | 105320 |
| 5CV1      | 501627                       | Coronavirus Relief -<br>DRC                                                       | \$ | 18,000,000    | \$ | 0             | 105321 |
| 5H80      | 501617                       | Offender Financial<br>Responsibility                                              | \$ | 1,860,000     | \$ | 1,860,000     | 105322 |

|                              |        |                                                                                                                                                                                                                                                                                                                                                                                                            |    |               |    |               |                                                          |
|------------------------------|--------|------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|----|---------------|----|---------------|----------------------------------------------------------|
| 5TZ0                         | 501610 | Probation Improvement<br>and Incentive Grants                                                                                                                                                                                                                                                                                                                                                              | \$ | 5,000,000     | \$ | 5,000,000     | 105323                                                   |
| TOTAL DPF                    |        | Dedicated Purpose Fund<br>Group                                                                                                                                                                                                                                                                                                                                                                            | \$ | 34,870,000    | \$ | 16,870,000    | 105324                                                   |
|                              |        | Internal Service Activity Fund Group                                                                                                                                                                                                                                                                                                                                                                       |    |               |    |               | 105325                                                   |
| 1480                         | 501602 | Institutional<br>Services                                                                                                                                                                                                                                                                                                                                                                                  | \$ | 2,850,000     | \$ | 2,850,000     | 105326                                                   |
| 2000                         | 501607 | Ohio Penal Industries                                                                                                                                                                                                                                                                                                                                                                                      | \$ | 46,515,000    | \$ | 46,515,000    | 105327                                                   |
| 4830                         | 501605 | Leased Property<br>Maintenance and<br>Operating                                                                                                                                                                                                                                                                                                                                                            | \$ | 2,000,000     | \$ | 2,000,000     | 105328                                                   |
| 5710                         | 501606 | Corrections Training<br>Maintenance and<br>Operating                                                                                                                                                                                                                                                                                                                                                       | \$ | 980,000       | \$ | 980,000       | 105329                                                   |
| 5L60                         | 501611 | Information<br>Technology Services                                                                                                                                                                                                                                                                                                                                                                         | \$ | 500,000       | \$ | 500,000       | 105330                                                   |
| TOTAL ISA                    |        | Internal Activity<br>Fund Group                                                                                                                                                                                                                                                                                                                                                                            | \$ | 52,845,000    | \$ | 52,845,000    | 105331                                                   |
|                              |        | Federal Fund Group                                                                                                                                                                                                                                                                                                                                                                                         |    |               |    |               | 105333                                                   |
| 3230                         | 501619 | Federal Grants                                                                                                                                                                                                                                                                                                                                                                                             | \$ | 3,040,000     | \$ | 3,040,000     | 105334                                                   |
| 3CW0                         | 501622 | Federal Equitable<br>Sharing                                                                                                                                                                                                                                                                                                                                                                               | \$ | 300,000       | \$ | 300,000       | 105335                                                   |
| TOTAL FED                    |        | Federal<br>Fund Group                                                                                                                                                                                                                                                                                                                                                                                      | \$ | 3,340,000     | \$ | 3,340,000     | 105336                                                   |
| TOTAL ALL BUDGET FUND GROUPS |        |                                                                                                                                                                                                                                                                                                                                                                                                            | \$ | 2,047,601,666 | \$ | 2,098,285,031 | 105338                                                   |
|                              |        | EXPEDITED PARDON INITIATIVE                                                                                                                                                                                                                                                                                                                                                                                |    |               |    |               | 105339                                                   |
|                              |        | Of the foregoing appropriation item 501321, Institutional<br>Operations, up to \$500,000 in each fiscal year may be used by the<br>Department of Rehabilitation and Correction to distribute grants<br>to create up to five regional collaborative partnership pilot<br>projects connecting rehabilitated citizens with community partners<br>to advance the expedited pardon initiative and help eligible |    |               |    |               | 105340<br>105341<br>105342<br>105343<br>105344<br>105345 |

individuals navigate the process and access clemency. 105346

OSU MEDICAL CHARGES 105347

Notwithstanding section 341.192 of the Revised Code, at the 105348  
request of the Department of Rehabilitation and Correction, the 105349  
Ohio State University Medical Center, including the Arthur G. 105350  
James Cancer Hospital and Richard J. Solove Research Institute and 105351  
the Richard M. Ross Heart Hospital, shall provide necessary care 105352  
to persons who are confined in state adult correctional 105353  
facilities. The provision of necessary inpatient care billed to 105354  
the Department shall be reimbursed at a rate not to exceed the 105355  
authorized reimbursement rate for the same service established by 105356  
the Department of Medicaid under the Medicaid Program. 105357

ADULT CORRECTIONAL FACILITIES LEASE RENTAL BOND PAYMENTS 105358

The foregoing appropriation item 501406, Adult Correctional 105359  
Facilities Lease Rental Bond Payments, shall be used to meet all 105360  
payments during the period from July 1, 2021, through June 30, 105361  
2023, by the Department of Rehabilitation and Correction pursuant 105362  
to leases and agreements for facilities made under Chapters 152. 105363  
and 154. of the Revised Code. These appropriations are the source 105364  
of funds pledged for bond service charges on related obligations 105365  
issued under Chapters 152. and 154. of the Revised Code. 105366

REENTRY EMPLOYMENT GRANTS 105367

(A) Of the foregoing appropriation item 503321, Parole and 105368  
Community Operations, \$275,000 in each fiscal year shall be used 105369  
by the Department of Rehabilitation and Correction to create and 105370  
implement a program to award grants to at least one nonprofit 105371  
organization that operates reentry employment programs that meet 105372  
all of the following criteria: 105373

(1) Serve parolees, releasees, and probationers assessed by 105374  
the Department as moderate or high risk to recidivate and referred 105375  
by the Adult Parole Authority or probation for services; 105376

|                                                                                                                                                                                                                                                                                                                              |                                                          |
|------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|----------------------------------------------------------|
| (2) Provide job readiness training, transitional employment, job coaching and placement, and post-placement retention services;                                                                                                                                                                                              | 105377<br>105378                                         |
| (3) Have been independently and rigorously evaluated and shown to reduce recidivism;                                                                                                                                                                                                                                         | 105379<br>105380                                         |
| (4) Have the ability to serve multiple large jurisdictions across the state.                                                                                                                                                                                                                                                 | 105381<br>105382                                         |
| (B) The Department shall establish guidelines, procedures, all forms by which applicants may apply for grants, and outcome-based criteria upon which performance, under the terms of the grant awards, is evaluated. The outcomes, as defined by the Department, shall include enrollment, job placement, and job retention. | 105383<br>105384<br>105385<br>105386<br>105387<br>105388 |
| INSTITUTION EDUCATION SERVICES                                                                                                                                                                                                                                                                                               | 105389                                                   |
| Of the foregoing appropriation item 506321, Institution Education Services, \$654,250 in fiscal year 2022 shall be used for the Ashland University Correctional Education Expansion Program.                                                                                                                                 | 105390<br>105391<br>105392                               |
| PROBATION IMPROVEMENT AND INCENTIVE GRANTS                                                                                                                                                                                                                                                                                   | 105393                                                   |
| The foregoing appropriation item 501610, Probation Improvement and Incentive Grants, shall be allocated by the Department of Rehabilitation and Correction to municipalities as Probation Improvement and Incentive Grants with an emphasis on:                                                                              | 105394<br>105395<br>105396<br>105397                     |
| (1) providing services to those addicted to opiates and other illegal substances, and (2) supplementing the programs and services funded by grants distributed from the foregoing appropriation item 501407, Community Nonresidential Programs.                                                                              | 105398<br>105399<br>105400<br>105401                     |
| <b>Section 387.10. RDF STATE REVENUE DISTRIBUTIONS</b>                                                                                                                                                                                                                                                                       | 105402                                                   |
| General Revenue Fund Group                                                                                                                                                                                                                                                                                                   | 105403                                                   |
| GRF 110908 Property Tax \$ 651,400,000 \$ 658,400,000                                                                                                                                                                                                                                                                        | 105404                                                   |
| Reimbursement - Local                                                                                                                                                                                                                                                                                                        |                                                          |

|                                 |        |                       |                  |                  |        |  |
|---------------------------------|--------|-----------------------|------------------|------------------|--------|--|
|                                 |        | Government            |                  |                  |        |  |
| GRF                             | 200903 | Property Tax          | \$ 1,183,000,000 | \$ 1,195,600,000 | 105405 |  |
|                                 |        | Reimbursement -       |                  |                  |        |  |
|                                 |        | Education             |                  |                  |        |  |
| TOTAL GRF                       |        | General Revenue Fund  | \$ 1,834,400,000 | \$ 1,854,000,000 | 105406 |  |
| Group                           |        |                       |                  |                  |        |  |
| Revenue Distribution Fund Group |        |                       |                  |                  | 105407 |  |
| 5JG0                            | 110633 | Gross Casino Revenue  | \$ 150,000,000   | \$ 153,000,000   | 105408 |  |
|                                 |        | Payments-County       |                  |                  |        |  |
| 5JH0                            | 110634 | Gross Casino Revenue  | \$ 99,800,000    | \$ 101,800,000   | 105409 |  |
|                                 |        | Payments- School      |                  |                  |        |  |
|                                 |        | Districts             |                  |                  |        |  |
| 5JJ0                            | 110636 | Gross Casino Revenue  | \$ 14,700,000    | \$ 15,000,000    | 105410 |  |
|                                 |        | - Host City           |                  |                  |        |  |
| 7047                            | 200902 | Property Tax          | \$ 83,157,236    | \$ 72,308,288    | 105411 |  |
|                                 |        | Replacement Phase     |                  |                  |        |  |
|                                 |        | Out-Education         |                  |                  |        |  |
| 7049                            | 336900 | Indigent Drivers      | \$ 2,250,000     | \$ 0             | 105412 |  |
|                                 |        | Alcohol Treatment     |                  |                  |        |  |
| 7050                            | 762900 | International         | \$ 23,000,000    | \$ 23,000,000    | 105413 |  |
|                                 |        | Registration Plan     |                  |                  |        |  |
|                                 |        | Distribution          |                  |                  |        |  |
| 7051                            | 762901 | Auto Registration     | \$ 328,000,000   | \$ 328,000,000   | 105414 |  |
|                                 |        | Distribution          |                  |                  |        |  |
| 7060                            | 110960 | Gasoline Excise Tax   | \$ 900,000,000   | \$ 920,000,000   | 105415 |  |
|                                 |        | Fund                  |                  |                  |        |  |
| 7065                            | 110965 | Public Library Fund   | \$ 439,000,000   | \$ 454,000,000   | 105416 |  |
| 7066                            | 800966 | Undivided Liquor      | \$ 14,600,000    | \$ 14,600,000    | 105417 |  |
|                                 |        | Permits               |                  |                  |        |  |
| 7069                            | 110969 | Local Government Fund | \$ 428,000,000   | \$ 443,000,000   | 105418 |  |
| 7081                            | 110907 | Property Tax          | \$ 7,256,000     | \$ 6,307,000     | 105419 |  |
|                                 |        | Replacement Phase     |                  |                  |        |  |
|                                 |        | Out-Local Government  |                  |                  |        |  |

|                                |        |                       |    |               |    |               |        |
|--------------------------------|--------|-----------------------|----|---------------|----|---------------|--------|
| 7082                           | 110982 | Horse Racing Tax      | \$ | 60,000        | \$ | 60,000        | 105420 |
| 7083                           | 700900 | Ohio Fairs Fund       | \$ | 1,000,000     | \$ | 1,000,000     | 105421 |
| TOTAL RDF Revenue Distribution |        |                       |    |               |    |               | 105422 |
| Fund Group                     |        |                       | \$ | 2,490,823,236 | \$ | 2,532,075,288 | 105423 |
| Fiduciary Fund Group           |        |                       |    |               |    |               | 105424 |
| 4P80                           | 001698 | Cash Management       | \$ | 3,100,000     | \$ | 3,100,000     | 105425 |
| Improvement Fund               |        |                       |    |               |    |               |        |
| 5VR0                           | 110902 | Municipal Net Profit  | \$ | 70,000,000    | \$ | 75,000,000    | 105426 |
| Tax                            |        |                       |    |               |    |               |        |
| 6080                           | 001699 | Investment Earnings   | \$ | 120,000,000   | \$ | 120,000,000   | 105427 |
| 7001                           | 110996 | Horse Racing Tax      | \$ | 240,000       | \$ | 240,000       | 105428 |
| Local Government               |        |                       |    |               |    |               |        |
| Payments                       |        |                       |    |               |    |               |        |
| 7062                           | 110962 | Resort Area Excise    | \$ | 1,500,000     | \$ | 1,500,000     | 105429 |
| Tax Distribution               |        |                       |    |               |    |               |        |
| 7063                           | 110963 | Permissive Sales Tax  | \$ | 2,928,800,000 | \$ | 3,057,700,000 | 105430 |
| Distribution                   |        |                       |    |               |    |               |        |
| 7067                           | 110967 | School District       | \$ | 560,900,000   | \$ | 594,000,000   | 105431 |
| Income Tax                     |        |                       |    |               |    |               |        |
| Distribution                   |        |                       |    |               |    |               |        |
| 7085                           | 800985 | Volunteer Firemen's   | \$ | 300,000       | \$ | 300,000       | 105432 |
| Dependents Fund                |        |                       |    |               |    |               |        |
| 7093                           | 110640 | Next Generation 9-1-1 | \$ | 1,000,000     | \$ | 1,000,000     | 105433 |
| 7094                           | 110641 | Wireless 9-1-1        | \$ | 25,900,000    | \$ | 26,000,000    | 105434 |
| Government Assistance          |        |                       |    |               |    |               |        |
| 7095                           | 110995 | Municipal Income Tax  | \$ | 20,000,000    | \$ | 20,000,000    | 105435 |
| 7099                           | 762902 | Permissive Tax        | \$ | 235,000,000   | \$ | 242,000,000   | 105436 |
| Distribution - Auto            |        |                       |    |               |    |               |        |
| Registration                   |        |                       |    |               |    |               |        |
| TOTAL FID Fiduciary Fund Group |        |                       | \$ | 3,966,740,000 | \$ | 4,140,840,000 | 105437 |
| Holding Account Fund Group     |        |                       |    |               |    |               | 105438 |
| R045                           | 110617 | International Fuel    | \$ | 56,100,000    | \$ | 56,100,000    | 105439 |

Tax Distribution

|                                |    |               |    |               |        |
|--------------------------------|----|---------------|----|---------------|--------|
| TOTAL HLD Holding Account Fund | \$ | 56,100,000    | \$ | 56,100,000    | 105440 |
| Group                          |    |               |    |               |        |
| TOTAL ALL BUDGET FUND GROUPS   | \$ | 8,348,063,236 | \$ | 8,583,015,288 | 105441 |

**Section 387.20. ADDITIONAL APPROPRIATIONS** 105443

Appropriation items in Section 387.10 of this act shall be 105444  
 used for the purpose of administering and distributing the 105445  
 designated revenue distribution funds according to the Revised 105446  
 Code. If it is determined that additional appropriations are 105447  
 necessary for this purpose in any appropriation items in Section 105448  
 387.10 of this act, such amounts are hereby appropriated. 105449

GENERAL REVENUE FUND TRANSFERS 105450

Notwithstanding any provision of law to the contrary, in 105451  
 fiscal year 2022 and fiscal year 2023, the Director of Budget and 105452  
 Management may transfer from the General Revenue Fund to the Local 105453  
 Government Tangible Property Tax Replacement Fund (Fund 7081) and 105454  
 the School District Tangible Property Tax Replacement Fund (Fund 105455  
 7047) in the Revenue Distribution Fund Group, those amounts 105456  
 necessary to reimburse local taxing units and school districts 105457  
 under sections 5709.92 and 5709.93 of the Revised Code. Also, in 105458  
 fiscal year 2022 and fiscal year 2023, the Director of Budget and 105459  
 Management may make temporary transfers from the General Revenue 105460  
 Fund to ensure sufficient balances in the Local Government 105461  
 Tangible Property Tax Replacement Fund (Fund 7081) and the School 105462  
 District Tangible Property Tax Replacement Fund (Fund 7047) and to 105463  
 replenish the General Revenue Fund for such transfers. 105464

PROPERTY TAX REIMBURSEMENT - EDUCATION 105465

The foregoing appropriation item 200903, Property Tax 105466  
 Reimbursement - Education, is appropriated to pay for the state's 105467  
 costs incurred because of the homestead exemption, the property 105468  
 tax rollback, and payments required under division (C) of section 105469

5705.2110 of the Revised Code. In cooperation with the Department 105470  
of Taxation, the Department of Education shall distribute these 105471  
funds directly to the appropriate school districts of the state, 105472  
notwithstanding sections 321.24 and 323.156 of the Revised Code, 105473  
which provide for payment of the homestead exemption and property 105474  
tax rollback by the Tax Commissioner to the appropriate county 105475  
treasurer and the subsequent redistribution of these funds to the 105476  
appropriate local taxing districts by the county auditor. 105477

Upon receipt of these amounts, each school district shall 105478  
distribute the amount among the proper funds as if it had been 105479  
paid as real or tangible personal property taxes. Payments for the 105480  
costs of administration shall continue to be paid to the county 105481  
treasurer and county auditor as provided for in sections 319.54, 105482  
321.26, and 323.156 of the Revised Code. 105483

Any sums, in addition to the amount specifically appropriated 105484  
in appropriation item 200903, Property Tax Reimbursement - 105485  
Education, for the homestead exemption and the property tax 105486  
rollback payments, and payments required under division (C) of 105487  
section 5705.2110 of the Revised Code, which are determined to be 105488  
necessary for these purposes, are hereby appropriated. 105489

HOMESTEAD EXEMPTION, PROPERTY TAX ROLLBACK 105490

The foregoing appropriation item 110908, Property Tax 105491  
Reimbursement-Local Government, is hereby appropriated to pay for 105492  
the state's costs incurred due to the Homestead Exemption, the 105493  
Manufactured Home Property Tax Rollback, and the Property Tax 105494  
Rollback. The Tax Commissioner shall distribute these funds 105495  
directly to the appropriate local taxing districts, except for 105496  
school districts, notwithstanding the provisions in sections 105497  
321.24 and 323.156 of the Revised Code, which provide for payment 105498  
of the Homestead Exemption, the Manufactured Home Property Tax 105499  
Rollback, and Property Tax Rollback by the Tax Commissioner to the 105500  
appropriate county treasurer and the subsequent redistribution of 105501

these funds to the appropriate local taxing districts by the 105502  
county auditor. 105503

Upon receipt of these amounts, each local taxing district 105504  
shall distribute the amount among the proper funds as if it had 105505  
been paid as real property taxes. Payments for the costs of 105506  
administration shall continue to be paid to the county treasurer 105507  
and county auditor as provided for in sections 319.54, 321.26, and 105508  
323.156 of the Revised Code. 105509

Any sums, in addition to the amounts specifically 105510  
appropriated in appropriation item 110908, Property Tax Allocation 105511  
- Local Government, for the Homestead Exemption, the Manufactured 105512  
Home Property Tax Rollback, and the Property Tax Rollback 105513  
payments, which are determined to be necessary for these purposes, 105514  
are hereby appropriated. 105515

MUNICIPAL INCOME TAX 105516

The foregoing appropriation item 110995, Municipal Income 105517  
Tax, shall be used to make payments to municipal corporations 105518  
under section 5745.05 of the Revised Code. If it is determined 105519  
that additional appropriations are necessary to make such 105520  
payments, such amounts are hereby appropriated. 105521

MUNICIPAL NET PROFIT TAX 105522

The foregoing appropriation item 110902, Municipal Net Profit 105523  
Tax, shall be used to make payments to municipal corporations 105524  
under section 718.83 of the Revised Code. If it is determined that 105525  
additional amounts are necessary to make such payments, such 105526  
amounts are hereby appropriated. 105527

During fiscal year 2022 and fiscal year 2023, if the Tax 105528  
Commissioner determines that there is insufficient cash in the 105529  
Municipal Net Profit Tax Fund (Fund 5VR0) to meet monthly 105530  
distribution obligations under section 718.83 of the Revised Code, 105531  
the Tax Commissioner shall certify to the Director of Budget and 105532

Management the amount of additional cash necessary to satisfy 105533  
those obligations. In addition, the Commissioner shall submit a 105534  
plan to the Director requesting the necessary cash be transferred 105535  
from one or a combination of the following funds: the Municipal 105536  
Income Tax Administrative Fund, the Local Sales Tax Administrative 105537  
Fund, the General School District Income Tax Administrative Fund, 105538  
the Motor Fuel Tax Administrative Fund, the Property Tax 105539  
Administrative Fund, or the General Revenue Fund. This plan shall 105540  
include a proposed repayment schedule to reimburse those funds for 105541  
any cash transferred in accordance with this section. After 105542  
receiving the certification and funding plan from the Tax 105543  
Commissioner and if the Director determines that sufficient cash 105544  
is available, the Director may transfer the cash to the Municipal 105545  
Net Profit Tax Fund in accordance with the plan submitted by the 105546  
Tax Commissioner or as otherwise determined by the Director of 105547  
Budget and Management. The Director of Budget and Management may 105548  
transfer cash from the Municipal Net Profit Tax Fund to reimburse 105549  
the funds from which cash was transferred for the purpose outlined 105550  
in this section. 105551

PUBLIC LIBRARY FUND 105552

Notwithstanding the requirement in division (B) of section 105553  
131.51 of the Revised Code that the Director of Budget and 105554  
Management shall credit to the Public Library Fund one and 105555  
sixty-six one-hundredths per cent of the total tax revenue 105556  
credited to the General Revenue Fund during the preceding month, 105557  
the Director shall instead calculate these amounts during fiscal 105558  
year 2022 and fiscal year 2023 using one and seven tenths as the 105559  
percentage. 105560

**Section 391.10.** OSB OHIO STATE SCHOOL FOR THE BLIND 105561

General Revenue Fund 105562

GRF 226321 Operations \$ 12,599,774 \$ 12,801,135 105563

|                                                     |    |            |    |            |        |
|-----------------------------------------------------|----|------------|----|------------|--------|
| TOTAL GRF General Revenue Fund                      | \$ | 12,599,774 | \$ | 12,801,135 | 105564 |
| Dedicated Purpose Fund Group                        |    |            |    |            | 105565 |
| 4H80 226602 Education Reform                        | \$ | 200,000    | \$ | 200,000    | 105566 |
| Grants                                              |    |            |    |            |        |
| 4M50 226601 Work Study and                          | \$ | 300,000    | \$ | 300,000    | 105567 |
| Technology Investment                               |    |            |    |            |        |
| 5NJ0 226622 Food Service Program                    | \$ | 10,500     | \$ | 10,500     | 105568 |
| TOTAL DPF Dedicated Purpose Fund                    | \$ | 510,500    | \$ | 510,500    | 105569 |
| Group                                               |    |            |    |            |        |
| Federal Fund Group                                  |    |            |    |            | 105570 |
| 3100 226626 Federal Grants                          | \$ | 842,850    | \$ | 842,850    | 105571 |
| 3DT0 226621 Ohio Transition                         | \$ | 265,000    | \$ | 265,000    | 105572 |
| Collaborative                                       |    |            |    |            |        |
| 3P50 226643 Medicaid Professional                   | \$ | 100,000    | \$ | 100,000    | 105573 |
| Services                                            |    |            |    |            |        |
| Reimbursement                                       |    |            |    |            |        |
| TOTAL FED Federal Fund Group                        | \$ | 1,207,850  | \$ | 1,207,850  | 105574 |
| TOTAL ALL BUDGET FUND GROUPS                        | \$ | 14,318,124 | \$ | 14,519,485 | 105575 |
| <b>Section 393.10. OSD OHIO SCHOOL FOR THE DEAF</b> |    |            |    |            | 105577 |
| General Revenue Fund                                |    |            |    |            | 105578 |
| GRF 221321 Operations                               | \$ | 13,940,430 | \$ | 14,164,662 | 105579 |
| TOTAL GRF General Revenue Fund                      | \$ | 13,940,430 | \$ | 14,164,662 | 105580 |
| Dedicated Purpose Fund Group                        |    |            |    |            | 105581 |
| 4M00 221601 Educational Program                     | \$ | 200,000    | \$ | 200,000    | 105582 |
| Expenses                                            |    |            |    |            |        |
| 4M10 221602 Education Reform                        | \$ | 210,000    | \$ | 210,000    | 105583 |
| Grants                                              |    |            |    |            |        |
| 5H60 221609 Even Start Fees and                     | \$ | 53,000     | \$ | 53,000     | 105584 |
| Gifts                                               |    |            |    |            |        |
| 5NK0 221610 Food Service Program                    | \$ | 10,500     | \$ | 10,500     | 105585 |
| TOTAL DPF Dedicated Purpose Fund                    | \$ | 473,500    | \$ | 473,500    | 105586 |

Group

|                              |                                |    |            |    |            |        |
|------------------------------|--------------------------------|----|------------|----|------------|--------|
| Federal Fund Group           |                                |    |            |    | 105587     |        |
| 3110 221625                  | Federal Grants                 | \$ | 281,000    | \$ | 281,000    | 105588 |
| 3R00 221684                  | Medicaid Professional Services | \$ | 206,000    | \$ | 206,000    | 105589 |
|                              | Reimbursement                  |    |            |    |            |        |
| TOTAL FED                    | Federal Fund Group             | \$ | 487,000    | \$ | 487,000    | 105590 |
| TOTAL ALL BUDGET FUND GROUPS |                                | \$ | 14,900,930 | \$ | 15,125,162 | 105591 |

**Section 395.10. SOS SECRETARY OF STATE** 105593

General Revenue Fund 105594

|            |                       |    |            |    |            |        |
|------------|-----------------------|----|------------|----|------------|--------|
| GRF 050321 | Operating Expenses    | \$ | 890,000    | \$ | 890,000    | 105595 |
| GRF 050407 | Poll Workers Training | \$ | 234,196    | \$ | 234,196    | 105596 |
| GRF 050509 | County Voting Systems | \$ | 12,500,000 | \$ | 12,500,000 | 105597 |
|            | Lease Rental Payments |    |            |    |            |        |
| TOTAL GRF  | General Revenue Fund  | \$ | 13,624,196 | \$ | 13,624,196 | 105598 |

Dedicated Purpose Fund Group 105599

|             |                                       |    |            |    |            |        |
|-------------|---------------------------------------|----|------------|----|------------|--------|
| 4120 050609 | Notary Commission                     | \$ | 475,000    | \$ | 475,000    | 105600 |
| 4S80 050610 | Board of Voting Machine Examiners     | \$ | 14,400     | \$ | 14,400     | 105601 |
| 5990 050603 | Business Services                     | \$ | 17,923,793 | \$ | 16,872,298 | 105602 |
|             | Operating Expenses                    |    |            |    |            |        |
| 5990 050629 | Statewide Voter Registration Database | \$ | 700,000    | \$ | 700,000    | 105603 |
| 5990 050630 | Elections Support Supplement          | \$ | 2,390,000  | \$ | 2,500,000  | 105604 |
| 5FG0 050620 | BOE Reimbursement and Education       | \$ | 200,000    | \$ | 200,000    | 105605 |
| 5SN0 050626 | Address Confidentiality               | \$ | 200,000    | \$ | 200,000    | 105606 |
| TOTAL DPF   | Dedicated Purpose Fund Group          | \$ | 21,903,193 | \$ | 20,961,698 | 105607 |

Group

|                                                                                                                           |                      |                                          |                      |                                          |                                                                    |
|---------------------------------------------------------------------------------------------------------------------------|----------------------|------------------------------------------|----------------------|------------------------------------------|--------------------------------------------------------------------|
| Holding Account Fund Group<br>R002 050606 Corporate/Business<br>Filing Refunds<br>TOTAL HLD Holding Account Fund<br>Group | \$<br>\$<br>\$<br>\$ | 85,000<br>85,000<br>85,000<br>37,112,389 | \$<br>\$<br>\$<br>\$ | 85,000<br>85,000<br>85,000<br>36,170,894 | 105608<br>105609<br>105610<br>105611<br>105612<br>105613<br>105614 |
|---------------------------------------------------------------------------------------------------------------------------|----------------------|------------------------------------------|----------------------|------------------------------------------|--------------------------------------------------------------------|

**Section 395.20. POLL WORKERS TRAINING** 105616

The foregoing appropriation item 050407, Poll Workers Training, shall be used to reimburse county boards of elections for precinct election official (PEO) training pursuant to section 3501.27 of the Revised Code. An amount equal to the unexpended, unencumbered portion of the foregoing appropriation item 050407, Poll Workers Training at the end of fiscal year 2022 is hereby reappropriated to fiscal year 2023 for the same purpose.

**COUNTY VOTING SYSTEMS LEASE RENTAL PAYMENTS** 105624

The foregoing appropriation item 050509, County Voting Systems Lease Rental Payments, shall be used to make payments during the period from July 1, 2021, through June 30, 2023, pursuant to leases and agreements entered into under Section 4 of S.B. 135 of the 132nd General Assembly with respect to financing the costs associated with the acquisition, development, installation, and implementation of county voting systems.

**BOARD OF VOTING MACHINE EXAMINERS** 105632

The foregoing appropriation item 050610, Board of Voting Machine Examiners, shall be used to pay for the services and expenses of the members of the Board of Voting Machine Examiners,

and for other expenses that are authorized to be paid from the 105636  
Board of Voting Machine Examiners Fund (Fund 4S80) created in 105637  
section 3506.05 of the Revised Code. Moneys not used shall be 105638  
returned to the person or entity submitting equipment for 105639  
examination. If it is determined by the Secretary of State that 105640  
additional appropriation amounts are necessary, the Secretary of 105641  
State may request that the Director of Budget and Management 105642  
approve such amounts. Upon approval of the Director of Budget and 105643  
Management, such amounts are hereby appropriated. 105644

BALLOT ADVERTISING COSTS 105645

Notwithstanding division (G) of section 3501.17 of the 105646  
Revised Code, upon requests submitted by the Secretary of State, 105647  
the Controlling Board may approve transfers from the Controlling 105648  
Board Emergency Purposes/Contingencies Fund (Fund 5KM0) to the 105649  
Statewide Ballot Advertising Fund (Fund 5FH0) in order to pay for 105650  
the cost of public notices associated with statewide ballot 105651  
initiatives. 105652

ABSENT VOTER'S BALLOT APPLICATION MAILING 105653

Notwithstanding division (B) of section 111.31 of the Revised 105654  
Code, upon the request of the Secretary of State, the Controlling 105655  
Board may approve cash and appropriation transfers from the 105656  
Controlling Board Emergency Purposes/Contingencies Fund (Fund 105657  
5KM0) to the Absent Voter's Ballot Application Mailing Fund (Fund 105658  
5RG0) to be used by the Secretary of State to pay the costs of 105659  
printing and mailing unsolicited applications for absent voters' 105660  
ballots for the general election to be held in November 2022. 105661

ADDRESS CONFIDENTIALITY PROGRAM 105662

Upon the request of the Secretary of State, the Director of 105663  
Budget and Management may transfer up to \$200,000 per fiscal year 105664  
in cash from the Business Services Operating Expenses Fund (Fund 105665  
5990) to the Address Confidentiality Program Fund (Fund 5SN0). 105666

WOMEN'S SUFFRAGE CENTENNIAL COMMISSION 105667

The foregoing appropriation item 050634, Women's Suffrage 105668  
Centennial Commission, shall be used to carry out the duties of 105669  
the Womens' Suffrage Commission in accordance with S.B. 30 of the 105670  
133rd General Assembly. An amount equal to the unexpended, 105671  
unencumbered portion of the foregoing appropriation item 050634, 105672  
Women's Suffrage Centennial Commission, at the end of fiscal year 105673  
2021 is hereby reappropriated to fiscal year 2022 for the same 105674  
purpose. 105675

An amount equal to the unexpended, unencumbered, portion of 105676  
the foregoing appropriation item 050634, Women's Suffrage 105677  
Centennial Commission, at the end of fiscal year 2022 is hereby 105678  
reappropriated in fiscal year 2023 for the same purpose. 105679

CORPORATE/BUSINESS FILING REFUNDS 105680

The foregoing appropriation item 050606, Corporate/Business 105681  
Filing Refunds, shall be used to hold revenues until they are 105682  
directed to the appropriate accounts or until they are refunded. 105683  
If it is determined by the Secretary of State that additional 105684  
appropriation amounts are necessary, the Secretary of State may 105685  
request that the Director of Budget and Management approve such 105686  
amounts. Upon approval of the Director of Budget and Management, 105687  
such amounts are hereby appropriated. 105688

HAVA FUNDS 105689

An amount equal to the unexpended, unencumbered portion of 105690  
appropriation item 050616, Help America Vote Act (HAVA), at the 105691  
end of fiscal year 2021 is hereby reappropriated for the same 105692  
purpose in fiscal year 2022. 105693

An amount equal to the unexpended, unencumbered portion of 105694  
appropriation item 050616, Help America Vote Act (HAVA), at the 105695  
end of fiscal year 2022 is hereby reappropriated for the same 105696  
purpose in fiscal year 2023. 105697

|                                                                    |        |                      |                  |                   |
|--------------------------------------------------------------------|--------|----------------------|------------------|-------------------|
| <b>Section 397.10. SEN THE OHIO SENATE</b>                         |        |                      |                  | 105698            |
| GRF                                                                | 020321 | Operating Expenses   | \$ 15,902,029 \$ | 15,902,029 105699 |
| TOTAL GRF General Revenue Fund                                     |        | \$ 15,902,029 \$     | 15,902,029       | 105700            |
| Internal Service Activity Fund Group                               |        |                      |                  | 105701            |
| 1020                                                               | 020602 | Senate Reimbursement | \$ 425,800 \$    | 425,800 105702    |
| 4090                                                               | 020601 | Miscellaneous Sales  | \$ 34,497 \$     | 34,497 105703     |
| TOTAL ISA Internal Service Activity                                |        |                      |                  | 105704            |
| Fund Group                                                         |        | \$ 460,297 \$        | 460,297          | 105705            |
| TOTAL ALL BUDGET FUND GROUPS                                       |        | \$ 16,362,326 \$     | 16,362,326       | 105706            |
| OPERATING EXPENSES                                                 |        |                      |                  | 105707            |
| On July 1, 2021, or as soon as possible thereafter, the Clerk      |        |                      |                  | 105708            |
| of the Senate may certify to the Director of Budget and Management |        |                      |                  | 105709            |
| an amount up to the unexpended, unencumbered balance of the        |        |                      |                  | 105710            |
| foregoing appropriation item 020321, Operating Expenses, at the    |        |                      |                  | 105711            |
| end of fiscal year 2021 to be reappropriated to fiscal year 2022.  |        |                      |                  | 105712            |
| The amount certified is hereby reappropriated to the same          |        |                      |                  | 105713            |
| appropriation item for fiscal year 2022.                           |        |                      |                  | 105714            |
| On July 1, 2022, or as soon as possible thereafter, the Clerk      |        |                      |                  | 105715            |
| of the Senate may certify to the Director of Budget and Management |        |                      |                  | 105716            |
| an amount up to the unexpended, unencumbered balance of the        |        |                      |                  | 105717            |
| foregoing appropriation item 020321, Operating Expenses, at the    |        |                      |                  | 105718            |
| end of fiscal year 2022 to be reappropriated to fiscal year 2023.  |        |                      |                  | 105719            |
| The amount certified is hereby reappropriated to the same          |        |                      |                  | 105720            |
| appropriation item for fiscal year 2023.                           |        |                      |                  | 105721            |
| <b>Section 399.10. CSV COMMISSION ON SERVICE AND VOLUNTEERISM</b>  |        |                      |                  | 105722            |
| General Revenue Fund                                               |        |                      |                  | 105723            |
| GRF                                                                | 866321 | CSV Operations       | \$ 529,252 \$    | 529,252 105724    |
| TOTAL GRF General Revenue Fund                                     |        | \$ 529,252 \$        | 529,252          | 105725            |
| Dedicated Purpose Fund Group                                       |        |                      |                  | 105726            |

|                                                              |                        |    |             |    |             |        |
|--------------------------------------------------------------|------------------------|----|-------------|----|-------------|--------|
| 5GN0 866605                                                  | Serve Ohio Support     | \$ | 30,000      | \$ | 30,000      | 105727 |
| TOTAL DPF                                                    | Dedicated Purpose Fund | \$ | 30,000      | \$ | 30,000      | 105728 |
| Group                                                        |                        |    |             |    |             |        |
| Federal Fund Group                                           |                        |    |             |    |             | 105729 |
| 3R70 866617                                                  | AmeriCorps Programs    | \$ | 10,121,612  | \$ | 10,144,716  | 105730 |
| TOTAL FED                                                    | Federal Fund Group     | \$ | 10,121,612  | \$ | 10,144,716  | 105731 |
| TOTAL ALL BUDGET FUND GROUPS                                 |                        | \$ | 10,680,864  | \$ | 10,703,968  | 105732 |
| <b>Section 401.10. CSF COMMISSIONERS OF THE SINKING FUND</b> |                        |    |             |    |             | 105734 |
| Debt Service Fund Group                                      |                        |    |             |    |             | 105735 |
| 7070 155905                                                  | Third Frontier         | \$ | 69,000,000  | \$ | 76,000,000  | 105736 |
|                                                              | Research and           |    |             |    |             |        |
|                                                              | Development Bond       |    |             |    |             |        |
|                                                              | Retirement Fund        |    |             |    |             |        |
| 7072 155902                                                  | Highway Capital        | \$ | 164,700,000 | \$ | 164,700,000 | 105737 |
|                                                              | Improvement Bond       |    |             |    |             |        |
|                                                              | Retirement Fund        |    |             |    |             |        |
| 7073 155903                                                  | Natural Resources Bond | \$ | 20,600,000  | \$ | 23,000,000  | 105738 |
|                                                              | Retirement Fund        |    |             |    |             |        |
| 7074 155904                                                  | Conservation Projects  | \$ | 50,500,000  | \$ | 53,500,000  | 105739 |
|                                                              | Bond Retirement Fund   |    |             |    |             |        |
| 7076 155906                                                  | Coal Research and      | \$ | 7,300,000   | \$ | 8,500,000   | 105740 |
|                                                              | Development Bond       |    |             |    |             |        |
|                                                              | Retirement Fund        |    |             |    |             |        |
| 7077 155907                                                  | State Capital          | \$ | 246,500,000 | \$ | 237,000,000 | 105741 |
|                                                              | Improvement Bond       |    |             |    |             |        |
|                                                              | Retirement Fund        |    |             |    |             |        |
| 7078 155908                                                  | Common Schools Bond    | \$ | 427,000,000 | \$ | 390,000,000 | 105742 |
|                                                              | Retirement Fund        |    |             |    |             |        |
| 7079 155909                                                  | Higher Education Bond  | \$ | 331,000,000 | \$ | 301,000,000 | 105743 |
|                                                              | Retirement Fund        |    |             |    |             |        |
| 7080 155901                                                  | Persian Gulf,          | \$ | 5,375,000   | \$ | 5,000,000   | 105744 |

|                              |                                                                     |    |               |    |                      |
|------------------------------|---------------------------------------------------------------------|----|---------------|----|----------------------|
|                              | Afghanistan, and Iraq                                               |    |               |    |                      |
|                              | Conflict Bond                                                       |    |               |    |                      |
|                              | Retirement Fund                                                     |    |               |    |                      |
| 7090                         | 155912 Job Ready Site                                               | \$ | 4,605,000     | \$ | 4,605,000 105745     |
|                              | Development Bond                                                    |    |               |    |                      |
|                              | Retirement Fund                                                     |    |               |    |                      |
| TOTAL DSF                    | Debt Service Fund Group                                             | \$ | 1,326,580,000 | \$ | 1,263,305,000 105746 |
| TOTAL ALL BUDGET FUND GROUPS |                                                                     | \$ | 1,326,580,000 | \$ | 1,263,305,000 105747 |
|                              | ADDITIONAL APPROPRIATIONS                                           |    |               |    | 105748               |
|                              | Appropriation items in this section are for the purpose of          |    |               |    | 105749               |
|                              | paying debt service and financing costs during the period from      |    |               |    | 105750               |
|                              | July 1, 2021, through June 30, 2023, on bonds or notes of the       |    |               |    | 105751               |
|                              | state issued under the Ohio Constitution, Revised Code, and acts    |    |               |    | 105752               |
|                              | of the General Assembly. If it is determined that additional        |    |               |    | 105753               |
|                              | amounts are necessary for this purpose, such amounts are hereby     |    |               |    | 105754               |
|                              | appropriated.                                                       |    |               |    | 105755               |
|                              | <b>Section 403.10.</b> SOA SOUTHERN OHIO AGRICULTURAL AND COMMUNITY |    |               |    | 105756               |
|                              | DEVELOPMENT FOUNDATION                                              |    |               |    | 105757               |
|                              | Dedicated Purpose Fund Group                                        |    |               |    | 105758               |
| 5M90                         | 945601 Operating Expenses                                           | \$ | 98,270        | \$ | 0 105759             |
| TOTAL DPF                    | Dedicated Purpose Fund                                              | \$ | 98,270        | \$ | 0 105760             |
|                              | Group                                                               |    |               |    |                      |
| TOTAL ALL BUDGET FUND GROUPS |                                                                     | \$ | 98,270        | \$ | 0 105761             |
|                              | <b>Section 404.10.</b> SHP STATE SPEECH AND HEARING PROFESSIONALS   |    |               |    | 105763               |
|                              | BOARD                                                               |    |               |    | 105764               |
|                              | Dedicated Purpose Fund Group                                        |    |               |    | 105765               |
| 4K90                         | 123609 Operating Expenses                                           | \$ | 636,709       | \$ | 636,709 105766       |
| TOTAL DPF                    | Dedicated Purpose Fund                                              | \$ | 636,709       | \$ | 636,709 105767       |
|                              | Group                                                               |    |               |    |                      |
| TOTAL ALL BUDGET FUND GROUPS |                                                                     | \$ | 636,709       | \$ | 636,709 105768       |

|                                                       |                      |               |               |            |
|-------------------------------------------------------|----------------------|---------------|---------------|------------|
| <b>Section 407.10. BTA BOARD OF TAX APPEALS</b>       |                      |               |               | 105770     |
| General Revenue Fund                                  |                      |               |               | 105771     |
| GRF 116321                                            | Operating Expenses   | \$ 1,753,243  | \$ 1,803,160  | 105772     |
| TOTAL GRF General Revenue Fund                        |                      |               |               | 105773     |
| TOTAL ALL BUDGET FUND GROUPS                          |                      |               |               | 105774     |
| <br><b>Section 409.10. TAX DEPARTMENT OF TAXATION</b> |                      |               |               | <br>105776 |
| General Revenue Fund                                  |                      |               |               | 105777     |
| GRF 110321                                            | Operating Expenses   | \$ 56,240,803 | \$ 56,504,746 | 105778     |
| GRF 110404                                            | Tobacco Settlement   | \$ 150,810    | \$ 150,810    | 105779     |
| Enforcement                                           |                      |               |               |            |
| TOTAL GRF General Revenue Fund                        |                      |               |               | 105780     |
| Dedicated Purpose Fund Group                          |                      |               |               | 105781     |
| 2280 110628                                           | CAT Administration   | \$ 10,545,000 | \$ 10,880,000 | 105782     |
| 4350 110607                                           | Local Tax            | \$ 31,020,628 | \$ 31,020,628 | 105783     |
| Administration                                        |                      |               |               |            |
| 4360 110608                                           | Motor Vehicle Audit  | \$ 1,500,000  | \$ 1,500,000  | 105784     |
| Administration                                        |                      |               |               |            |
| 4380 110609                                           | School District      | \$ 9,000,000  | \$ 9,000,000  | 105785     |
| Income Tax                                            |                      |               |               |            |
| Administration                                        |                      |               |               |            |
| 4C60 110616                                           | International        | \$ 705,869    | \$ 705,869    | 105786     |
| Registration Plan                                     |                      |               |               |            |
| Administration                                        |                      |               |               |            |
| 4R60 110610                                           | Tire Tax             | \$ 180,000    | \$ 180,000    | 105787     |
| Administration                                        |                      |               |               |            |
| 5BP0 110639                                           | Wireless 9-1-1       | \$ 298,794    | \$ 298,794    | 105788     |
| Administration                                        |                      |               |               |            |
| 5JM0 110637                                           | Casino Tax           | \$ 125,000    | \$ 125,000    | 105789     |
| Administration                                        |                      |               |               |            |
| 5N50 110605                                           | Municipal Income Tax | \$ 200,000    | \$ 200,000    | 105790     |

|                              |        |                        |    |               |    |                      |
|------------------------------|--------|------------------------|----|---------------|----|----------------------|
|                              |        | Administration         |    |               |    |                      |
| 5N60                         | 110618 | Kilowatt Hour Tax      | \$ | 100,000       | \$ | 100,000 105791       |
|                              |        | Administration         |    |               |    |                      |
| 5NY0                         | 110643 | Petroleum Activity     | \$ | 1,000,000     | \$ | 1,000,000 105792     |
|                              |        | Tax Administration     |    |               |    |                      |
| 5V70                         | 110622 | Motor Fuel Tax         | \$ | 6,000,000     | \$ | 6,000,000 105793     |
|                              |        | Administration         |    |               |    |                      |
| 5V80                         | 110623 | Property Tax           | \$ | 5,000,000     | \$ | 5,000,000 105794     |
|                              |        | Administration         |    |               |    |                      |
| 6390                         | 110614 | Cigarette Tax          | \$ | 1,450,000     | \$ | 1,450,000 105795     |
|                              |        | Enforcement            |    |               |    |                      |
| 6880                         | 110615 | Local Excise Tax       | \$ | 500,000       | \$ | 500,000 105796       |
|                              |        | Administration         |    |               |    |                      |
| TOTAL DPF                    |        | Dedicated Purpose Fund | \$ | 67,625,291    | \$ | 67,960,291 105797    |
| Group                        |        |                        |    |               |    |                      |
| Fiduciary Fund Group         |        |                        |    |               |    | 105798               |
| 4250                         | 110635 | Tax Refunds            | \$ | 2,179,769,300 | \$ | 2,179,769,300 105799 |
| 5CZ0                         | 110631 | Vendor's License       | \$ | 380,000       | \$ | 380,000 105800       |
|                              |        | Application            |    |               |    |                      |
| TOTAL FID                    |        | Fiduciary Fund Group   | \$ | 2,180,149,300 | \$ | 2,180,149,300 105801 |
| Group                        |        |                        |    |               |    |                      |
| Holding Account Fund Group   |        |                        |    |               |    | 105802               |
| R010                         | 110611 | Tax Distributions      | \$ | 25,000        | \$ | 25,000 105803        |
| R011                         | 110612 | Miscellaneous Income   | \$ | 500           | \$ | 500 105804           |
|                              |        | Tax Receipts           |    |               |    |                      |
| TOTAL HLD                    |        | Holding Account Fund   | \$ | 25,500        | \$ | 25,500 105805        |
| Group                        |        |                        |    |               |    |                      |
| TOTAL ALL BUDGET FUND GROUPS |        |                        | \$ | 2,304,191,704 | \$ | 2,304,790,647 105806 |

**Section 409.20. TAX REFUNDS** 105808

The foregoing appropriation item 110635, Tax Refunds, shall 105809  
be used to pay refunds under section 5703.052 of the Revised Code. 105810  
If it is determined that additional appropriations are necessary 105811

for this purpose, such amounts are hereby appropriated. 105812

VENDOR'S LICENSE PAYMENTS 105813

The foregoing appropriation item 110631, Vendor's License 105814  
Application, shall be used to make payments to county auditors 105815  
under section 5739.17 of the Revised Code. If it is determined 105816  
that additional appropriations are necessary to make such 105817  
payments, such amounts are hereby appropriated. 105818

INTERNATIONAL REGISTRATION PLAN ADMINISTRATION 105819

The foregoing appropriation item 110616, International 105820  
Registration Plan Administration, shall be used under section 105821  
5703.12 of the Revised Code for audits of persons with vehicles 105822  
registered under the International Registration Plan. 105823

TRAVEL EXPENSES FOR THE STREAMLINED SALES TAX PROJECT 105824

Of the foregoing appropriation item 110607, Local Tax 105825  
Administration, the Tax Commissioner may disburse funds, if 105826  
available, for the purposes of paying travel expenses incurred by 105827  
members of Ohio's delegation to the Streamlined Sales Tax Project, 105828  
as appointed under section 5740.02 of the Revised Code. Any travel 105829  
expense reimbursement paid for by the Department of Taxation shall 105830  
be done in accordance with applicable state laws and guidelines. 105831

TOBACCO SETTLEMENT ENFORCEMENT 105832

The foregoing appropriation item 110404, Tobacco Settlement 105833  
Enforcement, shall be used by the Tax Commissioner to pay costs 105834  
incurred in the enforcement of divisions (F) and (G) of section 105835  
5743.03 of the Revised Code. 105836

PROPERTY TAX ADMINISTRATION 105837

Notwithstanding section 5703.80 or division (F) of section 105838  
321.24 of the Revised Code, in fiscal year 2022, the Tax 105839  
Commissioner shall not compute or certify the amounts calculated 105840  
under divisions (A) and (B) of that section as amended by this 105841

act. The Director of Budget and Management shall not transfer any 105842  
amounts from the General Revenue Fund to the Property Tax 105843  
Administration Fund in fiscal year 2022. In fiscal year 2022, the 105844  
Tax Commissioner shall not subtract any amounts computed under 105845  
section 5703.80 of the Revised Code, as amended by this act, from 105846  
the payments made from the General Revenue Fund to county 105847  
treasurers under division (F) of section 321.24 of the Revised 105848  
Code. In fiscal year 2023, the Property Tax Administration Fund 105849  
shall be funded as provided in section 5703.80 and division (F) of 105850  
section 321.24 of the Revised Code. 105851

**Section 411.10. DOT DEPARTMENT OF TRANSPORTATION** 105852

General Revenue Fund 105853

|     |        |                      |    |         |    |         |        |
|-----|--------|----------------------|----|---------|----|---------|--------|
| GRF | 772502 | Local Transportation | \$ | 150,000 | \$ | 150,000 | 105854 |
|-----|--------|----------------------|----|---------|----|---------|--------|

Projects

|     |        |                  |    |           |    |           |        |
|-----|--------|------------------|----|-----------|----|-----------|--------|
| GRF | 776465 | Rail Development | \$ | 2,000,000 | \$ | 2,000,000 | 105855 |
|-----|--------|------------------|----|-----------|----|-----------|--------|

|     |        |                      |    |           |    |           |        |
|-----|--------|----------------------|----|-----------|----|-----------|--------|
| GRF | 777471 | Airport Improvements | \$ | 6,419,687 | \$ | 7,404,687 | 105856 |
|-----|--------|----------------------|----|-----------|----|-----------|--------|

- State

|           |                      |    |           |    |           |        |
|-----------|----------------------|----|-----------|----|-----------|--------|
| TOTAL GRF | General Revenue Fund | \$ | 8,569,687 | \$ | 9,554,687 | 105857 |
|-----------|----------------------|----|-----------|----|-----------|--------|

Dedicated Purpose Fund Group 105858

|      |        |               |    |            |    |            |        |
|------|--------|---------------|----|------------|----|------------|--------|
| 5QT0 | 776670 | Ohio Maritime | \$ | 11,000,000 | \$ | 12,000,000 | 105859 |
|------|--------|---------------|----|------------|----|------------|--------|

Assistance Program

|           |                        |    |            |    |            |        |
|-----------|------------------------|----|------------|----|------------|--------|
| TOTAL DPF | Dedicated Purpose Fund | \$ | 11,000,000 | \$ | 12,000,000 | 105860 |
|-----------|------------------------|----|------------|----|------------|--------|

Group

|                              |    |            |    |            |        |
|------------------------------|----|------------|----|------------|--------|
| TOTAL ALL BUDGET FUND GROUPS | \$ | 19,569,687 | \$ | 21,554,687 | 105861 |
|------------------------------|----|------------|----|------------|--------|

**Section 411.15. LOCAL TRANSPORTATION PROJECTS** 105863

The foregoing appropriation item 772502, Local Transportation 105864

Projects, shall be used to support the Regional Transportation 105865

Improvement Project in Carrol, Columbiana, and Stark counties. 105866

**Section 411.30. AIRPORT IMPROVEMENTS - STATE** 105867

The foregoing appropriation item 777471, Airport Improvements 105868  
- State, shall be used for the Ohio Airport Grant Program in 105869  
supporting capital improvements, maintaining infrastructure, and 105870  
ensuring safety at publicly owned, public use airports in Ohio. 105871

**Section 411.40.** OHIO MARITIME ASSISTANCE PROGRAM 105872

The foregoing appropriation item 776670, Ohio Maritime 105873  
Assistance Program, shall be used for the Ohio Maritime Assistance 105874  
Program established under Section 5501.91 of the Revised Code. 105875

Notwithstanding Chapter 166. Of the Revised Code, the 105876  
Director of Budget and Management shall transfer \$11,000,000 cash 105877  
in fiscal year 2022 from the General Revenue Fund and \$12,000,000 105878  
cash in fiscal year 2023 from the Facilities Establishment Fund 105879  
(Fund 7037) to the Ohio Maritime Assistance Fund (Fund 5QT0). 105880

**Section 413.10.** TOS TREASURER OF STATE 105881

General Revenue Fund 105882

|            |                    |    |           |    |           |        |
|------------|--------------------|----|-----------|----|-----------|--------|
| GRF 090321 | Operating Expenses | \$ | 8,037,839 | \$ | 8,037,839 | 105883 |
|------------|--------------------|----|-----------|----|-----------|--------|

|            |                       |    |         |    |         |        |
|------------|-----------------------|----|---------|----|---------|--------|
| GRF 090401 | Office of the Sinking | \$ | 463,662 | \$ | 463,662 | 105884 |
|------------|-----------------------|----|---------|----|---------|--------|

Fund

|            |                      |    |         |    |         |        |
|------------|----------------------|----|---------|----|---------|--------|
| GRF 090402 | Continuing Education | \$ | 175,000 | \$ | 175,000 | 105885 |
|------------|----------------------|----|---------|----|---------|--------|

|            |                     |    |           |    |           |        |
|------------|---------------------|----|-----------|----|-----------|--------|
| GRF 090406 | Treasury Management | \$ | 1,125,000 | \$ | 1,120,000 | 105886 |
|------------|---------------------|----|-----------|----|-----------|--------|

System Lease Rental

Payments

|            |                |    |           |    |           |        |
|------------|----------------|----|-----------|----|-----------|--------|
| GRF 090613 | STABLE Account | \$ | 1,480,987 | \$ | 1,480,987 | 105887 |
|------------|----------------|----|-----------|----|-----------|--------|

Administration

|                                |    |            |    |            |        |
|--------------------------------|----|------------|----|------------|--------|
| TOTAL GRF General Revenue Fund | \$ | 11,282,488 | \$ | 11,277,488 | 105888 |
|--------------------------------|----|------------|----|------------|--------|

Dedicated Purpose Fund Group 105889

|             |                    |    |           |    |           |        |
|-------------|--------------------|----|-----------|----|-----------|--------|
| 4E90 090603 | Securities Lending | \$ | 7,843,565 | \$ | 7,843,565 | 105890 |
|-------------|--------------------|----|-----------|----|-----------|--------|

Income

|             |                       |    |        |    |        |        |
|-------------|-----------------------|----|--------|----|--------|--------|
| 4X90 090614 | Political Subdivision | \$ | 45,000 | \$ | 45,000 | 105891 |
|-------------|-----------------------|----|--------|----|--------|--------|

Obligation

|                                |        |                       |    |            |    |            |        |
|--------------------------------|--------|-----------------------|----|------------|----|------------|--------|
| 5770                           | 090605 | Investment Pool       | \$ | 1,050,000  | \$ | 1,050,000  | 105892 |
|                                |        | Reimbursement         |    |            |    |            |        |
| 5C50                           | 090602 | County Treasurer      | \$ | 240,057    | \$ | 240,057    | 105893 |
|                                |        | Education             |    |            |    |            |        |
| 5NH0                           | 090610 | OhioMeansJobs         | \$ | 250,000    | \$ | 250,000    | 105894 |
|                                |        | Workforce Development |    |            |    |            |        |
| 5VZ0                           | 090615 | State Pay for Success | \$ | 1,200,000  | \$ | 0          | 105895 |
|                                |        | Contract Fund         |    |            |    |            |        |
| 6050                           | 090609 | Treasurer of State    | \$ | 700,000    | \$ | 700,000    | 105896 |
|                                |        | Administrative Fund   |    |            |    |            |        |
| TOTAL DPF Dedicated Purpose    |        |                       |    |            |    |            | 105897 |
| Fund Group                     |        |                       | \$ | 11,328,622 | \$ | 10,128,622 | 105898 |
| Fiduciary Fund Group           |        |                       |    |            |    |            | 105899 |
| 4250                           | 090635 | Tax Refunds           | \$ | 12,000,000 | \$ | 12,000,000 | 105900 |
| TOTAL FID Fiduciary Fund Group |        |                       | \$ | 12,000,000 | \$ | 12,000,000 | 105901 |
| TOTAL ALL BUDGET FUND GROUPS   |        |                       | \$ | 34,611,110 | \$ | 33,406,110 | 105902 |

**Section 413.20. OFFICE OF THE SINKING FUND** 105904

The foregoing appropriation item 090401, Office of the 105905  
Sinking Fund, shall be used for costs incurred by or on behalf of 105906  
the Commissioners of the Sinking Fund and the Ohio Public 105907  
Facilities Commission with respect to State of Ohio general 105908  
obligation bonds or notes, and the Treasurer of State with respect 105909  
to State of Ohio general obligation and special obligation bonds 105910  
or notes, including, but not limited to, printing, advertising, 105911  
delivery, rating fees and the procurement of ratings, professional 105912  
publications, membership in professional organizations, and other 105913  
services referred to in division (D) of section 151.01 of the 105914  
Revised Code. The General Revenue Fund shall be reimbursed for 105915  
such costs relating to the issuance and administration of Highway 105916  
Capital Improvement bonds or notes authorized under Ohio 105917  
Constitution, Article VIII, Section 2m and Chapter 151. of the 105918  
Revised Code. That reimbursement shall be made from appropriation 105919

item 155902, Highway Capital Improvement Bond Retirement Fund, by 105920  
intrastate transfer voucher pursuant to a certification by the 105921  
Office of the Sinking Fund of the actual amounts used. The amounts 105922  
necessary to make such a reimbursement are hereby appropriated 105923  
from the Highway Capital Improvement Bond Retirement Fund created 105924  
in section 151.06 of the Revised Code. 105925

STABLE ACCOUNT ADMINISTRATION 105926

The foregoing appropriation item 090613, STABLE Account 105927  
Administration, shall be used for administration of an Achieve a 105928  
Better Living Experience (ABLE) account program. 105929

TAX REFUNDS 105930

The foregoing appropriation item 090635, Tax Refunds, shall 105931  
be used to pay refunds under section 5703.052 of the Revised Code. 105932  
If the Director of Budget and Management determines that 105933  
additional amounts are necessary for this purpose, such amounts 105934  
are hereby appropriated. 105935

**Section 413.30.** TREASURY MANAGEMENT SYSTEM LEASE RENTAL 105936  
PAYMENTS 105937

The foregoing appropriation item 090406, Treasury Management 105938  
System Lease Rental Payments, shall be used to make payments 105939  
during the period from July 1, 2021, through June 30, 2023, 105940  
pursuant to leases and agreements entered into under Section 105941  
701.20 of H.B. 497 of the 130th General Assembly and other prior 105942  
acts of the General Assembly with respect to financing the costs 105943  
associated with the acquisition, development, implementation, and 105944  
integration of the Treasury Management System. 105945

**Section 413.40.** OHIOMEANSJOBS WORKFORCE DEVELOPMENT REVOLVING 105946  
LOAN PROGRAM 105947

The foregoing appropriation item 090610, OhioMeansJobs 105948

Workforce Development, shall be used for the OhioMeansJobs 105949  
Workforce Development Revolving Loan Program to provide loans to 105950  
individuals for workforce training. 105951

Of the foregoing appropriation item 090610, OhioMeansJobs 105952  
Workforce Development, up to \$250,000 in fiscal year 2022 may be 105953  
used by the Treasurer of State to administer the program. 105954

Any unexpended and unencumbered portion of the foregoing 105955  
appropriation item 090610, OhioMeansJobs Workforce Development, at 105956  
the end of fiscal year 2022 is hereby reappropriated for the same 105957  
purpose in fiscal year 2023. To the extent that reappropriated 105958  
funds are available, of the foregoing appropriation item 090610, 105959  
OhioMeansJobs Workforce Development, up to \$250,000 in fiscal year 105960  
2023 may be used by the Treasurer of State to administer the 105961  
program. 105962

The Treasurer of State shall determine, during the second 105963  
half of fiscal year 2023, if the cash balance and anticipated loan 105964  
repayments to the OhioMeansJobs Workforce Development Revolving 105965  
Loan Fund (Fund 5NH0), will be sufficient to meet the 105966  
appropriation level of \$250,000 in fiscal year 2023. If those 105967  
resources are insufficient, the Treasurer of State may submit a 105968  
request to the Controlling Board for a transfer of up to \$325,000 105969  
cash from the Controlling Board Emergency Purposes/Contingencies 105970  
Fund (Fund 5KM0), to Fund 5NH0. 105971

**Section 413.50. STATE PAY FOR SUCCESS CONTRACT FUND** 105972

The foregoing appropriation item 090615, State Pay for 105973  
Success Contract Fund, shall be used to fund a pay for success 105974  
contract pursuant to sections 113.60 to 113.62 of the Revised 105975  
Code, and an independent evaluator contract. The Treasurer of 105976  
State, in consultation with the Director of Administrative 105977  
Services, shall enter into a pay for success contract with, a 105978  
service intermediary, Foundation for Appalachian Ohio, and any 105979

service providers as required and as identified by the service 105980  
intermediary, for the purpose of delivering a vision care project 105981  
pursuant to a pay for success contract. As the service 105982  
intermediary, Foundation for Appalachian Ohio may subcontract with 105983  
one or more service providers to deliver the project, pursuant to 105984  
section 113.60 of the Revised Code. The Treasurer of State, in 105985  
consultation with the Director of Administrative Services, shall 105986  
initiate a contract with an independent evaluator. 105987

Any unexpended and unencumbered amount of the appropriation 105988  
item 090615, State Pay for Success Contract Fund, remaining at the 105989  
end of fiscal year 2022 is hereby reappropriated in fiscal year 105990  
2023, to be used for the same purpose. 105991

**Section 414.10. VTO VETERANS' ORGANIZATIONS** 105992

General Revenue Fund 105993

VAP AMERICAN EX-PRISONERS OF WAR 105994

GRF 743501 State Support \$ 40,000 \$ 40,000 105995

VAN ARMY AND NAVY UNION, USA, INC. 105996

GRF 746501 State Support \$ 75,000 \$ 75,000 105997

VKW KOREAN WAR VETERANS 105998

GRF 747501 State Support \$ 75,000 \$ 75,000 105999

VJW JEWISH WAR VETERANS 106000

GRF 748501 State Support \$ 55,000 \$ 55,000 106001

VCW CATHOLIC WAR VETERANS 106002

GRF 749501 State Support \$ 75,000 \$ 75,000 106003

VPH MILITARY ORDER OF THE PURPLE HEART 106004

GRF 750501 State Support \$ 75,000 \$ 75,000 106005

VVV VIETNAM VETERANS OF AMERICA 106006

GRF 751501 State Support \$ 275,000 \$ 275,000 106007

VAL AMERICAN LEGION OF OHIO 106008

GRF 752501 State Support \$ 400,000 \$ 400,000 106009

VII AMVETS 106010

|                              |        |                                                            |    |            |    |            |        |
|------------------------------|--------|------------------------------------------------------------|----|------------|----|------------|--------|
| GRF                          | 753501 | State Support                                              | \$ | 400,000    | \$ | 400,000    | 106011 |
|                              |        | VAV DISABLED AMERICAN VETERANS                             |    |            |    |            | 106012 |
| GRF                          | 754501 | State Support                                              | \$ | 400,000    | \$ | 400,000    | 106013 |
|                              |        | VMC MARINE CORPS LEAGUE                                    |    |            |    |            | 106014 |
| GRF                          | 756501 | State Support                                              | \$ | 190,000    | \$ | 190,000    | 106015 |
|                              |        | V37 37TH DIVISION VETERANS' ASSOCIATION                    |    |            |    |            | 106016 |
| GRF                          | 757501 | State Support                                              | \$ | 15,000     | \$ | 15,000     | 106017 |
|                              |        | VFW VETERANS OF FOREIGN WARS                               |    |            |    |            | 106018 |
| GRF                          | 758501 | State Support                                              | \$ | 400,000    | \$ | 400,000    | 106019 |
| TOTAL GRF                    |        | General Revenue Fund                                       | \$ | 2,475,000  | \$ | 2,475,000  | 106020 |
| TOTAL ALL BUDGET FUND GROUPS |        |                                                            | \$ | 2,475,000  | \$ | 2,475,000  | 106021 |
|                              |        | <b>Section 415.10. DVS DEPARTMENT OF VETERANS SERVICES</b> |    |            |    |            | 106023 |
|                              |        | General Revenue Fund                                       |    |            |    |            | 106024 |
| GRF                          | 900321 | Veterans' Homes                                            | \$ | 45,402,392 | \$ | 45,393,691 | 106025 |
| GRF                          | 900402 | Hall of Fame                                               | \$ | 129,332    | \$ | 135,813    | 106026 |
| GRF                          | 900408 | Department of Veterans Services                            | \$ | 4,395,439  | \$ | 4,197,659  | 106027 |
| GRF                          | 900645 | Veterans Long Term Healthcare Needs and Support (VET)      | \$ | 1,500,000  | \$ | 1,500,000  | 106028 |
| GRF                          | 900901 | Veterans Compensation General Obligation Bond Debt Service | \$ | 5,375,000  | \$ | 5,000,000  | 106029 |
| TOTAL GRF                    |        | General Revenue Fund                                       | \$ | 56,802,163 | \$ | 56,227,163 | 106030 |
|                              |        | Dedicated Purpose Fund Group                               |    |            |    |            | 106031 |
| 4840                         | 900603 | Veterans' Homes Services                                   | \$ | 720,775    | \$ | 771,000    | 106032 |
| 4E20                         | 900602 | Veterans' Homes Operating                                  | \$ | 9,810,523  | \$ | 9,444,887  | 106033 |
| 5CV1                         | 900607 | COVID Safety - Ohio Veterans Homes                         | \$ | 2,000,000  | \$ | 0          | 106034 |

|                              |                                                                                                                                                                                                |    |             |    |             |                                      |
|------------------------------|------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|----|-------------|----|-------------|--------------------------------------|
| 5DB0 900643                  | Military Injury Relief Program                                                                                                                                                                 | \$ | 55,800      | \$ | 55,800      | 106035                               |
| 5NX0 900646                  | State Opioid Response                                                                                                                                                                          | \$ | 701,752     | \$ | 172,541     | 106036                               |
| 6040 900604                  | Veterans' Homes Improvement                                                                                                                                                                    | \$ | 500,000     | \$ | 500,000     | 106037                               |
| TOTAL DPF                    | Dedicated Purpose Fund Group                                                                                                                                                                   | \$ | 13,788,850  | \$ | 10,944,228  | 106038                               |
|                              | Debt Service Fund Group                                                                                                                                                                        |    |             |    |             | 106039                               |
| 7041 900615                  | Veteran Bonus Program - Administration                                                                                                                                                         | \$ | 187,286     | \$ | 163,224     | 106040                               |
| 7041 900641                  | Persian Gulf, Afghanistan, and Iraq Compensation                                                                                                                                               | \$ | 609,411     | \$ | 221,420     | 106041                               |
| TOTAL DSF                    | Debt Service Fund Group                                                                                                                                                                        |    |             |    |             | 106042                               |
|                              | Federal Fund Group                                                                                                                                                                             | \$ | 796,697     | \$ | 384,644     | 106043                               |
|                              | Federal Fund Group                                                                                                                                                                             |    |             |    |             | 106044                               |
| 3680 900614                  | Veterans Training                                                                                                                                                                              | \$ | 903,149     | \$ | 922,108     | 106045                               |
| 3BX0 900609                  | Medicare Services                                                                                                                                                                              | \$ | 3,578,278   | \$ | 3,578,278   | 106046                               |
| 3L20 900601                  | Veterans' Homes Operations - Federal                                                                                                                                                           | \$ | 27,183,376  | \$ | 29,957,759  | 106047                               |
| TOTAL FED                    | Federal Fund Group                                                                                                                                                                             | \$ | 31,664,803  | \$ | 34,458,145  | 106048                               |
| TOTAL ALL BUDGET FUND GROUPS |                                                                                                                                                                                                | \$ | 103,052,513 | \$ | 102,014,180 | 106049                               |
|                              | VETERANS ORGANIZATIONS' RENT                                                                                                                                                                   |    |             |    |             | 106050                               |
|                              | The foregoing appropriation item 900408, Department of Veterans Services, shall be used to pay veterans organizations' rent in buildings managed by the Department of Administrative Services. |    |             |    |             | 106051<br>106052<br>106053<br>106054 |
|                              | VOLUNTEERS OF AMERICA CLEVELAND SHELTER FOR FEMALE VETERANS                                                                                                                                    |    |             |    |             | 106055                               |
|                              | Of the foregoing appropriation item 900408, Department of Veterans Services, \$200,000 in fiscal year 2022 shall be distributed to Volunteers of America to construct temporary                |    |             |    |             | 106056<br>106057<br>106058           |

housing for female veterans in need and to provide related 106059  
 services to Ohio female veterans at their facility located in 106060  
 Cuyahoga County. All of this funding shall be spent in Ohio on 106061  
 Ohio female veterans. 106062

SAVE A WARRIOR 106063

Of the foregoing appropriation item 900408, Department of 106064  
 Veterans Services, \$100,000 in each fiscal year shall be 106065  
 distributed to Save a Warrior to provide post-traumatic stress 106066  
 rehabilitation services to Ohio veterans at their facility located 106067  
 in Highland County. 106068

VETERANS COMPENSATION GENERAL OBLIGATION BOND DEBT SERVICE 106069

The foregoing appropriation item 900901, Veterans 106070  
 Compensation General Obligation Bond Debt Service, shall be used 106071  
 to pay all debt service and related financing costs during the 106072  
 period from July 1, 2021, through June 30, 2023, on obligations 106073  
 issued under Section 2r of Article VIII, Ohio Constitution. 106074

**Section 417.10.** DVM VETERINARY MEDICAL LICENSING BOARD 106075

Dedicated Purpose Fund Group 106076

|             |                    |    |         |    |         |        |
|-------------|--------------------|----|---------|----|---------|--------|
| 4K90 888609 | Operating Expenses | \$ | 444,238 | \$ | 440,278 | 106077 |
|-------------|--------------------|----|---------|----|---------|--------|

TOTAL DPF Dedicated Purpose 106078

|            |  |    |         |    |         |        |
|------------|--|----|---------|----|---------|--------|
| Fund Group |  | \$ | 444,238 | \$ | 440,278 | 106079 |
|------------|--|----|---------|----|---------|--------|

Internal Service Activity Fund Group 106080

|             |                    |    |        |    |        |        |
|-------------|--------------------|----|--------|----|--------|--------|
| 5BU0 888602 | Veterinary Student | \$ | 30,000 | \$ | 30,000 | 106081 |
|-------------|--------------------|----|--------|----|--------|--------|

Loan Program

TOTAL ISA Internal Service Activity 106082

|            |  |    |        |    |        |        |
|------------|--|----|--------|----|--------|--------|
| Fund Group |  | \$ | 30,000 | \$ | 30,000 | 106083 |
|------------|--|----|--------|----|--------|--------|

|                              |  |    |         |    |         |        |
|------------------------------|--|----|---------|----|---------|--------|
| TOTAL ALL BUDGET FUND GROUPS |  | \$ | 474,238 | \$ | 470,278 | 106084 |
|------------------------------|--|----|---------|----|---------|--------|

**Section 419.10.** VPB STATE VISION PROFESSIONALS BOARD 106086

Dedicated Purpose Fund Group 106087

|                                                         |                                        |    |             |    |             |        |
|---------------------------------------------------------|----------------------------------------|----|-------------|----|-------------|--------|
| 4K90 129609                                             | Operating Expenses                     | \$ | 654,140     | \$ | 654,140     | 106088 |
| TOTAL DPF Dedicated Purpose Fund Group                  |                                        | \$ | 654,140     | \$ | 654,140     | 106089 |
| TOTAL ALL BUDGET FUND GROUPS                            |                                        | \$ | 654,140     | \$ | 654,140     | 106090 |
| <b>Section 421.10. DYS DEPARTMENT OF YOUTH SERVICES</b> |                                        |    |             |    |             | 106092 |
| General Revenue Fund                                    |                                        |    |             |    |             | 106093 |
| GRF 470401                                              | RECLAIM Ohio                           | \$ | 166,636,645 | \$ | 169,044,852 | 106094 |
| GRF 470412                                              | Juvenile Correctional Facilities Lease | \$ | 16,250,000  | \$ | 18,900,000  | 106095 |
|                                                         | Rental Bond Payments                   |    |             |    |             |        |
| GRF 470510                                              | Youth Services                         | \$ | 16,702,728  | \$ | 16,702,728  | 106096 |
| GRF 472321                                              | Parole Operations                      | \$ | 9,899,086   | \$ | 10,050,852  | 106097 |
| GRF 477321                                              | Administrative Operations              | \$ | 13,741,605  | \$ | 14,036,850  | 106098 |
| TOTAL GRF General Revenue Fund                          |                                        | \$ | 223,230,064 | \$ | 228,735,282 | 106099 |
| Dedicated Purpose Fund Group                            |                                        |    |             |    |             | 106100 |
| 1470 470612                                             | Vocational Education                   | \$ | 1,538,933   | \$ | 1,416,746   | 106101 |
| 1750 470613                                             | Education Services                     | \$ | 2,964,749   | \$ | 2,546,450   | 106102 |
| 4790 470609                                             | Employee Food Service                  | \$ | 20,300      | \$ | 20,300      | 106103 |
| 4A20 470602                                             | Child Support                          | \$ | 153,968     | \$ | 90,968      | 106104 |
| 4G60 470605                                             | Juvenile Special Revenue - Non-Federal | \$ | 109,663     | \$ | 109,663     | 106105 |
| 5BN0 470629                                             | E-Rate Program                         | \$ | 59,000      | \$ | 59,000      | 106106 |
| TOTAL DPF Dedicated Purpose Fund Group                  |                                        | \$ | 4,846,613   | \$ | 4,243,127   | 106108 |
| Federal Fund Group                                      |                                        |    |             |    |             | 106109 |
| 3210 470601                                             | Education                              | \$ | 974,805     | \$ | 987,656     | 106110 |
| 3210 470603                                             | Juvenile Justice Prevention            | \$ | 2,289,557   | \$ | 2,294,382   | 106111 |
| 3210 470606                                             | Nutrition                              | \$ | 930,000     | \$ | 930,000     | 106112 |
| 3210 470614                                             | Title IV-E                             | \$ | 3,386,344   | \$ | 3,449,344   | 106113 |

|                              |                                                                     |    |             |    |                    |
|------------------------------|---------------------------------------------------------------------|----|-------------|----|--------------------|
|                              | Reimbursements                                                      |    |             |    |                    |
| 3V50 470604                  | Juvenile                                                            | \$ | 1,907,500   | \$ | 1,907,501 106114   |
|                              | Justice/Delinquency                                                 |    |             |    |                    |
|                              | Prevention                                                          |    |             |    |                    |
| TOTAL FED                    | Federal                                                             |    |             |    | 106115             |
| Fund Group                   |                                                                     | \$ | 9,488,206   | \$ | 9,568,883 106116   |
| TOTAL ALL BUDGET FUND GROUPS |                                                                     | \$ | 237,564,883 | \$ | 242,547,292 106117 |
|                              | COMMUNITY PROGRAMS                                                  |    |             |    | 106118             |
|                              | For purposes of implementing juvenile sentencing reforms, and       |    |             |    | 106119             |
|                              | notwithstanding any provision of law to the contrary, the           |    |             |    | 106120             |
|                              | Department of Youth Services may use up to \$1,375,000 of the       |    |             |    | 106121             |
|                              | unexpended, unencumbered balance of the portion of appropriation    |    |             |    | 106122             |
|                              | item 470401, RECLAIM Ohio, that is allocated to juvenile            |    |             |    | 106123             |
|                              | correctional facilities in each fiscal year to expand Targeted      |    |             |    | 106124             |
|                              | RECLAIM, the Behavioral Health Juvenile Justice Initiative, and     |    |             |    | 106125             |
|                              | other evidence-based community programs.                            |    |             |    | 106126             |
|                              | CLEVELAND RAPE CRISIS CENTER                                        |    |             |    | 106127             |
|                              | Of the foregoing appropriation item 470401, RECLAIM Ohio,           |    |             |    | 106128             |
|                              | \$300,000 in each fiscal year shall be distributed to the Cleveland |    |             |    | 106129             |
|                              | Rape Crisis Center to provide services for at-risk youth through    |    |             |    | 106130             |
|                              | the Cleveland Rape Crisis Center Human Trafficking Drop-in Center.  |    |             |    | 106131             |
|                              | JUVENILE CORRECTIONAL FACILITIES LEASE RENTAL BOND PAYMENTS         |    |             |    | 106132             |
|                              | The foregoing appropriation item 470412, Juvenile                   |    |             |    | 106133             |
|                              | Correctional Facilities Lease Rental Bond Payments, shall be used   |    |             |    | 106134             |
|                              | to meet all payments during the period from July 1, 2021, through   |    |             |    | 106135             |
|                              | June 30, 2023, by the Department of Youth Services under the        |    |             |    | 106136             |
|                              | leases and agreements for facilities made under Chapters 152. and   |    |             |    | 106137             |
|                              | 154. of the Revised Code. These appropriations are the source of    |    |             |    | 106138             |
|                              | funds pledged for bond service charges on related obligations       |    |             |    | 106139             |
|                              | issued under Chapters 152. and 154. of the Revised Code.            |    |             |    | 106140             |
|                              | EDUCATION SERVICES                                                  |    |             |    | 106141             |

The foregoing appropriation item 470613, Education Services, 106142  
shall be used to fund the operating expenses of providing 106143  
educational services to youth supervised by the Department of 106144  
Youth Services. Operating expenses include, but are not limited 106145  
to, teachers' salaries, maintenance costs, and educational 106146  
equipment. 106147

FLEXIBLE FUNDING FOR CHILDREN AND FAMILIES 106148

In collaboration with the county family and children first 106149  
council, the juvenile court of that county that receives 106150  
allocations from one or both of the foregoing appropriation items 106151  
470401, RECLAIM Ohio, and 470510, Youth Services, may transfer 106152  
portions of those allocations to a flexible funding pool as 106153  
authorized by the section of this act titled "FAMILY AND CHILDREN 106154  
FIRST FLEXIBLE FUNDING POOL." 106155

**Section 503.10. PERSONAL SERVICE EXPENSES** 106156

Unless otherwise prohibited by law, any appropriation from 106157  
which personal service expenses are paid shall bear the employer's 106158  
share of public employees' retirement, workers' compensation, 106159  
disabled workers' relief, and insurance programs; the costs of 106160  
centralized financial services, centralized payroll processing, 106161  
and related reports and services; centralized human resources 106162  
services, including affirmative action and equal employment 106163  
opportunity programs; the Office of Collective Bargaining; 106164  
centralized information technology management services; 106165  
administering the enterprise resource planning system; and 106166  
administering the state employee merit system as required by 106167  
section 124.07 of the Revised Code. These costs shall be 106168  
determined in conformity with the appropriate sections of law and 106169  
paid in accordance with procedures specified by the Office of 106170  
Budget and Management. Expenditures from appropriation item 106171  
070601, Public Audit Expense - Intra-State, may be exempted from 106172

the requirements of this section. 106173

**Section 503.15.** APPROPRIATIONS FOR EMPLOYEE COMPENSATION 106174  
CHANGES 106175

Notwithstanding any provision of law to the contrary, 106176  
beginning with the pay period that includes July 1, 2021, each 106177  
state appointing authority is authorized to make expenditures from 106178  
current state operating appropriations contained in this act or 106179  
any other act necessary to provide for the changes to compensation 106180  
provisions pursuant to approved collective bargaining agreements 106181  
between employee organizations and State of Ohio public employers 106182  
and pursuant to provisions of law, as amended by this act, for 106183  
employees exempt from collective bargaining to allow parity for 106184  
those employees. Notwithstanding any provision of law to the 106185  
contrary, on or after July 1, 2021, the Director of Budget and 106186  
Management may authorize increased expenditures from General 106187  
Revenue Fund and non-General Revenue Fund appropriation items in 106188  
this act or any other appropriations act of the General Assembly 106189  
to the extent the Director determines necessary to effectuate the 106190  
changes to compensation. Any increases in expenditures authorized 106191  
pursuant to this section are hereby appropriated. 106192

**Section 503.20.** SATISFACTION OF JUDGMENTS AND SETTLEMENTS 106193  
AGAINST THE STATE 106194

Except as otherwise provided in this section, an 106195  
appropriation in this act may be used for the purpose of 106196  
satisfying judgments, settlements, or administrative awards 106197  
ordered or approved by the Court of Claims or by any other court 106198  
of competent jurisdiction in connection with civil actions against 106199  
the state. This authorization does not apply to appropriations to 106200  
be applied to or used for payment of guarantees by or on behalf of 106201  
the state, or for payments under lease agreements relating to, or 106202

debt service on, bonds, notes, or other obligations of the state. 106203  
Notwithstanding any other statute to the contrary, this 106204  
authorization includes appropriations from funds into which 106205  
proceeds of direct obligations of the state are deposited only to 106206  
the extent that the judgment, settlement, or administrative award 106207  
is for, or represents, capital costs for which the appropriation 106208  
may otherwise be used and is consistent with the purpose for which 106209  
any related obligations were issued or entered into. Nothing 106210  
contained in this section is intended to subject the state to suit 106211  
in any forum in which it is not otherwise subject to suit, and is 106212  
not intended to waive or compromise any defense or right available 106213  
to the state in any suit against it. 106214

**Section 503.30. CAPITAL PROJECT SETTLEMENTS** 106215

This section specifies an additional and supplemental 106216  
procedure to provide for payments of judgments and settlements if 106217  
the Director of Budget and Management determines, pursuant to 106218  
division (C)(4) of section 2743.19 of the Revised Code, that 106219  
sufficient unencumbered moneys do not exist in the fund to support 106220  
a particular appropriation to pay the amount of a final judgment 106221  
rendered against the state or a state agency, including the 106222  
settlement of a claim approved by a court, in an action upon and 106223  
arising out of a contractual obligation for the construction or 106224  
improvement of a capital facility if the costs under the contract 106225  
were payable in whole or in part from a state capital projects 106226  
appropriation. In such a case, the Director may either proceed 106227  
pursuant to division (C)(4) of section 2743.19 of the Revised Code 106228  
or apply to the Controlling Board to increase an appropriation or 106229  
create an appropriation out of any unencumbered moneys in the 106230  
state treasury to the credit of the capital projects fund from 106231  
which the initial state appropriation was made. The amount of an 106232  
increase in appropriation or new appropriation approved by the 106233  
Controlling Board is hereby appropriated from the applicable 106234

capital projects fund and made available for the payment of the 106235  
judgment or settlement. 106236

If the Director does not make the application authorized by 106237  
this section or the Controlling Board disapproves the application, 106238  
and the Director does not make application under division (C)(4) 106239  
of section 2743.19 of the Revised Code, the Director shall for the 106240  
purpose of making that payment make a request to the General 106241  
Assembly as provided for in division (C)(5) of that section. 106242

**Section 503.40. RE-ISSUANCE OF VOIDED WARRANTS** 106243

In order to provide funds for the reissuance of voided 106244  
warrants under section 126.37 of the Revised Code, there is hereby 106245  
appropriated, out of moneys in the state treasury from the fund 106246  
credited as provided in section 126.37 of the Revised Code, that 106247  
amount sufficient to pay such warrants when approved by the Office 106248  
of Budget and Management. 106249

**Section 503.50. REAPPROPRIATION OF UNEXPENDED ENCUMBERED** 106250  
**BALANCES OF OPERATING APPROPRIATIONS** 106251

(A) Notwithstanding the original year of appropriation or 106252  
encumbrance, the unexpended balance of an operating appropriation 106253  
or reappropriation that a state agency lawfully encumbered prior 106254  
to the close of fiscal year 2021 or fiscal year 2022 is hereby 106255  
reappropriated on the first day of July of the following fiscal 106256  
year from the fund from which it was originally appropriated or 106257  
reappropriated for the period of time listed in this section and 106258  
shall remain available only for the purpose of discharging the 106259  
encumbrance: 106260

(1) For an encumbrance for personal services, maintenance, 106261  
equipment, or items for resale not otherwise identified in this 106262  
section, for a period of not more than five months from the end of 106263  
the fiscal year; 106264

(2) For an encumbrance for an item of special order 106265  
manufacture not available on state contract or in the open market, 106266  
for a period of not more than five months from the end of the 106267  
fiscal year or, with the written approval of the Director of 106268  
Budget and Management, for a period of not more than twelve months 106269  
from the end of the fiscal year; 106270

(3) For an encumbrance for reclamation of land or oil and gas 106271  
wells, for a period ending when the encumbered appropriation is 106272  
expended provided such period does not extend beyond the FY 2022 - 106273  
FY 2023 biennium; 106274

(4) For an encumbrance for any other type of expense not 106275  
otherwise identified in division (A)(1), (2), or (3) of this 106276  
section, for such period as the Director approves, provided such 106277  
period does not extend beyond the FY 2022 - FY 2023 biennium. 106278

(B) Any operating appropriations for which unexpended 106279  
balances are reappropriated in fiscal year 2022 or fiscal year 106280  
2023 pursuant to division (A)(2) of this section shall be reported 106281  
to the Controlling Board by the Director of Budget and Management 106282  
by the thirty-first day of December of each year. The report shall 106283  
include the item, the cost of the item, and the name of the 106284  
vendor. The report shall be updated on a quarterly basis for 106285  
encumbrances remaining open. 106286

(C) Upon the expiration of the reappropriation period set out 106287  
in division (A) of this section, a reappropriation made by this 106288  
section lapses and the Director of Budget and Management shall 106289  
cancel the encumbrance of the unexpended reappropriation not later 106290  
than the end of the weekend following the expiration of the 106291  
reappropriation period. 106292

(D) If the Controlling Board approved a purchase, that 106293  
approval remains in effect so long as the appropriation used to 106294  
make that purchase remains encumbered. 106295

**Section 503.60.** CORRECTION OF ACCOUNTING ERRORS 106296

(A) The Director of Budget and Management may correct 106297  
accounting errors committed by the staff of the Office of Budget 106298  
and Management, such as reestablishing encumbrances or 106299  
appropriations canceled in error, during the cancellation of 106300  
operating encumbrances in November and of non-operating 106301  
encumbrances in December. 106302

(B) The Director of Budget and Management may at any time 106303  
correct accounting errors committed by staff or a state agency or 106304  
state institution of higher education, as defined in section 106305  
3345.011 of the Revised Code, such as reestablishing prior year 106306  
non-operating encumbrances canceled or modified in error. The 106307  
reestablished encumbrance amounts are hereby appropriated. 106308

**Section 503.70.** TEMPORARY REVENUE HOLDING 106309

The Director of Budget and Management may create funds in the 106310  
state treasury solely for the purpose of temporarily holding 106311  
revenue required to be credited to a fund in the state treasury, 106312  
whose disposition is not immediately known at the time of receipt. 106313  
Once identified, the Director shall credit the revenue to the 106314  
appropriate fund in the state treasury. 106315

Upon certification by a director or head of a state agency, 106316  
the Director of Budget and Management may create funds in the 106317  
state treasury on behalf of an agency when the agency is required 106318  
by law to detain funds in escrow. The Director of Budget and 106319  
Management may transfer cash between funds within the state 106320  
treasury to satisfy escrow requirements. 106321

**Section 503.80.** APPROPRIATIONS RELATED TO CASH TRANSFERS AND 106322  
RE-ESTABLISHMENT OF ENCUMBRANCES 106323

Any cash transferred by the Director of Budget and Management 106324

under section 126.15 of the Revised Code is hereby appropriated. 106325  
Any amounts necessary to re-establish appropriations or 106326  
encumbrances under section 126.15 of the Revised Code are hereby 106327  
appropriated. 106328

**Section 503.90.** TRANSFERS OF THIRD FRONTIER APPROPRIATIONS 106329

The Director of Budget and Management may transfer 106330  
appropriations between the Third Frontier Research and Development 106331  
Fund (Fund 7011) and the Third Frontier Research and Development 106332  
Taxable Bond Fund (Fund 7014) as necessary to maintain the 106333  
exclusion from the calculation of gross income for federal income 106334  
taxation purposes under the Internal Revenue Code with respect to 106335  
obligations issued to fund projects appropriated from the Third 106336  
Frontier Research and Development Fund (Fund 7011). 106337

The Director may also create new appropriation items within 106338  
the Third Frontier Research and Development Taxable Bond Fund 106339  
(Fund 7014) and make transfers of appropriations to them for 106340  
projects originally funded from appropriations made from the Third 106341  
Frontier Research and Development Fund (Fund 7011). 106342

**Section 503.100.** INCOME TAX DISTRIBUTION TO COUNTIES 106343

There are hereby appropriated out of any moneys in the state 106344  
treasury to the credit of the General Revenue Fund, which are not 106345  
otherwise appropriated, funds sufficient to make any payment 106346  
required by division (B)(2) of section 5747.03 of the Revised 106347  
Code. 106348

**Section 503.110.** EXPENDITURES AND APPROPRIATION INCREASES 106349  
APPROVED BY THE CONTROLLING BOARD 106350

Any money that the Controlling Board approves for expenditure 106351  
or any increase in appropriation that the Controlling Board 106352  
approves under sections 127.14, 131.35, and 131.39 of the Revised 106353

Code or any other provision of law is hereby appropriated for the 106354  
period ending June 30, 2023. 106355

**Section 503.120.** FUNDS RECEIVED FOR USE OF GOVERNOR'S 106356  
RESIDENCE 106357

If the Governor's Residence Fund (Fund 4H20) receives payment 106358  
for use of the residence pursuant to section 107.40 of the Revised 106359  
Code, the amounts so received are hereby appropriated to 106360  
appropriation item 100604, Governor's Residence Gift. 106361

**Section 504.10.** GENERAL OBLIGATION DEBT SERVICE PAYMENTS 106362

Certain appropriations are in this act for the purpose of 106363  
paying debt service and financing costs on general obligation 106364  
bonds or notes of the state issued pursuant to the Ohio 106365  
Constitution, Revised Code, and acts of the General Assembly. If 106366  
it is determined that additional appropriations are necessary for 106367  
this purpose, such amounts are hereby appropriated. 106368

**Section 504.20.** LEASE RENTAL PAYMENTS FOR DEBT SERVICE 106369

Certain appropriations are in this act for the purpose of 106370  
making lease rental payments pursuant to leases and agreements 106371  
relating to bonds, notes, or other obligations issued by or on 106372  
behalf of the state pursuant to the Ohio Constitution, Revised 106373  
Code, and acts of the General Assembly. If it is determined that 106374  
additional appropriations are necessary for this purpose, such 106375  
amounts are hereby appropriated. 106376

**Section 504.30.** AUTHORIZATION FOR TREASURER OF STATE AND OBM 106377  
TO EFFECTUATE CERTAIN DEBT SERVICE PAYMENTS 106378

The Office of Budget and Management shall process payments 106379  
from general obligation and lease rental payment appropriation 106380  
items during the period from July 1, 2021, through June 30, 2023, 106381

relating to bonds, notes, or other obligations issued by or on 106382  
behalf of the state pursuant to the Ohio Constitution, Revised 106383  
Code, and acts of the General Assembly. Payments shall be made 106384  
upon certification by the Treasurer of State of the dates and the 106385  
amounts due on those dates. 106386

**Section 505.10. ARBITRAGE REBATE AUTHORIZATION** 106387

If it is determined that a payment is necessary in the amount 106388  
computed at the time to represent the portion of investment income 106389  
to be rebated or amounts in lieu of or in addition to any rebate 106390  
amount to be paid to the federal government in order to maintain 106391  
the exclusion from gross income for federal income tax purposes of 106392  
interest on those state obligations under section 148(f) of the 106393  
Internal Revenue Code, such an amount is hereby appropriated from 106394  
those funds designated by or pursuant to the applicable 106395  
proceedings authorizing the issuance of state obligations. 106396

Payments for this purpose shall be approved and vouchered by 106397  
the Office of Budget and Management. 106398

**Section 505.20. STATEWIDE INDIRECT COST RECOVERY** 106399

Whenever the Director of Budget and Management determines 106400  
that an appropriation made to a state agency from a fund of the 106401  
state is insufficient to provide for the recovery of statewide 106402  
indirect costs under section 126.12 of the Revised Code, the 106403  
amount required for such purpose is hereby appropriated from the 106404  
available receipts of such fund. 106405

**Section 505.30. TRANSFERS ON BEHALF OF THE STATEWIDE INDIRECT** 106406  
**COST ALLOCATION PLAN** 106407

The total transfers made from the General Revenue Fund by the 106408  
Director of Budget and Management under this section shall not 106409  
exceed the amounts transferred into the General Revenue Fund under 106410

section 126.12 of the Revised Code. 106411

The director of an agency may certify to the Director of Budget and Management the amount of expenses not allowed to be included in the Statewide Indirect Cost Allocation Plan under federal regulations, from any fund included in the Statewide Indirect Cost Allocation Plan, prepared as required by section 126.12 of the Revised Code. 106412  
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Upon determining that no alternative source of funding is available to pay for such expenses, the Director of Budget and Management may transfer cash from the General Revenue Fund into the fund for which the certification is made, up to the amount of the certification. The director of the agency receiving such funds shall include, as part of the next budget submission prepared under section 126.02 of the Revised Code, a request for funding for such activities from an alternative source such that further federal disallowances would not be required. 106418  
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The director of an agency may certify to the Director of Budget and Management the amount of expenses paid in error from a fund included in the Statewide Indirect Cost Allocation Plan. The Director of Budget and Management may transfer cash from the fund from which the expenditure should have been made into the fund from which the expenses were erroneously paid, up to the amount of the certification. 106427  
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The director of an agency may certify to the Director of Budget and Management the amount of expenses or revenues not allowed to be included in the Statewide Indirect Cost Allocation Plan under federal regulations, for any fund included in the Statewide Indirect Cost Allocation Plan, for which the federal government requires payment. If the Director of Budget and Management determines that an appropriation made to a state agency from a fund of the state is insufficient to pay the amount required by the federal government, the amount required for such 106434  
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purpose is hereby appropriated from the available receipts of such 106443  
fund, up to the amount of the certification. 106444

**Section 505.40. FEDERAL GOVERNMENT INTEREST REQUIREMENTS** 106445

Notwithstanding any provision of law to the contrary, on or 106446  
before the first day of September of each fiscal year, the 106447  
Director of Budget and Management, in order to reduce the payment 106448  
of adjustments to the federal government, as determined by the 106449  
plan prepared under division (A) of section 126.12 of the Revised 106450  
Code, may designate such funds as the Director considers necessary 106451  
to retain their own interest earnings. 106452

**Section 505.50. FEDERAL CASH MANAGEMENT IMPROVEMENT ACT** 106453

Pursuant to the plan for compliance with the Federal Cash 106454  
Management Improvement Act required by section 131.36 of the 106455  
Revised Code, the Director of Budget and Management may cancel and 106456  
re-establish all or part of encumbrances in like amounts within 106457  
the funds identified by the plan. The amounts necessary to 106458  
re-establish all or part of encumbrances are hereby appropriated. 106459

**Section 505.60. INTEREST EARNINGS FOR FEDERAL FUNDS** 106460

Notwithstanding section 113.09 of the Revised Code, the 106461  
Director of Budget and Management may designate any fund within 106462  
the state treasury that receives federal revenue to be credited 106463  
with investment earnings to comply with federal law. 106464

**Section 509.10. TRANSFERS TO THE GENERAL REVENUE FUND OF** 106465  
**INTEREST EARNED** 106466

Notwithstanding any provision of law to the contrary, the 106467  
Director of Budget and Management, through June 30, 2023, may 106468  
transfer interest earned by any state fund to the General Revenue 106469  
Fund. This section does not apply to funds whose source of revenue 106470

is restricted or protected by the Ohio Constitution, federal tax 106471  
law, or the "Cash Management Improvement Act of 1990," 104 Stat. 106472  
1058 (1990), 31 U.S.C. 6501 et seq., as amended. 106473

**Section 509.20.** CASH TRANSFERS TO THE GENERAL REVENUE FUND 106474  
FROM NON-GRF FUNDS 106475

Notwithstanding any provision of law to the contrary, the 106476  
Director of Budget and Management may transfer up to \$200,000,000 106477  
cash, during the biennium ending June 30, 2023, from non-General 106478  
Revenue Funds that are not constitutionally restricted to the 106479  
General Revenue Fund. 106480

**Section 509.25.** TRANSFER FROM STATE PAY FOR SUCCESS FUND TO 106481  
GENERAL REVENUE FUND 106482

On July 1, 2022, or as soon as possible thereafter, the 106483  
Director of Budget and Management shall transfer \$5,000,000 cash 106484  
from the State Pay for Success Fund (Fund 5VZ0) to the General 106485  
Revenue Fund. 106486

**Section 509.50.** MEDICAL MARIJUANA CONTROL PROGRAM REPAYMENTS 106487

On October 1, 2021, or as soon as possible thereafter, the 106488  
Director of Commerce and the Executive Director of the Board of 106489  
Pharmacy shall consult with the Director of Budget and Management 106490  
to determine a repayment schedule for the biennium ending June 30, 106491  
2023, to fully repay transfers on behalf of each agency from the 106492  
Emergency Purposes/Contingency Fund (Fund 5KM0) to the Medical 106493  
Marijuana Control Program Fund (Fund 5YS0). Payments made by the 106494  
Department of Commerce and the Board of Pharmacy in accordance 106495  
with this repayment schedule shall be credited to the General 106496  
Revenue Fund. 106497

**Section 509.60.** CASH TRANSFER FROM THE STATE FIRE MARSHAL 106498

FUND TO THE GENERAL REVENUE FUND 106499

On July 1 of each fiscal year, or as soon as possible 106500  
thereafter, the Director of Budget and Management shall transfer 106501  
\$1,500,000 cash from the State Fire Marshal Fund (Fund 5460) to 106502  
the General Revenue Fund to reimburse the General Revenue Fund for 106503  
the costs of providing MARCS fee offsets. 106504

**Section 512.10.** GENERAL REVENUE FUND TRANSFER TO TOURISM OHIO 106505  
FUND 106506

On July 1, 2021, or as soon as possible thereafter, the 106507  
Director of Budget and Management may transfer up to \$15,000,000 106508  
cash from the General Revenue Fund to the Tourism Ohio Fund (Fund 106509  
5MJ0). 106510

**Section 512.20.** GENERAL REVENUE FUND TRANSFER TO STATEWIDE 106511  
TREATMENT AND PREVENTION FUND 106512

Notwithstanding any provision of law to the contrary, in each 106513  
fiscal year of the biennium ending June 30, 2023, the Director of 106514  
Budget and Management may transfer up to \$5,000,000 cash from the 106515  
General Revenue Fund to the Statewide Treatment and Prevention 106516  
Fund (Fund 4750). 106517

**Section 512.30.** GENERAL REVENUE FUND TRANSFER TO STATEWIDE 106518  
COMMUNITY POLICE RELATIONS FUND 106519

Notwithstanding any provision of law to the contrary, in 106520  
fiscal year 2023, the Director of Budget and Management may 106521  
transfer up to \$1,150,000 cash from the General Revenue Fund to 106522  
the Statewide Community Police Relations Fund (Fund 5RS0). 106523

**Section 512.40.** GENERAL REVENUE FUND TRANSFER TO TARGETED 106524  
ADDICTION PROGRAM FUND 106525

Notwithstanding any provision of law to the contrary, in each 106526  
fiscal year of the biennium ending June 30, 2023, the Director of 106527  
Budget and Management may transfer up to \$24,000,000 cash from the 106528  
General Revenue Fund to the Targeted Addiction Program Fund (Fund 106529  
5TZ0). 106530

**Section 512.50.** GENERAL REVENUE FUND TRANSFER TO STATE PAY 106531  
FOR SUCCESS CONTRACT FUND 106532

The Director of Budget and Management shall transfer 106533  
\$1,200,000 cash from the General Revenue Fund to the State Pay for 106534  
Success Contract Fund (Fund 5VZ0) on July 1, 2021, or as soon as 106535  
possible thereafter. 106536

**Section 512.70.** GENERAL REVENUE FUND TRANSFER TO FOUNDATION 106537  
FUNDING - ALL STUDENTS FUND 106538

Notwithstanding any provision of law to the contrary, the 106539  
Director of Budget and Management may transfer up to \$500,000,000 106540  
cash in fiscal year 2022 and up to \$600,000,000 cash in fiscal 106541  
year 2023 from the General Revenue Fund to the Foundation Funding 106542  
- All Students Fund (Fund 5VS0), which is hereby created in the 106543  
state treasury. 106544

**Section 512.73.** GENERAL REVENUE FUND TRANSFER TO SCHOOL BUS 106545  
PURCHASE FUND 106546

On July 1, 2021, or as soon as possible thereafter, the 106547  
Director of Budget and Management shall transfer \$50,000,000 cash 106548  
from the General Revenue Fund to the School Bus Purchase Fund 106549  
(Fund 5VU0). 106550

**Section 512.75.** GENERAL REVENUE FUND TRANSFER TO 106551  
ELECTROENCEPHALOGRAM (EEG) COMBINED TRANSCRANIAL MAGNETIC 106552  
STIMULATION FUND 106553

On July 1, 2021, or as soon as possible thereafter, the 106554  
Director of Budget and Management shall transfer \$9,500,000 cash 106555  
from the General Revenue Fund to the Electroencephalogram (EEG) 106556  
Combined Transcranial Magnetic Stimulation Fund (Fund 5VV0). 106557

**Section 512.80.** GENERAL REVENUE FUND TRANSFER TO AT HOME 106558  
TECHNOLOGY PILOT FUND 106559

On July 1 of each fiscal year, or as soon as possible 106560  
thereafter, the Director of Budget and Management shall transfer 106561  
\$250,000 cash from the General Revenue Fund to the At Home 106562  
Technology Pilot Fund (Fund 5XT0), which is hereby created in the 106563  
state treasury. 106564

**Section 512.100.** GENERAL REVENUE FUND TRANSFER TO MEAT 106565  
PROCESSING INVESTMENT FUND 106566

On July 1, 2021, or as soon as possible thereafter, the 106567  
Director of Budget and Management shall transfer \$10,000,000 cash 106568  
from the General Revenue Fund to the Meat Processing Investment 106569  
Program Fund (Fund 5XX0), which is hereby created in the state 106570  
treasury. 106571

**Section 512.110.** GENERAL REVENUE FUND TRANSFER TO OHIO 106572  
INCUMBENT WORKFORCE JOB TRAINING FUND 106573

On July 1, 2021, or as soon as possible thereafter, the 106574  
Director of Budget and Management shall transfer up to \$45,000,000 106575  
cash from the General Revenue Fund to the Ohio Incumbent Workforce 106576  
Job Training Fund (Fund 5HR0). 106577

**Section 512.120.** GENERAL REVENUE FUND TRANSFER TO THE 106578  
OHIO MEANS JOBS WORKFORCE DEVELOPMENT REVOLVING LOAN FUND 106579

On July 1, 2021, or as soon as possible thereafter, the 106580  
Director of Budget and Management shall transfer \$7,000,000 cash 106581

from the General Revenue Fund to the OhioMeansJobs Workforce 106582  
Development Revolving Loan Fund (Fund 5NH0) to support the 106583  
appropriations made for need-based financial aid to students who 106584  
are enrolled in a state-supported community college, state 106585  
community college, technical college, or an Ohio Technical Center 106586  
in a program that may be completed in less than one year and for 106587  
which a certificate or industry-recognized credential is awarded 106588  
in an in-demand job. 106589

**Section 512.130.** GENERAL REVENUE FUND TRANSFER TO SPORTS 106590  
EVENT GRANT FUND 106591

On October 1, 2021, or as soon as possible thereafter, the 106592  
Director of Development shall certify to the Director of Budget 106593  
and Management the amount of cash available in the Sports Event 106594  
Grant Fund (Fund 5UY0). The Director of Budget and Management 106595  
shall transfer an amount of cash equal to the lesser of \$5,000,000 106596  
or an amount sufficient to restore the cash balance of Fund 5UY0 106597  
to \$10,000,000 from the General Revenue Fund to Fund 5UY0. 106598

On June 1, 2023, or as soon as possible thereafter, the 106599  
Director of Development shall certify to the Director of Budget 106600  
and Management the amount of cash available in Fund 5UY0. The 106601  
Director of Budget and Management shall transfer an amount of cash 106602  
equal to the lesser of \$5,000,000 minus the amount transferred 106603  
under the previous paragraph or an amount sufficient to restore 106604  
the cash balance of Fund 5UY0 to \$10,000,000 from the General 106605  
Revenue Fund to Fund 5UY0. 106606

**Section 512.140.** GENERAL REVENUE FUND TRANSFER TO THE SECOND 106607  
CHANCE GRANT PILOT PROGRAM FUND 106608

On July 1, 2021, or as soon as possible thereafter, the 106609  
Director of Budget and Management shall transfer up to \$3,000,000 106610  
cash from the General Revenue Fund to the Second Chance Grant 106611

Pilot Program Fund (Fund 5YD0), which is hereby created in the state treasury. 106612  
106613

**Section 512.150.** GENERAL REVENUE FUND TRANSFER TO STATE PARK FUND 106614  
106615

On July 1, 2021, or as soon as possible thereafter, the Director of Budget and Management shall transfer \$13,950,000 cash from the General Revenue Fund to the State Park Fund (Fund 5120). 106616  
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**Section 512.160.** GENERAL REVENUE FUND TRANSFER TO THE WORKFORCE AND HIGHER EDUCATION PROGRAMS FUND 106619  
106620

On July 1, 2021, or as soon as possible thereafter, the Director of Budget and Management shall transfer \$2,000,000 cash from the General Revenue Fund to the Workforce and Higher Education Programs Fund (Fund 5RA0). 106621  
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**Section 512.170.** GENERAL REVENUE FUND TRANSFER TO COMMUNITY IMPROVEMENTS FUND 106625  
106626

On July 1, 2021, or as soon as possible thereafter, the Director of Budget and Management shall transfer \$1,000,000 cash from the General Revenue Fund to the Community Improvements Fund (Fund 5YC0), which is hereby created in the state treasury. 106627  
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**Section 512.180.** GENERAL REVENUE FUND TRANSFER TO OSU EXTENSION FUND 106631  
106632

On July 1, 2021, or as soon as possible thereafter, the Director of Budget and Management shall transfer \$500,000 cash from the General Revenue Fund to the OSU Extension Fund (Fund 5YB0), which is hereby created in the state treasury. 106633  
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**Section 512.190.** GENERAL REVENUE FUND TRANSFER TO INFORMATION TECHNOLOGY DEVELOPMENT FUND 106637  
106638

Upon the request of the Director of Administrative Services, 106639  
the Director of Budget and Management may transfer up to 106640  
\$6,000,000 cash in each fiscal year from the General Revenue Fund 106641  
to the Information Technology Development Fund (Fund 5LJ0) to 106642  
support the operations of the Office of InnovateOhio. 106643

**Section 512.200.** GENERAL REVENUE FUND TRANSFER TO WILDLIFE 106644  
FUND 106645

On July 1, 2021, or as soon as possible thereafter, the 106646  
Director of Budget and Management shall transfer \$29,150,000 cash 106647  
from the General Revenue Fund to the Wildlife Fund (Fund 7015). 106648

On July 1, 2022, or as soon as possible thereafter, the 106649  
Director of Budget and Management shall transfer \$550,000 cash 106650  
from the General Revenue Fund to the Wildlife Fund (Fund 7015). 106651

**Section 512.210.** GENERAL REVENUE FUND TRANSFER TO THE OHIO 106652  
RESIDENTIAL BROADBAND EXPANSION GRANT PROGRAM FUND 106653

On July 1, 2021, or as soon as possible thereafter, the 106654  
Director of Budget and Management shall transfer \$230,000,000 cash 106655  
from the General Revenue Fund to the Ohio Residential Broadband 106656  
Expansion Grant Program Fund (Fund 5GT0). 106657

On July 1, 2022, or as soon as possible thereafter, the 106658  
Director of Budget and Management shall transfer \$20,000,000 cash 106659  
from the General Revenue Fund to the Ohio Residential Broadband 106660  
Expansion Grant Program Fund (Fund 5GT0). 106661

**Section 512.220.** GENERAL REVENUE FUND TRANSFER TO OHIOCORPS 106662  
FUND 106663

On July 1, 2021, or as soon as possible thereafter, the 106664  
Director of Budget and Management shall transfer up to \$150,000 106665  
cash from the General Revenue Fund to the OhioCorps Fund (Fund 106666  
5UKO). 106667

On June 30, 2022, or as soon as possible thereafter, the 106668  
Director of Budget Management shall transfer the cash balance in 106669  
the OhioCorps Fund (Fund 5UK0) to the General Revenue Fund. 106670

**Section 512.230.** GENERAL REVENUE FUND TRANSFER TO THE 106671  
BROWNFIELD REMEDIATION FUND 106672

On July 1, 2021, or as soon as possible thereafter, the 106673  
Director of Budget and Management shall transfer \$350,000,000 cash 106674  
from the General Revenue Fund to the Brownfield Remediation Fund 106675  
(Fund 5YE0). 106676

**Section 512.240.** GENERAL REVENUE FUND TRANSFER TO THE 106677  
BUILDING DEMOLITION AND SITE REVITALIZATION FUND 106678

On July 1, 2021, or as soon as possible thereafter, the 106679  
Director of Budget and Management shall transfer \$150,000,000 cash 106680  
from the General Revenue Fund to the Building Demolition and Site 106681  
Revitalization Fund (Fund 5YF0). 106682

**Section 513.10.** FISCAL YEAR 2021 GENERAL REVENUE FUND ENDING 106683  
BALANCE 106684

Notwithstanding section 131.44 of the Revised Code, the 106685  
Director of Budget and Management shall determine the surplus 106686  
General Revenue Fund revenue that existed on June 30, 2021. 106687  
Notwithstanding any provision of law to the contrary, except for 106688  
the transfers listed in this section, the surplus shall remain in 106689  
the General Revenue Fund. The Director shall transfer cash, not to 106690  
exceed the amount of the surplus revenue from the General Revenue 106691  
Fund in the following order: 106692

(A) Up to \$1,200,000,000 cash to the Health and Human 106693  
Services Fund (Fund 5SA4); 106694

(B) Up to \$100,000,000 cash to the Investing in Ohio Fund 106695  
(Fund 5XM0); 106696

|                                                                                                                    |        |
|--------------------------------------------------------------------------------------------------------------------|--------|
| (C) Up to \$132,000,000 cash to the H2Ohio Fund (Fund 6H20);                                                       | 106697 |
| (D) Up to \$25,000,000 cash to the Emergency Purposes Fund                                                         | 106698 |
| (Fund 5KM0);                                                                                                       | 106699 |
| (E) Up to \$25,000,000 cash to the Disaster Services Fund                                                          | 106700 |
| (Fund 5E20); and                                                                                                   | 106701 |
| (F) Up to \$16,300,000 cash to the Tobacco Use Prevention Fund                                                     | 106702 |
| (Fund 5BX0).                                                                                                       | 106703 |
| <b>Section 513.20. FISCAL YEAR 2022 GENERAL REVENUE FUND ENDING</b>                                                | 106704 |
| <b>BALANCE</b>                                                                                                     | 106705 |
| Notwithstanding section 131.44 of the Revised Code, the cash                                                       | 106706 |
| balance of the General Revenue Fund on June 30, 2022, shall remain                                                 | 106707 |
| in the General Revenue Fund.                                                                                       | 106708 |
| <b>Section 514.10. UTILITY RADIOLOGICAL SAFETY BOARD ASSESSMENTS</b>                                               | 106709 |
| Unless the agency and nuclear electric utility mutually agree                                                      | 106710 |
| to a higher amount by contract, the maximum amounts that may be                                                    | 106711 |
| assessed against nuclear electric utilities under division (B)(2)                                                  | 106712 |
| of section 4937.05 of the Revised Code and deposited into the                                                      | 106713 |
| specified funds are as follows:                                                                                    | 106714 |
| <u>Fund</u> <u>User</u> <u>FY 2022</u> <u>FY 2023</u>                                                              | 106715 |
| Utility                      Department of                      \$ 101,130                      \$ 101,130         | 106716 |
| Radiological                      Agriculture                                                                      |        |
| Safety Fund                                                                                                        |        |
| (Fund 4E40)                                                                                                        |        |
| Radiation                      Department of                      \$ 1,300,000                      \$ 1,300,000   | 106717 |
| Emergency                      Health                                                                              |        |
| Response Fund                                                                                                      |        |
| (Fund 6100)                                                                                                        |        |
| ER Radiological                      Environmental                      \$ 325,370                      \$ 332,287 | 106718 |
| Safety Fund                      Protection Agency                                                                 |        |

(Fund 6440)

Emergency Department of \$1,368,624 \$ 1,378,304 106719  
Response Plan Public Safety

Fund (Fund 6570)

**Section 516.10.** CASH TRANSFERS AND ABOLISHMENT OF FUNDS 106720

(A) On July 1, 2021, or as soon as possible thereafter, the 106721  
Director of Budget and Management shall transfer the cash balance 106722  
from each of the funds as indicated in the table below to the fund 106723  
also indicated in the table below. Upon completion of each 106724  
transfer and on the effective date of its repeal by this act, 106725  
where applicable, the fund from which the cash balance was 106726  
transferred is hereby abolished. 106727

| User   | Transfer from: |                                        | Transfer to: |                                     |        |
|--------|----------------|----------------------------------------|--------------|-------------------------------------|--------|
| Agency | Fund           | Fund Name                              | Fund         | Fund Name                           |        |
| AG0    | 5L50           | Law Enforcement Assistance Fund        | 4210         | Peace Officer Training Academy Fee  | 106730 |
| AGO    | 5MP0           | Peace Officer Training Commission Fund | 5LR0         | Ohio Law Enforcement Training Fund  | 106731 |
| DDD    | 5QM0           | System Transformation Supports         | 5GE0         | Operating and Services              | 106732 |
| DNR    | 2040           | Information Services                   | 1570         | Central Support Indirect Chargeback | 106733 |
| DNR    | 2050           | Human Resources Direct Services        | 1570         | Central Support Indirect Chargeback | 106734 |
| DNR    | 2230           | Law Enforcement Administration         | 1570         | Central Support Indirect Chargeback | 106735 |
| DNR    | 6350           | Fountain Square Management             | 1570         | Central Support Indirect Chargeback | 106736 |
| DPS    | 3290           | Disaster Services Plan and Grant       | 3370         | Disaster Relief Fund                | 106737 |

|     |      |                      |      |                      |        |
|-----|------|----------------------|------|----------------------|--------|
|     |      | Administration       |      |                      |        |
| DPS | 3N50 | US DOE Grant         | 3370 | Disaster Relief Fund | 106738 |
| EDU | 3FD0 | Race to the Top      | GRF  | GRF                  | 106739 |
| EDU | 4550 | Commodity Foods Fund | 1380 | Computer Services    | 106740 |
|     |      |                      |      | Fund                 |        |
| MCD | 5SC0 | Medicaid Services -  | 5AN0 | Care Innovation and  | 106741 |
|     |      | Physical UPL         |      | Community            |        |
|     |      |                      |      | Improvement Program  |        |

(B) The following funds are hereby abolished on the effective date of their repeal by this act:

| User | Fund | Fund Name                      |  |  |        |
|------|------|--------------------------------|--|--|--------|
| DPS  | 3DU0 | Public Safety Federal Grants   |  |  | 106744 |
| DPS  | 3FK0 | Justice Assistance Grant FFY11 |  |  | 106745 |
| DPS  | 3FY0 | Justice Assistance Grant FFY12 |  |  | 106746 |
| DPS  | 3FY0 | Justice Assistance Grant FFY12 |  |  | 106747 |
| DPS  | 3FZ0 | Justice Assistance Grant FFY13 |  |  | 106748 |
| DPS  | 3GA0 | Justice Assistance Grant FFY15 |  |  | 106749 |

**Section 516.20. ABOLISHMENT OF CITIZENS EDUCATION FUND** 106750

(A) On July 1, 2021, or as soon as possible thereafter, the Secretary of State shall certify to the Director of Budget and Management the cash balance of, and existing encumbrances against, the Citizens Education Fund (Fund 4140). The Secretary of State shall specify the sources of revenue that make up the remaining cash balance in the fund.

(B) Upon receipt of the certification required in division (A) of this section, the Director of Budget and Management shall (1) cancel any existing encumbrances against Fund 4140 appropriation item 050602, Citizen Education Fund and (2) return the remaining amounts in Fund 4140 to their original sources as identified by the Secretary of State in division (A) of this section. Upon the cancellation of encumbrances and the return of the cash in the fund to the original sources, Fund 4140 is hereby

abolished. 106765

**Section 518.10.** (A) As used in Sections 518.10 to 518.16 of 106766  
this act: 106767

(1) "Business certification programs" means the Minority 106768  
Business Enterprise program, the Encouraging Diversity, Growth, 106769  
and Equity program, the Women-owned Business Enterprise program, 106770  
the Veteran-friendly Business Procurement program, and the 106771  
contractor compliance program. 106772

(2) "Contractor compliance program" means the program 106773  
administered before July 1, 2021, by the Department of 106774  
Administrative Services, under which a person desiring to bid on a 106775  
public improvements contract under Chapter 153. or 5525. of the 106776  
Revised Code may apply to certify that the person is compliant 106777  
with state and federal affirmative action programs in order to be 106778  
eligible for the contract, as described in sections 9.47 and 106779  
153.59 of the Revised Code, and under which all contractors from 106780  
whom the state makes purchases are required to have an affirmative 106781  
action plan and file that plan with the state in accordance with 106782  
section 125.111 of the Revised Code. 106783

(B) On July 1, 2021, the administration of the business 106784  
certification programs shall be transferred from the Department of 106785  
Administrative Services to the Department of Development. 106786

(C) Business related to the business certification programs 106787  
commenced but not completed by the Department of Administrative 106788  
Services on July 1, 2021, shall be completed by the Department of 106789  
Development, as appropriate, in the same manner, and with the same 106790  
effect, as if completed by the Department of Administrative 106791  
Services. No validation, cure, right, privilege, remedy, 106792  
obligation, or liability is lost or impaired by reason of the 106793  
transfer required by this section but shall be administered by the 106794  
Director of Development or the Department of Development, as 106795

appropriate. 106796

(D) The rules, orders, and determinations of the Department 106797  
of Administrative Services pertaining to the business 106798  
certification programs continue in effect as rules, orders, and 106799  
determinations of the Department of Development until modified or 106800  
rescinded by that agency. 106801

(E) No judicial or administrative action or proceeding 106802  
pending on July 1, 2021, is affected by the transfer of functions 106803  
related to the business certification programs from the Director 106804  
of Administrative Services or the Department of Administrative 106805  
Services to the Director of Development or the Department of 106806  
Development, and those actions related to the administration of 106807  
these programs shall be prosecuted or defended in the name of the 106808  
Director of Development or the Department of Development, as 106809  
appropriate. On application to the court or other tribunal, the 106810  
Director of Development or the Department of Development, 106811  
whichever is appropriate, shall be substituted as a party in such 106812  
actions and proceedings. 106813

(F) When the Equal Employment Coordinator, the Director of 106814  
Administrative Services, or the Department of Administrative 106815  
Services is referred to in any rule, contract, grant, or other 106816  
document related to the administration of the business 106817  
certification programs, the reference is deemed to refer to the 106818  
Director or Department of Development, as appropriate. 106819

(G) The Director of Development, not later than September 1, 106820  
2023, and with the cooperation of the Director of Administrative 106821  
Services, shall submit a report to the General Assembly and to the 106822  
Governor regarding the effects of transferring the Minority 106823  
Business Enterprise program, the Encouraging Diversity, Growth, 106824  
and Equity program, the Women-owned Business Enterprise program, 106825  
and the Veteran-friendly Business Procurement program from the 106826  
Department of Administrative Services to the Department of 106827

Development. The report shall include all of the following: 106828

(1) Data regarding the number of businesses certified as 106829  
participants in each applicable business certification program 106830  
from the period beginning July 1, 2021, and ending on July 1, 106831  
2023, compared to the number certified in the two years before 106832  
July 1, 2021, by the Department of Administrative Services, if 106833  
that data is available. 106834

(2) Data regarding the number of days required to complete 106835  
the certification process for each applicable applicant to each 106836  
business certification program during the period beginning July 1, 106837  
2021, and ending on July 1, 2023, compared to the number of days 106838  
required to complete the certification process for each applicant 106839  
during the two years before July 1, 2021, by the Department of 106840  
Administrative Services, if that data is available. 106841

(3) Information regarding the number of employees transferred 106842  
and the number of employees laid off pursuant to Section 518.12 of 106843  
this act. 106844

(4) The number of complaints received by the Department of 106845  
Development from applicants to the applicable business 106846  
certification programs, regarding the application and 106847  
certification process, during the period beginning July 1, 2021, 106848  
and ending on July 1, 2023, compared to the number received in the 106849  
two years before July 1, 2021, by the Department of Administrative 106850  
Services, if that data is available. 106851

**Section 518.11.** Notwithstanding sections 4117.08 and 4117.10 106852  
of the Revised Code, the transfer of the business certification 106853  
programs from the Department of Administrative Services to the 106854  
Department of Development and the reassignment of certain 106855  
functions and duties of the Department of Administrative Services 106856  
by this act are not appropriate subjects for collective bargaining 106857  
under Chapter 4117. of the Revised Code. 106858

**Section 518.12.** (A) Subject to the layoff provisions of 106859  
sections 124.321 to 124.328 of the Revised Code, on July 1, 2021, 106860  
those employees of the Department of Administrative Services who 106861  
administer the business certification programs are transferred to 106862  
the Department of Development. 106863

(B)(1) During the period beginning July 1, 2021, and ending 106864  
June 30, 2022, the Director of Development may establish, change, 106865  
and abolish positions of the Department of Development and assign, 106866  
reassign, classify, reclassify, transfer, reduce, promote, or 106867  
demote all employees of the Department who are not subject to 106868  
Chapter 4117. of the Revised Code. 106869

(2) The authority granted under division (B)(1) of this 106870  
section includes assigning or reassigning an exempt employee, as 106871  
defined in section 124.152 of the Revised Code, to a bargaining 106872  
unit classification if the Director determines that the bargaining 106873  
unit classification is the proper classification for that 106874  
employee. If an employee in the E-1 pay range is to be assigned, 106875  
reassigned, classified, reclassified, transferred, reduced, or 106876  
demoted to a position in a lower classification during the period 106877  
specified in division (B)(1) of this section, the Director of 106878  
Development, or in the case of transfer outside the Department of 106879  
Development, the Director of Administrative Services, shall assign 106880  
the employee to the appropriate classification and place the 106881  
employee in Step X. The employee shall not receive any increase in 106882  
compensation until the maximum rate of pay for that classification 106883  
exceeds the employee's compensation. 106884

(3) Actions taken by the Director of Development pursuant to 106885  
division (B)(1) of this section are not subject to appeal to the 106886  
State Personnel Board of Review. 106887

**Section 518.13.** The Director of Development may enter into 106888

one or more contracts with private or government entities for 106889  
staff training and development to facilitate the transfer of staff 106890  
and duties related to the business certification programs from the 106891  
Department of Administrative Services to the Department of 106892  
Development. Division (B) of section 127.16 of the Revised Code 106893  
does not apply to contracts entered into under this section. 106894

**Section 518.14.** Notwithstanding division (D) of section 106895  
127.14 and section 131.35 of the Revised Code, except for the 106896  
General Revenue Fund, the Controlling Board may, upon the request 106897  
of the Director of Development, increase appropriations for any 106898  
fund, as necessary, to assist in paying either or both of the 106899  
following as a result of the transfer described in Sections 518.10 106900  
to 518.13 of this act: (1) The costs of increases in employee 106901  
compensation that occur on or after July 1, 2021, pursuant to 106902  
collective bargaining agreements under Chapter 4117. of the 106903  
Revised Code; (2) The costs of salary increases on or after July 106904  
1, 2021, for employees who are exempt from collective bargaining 106905  
that are provided under law. Such amounts are hereby appropriated. 106906

**Section 518.15.** (A) Notwithstanding any provision of the law 106907  
to the contrary, on or after the effective date of this section, 106908  
the Director of Budget and Management shall make budget and 106909  
accounting changes made necessary by the transfer described in 106910  
Section 518.10 of this act, including administrative organization, 106911  
program transfers, the renaming of funds, the creating of new 106912  
funds, the transfer of state funds and the consolidation of funds 106913  
as authorized by Section 518.10 of this act. The Director may, if 106914  
necessary, cancel or establish encumbrances or parts of 106915  
encumbrances in fiscal years 2021 and 2022 in the appropriate fund 106916  
and appropriation items for the same purpose and for payment to 106917  
the same vendor. The established encumbrances are hereby 106918

appropriated. 106919

(B) All records, documents, files, equipment, assets, and 106920  
other materials of the business certification programs are 106921  
transferred from the Department of Administrative Services to the 106922  
Department of Development. 106923

**Section 518.16.** (A) On and after July 1, 2021, the Director 106924  
of the Legislative Service Commission shall renumber the rules of 106925  
the Department of Administrative Services set forth in Chapter 106926  
123:2-14 of the Ohio Administrative Code and Section 123:5-1-16 of 106927  
the Ohio Administrative Code to reflect their transfer to the 106928  
Department of Development. 106929

(B) Notwithstanding section 121.95 of the Revised Code, any 106930  
new rules or amendments to the rules implementing sections 106931  
122.921, 122.922, 121.924, or 122.925 of the Revised Code that are 106932  
proposed before June 30, 2023, are not subject to division (F) of 106933  
section 121.95 of the Revised Code. 106934

**Section 518.20.** On the effective date of this section, the 106935  
Development Services Agency is renamed the Department of 106936  
Development and the Director of Development Services is 106937  
redesignated the Director of Development. 106938

All of the Development Services Agency's rules, orders, and 106939  
determinations continue in effect as rules, orders, and 106940  
determinations of the Department of Development until modified or 106941  
rescinded by the Department. All employees of the Development 106942  
Services Agency continue with the Department of Development and 106943  
retain their positions and all benefits accruing thereto. Except 106944  
as otherwise noted in law, whenever the Development Services 106945  
Agency or the Director of Development Services is referred to in a 106946  
statute, rule, contract, or other instrument, the reference is 106947  
deemed to refer to the Department of Development or to the 106948

Director of Development, whichever is appropriate in context. No 106949  
pending action or proceeding being prosecuted or defended in court 106950  
or before an agency by the Development Services Agency or by the 106951  
Director of Development Services is affected by the renaming and 106952  
shall be prosecuted or defended in the name of the Department of 106953  
Development or the Director of Development, whichever is 106954  
appropriate. Upon application to the court or agency, the 106955  
Department of Development or the Director of Development shall be 106956  
substituted. 106957

**Section 518.30.** (A) On December 30, 2021, the Southern Ohio 106958  
Agricultural Community Development Foundation is hereby abolished. 106959  
The Department of Agriculture is successor to and assumes any 106960  
remaining obligations and authority of the Foundation. Any 106961  
business commenced, but not completed by the Foundation, shall be 106962  
completed by the Department in the same manner and with the same 106963  
effect as if completed by the Foundation. Any validation, right, 106964  
cure, privilege, remedy, obligation, or liability is not lost or 106965  
impaired solely by this abolishment and shall be administered by 106966  
the Department. Any action or proceeding pending on the effective 106967  
date of this section is not affected by the abolishment of the 106968  
Foundation and shall be defended in the name of the Department. In 106969  
all such actions and proceedings, the Department may be 106970  
substituted as a party upon application to the court or other 106971  
tribunal. 106972

(B) Notwithstanding any provision of law to the contrary, the 106973  
Department of Agriculture shall designate the positions and 106974  
employees of the Foundation, if any, to be transferred to the 106975  
Department. Any employee transferred to the Department retains the 106976  
employee's respective classification. However, the Department may 106977  
reassign and reclassify the employee's position and compensation 106978  
as the Department determines to be in the best interest of the 106979  
Department. The Department shall assist with and provide payment 106980

for the filing fees of any required financial disclosure 106981  
statements of members of the board of trustees or employees of the 106982  
Foundation for calendar year 2021. 106983

(C) Notwithstanding section 145.297 of the Revised Code, the 106984  
Department may, at the Department's discretion and with the 106985  
approval of the Office of Budget and Management, establish a 106986  
retirement incentive plan for eligible employees of the Foundation 106987  
who are members of the Public Employee Retirement System. Any 106988  
retirement incentive plan established pursuant to this section 106989  
shall remain in effect until December 29, 2021. 106990

(D) On or before December 30, 2021, all equipment, assets, 106991  
supplies, records, and other property of the Foundation are 106992  
transferred to the Department of Agriculture or shall be disposed 106993  
of in a lawful manner. 106994

(E) On December 30, 2021, all rules of the Foundation are 106995  
hereby rescinded. 106996

(F) On December 30, 2021, or as soon as possible thereafter, 106997  
the Director of Budget and Management shall transfer the cash 106998  
balance in the Southern Ohio Agricultural and Community 106999  
Development Operating Expenses Fund (Fund 5M90) to the Ohio Proud 107000  
Marketing Fund (Fund 4R00). Upon completion of the transfer, the 107001  
Southern Ohio Agricultural and Community Development Operating 107002  
Expenses Fund (Fund 5M90) is hereby abolished. The Director of 107003  
Budget and Management shall cancel any existing encumbrances 107004  
against appropriation item 945601, Operating Expenses, and 107005  
re-establish them against 700636, Ohio Proud Marketing. The 107006  
re-established amounts are hereby appropriated. 107007

On December 30, 2021, or as soon as possible thereafter, the 107008  
Treasurer of State shall remit the cash balance of the Southern 107009  
Ohio Agricultural and Community Development Foundation Endowment 107010  
Fund to the Ohio Proud Marketing Fund (Fund 4R00). Upon completion 107011

of this remittance, the Southern Ohio Agricultural and Community 107012  
Development Foundation Endowment Fund is hereby abolished. 107013

No cash transferred or remitted under this division shall be 107014  
used to hire an executive agency lobbyist as defined under section 107015  
121.60 of the Revised Code, or a legislative agent, as defined 107016  
under section 101.70 of the Revised Code. 107017

(G) Notwithstanding any provision of law to the contrary, the 107018  
Department of Agriculture shall, in consultation with the 107019  
Department of Administrative Services and the Office of Budget and 107020  
Management, attend to any matters associated with winding up the 107021  
affairs of the Southern Ohio Agricultural and Community 107022  
Development Foundation including but not limited to coordination 107023  
of a final audit of the Foundation. If it is determined by the 107024  
Director of Agriculture that additional appropriation is necessary 107025  
in appropriation item 945601, Operating Expenses, or after 107026  
December 30, 2021, in appropriation item 700636, Ohio Proud 107027  
Marketing, to wind up the affairs of the Foundation including to 107028  
pay for any final audit or other expenditures of the Foundation, 107029  
the Director of Agriculture shall certify the amount of additional 107030  
appropriation needed to the Director of Budget and Management. 107031  
Upon the approval of the Director of Budget and Management, 107032  
amounts up to those certified by the Director of Agriculture are 107033  
hereby appropriated for that purpose. 107034

(H) Notwithstanding any provision of law to the contrary, on 107035  
or after the effective date of this section, the Director of 107036  
Budget and Management may make accounting and budgeting changes 107037  
necessary to effectuate this section. The Director may, if 107038  
necessary, cancel or establish encumbrances or parts of 107039  
encumbrances in fiscal years 2022 and 2023 in the appropriate fund 107040  
and appropriation item for the same purpose and for payment to the 107041  
same vendor. 107042

**Section 520.10.** Money distributed to Guernsey County from the 107043  
Administrative Building Fund (Fund 7026) appropriation item 107044  
C76027, Southeast Ohio Emergency Responder Facility, under H.B. 107045  
562 of the 127th General Assembly may alternatively be used by 107046  
Guernsey County to support Deerassic Park Education Center. 107047

**Section 610.02.** That Section 8 of S.B. 18 of the 134th 107048  
General Assembly be amended to read as follows: 107049

**Sec. 8.** The election authorized under section 4141.321 of the 107050  
Revised Code to withhold state income taxes applies to 107051  
unemployment compensation benefits paid on or after January 1, 107052  
~~2022~~ 2023. 107053

On or before December 1, ~~2021~~ 2022, the Director of Job and 107054  
Family Services shall notify each individual that was receiving on 107055  
that date, and that continues to receive, unemployment 107056  
compensation benefits and that made an election under division (B) 107057  
of that section with respect to federal income tax that the 107058  
individual may elect to have state income tax withheld from those 107059  
benefits for benefits paid on or after January 1, ~~2022~~ 2023, in 107060  
accordance with that division. Such an election is not a change in 107061  
withholding status for the purpose of division (A)(4) of that 107062  
section. 107063

**Section 610.03.** That existing Section 8 of S.B. 18 of the 107064  
134th General Assembly is hereby repealed. 107065

**Section 610.04.** That Section 5 of H.B. 123 of the 133rd 107066  
General Assembly be amended to read as follows: 107067

**Sec. 5.** (A) As used in this section: 107068

(1) "Eligible internet- or computer-based community school" 107069

means the following: 107070

(a) For fiscal year 2021, an internet- or computer-based 107071  
community school that was designated for the 2019-2020 school year 107072  
as an internet- or computer-based community school in which a 107073  
majority of the students were enrolled in a dropout prevention and 107074  
recovery program and satisfies both of the following conditions: 107075

~~(a)(i)~~ The school does not have a for-profit operator; 107076

~~(b)(ii)~~ The school received a rating of "exceeds standards" 107077  
on the combined graduation component of the most recent report 107078  
card issued for the school under section 3314.017 of the Revised 107079  
Code. 107080

(b) For fiscal years 2022 and 2023, an internet- or 107081  
computer-based community school that participated in the program 107082  
for fiscal year 2021. 107083

(2) "Formula amount" shall equal the amount specified in 107084  
division (F)(1) of the section of H.B. 166 of the 133rd General 107085  
Assembly entitled "OPERATING FUNDING FOR FISCAL YEARS 2020 and 107086  
2021." 107087

(3) "Internet- or computer-based community school" has the 107088  
same meaning as in section 3314.02 of the Revised Code. 107089

(B) The Department of Education shall establish a pilot 107090  
program to provide additional funding for students enrolled in 107091  
grades eight through twelve in eligible internet- or 107092  
computer-based community schools for fiscal ~~year~~ years 2021, 2022, 107093  
and 2023. An eligible internet- or computer-based community school 107094  
may choose to participate in the program by notifying the 107095  
Department of Education not later than ten days after ~~the~~ 107096  
~~effective date of this section~~ December 21, 2020. 107097

(C) For fiscal ~~year~~ years 2021, 2022, and 2023, the 107098  
Department of Education shall require each eligible internet- or 107099

computer-based community school that chooses to participate in the 107100  
pilot program to report all information that is necessary to make 107101  
payments under division (D) of this section. 107102

(D) For fiscal ~~year~~ years 2021, 2022, and 2023, the 107103  
Department shall calculate an additional payment for each eligible 107104  
internet- or computer-based community school that chooses to 107105  
participate in the pilot program, as follows: 107106

(1) Compute the lesser of the following for each student 107107  
enrolled in grades eight through twelve: 107108

(a) The formula amount X the maximum full-time equivalency 107109  
for the portion of the school year for which the student is 107110  
enrolled in the school; 107111

(b) The sum of the following: 107112

(i) A one-time payment of \$1,750. In the case of a student 107113  
enrolled in the school for the first time for the 2020-2021, 107114  
2021-2022, or 2022-2023 school year, payment shall be made under 107115  
division (D)(1)(b)(i) of this section at least thirty days after 107116  
the student is considered to be enrolled in the school in 107117  
accordance with division (H)(2) of section 3314.08 of the Revised 107118  
Code, provided the student has been continuously enrolled in the 107119  
school during that time, as determined by the Department. In the 107120  
case of a student that was enrolled in the school for the 107121  
2019-2020, 2020-2021, or 2021-2022 school year, payment shall be 107122  
made under division (D)(1)(b)(i) of this section at least thirty 107123  
days after the student has started to participate in learning 107124  
opportunities for the 2020-2021, 2021-2022, or 2022-2023 school 107125  
year, provided the student has been continuously enrolled in the 107126  
school during that time, as determined by the Department. 107127

(ii) The formula amount X (1/920) X the lesser of the number 107128  
of hours the student participates in learning opportunities in 107129  
that fiscal year or 920; 107130

(iii) The lesser of (\$500 X either the number of courses completed by the student in that fiscal year, in the case of a student enrolled in grade eight, or the number of credits earned by the student in that fiscal year, in the case of a student enrolled in grades nine through twelve) or \$2,500.

(2) Compute the sum of the amounts calculated under division (D)(1) of this section for all students enrolled in grades eight through twelve.

(3) Compute the school's payment in accordance with the following formula:

The amount determined under division (D)(2) of this section) - (the total amount paid to the school for the fiscal year ~~2021~~ for which the payment is calculated under this section under division (C)(1)(a) of section 3314.08 of the Revised Code for students enrolled in grades eight through twelve)

If the amount computed under division (D)(3) is a negative number, the school shall not receive a payment under this section.

(E)(1) The Department shall complete a review of the enrollment of each eligible internet- or computer-based community school that chooses to participate in the pilot program in accordance with division (K) of section 3314.08 of the Revised Code. If the Department determines a school has been overpaid based on a review completed under division (E)(1) of this section, the Department shall require a repayment of the overpaid funds and may require the school to establish a plan to improve the reporting of enrollment.

(2) The Department may require each eligible internet- or computer-based community school that chooses to participate in the pilot program to create a debt reduction plan approved by the school's sponsor, if determined appropriate by the Department.

(3) To the extent that an eligible internet- or

computer-based community school that chooses to participate in the 107162  
pilot program had, for the 2019-2020, 2020-2021, or 2021-2022 107163  
school year, a percentage of student engagement in learning 107164  
opportunities that was less than sixty-five per cent, the school 107165  
shall provide to the Department a meaningful plan for increasing 107166  
student engagement. 107167

(4) All eligible internet- or computer-based community 107168  
schools that choose to participate in the pilot program shall 107169  
implement programming or protocol which documents enrollment and 107170  
participation in learning opportunities in order to participate in 107171  
the program. 107172

(F) Upon completion of the pilot program, and not later than 107173  
December 31, ~~2021~~ 2022, the Department shall issue a report on the 107174  
program. For purposes of this report, the Department may request 107175  
each eligible internet- or computer-based community school that 107176  
chooses to participate in the pilot program to submit information 107177  
to the Department on any of the following: 107178

(1) The time, resources, and cost associated with enrolling 107179  
students in the school and preparing students to engage in 107180  
learning opportunities; 107181

(2) The time and cost associated with providing counseling 107182  
and other supports to students; 107183

(3) Student enrollment and participation data; 107184

(4) Individualized student plans; 107185

(5) An assessment of strategies used to improve student 107186  
engagement and the percentage of participation in learning 107187  
opportunities 107188

(6) Any other data the Department considers relevant. 107189

The Department shall submit copies of the report in 107190  
accordance with section 101.68 of the Revised Code to the 107191

Governor, the President and Minority Leader of the Senate, the 107192  
Speaker and Minority Leader of the House of Representatives, and 107193  
the chairpersons and ranking members of the standing committees on 107194  
primary and secondary education of the Senate and the House of 107195  
Representatives. 107196

**Section 610.05.** That existing Section 5 of H.B. 123 of the 107197  
133rd General Assembly is hereby repealed. 107198

**Section 610.10.** That Section 733.61 of H.B. 166 of the 133rd 107199  
General Assembly be amended to read as follows: 107200

**Sec. 733.61.** (A) Notwithstanding section 3319.236 of the 107201  
Revised Code, for the 2019-2020 ~~and 2020-2021~~ school year through 107202  
the 2022-2023 school ~~years~~ year only, a school district, community 107203  
school established under Chapter 3314. of the Revised Code, or 107204  
science, technology, engineering, and mathematics school 107205  
established under Chapter 3326. of the Revised Code may permit an 107206  
individual who holds a valid educator license in any of grades 107207  
seven through twelve to teach a computer science course if, prior 107208  
to teaching the course, the individual completes a professional 107209  
development program approved by the district superintendent or 107210  
school principal that provides content knowledge specific to the 107211  
course the individual will teach. The superintendent or principal 107212  
shall approve any professional development program endorsed by the 107213  
organization that creates and administers the national Advanced 107214  
Placement examinations as appropriate for the course the 107215  
individual will teach. 107216

(B) Nothing in this section shall permit an individual 107217  
described in division (A) of this section to teach a computer 107218  
science course in a school district or school other than the 107219  
school district or school that employed the individual at the time 107220  
the individual completed the professional development program 107221

required by that division. 107222

(C) Beginning July 1, ~~2021~~ 2023, a school district or public 107223  
school shall permit an individual to teach a computer science 107224  
course only in accordance with section 3319.236 of the Revised 107225  
Code. 107226

(D) Notwithstanding section 3301.012 of the Revised Code, as 107227  
used in this section, "computer science course" means any course 107228  
that is reported in the education management information system 107229  
established under section 3301.0714 of the Revised Code as a 107230  
computer science course. 107231

**Section 610.11.** That existing Section 733.61 of H.B. 166 of 107232  
the 133rd General Assembly is hereby repealed. 107233

**Section 610.115.** That Section 29 of H.B. 197 of the 133rd 107234  
General Assembly be amended to read as follows: 107235

**Sec. 29.** (A) Notwithstanding section 718.011 of the Revised 107236  
Code, and for the purposes of Chapter 718. of the Revised Code, 107237  
during the period of the emergency declared by Executive Order 107238  
2020-01D, issued on and after March 9, 2020, and for thirty days 107239  
after the conclusion of that period but before January, 1, 2022, 107240  
any day on which an employee, in response to the COVID-19 107241  
pandemic, performs personal services at a location, including the 107242  
employee's home, to which the employee is required to report for 107243  
employment duties because of the declaration or other location 107244  
that is not the employee's principal place of work shall be deemed 107245  
to be a day performing personal services at the employee's 107246  
principal place of work. 107247

(B) Nothing in this section prohibits an employer from 107248  
assigning an employee to a new or different work location that may 107249  
result in a change to the employee's principal place of work 107250

|                                                                                    |        |
|------------------------------------------------------------------------------------|--------|
| <u>during the time period described in division (A) of this section.</u>           | 107251 |
| <u>(C) Nothing in this section prohibits an employer from</u>                      | 107252 |
| <u>withholding tax on an employee's qualifying wages in accordance</u>             | 107253 |
| <u>with section 718.03 of the Revised Code.</u>                                    | 107254 |
| <u>(D) On and after January 1, 2021, this section applies only</u>                 | 107255 |
| <u>for the purposes of municipal income tax withholding under section</u>          | 107256 |
| <u>718.011 of the Revised Code and for apportioning or situsing the</u>            | 107257 |
| <u>employer's net profit under section 718.02 or 718.82 of the</u>                 | 107258 |
| <u>Revised Code and not for purposes of determining the location at</u>            | 107259 |
| <u>which a nonresident employee's work was completed, services were</u>            | 107260 |
| <u>performed or rendered, or activities were conducted for the</u>                 | 107261 |
| <u>purpose of determining the employee's municipal income tax</u>                  | 107262 |
| <u>liability.</u>                                                                  | 107263 |
| <b>Section 610.116.</b> That existing Section 29 of H.B. 197 of the                | 107264 |
| 133rd General Assembly is hereby repealed.                                         | 107265 |
| <b>Section 610.1165.</b> That Sections 4 and 5 of S.B. 276 of the                  | 107266 |
| 133rd General Assembly be amended to read as follows:                              | 107267 |
| <b>Sec. 4.</b> Section 3 of S.B. 276 of the 133rd General Assembly                 | 107268 |
| shall take effect on <del>January 1</del> <u>February 11</u> , 2022.               | 107269 |
| <b>Sec. 5.</b> The repeal of a statute by S.B. 276 of the 133rd                    | 107270 |
| General Assembly shall not affect an action commenced, proceeding                  | 107271 |
| brought, or right accrued prior to <del>January 1</del> <u>February 11</u> , 2022. | 107272 |
| <b>Section 610.1166.</b> That existing Sections 4 and 5 of S.B. 276                | 107273 |
| of the 133rd General Assembly are hereby repealed.                                 | 107274 |
| <b>Section 610.117.</b> That Section 2 of H.B. 308 of the 133rd                    | 107275 |
| General Assembly be amended to read as follows:                                    | 107276 |

**Sec. 2.** (A) The Board of Trustees of the Ohio Police and Fire Pension Fund, in consultation with the entities listed in division (B) of this section, shall have prepared by its actuary or a disinterested third-party actuary an actuarial valuation of the funding requirements of the state post-traumatic stress fund established by section 126.65 of the Revised Code, as enacted by Section 1 of ~~this act~~ H.B. 308 of the 133rd General Assembly. The actuary shall complete the valuation in accordance with actuarial standards of practice promulgated by the actuarial standards board of the American academy of actuaries. The Board shall be reimbursed by the Office of Budget and Management for up to five hundred thousand dollars for the expenses incurred in preparing the study. The actuary shall prepare a report of the actuarial analysis, which shall include only the following:

- (1) A description of lost wage compensation and medical benefit amounts evaluated;
- (2) A description of the participant group or groups included in the report;
- (3) A projection of the number of participants eligible for compensation and benefits from the fund;
- (4) A projection of the potential claims per year;
- (5) A projection of the average benefit amount based on weekly wage;
- (6) A projection of the cost of health care and pharmacy benefits;
- (7) A cost comparison showing the projected administrative costs differentials based on the Board of Trustees of the Ohio Police and Fire Pension Fund creating a program versus contracting with other private and public entities;
- (8) A cost comparison as to which, if any, state retirement

|                                                                    |        |
|--------------------------------------------------------------------|--------|
| system or other administrator is best suited to administer the     | 107307 |
| state post-traumatic stress fund;                                  | 107308 |
| (9) A review of how other states administer funds that are         | 107309 |
| similar to the state post-traumatic stress fund;                   | 107310 |
| (10) An analysis of whether an administrative appeals process      | 107311 |
| is necessary or useful to the resolution of claims for             | 107312 |
| compensation, benefits, or both from the state post-traumatic      | 107313 |
| stress fund;                                                       | 107314 |
| (11) If it is determined that an administrative appeals            | 107315 |
| process is necessary or useful to the resolution of claims, an     | 107316 |
| analysis of which entity is best suited to administer the process; | 107317 |
| (12) An analysis of any other issue identified by the              | 107318 |
| entities listed in division (B) of this section.                   | 107319 |
| (B) With respect to the study and report required under            | 107320 |
| division (A) of this section, the Board shall consult with all of  | 107321 |
| the following entities:                                            | 107322 |
| (1) The Ohio Chamber of Commerce;                                  | 107323 |
| (2) The National Federation of Independent Business;               | 107324 |
| (3) The Ohio Manufacturers' Association;                           | 107325 |
| (4) The County Commissioners Association of Ohio;                  | 107326 |
| (5) The Ohio Township Association;                                 | 107327 |
| (6) The Ohio Municipal League;                                     | 107328 |
| (7) The Fraternal Order of Police of Ohio;                         | 107329 |
| (8) The Ohio Association of Professional Firefighters;             | 107330 |
| (9) The Public Employees Retirement Board;                         | 107331 |
| (10) The State Teachers Retirement Board;                          | 107332 |
| (11) The School Employees Retirement Board;                        | 107333 |
| (12) The State Highway Patrol Retirement Board.                    | 107334 |

(C) The study and report required under division (A) of this section shall be completed not later than ~~October 1~~ December 15, 2021. Copies of the report shall be transmitted to the Board of Trustees of the Ohio Police and Fire Pension Fund, the Director of Budget and Management, the Speaker and Minority Leader of the House of Representatives, and the President and Minority Leader of the Senate immediately on its availability.

**Section 610.118.** That existing Section 2 of H.B. 308 of the 133rd General Assembly is hereby repealed.

**Section 610.14.** That Sections 213.10, 221.10, 221.13, 223.10, 223.15, 223.50, 227.10, 233.10, and 237.13 of S.B. 310 of the 133rd General Assembly be amended to read as follows:

**Sec. 213.10.**

DAS DEPARTMENT OF ADMINISTRATIVE SERVICES

Building Improvement Fund (Fund 5KZ0)

|                                 |                      |    |            |               |
|---------------------------------|----------------------|----|------------|---------------|
| C10035                          | Building Improvement | \$ | 33,054,775 |               |
| TOTAL Building Improvement Fund |                      |    |            | \$ 33,054,775 |

Administrative Building Taxable Bond Fund (Fund 7016)

|                                                 |                                                 |           |                |                                             |
|-------------------------------------------------|-------------------------------------------------|-----------|----------------|---------------------------------------------|
| C10041                                          | MARCS - Taxable                                 | \$        | 7,093,977      |                                             |
| <u>C10044</u>                                   | <u>Lorain County MARCS Tower/Sheffield Lake</u> | <u>\$</u> | <u>150,000</u> |                                             |
| <u>C10046</u>                                   | <u>Richland County MARCS Tower</u>              | <u>\$</u> | <u>400,000</u> |                                             |
| <u>C10047</u>                                   | <u>Fredericksburg MARCS Tower</u>               | <u>\$</u> | <u>500,000</u> |                                             |
| <u>C10048</u>                                   | <u>Williams County MARCS Tower</u>              | <u>\$</u> | <u>250,000</u> |                                             |
| TOTAL Administrative Building Taxable Bond Fund |                                                 |           |                | \$ <del>7,093,977</del><br><u>8,393,977</u> |

Administrative Building Fund (Fund 7026)

|        |                                                |    |                                      |  |
|--------|------------------------------------------------|----|--------------------------------------|--|
| C10034 | Aronoff Center Systems Replacements & Upgrades | \$ | <del>375,000</del><br><u>775,000</u> |  |
| C10042 | IT Projects                                    | \$ | 11,000,000                           |  |

|                                    |    |                       |        |
|------------------------------------|----|-----------------------|--------|
| TOTAL Administrative Building Fund | \$ | <del>11,375,000</del> | 107362 |
|                                    |    | <u>11,775,000</u>     |        |
| TOTAL ALL FUNDS                    | \$ | <del>51,523,752</del> | 107363 |
|                                    |    | <u>53,223,752</u>     |        |

MARCS STEERING COMMITTEE AND STATEWIDE COMMUNICATIONS SYSTEM 107364

There is hereby continued a Multi-Agency Radio Communications System (MARCS) Steering Committee consisting of the designees of the Directors of Administrative Services, Public Safety, Natural Resources, Transportation, Rehabilitation and Correction, and Budget and Management, and the State Fire Marshal or the State Fire Marshal's designee. The Director of Administrative Services or the Director's designee shall chair the Committee. The Committee shall provide assistance to the Director of Administrative Services for effective and efficient implementation of MARCS as well as develop policies for the ongoing management of the system. Upon dates prescribed by the Directors of Administrative Services and Budget and Management, the MARCS Steering Committee shall report to the Directors on the progress of MARCS implementation and the development of policies related to the system.

The Committee shall establish a subcommittee to represent MARCS users on the local government level. The chairperson of the subcommittee shall serve as a member of the MARCS Steering Committee.

The foregoing appropriation item C10041, MARCS - Taxable, shall be used to purchase or construct the components of MARCS that are not specific to any one agency. The equipment may include, but is not limited to, computer and telecommunications equipment used for the functioning and integration of the system, communications towers, tower sites, tower equipment, and linkages among towers. The Director of Administrative Services shall, with the concurrence of the MARCS Steering Committee, determine the

specific use of funds. Expenditures from this appropriation shall 107392  
not be subject to Chapters 123. and 153. of the Revised Code. 107393

**Sec. 221.10.** MHA DEPARTMENT OF MENTAL HEALTH AND ADDICTION 107394  
SERVICES 107395

Mental Health Facilities Improvement Fund (Fund 7033) 107396

C58001 Community Assistance Projects \$ ~~47,709,000~~ 107397  
47,959,000

C58007 Infrastructure Renovations \$ 48,104,800 107398

C58048 Community Resiliency Projects \$ 14,200,000 107399

TOTAL Mental Health Facilities Improvement Fund \$ ~~110,013,800~~ 107400  
110,263,800

TOTAL ALL FUNDS \$ ~~110,013,800~~ 107401  
110,263,800

**Sec. 221.13.** COMMUNITY ASSISTANCE PROJECTS 107403

Capital appropriations in ~~this act~~ S.B. 310 of the 133rd 107404  
General Assembly made from appropriation item C58001, Community 107405  
Assistance Projects, may be used for facilities constructed or to 107406  
be constructed pursuant to Chapter 340., 5119., 5123., or 5126. of 107407  
the Revised Code or the authority granted by section 154.20 and 107408  
other applicable sections of the Revised Code and the rules issued 107409  
pursuant to those chapters and that section and shall be 107410  
distributed by the Department of Mental Health and Addiction 107411  
Services subject to Controlling Board approval. 107412

Of the foregoing appropriation item C58001, Community 107413  
Assistance Projects, ~~\$15,409,000~~ \$14,659,000 shall be used to 107414  
support the projects listed in this section. 107415

Project List 107416

Comprehensive Addiction Center \$4,500,000 107417

Bellefaire JCB Pediatric Psychiatric \$1,000,000 107418

Hospital and Autism School

|                                                                                         |                  |        |
|-----------------------------------------------------------------------------------------|------------------|--------|
| Restoration of Mental Health Diversion<br>Center                                        | \$1,000,000      | 107419 |
| Sheakley Day Treatment                                                                  | \$934,000        | 107420 |
| Cleveland Clinic Akron General                                                          | \$700,000        | 107421 |
| One Step Closer to Home                                                                 | \$650,000        | 107422 |
| Stella Maris                                                                            | \$500,000        | 107423 |
| Faith Mission Shelter Renovations                                                       | \$400,000        | 107424 |
| Ohio Veterans Drug and Transcranial<br>Magnetic Stimulation Treatment                   | \$400,000        | 107425 |
| Providence House                                                                        | \$400,000        | 107426 |
| Applewood Center - Jones Home Campus                                                    | \$350,000        | 107427 |
| New Beginnings Community-Based Residential<br>Treatment                                 | \$350,000        | 107428 |
| Sr. Ignatia Heritage and Reflection Center                                              | \$300,000        | 107429 |
| Blessing House Facility                                                                 | \$250,000        | 107430 |
| Cedar Hills Transformation Camp                                                         | \$250,000        | 107431 |
| City of Lakewood - Mental Health and<br>Addiction Services Support Space                | \$250,000        | 107432 |
| <u>Cleveland Rape Crisis Centers</u>                                                    | <u>\$250,000</u> | 107433 |
| Washington County Recreation and Support<br>Center                                      | \$200,000        | 107434 |
| (Cocoon) Comprehensive Advocacy Center for<br>Survivors of Domestic and Sexual Violence | \$200,000        | 107435 |
| CommQuests Recovery Campus Improvements                                                 | \$200,000        | 107436 |
| West Dayton Community Services Center                                                   | \$200,000        | 107437 |
| Edna House                                                                              | \$150,000        | 107438 |
| Meadow Center                                                                           | \$150,000        | 107439 |
| The Haven of Portage County                                                             | \$150,000        | 107440 |
| Y-Haven                                                                                 | \$150,000        | 107441 |
| Forbes House Domestic Violence Project                                                  | \$120,000        | 107442 |
| Seven Hills Trauma Recovery Center                                                      | \$105,000        | 107443 |
| Family Unity Center                                                                     | \$100,000        | 107444 |
| Save a Warrior Project                                                                  | \$100,000        | 107445 |

|                                                                            |              |        |
|----------------------------------------------------------------------------|--------------|--------|
| Cadence Care Network Family and Community Resource Center                  | \$50,000     | 107446 |
| Child Focus Day Treatment Facility                                         | \$50,000     | 107447 |
| Grace House Akron, Inc.                                                    | \$50,000     | 107448 |
| Lighthouse Behavioral Health Solutions Outpatient Behavioral Health Clinic | \$50,000     | 107449 |
| Sanctuary on Sullivant                                                     | \$50,000     | 107450 |
| The Glenway Outpatient Treatment Center - Phase 3 (Final)                  | \$50,000     | 107451 |
| The Commons at Springfield                                                 | \$25,000     | 107452 |
| Women's Recovery Center                                                    | \$13,000     | 107453 |
| Lima Crossroads Crisis Centers                                             | \$12,000     | 107454 |
| <b>Sec. 223.10. DNR DEPARTMENT OF NATURAL RESOURCES</b>                    |              | 107455 |
| Administrative Building Fund (Fund 7026)                                   |              | 107456 |
| C725D5 Fountain Square Building and Telephone Improvement                  | \$4,000,000  | 107457 |
| C725E0 DNR Fairgrounds Area Upgrades                                       | \$1,000,000  | 107458 |
| C725N7 District Office Renovations                                         | \$4,890,000  | 107459 |
| TOTAL Administrative Building Fund                                         | \$9,890,000  | 107460 |
| Ohio Parks and Natural Resources Fund (Fund 7031)                          |              | 107461 |
| C72549 Facilities Development                                              | \$14,370,000 | 107462 |
| C725E1 Local Parks Projects Statewide                                      | \$4,875,750  | 107463 |
| C725E5 Project Planning                                                    | \$1,733,000  | 107464 |
| C725N8 Forestry Equipment                                                  | \$1,400,000  | 107465 |
| C725T3 Healthy Lake Erie Initiative                                        | \$2,000,000  | 107466 |
| TOTAL Ohio Parks and Natural Resources Fund                                | \$24,378,750 | 107467 |
| Parks and Recreation Improvement Fund (Fund 7035)                          |              | 107468 |
| C725A0 State Parks, Campgrounds, Lodges, Cabins                            | \$81,007,500 | 107469 |
| C725B2 Parks Equipment                                                     | \$5,456,250  | 107470 |
| C725C4 Muskingum River Lock and Dam                                        | \$13,415,000 | 107471 |

|                                                                                                                                                                                                                                                                                                                                    |                                                    |                                                 |                                                |
|------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|----------------------------------------------------|-------------------------------------------------|------------------------------------------------|
| C725E2                                                                                                                                                                                                                                                                                                                             | Local Parks, Recreation, and Conservation Projects | \$ <del>64,453,745</del><br><u>67,567,245</u>   | 107472                                         |
| C725E6                                                                                                                                                                                                                                                                                                                             | Project Planning                                   | \$ 8,705,400                                    | 107473                                         |
| C725L8                                                                                                                                                                                                                                                                                                                             | Statewide Trails Program                           | \$ 3,200,000                                    | 107474                                         |
| C725N6                                                                                                                                                                                                                                                                                                                             | Wastewater/Water Systems Upgrades                  | \$ 18,440,000                                   | 107475                                         |
| C725R3                                                                                                                                                                                                                                                                                                                             | State Parks Renovations/Upgrades                   | \$ 18,614,784                                   | 107476                                         |
| C725R4                                                                                                                                                                                                                                                                                                                             | Dam Rehabilitation - Parks                         | \$ 42,585,000                                   | 107477                                         |
| C725U7                                                                                                                                                                                                                                                                                                                             | Eagle Creek Watershed Flood Mitigation             | \$ 15,000,000                                   | 107478                                         |
| C725U8                                                                                                                                                                                                                                                                                                                             | Erosion Emergency Assistance                       | \$ 5,000,000                                    | 107479                                         |
| TOTAL Parks and Recreation Improvement Fund                                                                                                                                                                                                                                                                                        |                                                    | \$ <del>275,877,679</del><br><u>278,991,179</u> | 107480                                         |
| Clean Ohio Trail Fund (Fund 7061)                                                                                                                                                                                                                                                                                                  |                                                    |                                                 | 107481                                         |
| C72514                                                                                                                                                                                                                                                                                                                             | Clean Ohio Trail Fund                              | \$12,500,000                                    | 107482                                         |
| TOTAL Clean Ohio Trail Fund                                                                                                                                                                                                                                                                                                        |                                                    | \$12,500,000                                    | 107483                                         |
| TOTAL ALL FUNDS                                                                                                                                                                                                                                                                                                                    |                                                    | \$ <del>322,646,429</del><br><u>325,759,929</u> | 107484                                         |
| FEDERAL REIMBURSEMENT                                                                                                                                                                                                                                                                                                              |                                                    |                                                 | 107485                                         |
| All reimbursements received from the federal government for any expenditures made pursuant to this section shall be deposited in the state treasury to the credit of the fund from which the expenditure originated.                                                                                                               |                                                    |                                                 | 107486<br>107487<br>107488<br>107489           |
| <b>Sec. 223.15.</b> The foregoing appropriation item C725E2, Local Parks, Recreation, and Conservation Projects, shall be used to support the projects listed in this section. An amount equal to two per cent of the projects listed may be used by the Department of Natural Resources for the administration of local projects. |                                                    |                                                 | 107490<br>107491<br>107492<br>107493<br>107494 |
| Project List                                                                                                                                                                                                                                                                                                                       |                                                    |                                                 | 107495                                         |
| <u>Baileys Bike Trail</u>                                                                                                                                                                                                                                                                                                          |                                                    | \$ <u>2,000,000</u>                             | 107496                                         |

|                                                        |                   |        |
|--------------------------------------------------------|-------------------|--------|
| Smale Riverfront Par                                   | \$ 1,700,000      | 107497 |
| Cincinnati Court Street Plaza                          | \$ 1,500,000      | 107498 |
| Galloway Sports Complex One Field Project              | \$ 1,500,000      | 107499 |
| More Home to Roam                                      | \$ 1,500,000      | 107500 |
| Columbus Zoo Conservation Education Renovations        | \$ 1,000,000      | 107501 |
| Holmes County Park District Trail                      | \$ 1,000,000      | 107502 |
| Loveland Parking Facility                              | \$ 900,000        | 107503 |
| Conneaut Marina Improvement                            | \$ 850,000        | 107504 |
| The Foundry                                            | \$ 850,000        | 107505 |
| Cleveland MetroParks Zoo                               | \$ 800,000        | 107506 |
| Euclid Waterfront Improvement Plan Phase II            | \$ 800,000        | 107507 |
| Stubbs Park Improvements                               | \$ 800,000        | 107508 |
| Toledo Zoo Entry Complex and Tiger and Bear Exhibit    | \$ 800,000        | 107509 |
| Auglaize Mercer Recreational Complex                   | \$ 750,000        | 107510 |
| Chippewa Lake Park Project                             | \$ 750,000        | 107511 |
| Hamilton Beltline Trail                                | \$ 750,000        | 107512 |
| Hudson Greenway Trail                                  | \$ 750,000        | 107513 |
| Montgomery Quarter - Keystone Park                     | \$ 750,000        | 107514 |
| Sandusky Bay Pathway/Landing Park                      | \$ 750,000        | 107515 |
| <u>Scranton Trail Project</u>                          | <u>\$ 750,000</u> | 107516 |
| Makino Park Inclusive Fields                           | \$ 675,000        | 107517 |
| Harbin Park Pavilion                                   | \$ 550,000        | 107518 |
| Akron Zoo                                              | \$ 500,000        | 107519 |
| Alum Creek and Olentangy Trail Connector               | \$ 500,000        | 107520 |
| Flats East Bank Phase 3                                | \$ 500,000        | 107521 |
| Forest Lawn Flood Plain Restoration and Wildlife Trail | \$ 500,000        | 107522 |
| Great Miami River Recreation Bike Trail                | \$ 500,000        | 107523 |
| Healey Creek Flood Mitigation                          | \$ 500,000        | 107524 |
| Jim Simmons Trail Reservoir Trail                      | \$ 500,000        | 107525 |
| Kurt Tunnell Memorial Trail                            | \$ 500,000        | 107526 |
| Massillon Reservoir Park Splash Pad                    | \$ 500,000        | 107527 |

|                                                                      |    |         |        |
|----------------------------------------------------------------------|----|---------|--------|
| Medina Weymouth Community Center                                     | \$ | 500,000 | 107528 |
| Megaland Replacement Project                                         | \$ | 500,000 | 107529 |
| North Canton Performing Arts Park                                    | \$ | 500,000 | 107530 |
| North Ridgeville Millcreek Conservation and<br>Flood Control Round 3 | \$ | 500,000 | 107531 |
| Oak Harbor Waterfront                                                | \$ | 500,000 | 107532 |
| Scioto River Bridge and Trail                                        | \$ | 500,000 | 107533 |
| Springbrook Gardens Park Recreational Facility                       | \$ | 500,000 | 107534 |
| Jackson Township Tam O'Shanter Park                                  | \$ | 500,000 | 107535 |
| The Wilds Overlook Cafe'                                             | \$ | 500,000 | 107536 |
| The Wilds RV Park                                                    | \$ | 500,000 | 107537 |
| Westlake Clague Park Playground Renovation                           | \$ | 487,155 | 107538 |
| Chagrin River and Lake Erie Boat Access                              | \$ | 475,000 | 107539 |
| Pymatuning Valley Greenway Project                                   | \$ | 450,000 | 107540 |
| Sunbury Ohio to Erie trail Design and<br>Construction                | \$ | 450,000 | 107541 |
| Ripley Freedom Landing Boat Dock                                     | \$ | 425,000 | 107542 |
| Wadsworth Memorial Park Improvements                                 | \$ | 420,000 | 107543 |
| Education Center at Wild Hearts African Farm                         | \$ | 400,000 | 107544 |
| Fairport Harbor Docks and Marina Project                             | \$ | 400,000 | 107545 |
| Forest Run Metro Park Timberman Project                              | \$ | 400,000 | 107546 |
| Geneva Memorial Field Improvements                                   | \$ | 400,000 | 107547 |
| Memorable Morrow                                                     | \$ | 400,000 | 107548 |
| Thaddeus Kosciuszko Park                                             | \$ | 400,000 | 107549 |
| Worthington McCord Park Renovations                                  | \$ | 400,000 | 107550 |
| Adams County Welcome Center                                          | \$ | 350,000 | 107551 |
| Crestline Pool and Park                                              | \$ | 350,000 | 107552 |
| Gateway Regional Sports Complex                                      | \$ | 350,000 | 107553 |
| Orrville Park Gateway Project                                        | \$ | 350,000 | 107554 |
| Shelby Black Fork Commons Plaza                                      | \$ | 350,000 | 107555 |
| Sidney Canal Feeder Trail                                            | \$ | 350,000 | 107556 |
| Wright Patterson AFB Main Gate Park Land<br>Acquisition              | \$ | 350,000 | 107557 |

|                                                                  |    |         |        |
|------------------------------------------------------------------|----|---------|--------|
| Lane Avenue Shared Use Path Project                              | \$ | 338,000 | 107558 |
| Sheffield Village French Creek Project                           | \$ | 325,000 | 107559 |
| Ashland Freer Field Improvements                                 | \$ | 300,000 | 107560 |
| Flying Squirrel Preserve Morrow County Parks<br>Expansion        | \$ | 300,000 | 107561 |
| Hayden Run Trail Extension                                       | \$ | 300,000 | 107562 |
| Lafayette Township Park Improvements                             | \$ | 300,000 | 107563 |
| Little Miami River Access at Bass Island                         | \$ | 300,000 | 107564 |
| Magic Mile Trail                                                 | \$ | 300,000 | 107565 |
| Marshallville Preserve                                           | \$ | 300,000 | 107566 |
| Portage Lakes Drive Community Park                               | \$ | 300,000 | 107567 |
| Rossford Marina and Veterans Memorial Park<br>Safety Renovations | \$ | 300,000 | 107568 |
| Alliance Park System Improvements                                | \$ | 250,000 | 107569 |
| Canal Fulton Park Phase 2                                        | \$ | 250,000 | 107570 |
| Cave Lake Center for Community Leadership                        | \$ | 250,000 | 107571 |
| Clay Township Park Pavilion & Playground<br>Improvements         | \$ | 250,000 | 107572 |
| Conneaut Township Park Project                                   | \$ | 250,000 | 107573 |
| Cooper Lodge, Camp Lakota                                        | \$ | 250,000 | 107574 |
| Diamond Park                                                     | \$ | 250,000 | 107575 |
| E. Milo Beck Park-Clearcreek Park-Hazel Woods<br>Connector Trail | \$ | 250,000 | 107576 |
| Faircrest Park Improvements                                      | \$ | 250,000 | 107577 |
| First Ladies' Library Improvements                               | \$ | 250,000 | 107578 |
| Geneva-on-the-Lake Bike Trail                                    | \$ | 250,000 | 107579 |
| Heights to Hudson Trail                                          | \$ | 250,000 | 107580 |
| J. Babe Stern Ball Field                                         | \$ | 250,000 | 107581 |
| Kalida 4 Seasons Community Health/Fitness Track                  | \$ | 250,000 | 107582 |
| Metzger Park Project                                             | \$ | 250,000 | 107583 |
| Millersport Canal Restoration - Phase I                          | \$ | 250,000 | 107584 |
| Randolph Township Old School Playground                          | \$ | 250,000 | 107585 |
| Recreational Field Improvements (Star Mill Park)                 | \$ | 250,000 | 107586 |

|                                                                                       |           |                |        |
|---------------------------------------------------------------------------------------|-----------|----------------|--------|
| Wasson Way Uptown Connector Trail                                                     | \$        | 250,000        | 107587 |
| Akron Children's Hospital                                                             | \$        | 225,000        | 107588 |
| McDonald Commons Master Plan                                                          | \$        | 215,000        | 107589 |
| Lawrence County Union Rome Trails and Walkways                                        | \$        | 214,000        | 107590 |
| <u>Bay Village Walker Road Retention Basin</u>                                        | <u>\$</u> | <u>212,500</u> | 107591 |
| Ashland Main Street Town Square Park                                                  | \$        | 200,000        | 107592 |
| Black River Community Multi-use Facility                                              | \$        | 200,000        | 107593 |
| Bradstreet's Landing Pier, Lakefront Access and Resiliency Improvements               | \$        | 200,000        | 107594 |
| Buckeye Lake Dredge                                                                   | \$        | 200,000        | 107595 |
| East Lincoln Street Connector Project                                                 | \$        | 200,000        | 107596 |
| Elks CC Dam Repair Project                                                            | \$        | 200,000        | 107597 |
| Holden Arboretum                                                                      | \$        | 200,000        | 107598 |
| Home Road Trail Extension                                                             | \$        | 200,000        | 107599 |
| Kenton Memorial Park Golf Course Recreation Center                                    | \$        | 200,000        | 107600 |
| Kuliga Park Improvement Project Phase I                                               | \$        | 200,000        | 107601 |
| Lebanon Sports Complex Improvements                                                   | \$        | 200,000        | 107602 |
| Lima All Ability Playground                                                           | \$        | 200,000        | 107603 |
| Lorain County Metro Park Connector                                                    | \$        | 200,000        | 107604 |
| Matthew Thomas Park Master Plan                                                       | \$        | 200,000        | 107605 |
| Mayerson JCC Improvements                                                             | \$        | 200,000        | 107606 |
| Munson Springs Nature Preserve & Historical Site                                      | \$        | 200,000        | 107607 |
| Opportunity Park Improvements                                                         | \$        | 200,000        | 107608 |
| Perry Township Lakeshore Improvement Project                                          | \$        | 200,000        | 107609 |
| Red Brook Metropark Flagship Park                                                     | \$        | 200,000        | 107610 |
| Shared Use Path Connector from Goosepond Road to the Licking County Health Department | \$        | 200,000        | 107611 |
| Sheffield Village Trail                                                               | \$        | 200,000        | 107612 |
| Sylvania Burnham Park Upgrade/Plummer Pool Renovations                                | \$        | 200,000        | 107613 |
| Wellston Pride Park Revitalization Project Phase                                      | \$        | 200,000        | 107614 |

|                                                                                                   |    |         |        |
|---------------------------------------------------------------------------------------------------|----|---------|--------|
| West Jefferson Park                                                                               | \$ | 200,000 | 107615 |
| Fort Jennings Freedom Square                                                                      | \$ | 175,000 | 107616 |
| Lebanon Bicentennial Park Restroom                                                                | \$ | 175,000 | 107617 |
| McKelvey Lake Park                                                                                | \$ | 175,000 | 107618 |
| 3 Rivers Peninsula Project                                                                        | \$ | 150,000 | 107619 |
| Antrim Community Center                                                                           | \$ | 150,000 | 107620 |
| Bronson Park Multi-use Path                                                                       | \$ | 150,000 | 107621 |
| Crescent Park Regional Universal Play Area                                                        | \$ | 150,000 | 107622 |
| Findlay Playground/Grant Park/Over-the-Rhine<br>Recreation Center                                 | \$ | 150,000 | 107623 |
| Glass City Enrichment Center                                                                      | \$ | 150,000 | 107624 |
| Gorman Park Redevelopment Project                                                                 | \$ | 150,000 | 107625 |
| Grafton Reservoir Park Trail                                                                      | \$ | 150,000 | 107626 |
| Grandview Yard Recreational Trail                                                                 | \$ | 150,000 | 107627 |
| Harbin Park Loop Trail                                                                            | \$ | 150,000 | 107628 |
| Lancaster All <del>Abilities</del> <u>Playground Accessible</u><br><u>Sports Complex and Park</u> | \$ | 150,000 | 107629 |
| Little Hocking Community and Recreation Center                                                    | \$ | 150,000 | 107630 |
| Moberly Branch Connector Trail                                                                    | \$ | 150,000 | 107631 |
| Delhi Township Neighborhood Playground Area                                                       | \$ | 150,000 | 107632 |
| Ottawa Hills Recreation Field/Renovation                                                          | \$ | 150,000 | 107633 |
| Ottawa Memorial Pool Improvements                                                                 | \$ | 150,000 | 107634 |
| Parker Square and Memorial Park Improvements<br>Project                                           | \$ | 150,000 | 107635 |
| Pickerinton Soccer Association Facility<br>Improvements                                           | \$ | 150,000 | 107636 |
| Piqua Downtown Riverfront Park Improvements                                                       | \$ | 150,000 | 107637 |
| Powhatan Boat Ramp                                                                                | \$ | 150,000 | 107638 |
| Pump House Meadow and Mindfulness Trail                                                           | \$ | 150,000 | 107639 |
| Rodger W. Young Park: Kiwanis Inclusive Play<br>Park                                              | \$ | 150,000 | 107640 |
| Strongsville Ehrnfelt Center                                                                      | \$ | 150,000 | 107641 |
| Swanton Railroad Park                                                                             | \$ | 150,000 | 107642 |

|                                                              |    |                |        |
|--------------------------------------------------------------|----|----------------|--------|
| Horizon Education Playground Improvements                    | \$ | 140,000        | 107643 |
| Lake Jinelle <del>Rehabilitation</del> <u>Rehabilitation</u> | \$ | 140,000        | 107644 |
| Wadsworth Durling Park Improvements                          | \$ | 135,000        | 107645 |
| Plymouth Community Pool                                      | \$ | 125,000        | 107646 |
| <u>Henry County Park Board Bridge Project</u>                | \$ | <u>125,000</u> | 107647 |
| Reagan Park and Trail                                        | \$ | 122,000        | 107648 |
| Freeman Road Park Project                                    | \$ | 115,000        | 107649 |
| Mary Rutan Tennis Court Project                              | \$ | 115,000        | 107650 |
| Lodi's Richman Field Splash Pad                              | \$ | 105,000        | 107651 |
| Avon Lake Weiss Field Park Pavilion Replacement<br>Project   | \$ | 100,000        | 107652 |
| Avon Veterans Memorial Park Expansion                        | \$ | 100,000        | 107653 |
| Caldwell Ice Rink Construction                               | \$ | 100,000        | 107654 |
| Camp Butterworth                                             | \$ | 100,000        | 107655 |
| Camp Libbey                                                  | \$ | 100,000        | 107656 |
| Camp Stoneybrook                                             | \$ | 100,000        | 107657 |
| Camp WhipPoorWill                                            | \$ | 100,000        | 107658 |
| Carlisle Township Veteran's Memorial                         | \$ | 100,000        | 107659 |
| Central Avenue Pedestrian and Bike Trail                     | \$ | 100,000        | 107660 |
| Circleville Ted Lewis Park Renovation                        | \$ | 100,000        | 107661 |
| City of Brooklyn Trail Project                               | \$ | 100,000        | 107662 |
| North Olmsted Clague Park Improvements                       | \$ | 100,000        | 107663 |
| Columbia Township Wooster Pike Bike Trail                    | \$ | 100,000        | 107664 |
| Concord Township Park Redevelopment Plan                     | \$ | 100,000        | 107665 |
| Forest Park Central Park Improvements                        | \$ | 100,000        | 107666 |
| Galion Park Square Renovation                                | \$ | 100,000        | 107667 |
| Gratis Bicentennial Park                                     | \$ | 100,000        | 107668 |
| Great Stone Viaduct                                          | \$ | 100,000        | 107669 |
| Lisbon Greenway Bike Trail                                   | \$ | 100,000        | 107670 |
| Harvest Home Park Lodge 21st Century<br>Improvements         | \$ | 100,000        | 107671 |
| Independence Civic Center Renovations                        | \$ | 100,000        | 107672 |
| Lake to Lodge Accessible Trail Project at Burr               | \$ | 100,000        | 107673 |

|                                                                                     |                   |        |
|-------------------------------------------------------------------------------------|-------------------|--------|
| Oak State Park                                                                      |                   |        |
| Lockbourne Magnolia Trail                                                           | \$ 100,000        | 107674 |
| Mayfield Village Civic Center Upgrades                                              | \$ 100,000        | 107675 |
| Meigs County Pool                                                                   | \$ 100,000        | 107676 |
| Miracle Field Complex                                                               | \$ 100,000        | 107677 |
| Mitchell Park Trail Connector                                                       | \$ 100,000        | 107678 |
| Perrysville Weltmer Park Upgrades                                                   | \$ 100,000        | 107679 |
| Poland Municipal Forest Restoration                                                 | \$ 100,000        | 107680 |
| Rock Creek Connector Trail                                                          | \$ 100,000        | 107681 |
| Rodger W. Young Park: Ball Diamond                                                  | \$ 100,000        | 107682 |
| Schultz Campus for Jewish Life: Family<br>Recreation and Accessibility Enhancements | \$ 100,000        | 107683 |
| Stark County Firefighters Memorial Park                                             | \$ 100,000        | 107684 |
| Summit Metro Parks                                                                  | \$ 100,000        | 107685 |
| Village of Chagrin Falls Riverside Park Walking<br>Path                             | \$ 100,000        | 107686 |
| Whitehall Community Park Revitalization                                             | \$ 100,000        | 107687 |
| <u>Williams County West Unity Village Splash Pad</u>                                | <u>\$ 100,000</u> | 107688 |
| Waldo Community Center Walking Bridge                                               | \$ 99,000         | 107689 |
| Karohl Park CXT Restrooms                                                           | \$ 95,000         | 107690 |
| Hobson Freedom Park                                                                 | \$ 95,000         | 107691 |
| Marion Township Greenway Phase 1                                                    | \$ 85,000         | 107692 |
| Stanbery Park Shelter                                                               | \$ 80,000         | 107693 |
| Lake Baccarat Richwood Park Improvements                                            | \$ 76,739         | 107694 |
| Bramble Recreation Area Nature Playscape                                            | \$ 75,000         | 107695 |
| Brecksville Blossom Hill Baseball Field Lighting                                    | \$ 75,000         | 107696 |
| Buckeye Lake Crystal Lagoon                                                         | \$ 75,000         | 107697 |
| Geneva-on-the-Lake Shoreline Protection Project                                     | \$ 75,000         | 107698 |
| Hiestand Woods Improvement Project                                                  | \$ 75,000         | 107699 |
| Lela McGuire Jeffrey Park Soccer Complex                                            | \$ 75,000         | 107700 |
| Lisbon Park Walking Track                                                           | \$ 75,000         | 107701 |
| McConnelville Community Recreation Building                                         | \$ 75,000         | 107702 |
| Olmsted Falls Playground Enhancements                                               | \$ 75,000         | 107703 |

|                                                               |               |                   |        |
|---------------------------------------------------------------|---------------|-------------------|--------|
| Olmsted Township Brentwood Playground<br>Development          | \$            | 75,000            | 107704 |
| Renovate Existing Fitzwater Train Yard<br>Operations Building | \$            | 75,000            | 107705 |
| Seven Hills Calvin Park Concession Project                    | \$            | 75,000            | 107706 |
| Summit Lake Vision Plan                                       | \$            | 75,000            | 107707 |
| Van Wert Reservoir Trails                                     | \$            | 75,000            | 107708 |
| Vermillion Lakefront Revitalization                           | \$            | 75,000            | 107709 |
| Village of Moreland Hills Forest Ridge Park<br>Improvements   | \$            | 75,000            | 107710 |
| Wapakoneta Veterans Memorial Park Splash Pad                  | \$            | 75,000            | 107711 |
| Wellsville Marina                                             | \$            | 75,000            | 107712 |
| Ray Mellert Park                                              | \$            | 71,000            | 107713 |
| Willard Park Playground                                       | \$            | 60,000            | 107714 |
| Gloria Glens Park Improvements                                | \$            | 56,000            | 107715 |
| Heartland Trail                                               | \$            | 55,000            | 107716 |
| Willadale Segment-Southgate Connector Trail                   | \$            | 55,000            | 107717 |
| <del>Bay Village Interurban Pedestrian Bridge</del>           | <del>\$</del> | <del>50,000</del> | 107718 |
| Chardon Living Memorial Park Improvements                     | \$            | 50,000            | 107719 |
| Earl Thomas Conley Park Improvements                          | \$            | 50,000            | 107720 |
| Fayette Normal Memorial Park Community Splash<br>Pad          | \$            | 50,000            | 107721 |
| Fox Island Inclusive Playground                               | \$            | 50,000            | 107722 |
| Harmar Pedestrian Bridge Restoration Project                  | \$            | 50,000            | 107723 |
| Jeromesville Square Park                                      | \$            | 50,000            | 107724 |
| <del>Jewish Federation of Greater Dayton Nature Trail</del>   | <del>\$</del> | <del>50,000</del> | 107725 |
| Keener Park Renovations/Pickleball Courts                     | \$            | 50,000            | 107726 |
| Kent State and Stark State Campus Trail                       | \$            | 50,000            | 107727 |
| Kettlersville Village Park Improvement                        | \$            | 50,000            | 107728 |
| Lebanese Cultural Garden                                      | \$            | 50,000            | 107729 |
| Leipsic Downtown Park and Stage                               | \$            | 50,000            | 107730 |
| Lyndhurst Inclusive and Accessible Playground<br>Project      | \$            | 50,000            | 107731 |

|                                                  |    |        |        |
|--------------------------------------------------|----|--------|--------|
| Magnolia Flouring Mills Restoration              | \$ | 50,000 | 107732 |
| Middleburg Heights Public Park Pavilions Project | \$ | 50,000 | 107733 |
| Milford Center Rail Depot                        | \$ | 50,000 | 107734 |
| Moscow Riverfront Stabilization                  | \$ | 50,000 | 107735 |
| Ohio and Erie Canal Way Towpath Trail            | \$ | 50,000 | 107736 |
| Ohio Township Swimming Pool                      | \$ | 50,000 | 107737 |
| Perrysburg Inclusive Playground at Rotary Park   | \$ | 50,000 | 107738 |
| Pomeroy Multimodal Path                          | \$ | 50,000 | 107739 |
| Red Cap Park Recreation Development              | \$ | 50,000 | 107740 |
| Revitalization of Short Park                     | \$ | 50,000 | 107741 |
| Richwood Opera House                             | \$ | 50,000 | 107742 |
| Silverton Town Commons                           | \$ | 50,000 | 107743 |
| Stoner Pond at Ranger Park Fishing Dock          | \$ | 50,000 | 107744 |
| Construction                                     |    |        |        |
| Uptown Ecological Corridor                       | \$ | 50,000 | 107745 |
| West Union Pedestrian Bike Path                  | \$ | 50,000 | 107746 |
| Wooster Memorial Splash Pad Park                 | \$ | 50,000 | 107747 |
| Thomas Lane Pocket Park Project                  | \$ | 46,740 | 107748 |
| Ault Park Improvements                           | \$ | 46,000 | 107749 |
| Carey Memorial Park Backsplash                   | \$ | 45,000 | 107750 |
| Headwaters Nature Trail                          | \$ | 45,000 | 107751 |
| Village of Lakemore Hinton Humniston Fitness     | \$ | 45,000 | 107752 |
| Park Renovations                                 |    |        |        |
| Austin Badger Park Path                          | \$ | 43,000 | 107753 |
| African American Cultural Gardens                | \$ | 40,000 | 107754 |
| Gallipolis City Pool                             | \$ | 40,000 | 107755 |
| Monroe Community Park Activity Center            | \$ | 40,000 | 107756 |
| Nimisilla Park Excavating                        | \$ | 40,000 | 107757 |
| Rittman Youth Football Field                     | \$ | 40,000 | 107758 |
| Spencer JB Firestone Park                        | \$ | 40,000 | 107759 |
| Ashland County Corner Park Trail                 | \$ | 38,000 | 107760 |
| Jeromesville Community Garden                    | \$ | 35,000 | 107761 |
| Ray Mellert Dog Park Project                     | \$ | 35,000 | 107762 |

|                                               |           |               |        |
|-----------------------------------------------|-----------|---------------|--------|
| Bradley Park Playground                       | \$        | 32,279        | 107763 |
| Kobak Baseball Field Lighting Project         | \$        | 32,000        | 107764 |
| Perry Township Community Recreation Center    | \$        | 30,000        | 107765 |
| Village of Weston Community Splash Pad        | \$        | 30,000        | 107766 |
| Weston Reservoir Restoration                  | \$        | 30,000        | 107767 |
| <u>Sunny Lake Park Fishing Pier</u>           | <u>\$</u> | <u>26,000</u> | 107768 |
| New Richmond Liberty Landing Park             | \$        | 25,000        | 107769 |
| East Liverpool Park Improvements              | \$        | 25,000        | 107770 |
| Lucas Community Playground                    | \$        | 25,000        | 107771 |
| New Bremen STEM Waterway                      | \$        | 25,000        | 107772 |
| Rayland Friendship Park Restroom Project      | \$        | 25,000        | 107773 |
| Smiley Park Ball Field Fencing                | \$        | 25,000        | 107774 |
| Veterans Park of Wellsville                   | \$        | 25,000        | 107775 |
| Willshire Ballpark Enhancements               | \$        | 25,000        | 107776 |
| Oakwood Community Park                        | \$        | 22,610        | 107777 |
| Cleveland Cultural Gardens - Rusin Garden     | \$        | 22,000        | 107778 |
| Pirate Park Improvements                      | \$        | 21,000        | 107779 |
| Payne Buckeye Park                            | \$        | 20,500        | 107780 |
| Auglaize Village Handi-capable Heritage Trail | \$        | 20,000        | 107781 |
| Kenton Municipal Pool improvements            | \$        | 20,000        | 107782 |
| Lyons Community Park Improvements             | \$        | 20,000        | 107783 |
| Wakeman Trail Connector                       | \$        | 17,000        | 107784 |
| Lorain Pier Planning Project                  | \$        | 15,000        | 107785 |
| Alger Park Ballfield Backstop                 | \$        | 12,000        | 107786 |
| Outdoor Band Stage at Lucas Community Center  | \$        | 10,000        | 107787 |
| Antwerp Riverside Park Fitness Trail          | \$        | 7,500         | 107788 |
| New Bremen StoryWalk                          | \$        | 7,500         | 107789 |
| Melrose Park Renovation                       | \$        | 7,000         | 107790 |
| Grover Hill Welcome Park Playground           | \$        | 5,598         | 107791 |
| Broughton Park Playground                     | \$        | 4,124         | 107792 |

**Sec. 223.50.** The Treasurer of State is hereby authorized to 107793  
issue and sell, in accordance with Section 2i of Article VIII, 107794

Ohio Constitution, and Chapter 154. of the Revised Code, 107795  
 particularly section 154.22, and other applicable sections of the 107796  
 Revised Code, original obligations in an aggregate principal 107797  
 amount not to exceed ~~\$255,000,000~~ \$261,000,000, in addition to the 107798  
 original issuance of obligations heretofore authorized by prior 107799  
 acts of the General Assembly. These authorized obligations shall 107800  
 be issued, subject to applicable constitutional and statutory 107801  
 limitations, as needed to provide sufficient moneys to the credit 107802  
 of the Parks and Recreation Improvement Fund (Fund 7035) to pay 107803  
 the costs of capital facilities for parks and recreation purposes. 107804

**Sec. 227.10.**

DPS DEPARTMENT OF PUBLIC SAFETY

Administrative Building Taxable Bond Fund (Fund 7016) 107807

|                                                 |                                                     |               |                      |        |
|-------------------------------------------------|-----------------------------------------------------|---------------|----------------------|--------|
| <del>C76068</del>                               | <del>Lorain County MARCS Tower/Sheffield Lake</del> | <del>\$</del> | <del>150,000</del>   | 107808 |
| C76071                                          | Lewisburg MARCS Tower                               | \$            | 400,000              | 107809 |
| <del>C76072</del>                               | <del>Richland County MARCS Tower</del>              | <del>\$</del> | <del>400,000</del>   | 107810 |
| <del>C76073</del>                               | <del>Fredericksburg MARCS Tower</del>               | <del>\$</del> | <del>250,000</del>   | 107811 |
| <del>C76074</del>                               | <del>Williams County MARCS Tower</del>              | <del>\$</del> | <del>250,000</del>   | 107812 |
| C76075                                          | Bowling Green MARCS Tower                           | \$            | 500,000              | 107813 |
| TOTAL Administrative Building Taxable Bond Fund |                                                     | \$            | <del>1,950,000</del> | 107814 |
|                                                 |                                                     |               | <u>900,000</u>       |        |

Administrative Building Fund (Fund 7026) 107815

|        |                                                        |    |           |        |
|--------|--------------------------------------------------------|----|-----------|--------|
| C76000 | Platform Scales Improvements                           | \$ | 350,000   | 107816 |
| C76035 | Alum Creek Facility Renovations and<br>Upgrades        | \$ | 950,000   | 107817 |
| C76036 | Shipley Building Renovations and<br>Improvements       | \$ | 1,235,000 | 107818 |
| C76044 | OSHP Headquarters/Post Renovations and<br>Improvements | \$ | 4,511,542 | 107819 |
| C76045 | OSHP Academy Renovations and                           | \$ | 325,000   | 107820 |

|        |                                              |    |                                           |        |
|--------|----------------------------------------------|----|-------------------------------------------|--------|
|        | Improvements                                 |    |                                           |        |
| C76049 | EMA Building Renovations and<br>Improvements | \$ | 650,000                                   | 107821 |
| C76069 | Medina County Safety Services Complex        | \$ | 400,000                                   | 107822 |
| C76070 | Medina County Driving Skills Pad Garage      | \$ | 50,000                                    | 107823 |
| C76076 | Ohio Task Force One (OH-TF1) Warehouse       | \$ | 50,000                                    | 107824 |
|        | TOTAL Administrative Building Fund           | \$ | 8,521,542                                 | 107825 |
|        | TOTAL ALL FUNDS                              | \$ | <del>10,471,542</del><br><u>9,421,542</u> | 107826 |

**Sec. 233.10.** 107828

|                   |                                                      |               |                                            |        |
|-------------------|------------------------------------------------------|---------------|--------------------------------------------|--------|
|                   | DYS DEPARTMENT OF YOUTH SERVICES                     |               |                                            | 107829 |
|                   | Juvenile Correctional Building Fund (Fund 7028)      |               |                                            | 107830 |
| C47002            | General Institutional Renovations                    | \$            | 2,014,310                                  | 107831 |
| C47003            | Community Rehabilitation Centers                     | \$            | 434,428                                    | 107832 |
| C47007            | Local Juvenile Detention Centers                     | \$            | 1,037,570                                  | 107833 |
| C47022            | Building Additions-CJCF                              | \$            | 6,138,815                                  | 107834 |
| C47025            | Cuyahoga Housing Replacement                         | \$            | 23,320,304                                 | 107835 |
| C47026            | Indian River Program Building                        | \$            | 6,758,687                                  | 107836 |
| C47028            | Paulding County Community-based<br>Assessment Center | \$            | 40,000                                     | 107837 |
| <del>C47029</del> | <del>Cleveland Rape Crisis Centers</del>             | <del>\$</del> | <del>250,000</del>                         | 107838 |
|                   | TOTAL Juvenile Correctional Building Fund            | \$            | <del>39,994,114</del><br><u>39,744,114</u> | 107839 |
|                   | TOTAL ALL FUNDS                                      | \$            | <del>39,994,114</del><br><u>39,744,114</u> | 107840 |

**Sec. 237.13. CULTURAL AND SPORTS FACILITIES PROJECTS** 107842

|  |                                                                                                                                                       |    |            |                            |
|--|-------------------------------------------------------------------------------------------------------------------------------------------------------|----|------------|----------------------------|
|  | The foregoing appropriation item C230FM, Cultural and Sports<br>Facilities Projects, shall be used to support the projects listed<br>in this section. |    |            | 107843<br>107844<br>107845 |
|  | Project List                                                                                                                                          |    |            | 107846                     |
|  | FC Cincinnati                                                                                                                                         | \$ | 16,000,000 | 107847                     |

|                                                                            |    |           |        |
|----------------------------------------------------------------------------|----|-----------|--------|
| Cleveland Museum of Natural History: Investing<br>in Science Education     | \$ | 2,250,000 | 107848 |
| Rock and Roll Hall of Fame and Great Lakes<br>Science Center               | \$ | 1,750,000 | 107849 |
| Cincinnati Art Museum Master Plan                                          | \$ | 1,400,000 | 107850 |
| Lima Rotary Stage and Park                                                 | \$ | 1,250,000 | 107851 |
| Ohio Theatre Restoration                                                   | \$ | 1,250,000 | 107852 |
| West End Community Parking Garage                                          | \$ | 1,250,000 | 107853 |
| Baum-Taft House                                                            | \$ | 1,000,000 | 107854 |
| Cincinnati Ballet Center                                                   | \$ | 1,000,000 | 107855 |
| Directing the Future: A New Stage for<br>Cincinnati's National Theatre     | \$ | 1,000,000 | 107856 |
| Jeep Museum                                                                | \$ | 1,000,000 | 107857 |
| Dayton Air Credit Union Ballpark                                           | \$ | 1,000,000 | 107858 |
| Imagination District                                                       | \$ | 1,000,000 | 107859 |
| 20/20 Canton Cultural Center Renovations                                   | \$ | 1,000,000 | 107860 |
| Northwood Community Recreation Center                                      | \$ | 1,000,000 | 107861 |
| Cleveland Museum of Art                                                    | \$ | 750,000   | 107862 |
| Crawford Auto Aviation Museum                                              | \$ | 750,000   | 107863 |
| Advancing Learning About Ohio in the Restored<br>Cincinnati Union Terminal | \$ | 750,000   | 107864 |
| Stan Hywet Hall & Gardens                                                  | \$ | 750,000   | 107865 |
| Marion Palace Theatre                                                      | \$ | 550,000   | 107866 |
| Schine's Theatre Restoration                                               | \$ | 500,000   | 107867 |
| Carnes Center                                                              | \$ | 500,000   | 107868 |
| BAYarts                                                                    | \$ | 500,000   | 107869 |
| Restoration of James A. Garfield Memorial                                  | \$ | 500,000   | 107870 |
| Columbus Historical Society Engine House #6                                | \$ | 500,000   | 107871 |
| Contemporary Arts Center Creativity Center                                 | \$ | 500,000   | 107872 |
| SeaGate Convention Centre                                                  | \$ | 500,000   | 107873 |
| World Heritage and Visitor Center                                          | \$ | 500,000   | 107874 |
| Hale Farm                                                                  | \$ | 500,000   | 107875 |
| Marysville Avalon Theatre                                                  | \$ | 500,000   | 107876 |

|                                                                                    |               |                    |        |
|------------------------------------------------------------------------------------|---------------|--------------------|--------|
| Louis Sullivan Building of Newark Restoration<br>and Adaptive Reuse                | \$            | 489,000            | 107877 |
| Lake Erie Nature and Science Center Wildlife<br>Gardens Education Project          | \$            | 450,000            | 107878 |
| Ariel Opera House Energy Efficiency and Safety<br>Updates                          | \$            | 400,000            | 107879 |
| <del>Cincinnati Opera House</del>                                                  | <del>\$</del> | <del>400,000</del> | 107880 |
| Imagination Station                                                                | \$            | 400,000            | 107881 |
| Arbogast Performing Arts Center                                                    | \$            | 400,000            | 107882 |
| OH WOW! The Roger and Gloria Jones Children's<br>Center for Science and Technology | \$            | 350,000            | 107883 |
| Stambaugh Auditorium                                                               | \$            | 350,000            | 107884 |
| Washington Court House Auditorium                                                  | \$            | 325,000            | 107885 |
| Midland Theatre Project                                                            | \$            | 324,000            | 107886 |
| Harveysburg First Free Black School                                                | \$            | 322,500            | 107887 |
| Champaign County Historical Museum                                                 | \$            | 300,000            | 107888 |
| Creating Our Future-The Campaign for Beck<br>Center                                | \$            | 300,000            | 107889 |
| Barn at Stratford Roof Project                                                     | \$            | 300,000            | 107890 |
| Norwich Township Veterans Memorial Relocation<br>Project                           | \$            | 300,000            | 107891 |
| Willoughby Amphitheater                                                            | \$            | 300,000            | 107892 |
| Museum of Clay Industry and Folk Art                                               | \$            | 300,000            | 107893 |
| Logan Theater                                                                      | \$            | 275,000            | 107894 |
| Butler Institute of American Art                                                   | \$            | 275,000            | 107895 |
| Springfield Museum of Art Renovation                                               | \$            | 250,000            | 107896 |
| O.P. Chaney/Historic Mill                                                          | \$            | 250,000            | 107897 |
| Athletes in Action Chapel                                                          | \$            | 250,000            | 107898 |
| Holmes County Center for the Arts                                                  | \$            | 250,000            | 107899 |
| Norwalk Theater Rehabilitation Project                                             | \$            | 250,000            | 107900 |
| Tam O'Shanter Renovations                                                          | \$            | 250,000            | 107901 |
| Heritage Hall and Education Center                                                 | \$            | 250,000            | 107902 |
| Columbus Museum of Art Accessibility Upgrades                                      | \$            | 225,000            | 107903 |

|                                                                                 |    |         |        |
|---------------------------------------------------------------------------------|----|---------|--------|
| Ohio State Reformatory ADA Improvements                                         | \$ | 225,000 | 107904 |
| Ohio State Reformatory Pedestrian Bridge                                        | \$ | 225,000 | 107905 |
| Veterans Memorial Civic and Convention Center                                   | \$ | 200,000 | 107906 |
| Loudonville Opera House Improvements                                            | \$ | 200,000 | 107907 |
| Ohio Valley Museum of Discovery                                                 | \$ | 200,000 | 107908 |
| Grove City Outdoor Cultural Arts Performance Facility                           | \$ | 200,000 | 107909 |
| Grove City Historical Society Renovations                                       | \$ | 200,000 | 107910 |
| South Point Community Center Update and Modernize                               | \$ | 200,000 | 107911 |
| Valentine Theatre HVAC System Upgrade                                           | \$ | 200,000 | 107912 |
| McDowell-Phillips Home and Museum Preservation                                  | \$ | 200,000 | 107913 |
| Protect Our Bones: Critical Infrastructure Improvements at the Boonshoft Museum | \$ | 200,000 | 107914 |
| SteAm Collaboratory at K12 Gallery & TEJAS                                      | \$ | 200,000 | 107915 |
| Massillon Museum Mechanical Update                                              | \$ | 200,000 | 107916 |
| Warren Community Amphitheater Renovations                                       | \$ | 200,000 | 107917 |
| Niswonger Performing Arts Center Annex Project                                  | \$ | 200,000 | 107918 |
| Peoples Bank Theatre                                                            | \$ | 200,000 | 107919 |
| Oak Street Theater Renovation                                                   | \$ | 200,000 | 107920 |
| Buckeye Agricultural Museum and Education Center                                | \$ | 194,538 | 107921 |
| Historic Township Hall Relocation and Restoration                               | \$ | 180,000 | 107922 |
| African American Museum                                                         | \$ | 150,000 | 107923 |
| FRONT: MidTown Arts Campus                                                      | \$ | 150,000 | 107924 |
| Karamu House Phase III                                                          | \$ | 150,000 | 107925 |
| Defiance Community Auditorium Renovation Project                                | \$ | 150,000 | 107926 |
| Arts Castle Roof Skylight Project                                               | \$ | 150,000 | 107927 |
| Carnegie Center Historical Restorations                                         | \$ | 150,000 | 107928 |
| Invisible Gallery                                                               | \$ | 150,000 | 107929 |
| Madison Place Fire House Renovation                                             | \$ | 150,000 | 107930 |

|                                                                                |           |                |        |
|--------------------------------------------------------------------------------|-----------|----------------|--------|
| Greenfield Historical Society Restoration Project                              | \$        | 150,000        | 107931 |
| Toledo Museum of Art                                                           | \$        | 150,000        | 107932 |
| Clearview Museum                                                               | \$        | 150,000        | 107933 |
| Akron Art Museum                                                               | \$        | 150,000        | 107934 |
| Baldwin-Buss House Restoration                                                 | \$        | 150,000        | 107935 |
| Sally Buffalo Park Outdoor Stage                                               | \$        | 140,000        | 107936 |
| Packard Music Hall                                                             | \$        | 140,000        | 107937 |
| Unionville Tavern Improvements                                                 | \$        | 125,000        | 107938 |
| Pickaway County Memorial Hall                                                  | \$        | 125,000        | 107939 |
| <u>Williams County Fountain City Amphitheater</u>                              | <u>\$</u> | <u>125,000</u> | 107940 |
| Zanesville Museum of Art Critical Facility Repairs                             | \$        | 107,500        | 107941 |
| Wooster Amphitheater                                                           | \$        | 100,000        | 107942 |
| Broadview Heights Community Amphitheater                                       | \$        | 100,000        | 107943 |
| City of Brook Park Municipal Campus Outdoor Amphitheater                       | \$        | 100,000        | 107944 |
| Maltz Museum of Jewish Heritage Reimagine Project                              | \$        | 100,000        | 107945 |
| North Royalton Memorial Park Amphitheater                                      | \$        | 100,000        | 107946 |
| The Music Settlement Center for Innovation, Education, and Technology          | \$        | 100,000        | 107947 |
| Jeffrey Mansion                                                                | \$        | 100,000        | 107948 |
| Minerva Park Amphitheater Restoration                                          | \$        | 100,000        | 107949 |
| Rickenbacker Woods Museum                                                      | \$        | 100,000        | 107950 |
| Fayette Opera House Roof Replacement                                           | \$        | 100,000        | 107951 |
| Covedale Center - Phase 6 Renovations                                          | \$        | 100,000        | 107952 |
| Evendale Cultural Arts Center ADA Compliance                                   | \$        | 100,000        | 107953 |
| Steubenville Grand Theater                                                     | \$        | 100,000        | 107954 |
| West Liberty Town Hall Opera House Community Center Restoration and Renovation | \$        | 100,000        | 107955 |
| Polish Cultural Center                                                         | \$        | 100,000        | 107956 |
| Battle of Buffington Island Civil War                                          | \$        | 100,000        | 107957 |

|                                                                                    |               |                   |        |
|------------------------------------------------------------------------------------|---------------|-------------------|--------|
| Battlefield Museum                                                                 |               |                   |        |
| Meigs County Pioneer and Historical Society Renovations                            | \$            | 100,000           | 107958 |
| Twin City Opera House                                                              | \$            | 100,000           | 107959 |
| Gant Stadium Renovation                                                            | \$            | 100,000           | 107960 |
| Octagon House                                                                      | \$            | 100,000           | 107961 |
| Circleville Historic City Hall Improvements                                        | \$            | 100,000           | 107962 |
| Pickaway County Historical Society Museum                                          | \$            | 100,000           | 107963 |
| Portage County Historical Society Renovation                                       | \$            | 100,000           | 107964 |
| Camden Opera House Second Floor Renovation                                         | \$            | 100,000           | 107965 |
| Southern Ohio War Memorial                                                         | \$            | 100,000           | 107966 |
| McKinley Presidential Library and Museum                                           | \$            | 100,000           | 107967 |
| Stone Academy                                                                      | \$            | 92,000            | 107968 |
| Morgan History Center Renovation                                                   | \$            | 85,000            | 107969 |
| Gerber Scribe Rule Barn Relocation                                                 | \$            | 80,000            | 107970 |
| Southeast Ohio History Center                                                      | \$            | 75,000            | 107971 |
| Muirfield Dr. Kinetic Arts Project                                                 | \$            | 75,000            | 107972 |
| Gallipolis Railroad Freight Station Museum                                         | \$            | 75,000            | 107973 |
| Case-Barlow Farm Barn Improvements                                                 | \$            | 75,000            | 107974 |
| Convoy Opera House Facility Renovation                                             | \$            | 75,000            | 107975 |
| Hune Covered Bridge Relocation                                                     | \$            | 75,000            | 107976 |
| Medina Historic District Lighting Project                                          | \$            | 65,000            | 107977 |
| Burnison Barn                                                                      | \$            | 64,000            | 107978 |
| Village Productions Building Renovations                                           | \$            | 50,000            | 107979 |
| <del>Fountain City Amphitheater</del>                                              | <del>\$</del> | <del>50,000</del> | 107980 |
| Soap Box Derby Track Resurfacing and Sidewalks Additions and Upgrades              | \$            | 50,000            | 107981 |
| Gaslight Theater                                                                   | \$            | 50,000            | 107982 |
| Sorg Opera House                                                                   | \$            | 50,000            | 107983 |
| Chagrin Falls Historical Society Campaign for the 1874 Italianate House            | \$            | 50,000            | 107984 |
| Parma Heights Cultural and Recreation Center Renovation Phase II (Cassidy Theatre) | \$            | 50,000            | 107985 |

|                                                               |    |               |        |
|---------------------------------------------------------------|----|---------------|--------|
| Jewish Community Center JCC Youth Arts Project                | \$ | 50,000        | 107986 |
| Monroe Theatre                                                | \$ | 50,000        | 107987 |
| Freedom Township Historical Society of Portage<br>County      | \$ | 50,000        | 107988 |
| Mausoleum Repair                                              | \$ | 50,000        | 107989 |
| John S. Knight Convention Center                              | \$ | 50,000        | 107990 |
| G.A.R. Hall ADA Accessibility                                 | \$ | 50,000        | 107991 |
| Anchorage Building Climate Control Project                    | \$ | 50,000        | 107992 |
| <u>Wright Patterson Air Force Base Holocaust<br/>Museum</u>   | \$ | <u>50,000</u> | 107993 |
| Grant Memorial Building Restoration                           | \$ | 40,000        | 107994 |
| William Lytle's Land Office at Harmony Hill                   | \$ | 40,000        | 107995 |
| Darke County Art Trail Initiative                             | \$ | 40,000        | 107996 |
| Ohio Glass Museum                                             | \$ | 40,000        | 107997 |
| Wendel Concert Stage                                          | \$ | 35,000        | 107998 |
| History of Weston, Historical Offerings                       | \$ | 30,000        | 107999 |
| Killbuck Valley Museum                                        | \$ | 27,000        | 108000 |
| Indian Hills The Little Red School House                      | \$ | 25,000        | 108001 |
| Mt. Sterling Museum Improvements                              | \$ | 25,000        | 108002 |
| Heritage Farm Museum Improvement                              | \$ | 25,000        | 108003 |
| Piketon Liberty Memorial                                      | \$ | 25,000        | 108004 |
| Wilderness Trail Museum Electrical Upgrade                    | \$ | 24,000        | 108005 |
| Stained Glass Window Restoration for the<br>Wapakoneta Museum | \$ | 22,000        | 108006 |
| Packer Historical Center for the Anna District                | \$ | 21,000        | 108007 |
| Shelby House Museum                                           | \$ | 20,000        | 108008 |
| Spring Hill Historic Home                                     | \$ | 20,000        | 108009 |
| Cortland Veterans Memorial Project (Phase II)                 | \$ | 20,000        | 108010 |
| Hicksville Huber Opera House                                  | \$ | 15,000        | 108011 |
| Jackson Center Museum Building Improvements                   | \$ | 13,500        | 108012 |
| Crestline Historical Society                                  | \$ | 10,000        | 108013 |
| Leipsic Recreation Center Improvements                        | \$ | 7,500         | 108014 |
| Jeromesville Totem Pole                                       | \$ | 3,000         | 108015 |

**Section 610.15.** That existing Sections 213.10, 221.10, 108017  
221.13, 223.10, 223.15, 223.50, 227.10, 233.10, and 237.13 of S.B. 108018  
310 of the 133rd General Assembly are hereby repealed. 108019

**Section 610.18.** That Sections 207.28 and 223.15 (as amended 108020  
by S.B. 310 of the 133rd General Assembly) of H.B. 481 of the 108021  
133rd General Assembly be amended to read as follows: 108022

**Sec. 207.28.** CCC CUYAHOGA COMMUNITY COLLEGE 108023

Reappropriations

Higher Education Improvement Fund (Fund 7034) 108024

C37805 Workforce Based Training and \$239,439 108025  
Equipment

C37838 Structural Concrete Repairs \$473,275 108026

C37839 Roof Repair and Replacements \$187,234 108027

C37840 Workforce Economic Development \$65,788 108028  
Renovations

C37844 Rock and Roll Hall of Fame \$400,000 108029  
Museum 2.0

C37852 East Campus Exterior Plaza \$1,000 108030

C37853 CWRU Dental Clinic Relocation \$200,000 108031

C37854 Cleveland Sight Center Health \$150,000 108032  
Record System Modernization

C37855 Harvard Community Services \$75,000 108033  
Center Improvements

C37856 MetroHealth West 25th Street \$750,000 108034  
Corridor Revitalization

~~C37859 Bay Village Emergency Boat \$32,500 108035~~  
~~Shelter~~

TOTAL Higher Education Improvement Fund \$~~2,574,236~~ 108036

2,541,736

TOTAL ALL FUNDS \$2,574,236 108037

2,541,736

EAST CAMPUS EXTERIOR PLAZA 108038

The amount reappropriated for the foregoing appropriation 108039  
item C37852, East Campus Exterior Plaza, is the unencumbered 108040  
balance as of June 30, 2020, in appropriation item C37852, East 108041  
Campus Exterior Plaza, plus \$64,522. Prior to the expenditure of 108042  
this appropriation, the Cuyahoga Community College shall certify 108043  
to the Director of Budget and Management canceled encumbrances in 108044  
the amount of at least \$64,522. 108045

**Sec. 223.15. LOCAL PARKS, RECREATION, AND CONSERVATION** 108046  
PROJECTS 108047

The amount reappropriated from the foregoing appropriation 108048  
item C725E2, Local Parks, Recreation, and Conservation Projects, 108049  
shall be equal to the amount of all unreleased local parks 108050  
projects and allowable administrative costs specified in this 108051  
section, unless amounts are released prior to June 30, 2020. Prior 108052  
to the expenditure of this appropriation, the Department of 108053  
Natural Resources shall certify to the Director of Budget and 108054  
Management canceled encumbrances in the amount of at least 108055  
\$52,144. 108056

Of the foregoing appropriation item C725E2, Local Parks, 108057  
Recreation, and Conservation Projects, an amount equal to two per 108058  
cent of the projects listed may be used by the Department of 108059  
Natural Resources for the administration of local projects. 108060

Project List 108061

Lakefront Pedestrian Bridge \$ 3,500,000 108062

Flats East Development \$ 2,000,000 108063

City of Cleveland - Lakefront Access \$ 1,500,000 108064

Project

Bridge to Wendy Park \$ 1,000,000 108065

Worthington Pools Renovation \$ 1,000,000 108066

|                                                                   |            |        |
|-------------------------------------------------------------------|------------|--------|
| Dublin Bridge Park and Greenways Project                          | \$ 650,000 | 108067 |
| The REC at Crawford Commons Facility                              | \$ 500,000 | 108068 |
| Buckeye Lake Feeder Channel Restoration                           | \$ 400,000 | 108069 |
| Buckeye Lake Public Pier                                          | \$ 400,000 | 108070 |
| Danny Thomas Park Renovation                                      | \$ 400,000 | 108071 |
| Lincoln Park Stadium and Field Restoration                        | \$ 400,000 | 108072 |
| Whitehall Community Park Extension                                | \$ 400,000 | 108073 |
| Miami Canal Trail Extension at Gilmore<br>MetroPark               | \$ 350,000 | 108074 |
| Dover Riverfront Trailhead Connector                              | \$ 350,000 | 108075 |
| Glenford Earthworks Phase III                                     | \$ 300,000 | 108076 |
| Solon-Chagrin Falls Multi-purpose Trail                           | \$ 300,000 | 108077 |
| Wadsworth City Park                                               | \$ 300,000 | 108078 |
| Tiffin Recreation, Arts and Learning Park                         | \$ 300,000 | 108079 |
| Wooster Venture Boulevard Park Project                            | \$ 300,000 | 108080 |
| Muskingum River Lock and Dam                                      | \$ 250,000 | 108081 |
| New Bremen Bike Path                                              | \$ 250,000 | 108082 |
| Grand Lake Shoreline Water Quality<br>Improvements                | \$ 250,000 | 108083 |
| Jeffrey Mansion Expansion Project                                 | \$ 250,000 | 108084 |
| Montgomery Gateway Keystone Park                                  | \$ 250,000 | 108085 |
| Village of Woodmere Chagrin Valley Gateway<br>Pedestrian Trail    | \$ 215,000 | 108086 |
| Dayton Webster Station Landing                                    | \$ 200,000 | 108087 |
| Little Miami State Park/Little Miami Trail                        | \$ 200,000 | 108088 |
| South Point Community Recreation Center                           | \$ 200,000 | 108089 |
| Union and Rome Townships Trails Project                           | \$ 200,000 | 108090 |
| Marion Tallgrass Trail                                            | \$ 150,000 | 108091 |
| Harrisburg Baseball Complex                                       | \$ 150,000 | 108092 |
| Mill Creek Valley Conservancy District<br>Corridor Revitalization | \$ 150,000 | 108093 |
| Moberly Branch Connector Trail - Pedestrian<br>Bridge             | \$ 150,000 | 108094 |

|                                                                   |                       |        |
|-------------------------------------------------------------------|-----------------------|--------|
| Montville Township Park Improvements                              | \$ 150,000            | 108095 |
| Medina County Rocky River Trail West Branch                       | \$ 150,000            | 108096 |
| Clearcreek Hazel Woods Bike Connector                             | \$ 150,000            | 108097 |
| Kamp Dovetail                                                     | \$ 150,000            | 108098 |
| Redskin Memorial Park Playground                                  | \$ 145,000            | 108099 |
| <del>Cahoon Memorial Park Improvements</del>                      | <del>\$ 130,000</del> | 108100 |
| Fairlawn Gully Water Quality Basins                               | \$ 125,000            | 108101 |
| Bremenfest Shelterhouse                                           | \$ 100,000            | 108102 |
| Deer Park Community Center Renovation &<br>Trailhead              | \$ 100,000            | 108103 |
| Fairfax Ziegler Park Improvements                                 | \$ 100,000            | 108104 |
| Steubenville Ohio River Marina Improvement<br>Project             | \$ 100,000            | 108105 |
| City of Sylvania SOMO Project                                     | \$ 100,000            | 108106 |
| Brunswick Hills Township Park                                     | \$ 100,000            | 108107 |
| Scippo Creek Conservation                                         | \$ 75,000             | 108108 |
| Jackson Street Pier and Shoreline Drive<br>Revitalization Project | \$ 75,000             | 108109 |
| Western Reserve Greenway Bike Trail                               | \$ 75,000             | 108110 |
| Mary Fate Park Improvements                                       | \$ 60,000             | 108111 |
| Gallipolis Pool Project                                           | \$ 52,144             | 108112 |
| Miami Erie Canal Cleanup                                          | \$ 50,000             | 108113 |
| James Day Park Warrior Run                                        | \$ 50,000             | 108114 |
| Jefferson Park Recreation Upgrades                                | \$ 50,000             | 108115 |
| Rocky Fork State Park Water and Electrical<br>Upgrade             | \$ 50,000             | 108116 |
| Avon Lake Veterans Park Gazebo                                    | \$ 50,000             | 108117 |
| Camp Sherman Park                                                 | \$ 50,000             | 108118 |
| Willard Splash Pad and Park Improvements                          | \$ 50,000             | 108119 |
| Kelley Nature Preserve Boat Ramp                                  | \$ 50,000             | 108120 |
| Bruce L. Chapin Bridge - Northcoast Inland<br>Trail               | \$ 45,000             | 108121 |
| Beaver Park Sports Field                                          | \$ 40,000             | 108122 |

|                                                              |           |        |
|--------------------------------------------------------------|-----------|--------|
| Village of Highland Hills Gazebo                             | \$ 35,000 | 108123 |
| Monroeville Clark Park - North Coast Inland Trail Connection | \$ 33,000 | 108124 |
| Camp McKinley Improvements                                   | \$ 30,000 | 108125 |
| Crestline Park Lighting                                      | \$ 25,000 | 108126 |
| Ohio City Warrior Trail Extension Phase 2                    | \$ 22,000 | 108127 |
| Waverly Canal Park                                           | \$ 20,000 | 108128 |
| Clifton to Yellow Springs Bike Trail                         | \$ 20,000 | 108129 |
| Seville Memorial Park Public Restroom Facilities             | \$ 15,000 | 108130 |
| Hinkley Township Park                                        | \$ 13,000 | 108131 |
| Shiloh Firestone Park Restoration                            | \$ 12,000 | 108132 |
| Village of Albany Bike Paths                                 | \$ 10,000 | 108133 |

**Section 610.19.** That existing Sections 207.28 and 223.15 (as amended by S.B. 310 of the 133rd General Assembly) of H.B. 481 of the 133rd General Assembly are hereby repealed.

**Section 610.20.** That Sections 125.10 and 125.11 of H.B. 59 of the 130th General Assembly (as amended by H.B. 166 of the 133rd General Assembly) be amended to read as follows:

**Sec. 125.10.** Sections 5168.01, 5168.02, 5168.03, 5168.04, 5168.05, 5168.06, 5168.07, 5168.08, 5168.09, 5168.10, 5168.11, 5168.13, 5168.99, and 5168.991 of the Revised Code are hereby repealed, effective October 16, ~~2021~~ 2023.

**Sec. 125.11.** Sections 5168.20, 5168.21, 5168.22, 5168.23, 5168.24, 5168.25, 5168.26, 5168.27, and 5168.28 of the Revised Code are hereby repealed, effective October 1, ~~2021~~ 2023.

**Section 610.21.** That existing Sections 125.10 and 125.11 of H.B. 59 of the 130th General Assembly (as amended by H.B. 166 of the 133rd General Assembly) are hereby repealed.

**Section 610.30.** That Section 757.50 of H.B. 59 of the 130th  
General Assembly is hereby repealed. 108150  
108151

**Section 701.05.** (A) The database of individuals registered,  
and personal information of registered individuals contained  
within the database, for the Vax-A-Million campaign is  
confidential and is not a public record as defined under section  
149.43 of the Revised Code. 108152  
108153  
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108155  
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(B) As used in this section: 108157

"Personal information" includes the name, electronic mail  
address, telephone number, street address, and vaccine location  
information of individuals who registered for the Vax-A-Million  
campaign, and includes the name, electronic mail address, and  
telephone number of a parent or guardian. 108158  
108159  
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"Vax-A-Million campaign" means the campaign held in 2021  
consisting of a series of statewide drawings to provide prizes to  
individuals who receive a COVID-19 vaccination. 108163  
108164  
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**Section 701.60.** (A) As used in this section: 108166

(1) "Board of health" means a city board of health or a  
general health district, or an authority having the duties of a  
city board of health as authorized by section 3709.05 of the  
Revised Code. 108167  
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(2) "Business" means a corporation, association, partnership,  
limited liability company, sole proprietorship, joint venture, or  
other business entity composed of one or more individuals, whether  
or not the entity is operated for profit. 108171  
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(3) "Order" means any of the following: 108175

(a) An executive order addressing COVID-19 or any other order  
related to such an executive order; 108176  
108177

|                                                                   |        |
|-------------------------------------------------------------------|--------|
| (b) A state or local order or rule issued under Chapter 3701.     | 108178 |
| of the Revised Code related to COVID-19;                          | 108179 |
| (c) A rule promulgated under division (G) of section 119.03       | 108180 |
| of the Revised Code related to COVID-19, including emergency rule | 108181 |
| 4301:1-1-13 and emergency rule 4301:1-1-80 of the Administrative  | 108182 |
| Code;                                                             | 108183 |
| (d) Any other rule, order, or directive issued by a state         | 108184 |
| agency or a board of health imposing restrictions related to      | 108185 |
| COVID-19 on a business.                                           | 108186 |
| (4) "State agency" means the offices of all elected state         | 108187 |
| officers, and all departments, boards, offices, commissions,      | 108188 |
| agencies, institutions, and other instrumentalities of the state  | 108189 |
| of Ohio.                                                          | 108190 |
| (B) Any violation or any sanction imposed in response to any      | 108191 |
| violation of an order by a business that occurred between March   | 108192 |
| 14, 2020, and the effective date of this section is hereby        | 108193 |
| vacated, including violations adjudicated by the Liquor Control   | 108194 |
| Commission under rule 4301:1-1-13, rule 4301:1-1-80, and, insofar | 108195 |
| as the violation relates to COVID-19, rule 4301:1-1-52(B)(1) of   | 108196 |
| the Administrative Code.                                          | 108197 |
| (C) Not later than thirty days after the effective date of        | 108198 |
| this section, all of the following shall occur:                   | 108199 |
| (1) A state agency or board of health, as applicable, shall       | 108200 |
| expunge any record of a violation that is vacated under division  | 108201 |
| (B) of this section.                                              | 108202 |
| (2) The Division of Liquor Control within the Department of       | 108203 |
| Commerce and the Department of Public Safety shall expunge any    | 108204 |
| record of a violation of rule 4301:1-1-13 and rule 4301:1-1-80,   | 108205 |
| and, insofar as the violation relates to COVID-19, rule           | 108206 |
| 4301:1-1-52(B)(1) of the Administrative Code, that occurred       | 108207 |
| between March 14, 2020, and the effective date of this section.   | 108208 |

The Liquor Control Commission shall notify any business that was 108209  
convicted of a penalty under rule 4301:1-1-13 or rule 4301:1-1-80, 108210  
or of a penalty related to COVID-19 under rule 4301:1-1-52(B)(1) 108211  
of the Administrative Code, that the conviction is expunged. 108212

(3) A state agency or board of health shall treat any finding 108213  
of a violation vacated and expunged under this section as a 108214  
nullity and take the steps within its power, forthwith, to restore 108215  
any rights or privileges lost as a result of a finding of a 108216  
violation. These steps shall include but shall not be limited to 108217  
reinstatement of a revoked license and other right or privilege to 108218  
do business. 108219

(D) Not later than thirty days after the effective date of 108220  
this section, all of the following shall occur: 108221

(1)(a) Except as provided in division (D)(1)(b) of this 108222  
section, the Director of Budget and Management, in consultation 108223  
with state agencies, shall determine the amount of money collected 108224  
by a state agency in civil or administrative penalties for each 108225  
violation of an order by each business that occurred between March 108226  
14, 2020, and the effective date of this section. After that 108227  
determination, the Director shall refund to each business the 108228  
amount of penalties paid by each such business. The total amount 108229  
of these refunds is hereby appropriated. If the business no longer 108230  
exists, the Director shall make a reasonable effort to locate, and 108231  
issue the refund to, the owner of the business. 108232

(b) A financial penalty that was paid by a business for a 108233  
conviction under rule 4301:1-1-13 or rule 4301:1-1-80, or for a 108234  
COVID-19 related conviction under rule 4301:1-1-52(B)(1) of the 108235  
Administrative Code, shall be refunded under division (D)(1)(a) of 108236  
this section, unless another conviction was assessed at the time 108237  
of the adjudication for a violation not related to rule 108238  
4301:1-1-13 or rule 4301:1-1-80, or not related to a COVID-19 108239  
enforcement of rule 4301:1-1-52(B)(1) of the Administrative Code. 108240

(2) A board of health shall determine the amount of money collected by the board of health in civil or administrative penalties for each violation of an order by each business that occurred between March 14, 2020, and the effective date of this section. After that determination, the board of health shall refund to each business the amount of penalties paid by each such business. If the business no longer exists, the board of health shall make a reasonable effort to locate, and issue the refund to, the owner of the business.

(E) Not later than thirty days after the actions required under divisions (C) and (D) of this section are complete, the Liquor Control Commission shall issue a report to the House of Representatives and the Senate that all violations of rule 4301:1-1-13 and rule 4301:1-1-80, and all COVID-19-related violations of rule 4301:1-1-52(B)(1) of the Administrative Code, have been expunged and that fine money related to those violations was refunded.

(F) If a state agency or board of health has initiated, but has not completed, disciplinary action against a business for violation of an order that occurred between March 14, 2020, and the effective date of this section, the state agency or board of health shall cease taking such action regarding the order.

(G) This section shall not be construed as prohibiting a state agency or board of health from enforcing restrictions, requirements, or other matters not satisfying the definition of "order" in division (A) of this section.

(H) Notwithstanding other jurisdictional or venue limitations, any business may bring an action in the court of common pleas in a county where the business is located to enforce the rights, privileges, and obligations identified in this section.

**Section 701.70.** (A)(1) As used in this section: 108272

(a) "Peace officer" has the same meaning as in section 109.71 108273  
of the Revised Code. 108274

(b) "Trooper" means an individual appointed as a State 108275  
Highway Patrol Trooper under section 5503.01 of the Revised Code. 108276

(2) Not later than December 1, 2021, the Attorney General 108277  
shall create a pilot program for state funding of the training of 108278  
peace officers and troopers that is required under section 109.803 108279  
of the Revised Code. The pilot program shall be administered by 108280  
the office of the Attorney General, in accordance with this 108281  
section. The pilot program shall be a one year program, to be in 108282  
existence for calendar year 2022. 108283

(3) Not later than December 2, 2021, each law enforcement 108284  
agency that has peace officers or troopers who are subject to the 108285  
training requirement set forth in section 109.803 of the Revised 108286  
Code shall certify to the Attorney General the total of all 108287  
salaries to be paid in calendar year 2022 to officers or troopers 108288  
of the agency who will receive that training in calendar year 2022 108289  
and the hourly rate of pay for each of those officers and 108290  
troopers. 108291

(4) Not later than January 1, 2022, the Attorney General 108292  
shall begin the operation of the pilot program established under 108293  
division (A)(2) of this section. Prior to that date, the Attorney 108294  
General shall establish rules, under section 111.15 of the Revised 108295  
Code, for the operation and administration of the pilot program, 108296  
for the determination of eligibility for funding and payments 108297  
under the program, and for the provision of funding and payments 108298  
under the pilot program, in accordance with this section. From 108299  
money appropriated to the Attorney General for the purposes of the 108300  
pilot program, the Attorney General shall pay to each law 108301  
enforcement agency that has peace officers or troopers who are 108302

subject to the training requirement set forth in section 109.803 108303  
of the Revised Code an amount to cover up to fifty per cent of the 108304  
total cost of the salaries of the officers or troopers of the 108305  
agency to be paid to officers or troopers who will receive that 108306  
training in calendar year 2022, as certified by the agency in 108307  
accordance with division (A)(3) of this section, during the period 108308  
of the training. The amount to be paid shall cover only the period 108309  
during which the officers or troopers are receiving that training 108310  
and shall not exceed an amount covering twenty-four hours of the 108311  
training. If the amount of the money appropriated to the Attorney 108312  
General for the purposes of the pilot program is insufficient to 108313  
pay fifty per cent of the total cost of the salaries of the peace 108314  
officers or troopers of all law enforcement agencies to be paid in 108315  
calendar year 2022 to officers or troopers who will receive that 108316  
training in calendar year 2022, the amount to be paid to each such 108317  
agency shall be reduced proportionately so that each agency is 108318  
paid an equal percentage of its cost in the year for the training. 108319  
No payment shall be made to any law enforcement agency under this 108320  
division after January 1, 2023. If a law enforcement agency that 108321  
receives money under this division does not use all of the money 108322  
for the salaries certified by the agency in accordance with 108323  
division (A)(3) of this section, the agency shall return all of 108324  
the money not used to the Attorney General. 108325

A law enforcement agency that receives any payments under 108326  
this division shall be responsible for paying the cost of training 108327  
of its peace officers or troopers required under section 109.803 108328  
of the Revised Code that exceeds the amount of the payment 108329  
received under the pilot program under this division. 108330

(5) Except as otherwise provided in this division, state 108331  
funding for the training of peace officers or troopers that is 108332  
required under section 109.803 of the Revised Code shall be 108333  
provided in calendar year 2022 only in accordance with division 108334

(A)(4) of this section, notwithstanding former section 109.802 of 108335  
the Revised Code, rule 109:2-18-04 of the Administrative Code, and 108336  
any other provision of law that addresses any alternative method 108337  
of state funding for such training. The limitation specified in 108338  
this division does not apply with respect to direct appropriations 108339  
made to a state law enforcement agency. 108340

(6) Each law enforcement agency that receives money under 108341  
division (A)(4) of this section shall submit to the Attorney 108342  
General, by the date specified by the Attorney General, a report 108343  
that states the amount of money the agency received, how that 108344  
money was used, when it was used, and any other information with 108345  
respect to the use of the money that is required by the Attorney 108346  
General. The Attorney General shall prepare a report that compiles 108347  
the information in the reports received from law enforcement 108348  
agencies under this division and submit the report to the General 108349  
Assembly and the Legislative Service Commission. 108350

(B)(1) There is created the Law Enforcement Training Funding 108351  
Study Commission. The Commission shall consist of the following 108352  
twelve members: 108353

(a) The Attorney General or a designee of the Attorney 108354  
General who has experience in law enforcement funding issues; 108355

(b) The Director of Public Safety or a designee of the 108356  
Director who has experience in law enforcement funding issues; 108357

(c) Three members of the House of Representatives appointed 108358  
by the Speaker of the House of Representatives, with not more than 108359  
two of the persons appointed as members being members of the same 108360  
political party; 108361

(d) Three members of the Senate appointed by the President of 108362  
the Senate, with not more than two of the persons appointed as 108363  
members being members of the same political party; 108364

(e) Four members of the public appointed by the Governor, 108365

with each such member having a law enforcement background. 108366

(2) The Speaker of the House of Representatives, the 108367  
President of the Senate, and the Governor shall make their initial 108368  
appointments to the Law Enforcement Training Funding Study 108369  
Commission not later than thirty days after the effective date of 108370  
this Section. 108371

(3) If an appointed member of the Law Enforcement Training 108372  
Funding Study Commission ceases to hold the position that led to 108373  
the member's appointment, the member is disqualified and a vacancy 108374  
occurs. Vacancies of appointed members shall be filled in the same 108375  
manner as original appointments. 108376

(4) The Law Enforcement Training Funding Study Commission 108377  
shall hold its first meeting not later than thirty days after the 108378  
effective date of this section, regardless of whether all members 108379  
have been appointed under division (B)(2) of this section. At its 108380  
first meeting, the Commission shall select a chairperson, and also 108381  
shall select a vice-chairperson to perform in the absence of the 108382  
chairperson. The Commission shall adopt procedures to govern its 108383  
proceedings and shall meet as necessary at the call of the 108384  
chairperson or on the written request of a majority of its 108385  
members. A majority of serving Commission members constitutes a 108386  
quorum. Formal recommendations shall be made by a vote of a 108387  
majority of the quorum present. Commission meetings shall be open 108388  
to the public under section 121.22 of the Revised Code. The 108389  
Commission shall keep minutes of its meetings as public records 108390  
under section 149.43 of the Revised Code. 108391

(5) Members of the Law Enforcement Training Funding Study 108392  
Commission shall serve without compensation. 108393

(6) The Law Enforcement Training Funding Study Commission 108394  
shall study possible long-term methods for the provision of state 108395  
funding to law enforcement agencies for the training of their 108396

peace officers and troopers that is required under section 109.803 108397  
of the Revised Code. The Commission shall evaluate the plans for 108398  
the pilot program established under division (A) of this section 108399  
as part of the study. Upon completion of the study, the Commission 108400  
shall prepare a report of its findings and recommendations for a 108401  
long-term method for the provision of state funding to law 108402  
enforcement agencies for the training of their peace officers and 108403  
troopers that is required under section 109.803 of the Revised 108404  
Code. Not later than March 1, 2022, the Commission shall submit 108405  
the report to the Governor, the General Assembly, the Attorney 108406  
General, and the Legislative Service Commission. Upon submission 108407  
of the report, the Commission shall cease to exist. 108408

**Section 701.80.** In recognition of one of the first public 108409  
housing projects in America, developed in 1940, and named for the 108410  
Reverend James P. Poindexter, the Ohio History Connection shall 108411  
designate Poindexter Village as a state historic site. Poindexter 108412  
Village represents the birth and history of public housing in this 108413  
country and reflects Ohio's place in the national story of the 108414  
Great Migration. The designation shall identify the buildings at 108415  
290 North Champion Avenue, Columbus, as the Poindexter Village 108416  
Historic Site. The Ohio History Connection shall mark the site, or 108417  
cause the site to be marked, in accordance with the marking system 108418  
established for designated historic sites within the state. 108419

**Section 701.90.** (A) As used in this section, "meat processing 108420  
plant" means a facility that: 108421

(1) Is located in this state; 108422

(2) Is in operation as of July 1, 2021; and 108423

(3) Provides processing services for livestock and poultry 108424  
producers. 108425

(B) The Director of Development shall establish a grant 108426

program for meat processing plants. The Director shall prescribe 108427  
the grant application form. 108428

(C) The owner or operator of a meat processing plant may 108429  
apply to the Director for a grant under this section. Upon the 108430  
receipt of a grant application, the Director shall review the 108431  
application and score it based on the following criteria: 108432

(1) Whether the grant will improve the applicant's processing 108433  
efficiencies for livestock and poultry by allowing for the 108434  
following: 108435

(a) New equipment, including upgrades to existing equipment; 108436

(b) New technology, including upgrades to existing 108437  
technology; and 108438

(c) Training of personnel. 108439

(2) Whether the grant will be used for the expansion or new 108440  
construction of facilities for the processing of livestock and 108441  
poultry, including: 108442

(a) Areas to confine livestock and poultry; 108443

(b) Areas for the processing of livestock and poultry; and 108444

(c) Refrigeration or freezers. 108445

(3) Whether the grant will be used for food safety 108446  
certification or to assist in obtaining cooperative interstate 108447  
shipment status; 108448

(4) Whether the grant will improve harvest services for 108449  
livestock and poultry producers; 108450

(5) Project readiness. 108451

(D) For purposes of divisions (C)(1) through (5) of this 108452  
section, the Director shall not consider the following as eligible 108453  
for grant funding: 108454

(1) Improvements to personal residences, nonfarm commercial 108455

|                                                                                                                                                                                                                                                                                                                                                                                                                                                                    |                                                                    |
|--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|--------------------------------------------------------------------|
| property, and any other nonfarm structures;                                                                                                                                                                                                                                                                                                                                                                                                                        | 108456                                                             |
| (2) Agricultural tractors, motorized vehicles, and other mobile equipment with an internal combustion engine;                                                                                                                                                                                                                                                                                                                                                      | 108457<br>108458                                                   |
| (3) Land purchases.                                                                                                                                                                                                                                                                                                                                                                                                                                                | 108459                                                             |
| (E) Meat processing plants awarded a grant under this section shall maintain the equipment, technology, plant expansion, or new construction in working and serviceable order for a period of five years after the awarding of the grant.                                                                                                                                                                                                                          | 108460<br>108461<br>108462<br>108463                               |
| (F) The Director shall not award a grant to an applicant under this section for more than two hundred fifty thousand dollars.                                                                                                                                                                                                                                                                                                                                      | 108464<br>108465<br>108466                                         |
| <b>Section 715.05.</b> (A) As used in this section, "recreational trail" means a public trail that is used for hiking, bicycling, horseback riding, ski touring, canoeing, or other nonmotorized forms of recreational travel.                                                                                                                                                                                                                                     | 108467<br>108468<br>108469<br>108470                               |
| (B) No park district created under Chapter 1545. of the Revised Code and located in a county with not less than 220,000 and not more than 240,000 residents according to the most recent available federal decennial census shall appropriate property pursuant to Chapter 163. of the Revised Code for the purpose of providing a recreational trail.                                                                                                             | 108471<br>108472<br>108473<br>108474<br>108475<br>108476           |
| (C) This section expires on July 1, 2026.                                                                                                                                                                                                                                                                                                                                                                                                                          | 108477                                                             |
| <b>Section 715.10.</b> The amendment of section 1509.71 of the Revised Code by this act is intended to rename the Oil and Gas Leasing Commission as the Oil and Gas Land Management Commission and to replace the Chief of the Division of Geological Survey with the Director of Natural Resources or the Director's designee as a member of the Commission. On and after the effective date of this section, the Director of Natural Resources or the Director's | 108478<br>108479<br>108480<br>108481<br>108482<br>108483<br>108484 |

designee shall assume the duties and responsibilities of the Chief 108485  
of the Division of Geological Survey. 108486

**Section 715.20.** The Director of Natural Resources shall enter 108487  
into an agreement, or modify any existing agreement or memorandum 108488  
of understanding, with Ashtabula County to assume ownership and 108489  
operation of the Geneva Lodge and Conference Center located in 108490  
Ashtabula County by December 31, 2021. The agreement shall require 108491  
the Department of Natural Resources to purchase the facility for 108492  
an amount that does not exceed the outstanding mortgage at the 108493  
time of purchase. The agreement also shall require the Department 108494  
to assume maintenance, operating, and any other costs associated 108495  
with the facility. 108496

**Section 715.30.** The Department of Natural Resources shall 108497  
meet with the Malabar Farm Foundation within thirty days after the 108498  
effective date of this section to discuss entering into agreements 108499  
to mutually support and advance the shared objectives of 108500  
protecting, conserving, and educating the public concerning 108501  
Malabar Farm State Park and the legacy of Louis Bromfield. 108502

After the first meeting, the Department and the Foundation 108503  
shall meet every other month until June 30, 2022, at which point 108504  
the Department and Foundation jointly shall provide a report 108505  
detailing the meetings and any agreements resulting therefrom to 108506  
each member of the General Assembly who represents all or part of 108507  
Richland County. 108508

**Section 725.10.** (A) There is established the Probation 108509  
Workload Study Committee within the Supreme Court of Ohio to study 108510  
and discuss probation caseload principles, education standards for 108511  
probation officers, workload capacity principles, and any other 108512  
additional subjects determined by the Study Committee to be 108513  
relevant. 108514

(B) The Study Committee shall consist of nine members, 108515  
appointed as follows: 108516

(1) Three members shall be appointed by the Chief Justice of 108517  
the Supreme Court. 108518

(2) Three members shall be appointed by the Executive 108519  
Director of the Ohio Judicial Conference. 108520

(3) Three members shall be appointed by the President of the 108521  
Ohio Chief Probation Officers Association. 108522

(C) Members of the Study Committee shall receive no 108523  
compensation for their service and shall not be reimbursed for 108524  
expenses incurred through participation in the Study Committee. 108525

(D) Not later than December 31, 2021, the Study Committee 108526  
shall provide its recommendations to the Governor, the President 108527  
of the Senate, and the Speaker of the House of Representatives. 108528  
Upon submitting these recommendations, the Study Committee is 108529  
abolished. 108530

**Section 733.20.** (A) In furtherance of the State of Ohio's 108531  
intent to improve affordability in higher education, and in 108532  
recognition of the positive achievements of the Ohio Faculty 108533  
Council's October 2017 resolution supporting textbook 108534  
affordability initiatives, the State of Ohio hereby tasks Ohio's 108535  
institutions of higher education with evaluating their respective 108536  
implementation of textbook affordability initiatives. 108537

(B)(1) Consistent with requirements in Title I, Section 133 108538  
of the federal "Higher Education Opportunity Act of 2008," 108539  
institutions of higher education receiving federal financial aid 108540  
shall disclose required and recommended textbooks not later than 108541  
the time at which students can first begin to register for a 108542  
course. 108543

(2) Prior to academic year 2022-2023, the administration of 108544

each state institution of higher education, as defined in section 108545  
3345.011 of the Revised Code, shall work collaboratively with the 108546  
institution's faculty senate, or equivalent body, to consider 108547  
adopting a formally recognized textbook auto-adoption policy. 108548

(C) Not later than August 15, 2022, the board of trustees of 108549  
each state institution of higher education shall adopt a 108550  
resolution or otherwise formally vote to affirm or decline 108551  
adoption of the policy. If the board of trustees adopts the policy 108552  
as agreed upon by the administration and faculty senate, the state 108553  
institution shall formally transmit a copy of its resolution to 108554  
the Chancellor of Higher Education. 108555

**Section 733.30.** (A) As used in this section, "post-secondary 108556  
educational institutions" means any of the following: 108557

(1) A state institution of higher education, as defined in 108558  
section 3345.011 of the Revised Code; 108559

(2) A private, nonprofit institution of higher education 108560  
holding a certificate of authorization pursuant to Chapter 1713. 108561  
of the Revised Code; 108562

(3) An institution that holds a certificate of registration 108563  
from the state board of career colleges and schools; 108564

(4) An Ohio technical center, as defined in section 333.94 of 108565  
the Revised Code; 108566

(5) Any other post-secondary education provider determined 108567  
appropriate by the committee. 108568

(B) There is hereby established the Joint Legislative Study 108569  
Committee regarding career pathways and post-secondary workforce 108570  
training programs in Ohio. 108571

(C) The membership of the Committee shall consist of all of 108572  
the following: 108573

|                                                                                                                                                                                              |                                      |
|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|--------------------------------------|
| (1) Two members of the House of Representatives appointed by the Speaker of the House of Representatives;                                                                                    | 108574<br>108575                     |
| (2) One member of the House of Representatives recommended by the Minority Leader of the House of Representatives and appointed by the Speaker of the House of Representatives;              | 108576<br>108577<br>108578           |
| (3) The Chairperson and Ranking Member of the House Finance Subcommittee on Higher Education;                                                                                                | 108579<br>108580                     |
| (4) Two members of the Senate appointed by the President of the Senate;                                                                                                                      | 108581<br>108582                     |
| (5) One member of the Senate recommended by the Minority Leader of the Senate and appointed by the President of the Senate;                                                                  | 108583<br>108584                     |
| (6) The Chairperson and Ranking Member of the Senate Workforce and Higher Education Committee;                                                                                               | 108585<br>108586                     |
| (7) The following members appointed by the Governor:                                                                                                                                         | 108587                               |
| (a) A representative of the Governor's Office of Workforce Transformation;                                                                                                                   | 108588<br>108589                     |
| (b) A representative of the Department of Education;                                                                                                                                         | 108590                               |
| (c) A representative of the Chancellor of Higher Education.                                                                                                                                  | 108591                               |
| (D) The Committee shall review both of the following:                                                                                                                                        | 108592                               |
| (1) Current workforce training programs offered by post-secondary educational institutions and whether such programs are aligned with local, regional, and statewide workforce needs;        | 108593<br>108594<br>108595           |
| (2) Current career pathways, how they align with state, regional, and local labor market demand data, and whether they prioritize credentials that carry the most value in the labor market. | 108596<br>108597<br>108598<br>108599 |
| (E) The Committee shall develop recommendations regarding all of the following:                                                                                                              | 108600<br>108601                     |
| (1) The state's workforce education priorities and how those                                                                                                                                 | 108602                               |

priorities are funded; 108603

(2) A common definition for short-term credentials and 108604  
certificates of value across primary, secondary, and 108605  
post-secondary education providers that ensures consistency and 108606  
alignment with the state's policy and funding priorities; 108607

(3) Any strategies or programs the Committee identified that 108608  
may ensure that the state's investments will increase student 108609  
success and career readiness by increasing the number of workforce 108610  
certificates and credentials that lead to an in-demand job, as 108611  
defined in section 3333.94 of the Revised Code; 108612

(4) The types of reporting and data necessary for the 108613  
Chancellor to collect regarding post-secondary workforce 108614  
credentials, including programs for which credit is not awarded; 108615

(5) Policy strategies identified by the Committee to increase 108616  
awareness and participation by students in career-technical 108617  
pathways through partnerships between primary, secondary, and 108618  
post-secondary education providers and business and industry; 108619

(6) Strategies identified by the Committee to increase 108620  
work-based learning programs such as apprenticeships and programs 108621  
that permit students to attend post-secondary educational 108622  
institutions while maintaining their employment; 108623

(7) Whether the state should consider prioritizing 108624  
investments in short-term credentials through a new funding 108625  
structure for workforce education and career-technical programs, 108626  
including both of the following: 108627

(a) State support of workforce training programs at community 108628  
colleges and Ohio technical centers; 108629

(b) Financial aid opportunities for students pursuing a 108630  
workforce certificate or credential; 108631

(8) Strategies to improve and expand short-term workforce 108632

career pathway opportunities to make them more accessible to 108633  
residents of the state. 108634

(F) The Legislative Service Commission shall provide support 108635  
to the Committee. 108636

(G) Not later than November 1, 2022, the Committee shall 108637  
issue a report, in accordance with section 101.68 of the Revised 108638  
Code, that includes its findings under division (D) of this 108639  
section, its recommendations under division (E) of this section, 108640  
and any proposed legislative changes or funding recommendations 108641  
determined appropriate by the Committee. 108642

**Section 733.50.** Notwithstanding the dates prescribed by 108643  
division (D) of section 3311.054 of the Revised Code, not later 108644  
than July 1, 2022, the governing board of an educational service 108645  
center established under that section shall redistrict the 108646  
educational service center's territory into a number of 108647  
subdistricts equal to the number of board members designated under 108648  
division (B)(1) of that section, based on the results of the 2020 108649  
decennial census. At the regular municipal election held in 108650  
November 2023, all elected governing board members shall again be 108651  
elected from the subdistricts created under this section. 108652

If a governing board fails to redistrict the territory of its 108653  
educational service center in accordance with this section, the 108654  
Superintendent of Public Instruction shall redistrict the service 108655  
center not later than August 1, 2022. 108656

**Section 733.60.** Not later than December 1, 2021, the 108657  
Department shall deposit funds into ACE education savings accounts 108658  
established under section 3310.70 of the Revised Code for fiscal 108659  
year 2022. 108660

**Section 733.70.** (A) Notwithstanding any section of the 108661

Revised Code to the contrary, students that meet any of the 108662  
following criteria shall be eligible for a scholarship under the 108663  
Educational Choice Scholarship Pilot Program for the 2021-2022 108664  
school year: 108665

(1) Any student who was excused from the compulsory 108666  
attendance law under section 3321.04 of the Revised Code for 108667  
purposes of home instruction during the 2020-2021 school year, 108668  
regardless of whether that student was enrolled in a public or 108669  
nonpublic school in any prior school year, and who, for the 108670  
2021-2022 school year, is or would be assigned to a school 108671  
included on the "EdChoice Scholarship Program 2019-2020 List of 108672  
Designated Public Schools" issued by the Department of Education; 108673

(2) Any student who was new to Ohio during the 2020-2021 108674  
school year and who, for the 2021-2022 school year, is or would be 108675  
assigned to a school included on the "EdChoice Scholarship Program 108676  
2019-2020 List of Designated Public Schools" issued by the 108677  
Department; 108678

(3) Any student who is enrolling in kindergarten for the 108679  
2021-2022 school year and who, for that school year, would be 108680  
assigned to a school included on the "EdChoice Scholarship Program 108681  
2019-2020 List of Designated Public Schools" issued by the 108682  
Department; 108683

(4) Any student who was enrolled in a public school, 108684  
nonpublic school, or excused from the compulsory attendance law 108685  
under section 3321.04 of the Revised Code for purposes of home 108686  
instruction during the 2020-2021 school year and who meets both of 108687  
the following criteria: 108688

(a) The student was or would have been assigned to a school 108689  
during the 2019-2020 school year that was included on the 108690  
"EdChoice Scholarship Program 2019-2020 List of Designated Public 108691  
Schools" issued by the Department. 108692

(b) The student subsequently relocated and was or would have been assigned to a school building on the "EdChoice Scholarship Program 2020-2021 List of Designated Public Schools" during the 2020-2021 school year.

(5) Any student who was enrolled in a nonpublic school for the eighth grade during the 2020-2021 school year and who, for ninth grade during the 2021-2022 school year, is enrolled in or otherwise would be assigned to a school building operated by the student's resident district that is on the 2019-2020 or 2021-2022 "EdChoice Scholarship Program List of Designated Public Schools" issued by the Department;

(6) Siblings of any student who is determined to be eligible under division (A)(1), (2), (3), (4), or (5) of this section or who received a scholarship during the 2020-2021 school year.

(B) Not later than July 15, 2021, the Department shall do all of the following:

(1) Develop eligibility guidance consistent with the provisions of section (A) of this section and do both of the following with that guidance:

(a) Post the guidance on the Department's web site in a prominent, easy-to-find location;

(b) Provide the guidance documents to every nonpublic school that accepts Educational Choice scholarships.

(2) Begin accepting and processing applications for the 2021-2022 school year for students eligible under division (A) of this section.

(C) For complete applications submitted by August 1, 2021, the Department shall provide notice of award or denial not later than September 15, 2021.

(D) The Department may request any individual applying for a

scholarship on behalf of a student to provide appropriate 108723  
documentation, as defined by the Department, that the student 108724  
meets the eligibility qualifications prescribed under this 108725  
section. 108726

(E) Notwithstanding division (A)(1) of section 3310.16 of the 108727  
Revised Code, as amended by this act, for the 2021-2022 school 108728  
year only, the Department shall not prorate any scholarship 108729  
awarded to a student under the Educational Choice Scholarship 108730  
Pilot Program based on a complete application that was submitted 108731  
to the Department on the student's behalf by October 31, 2021. 108732

**Section 741.10.** (A) Notwithstanding any provision of law to 108733  
the contrary, on the effective date of this section, all of the 108734  
authority, functions, assets, and liabilities of the Division of 108735  
Industrial Compliance that were transferred to the Division from 108736  
the former Historical Boilers Licensing Board by Section 7 of H.B. 108737  
442 of the 133rd General Assembly are transferred to the new 108738  
Historical Boilers Licensing Board created by section 4104.33 of 108739  
the Revised Code as enacted in this act. The Board is thereupon 108740  
and thereafter successor to, and assumes the obligations, duties, 108741  
authorities, and responsibilities of, the Division in relation to 108742  
historical boilers. Any certificate that was issued by the 108743  
Division pursuant to sections 4104.31 to 4104.37 of the Revised 108744  
Code, or that was issued by the former Historical Boilers 108745  
Licensing Board, that is current and valid on the effective date 108746  
of this section is deemed to be a certificate issued by the Board. 108747

Any business commenced under sections 4104.31 to 4104.37 of 108748  
the Revised Code but not completed by the effective date of this 108749  
section shall be completed by the Board in the same manner, and 108750  
with the same effect, as if completed by the Division. 108751

No validation, cure, right, privilege, remedy, obligation, or 108752  
liability is lost or impaired by reason of this act's transfer of 108753

responsibility from the Division to the Board. 108754

All rules, orders, and determinations made or undertaken 108755  
pursuant to the authority and responsibilities of the Division 108756  
under sections 4104.31 to 4104.37 of the Revised Code, or the 108757  
former Historical Boilers Licensing Board, shall continue in 108758  
effect as rules, orders, and determinations of the Board until 108759  
modified or rescinded by the Board. If necessary to ensure the 108760  
integrity of the numbering system of the Administrative Code, the 108761  
Director of the Legislative Service Commission shall renumber the 108762  
rules to reflect the transfer. 108763

Any action or proceeding that is related to the functions or 108764  
duties of the Division under sections 4104.31 to 4104.37 of the 108765  
Revised Code, or the former Historical Boilers Licensing Board, 108766  
pending on the effective date of this section is not affected by 108767  
the transfer and shall be prosecuted or defended in the name of 108768  
the Board. In all such actions and proceedings, the Board, on 108769  
application to the court, shall be substituted as a party. 108770

(B)(1) The following persons shall be employees of the 108771  
Historical Boilers Licensing Board created by section 4104.33 of 108772  
the Revised Code and shall serve in the positions previously held 108773  
within their respective agencies unless the Board determines 108774  
otherwise: 108775

(a) All employees of the Historical Boilers Licensing Board 108776  
that existed prior to April 12, 2021, that became employees of the 108777  
Division via Section 7 of H.B. 442 of the 133rd General Assembly 108778  
and that continue to be employed in that capacity by the Division 108779  
on the effective date of this section; 108780

(b) All employees thereafter hired by the Division 108781  
specifically to carry out duties under sections 4104.31 to 4104.37 108782  
of the Revised Code. 108783

(2) The transfer of responsibility from the Division to the 108784

Board shall not be deemed a transfer of employees pursuant to 108785  
division (D)(3)(b) of section 124.11 of the Revised Code. 108786

**Section 741.11.** Notwithstanding section 4104.35 of the 108787  
Revised Code as enacted by this act, the Historical Boilers 108788  
Licensing Board created by this act shall issue a license to a 108789  
person who held an active license to operate historical boilers in 108790  
public on April 12, 2021. 108791

**Section 743.20.** (A) As used in this section: 108792

(1) "Liquor permit holder" means the holder of a permit 108793  
issued under Chapter 4303. of the Revised Code. 108794

(2) "Rule" means rule 4301:1-1-13, rule 4301:1-1-80, or rule 108795  
4301:1-1-52(B)(1) of the Administrative Code. 108796

(B) Notwithstanding any provision of the Revised Code to the 108797  
contrary, if a liquor permit holder's permit has been revoked as a 108798  
result of a violation of a rule and the violation occurred on or 108799  
after March 14, 2020, but prior to the effective date of this 108800  
section, the Liquor Control Commission shall reinstate the liquor 108801  
permit holder's permit if, within sixty days of the effective date 108802  
of this section, the permit holder pays a fine of \$2,500 to the 108803  
Commission. 108804

(C) For each permit that is reinstated under division (B) of 108805  
this section, the Liquor Control Commission shall notify each of 108806  
the following of the reinstatement: 108807

(1) The liquor permit holder whose permit is reinstated; 108808

(2) The Division of Liquor Control and the Investigative Unit 108809  
of the Department of Public Safety. Following receipt of the 108810  
notification, the Division and the Investigative Unit shall delete 108811  
any records of the revocation. 108812

(3) The General Assembly as provided in division (B) of 108813

|                                                                                                                                                                                                                                                                                                                                                                               |                                                          |
|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|----------------------------------------------------------|
| section 101.68 of the Revised Code.                                                                                                                                                                                                                                                                                                                                           | 108814                                                   |
| <b>Section 745.10.</b> (A) As used in this section:                                                                                                                                                                                                                                                                                                                           | 108815                                                   |
| (1) "Amusement ride" has the same meaning as under section 993.01 of the Revised Code.                                                                                                                                                                                                                                                                                        | 108816<br>108817                                         |
| (2) "Owner" has the same meaning as under section 993.01 of the Revised Code.                                                                                                                                                                                                                                                                                                 | 108818<br>108819                                         |
| (3) "Registration taxes and fees" means all of the following:                                                                                                                                                                                                                                                                                                                 | 108820                                                   |
| (a) Any annual registration tax owed for a vehicle or trailer registered in the name of the owner under section 4503.04 or 4503.042 of the Revised Code;                                                                                                                                                                                                                      | 108821<br>108822<br>108823                               |
| (b) Any annual registration fees owed under division (C) of section 4503.10 of the Revised Code;                                                                                                                                                                                                                                                                              | 108824<br>108825                                         |
| (c) Any local motor vehicle taxes owed under Chapter 4504. of the Revised Code;                                                                                                                                                                                                                                                                                               | 108826<br>108827                                         |
| (d) Any license plate fees owed under section 4503.19 of the Revised Code;                                                                                                                                                                                                                                                                                                    | 108828<br>108829                                         |
| (e) The Bureau of Motor Vehicles or deputy registrar service fee owed under section 4503.038 of the Revised Code.                                                                                                                                                                                                                                                             | 108830<br>108831                                         |
| (B) Beginning on the effective date of this section until one year after the effective date of this section, the Registrar of Motor Vehicles shall waive the registration taxes and fees for any amusement ride owner that was not able to operate the owner's amusement rides in calendar year 2020.                                                                         | 108832<br>108833<br>108834<br>108835<br>108836           |
| (C) If the owner of the amusement rides registers the owner's vehicles and trailers under section 4503.103 of the Revised Code for multiple years, the Registrar shall credit the owner for one year of registration taxes and fees under that section. The owner shall pay any registration taxes and fees owed for the additional years of registration under that section. | 108837<br>108838<br>108839<br>108840<br>108841<br>108842 |

**Section 747.10.** Section 4713.02 of the Revised Code, as 108843  
amended by this act, does not affect the terms of members of the 108844  
State Cosmetology and Barber Board serving on the Board on the 108845  
effective date of this section. 108846

**Section 747.20.** (A) As used in this section: 108847

(1) "Advanced practice registered nurse" has the same meaning 108848  
as in section 4723.01 of the Revised Code. 108849

(2) "Emergency medical services," "emergency medical 108850  
technician-basic," "emergency medical technician-intermediate," 108851  
"emergency medical technician-paramedic," and "first responder" 108852  
have the same meanings as in section 4765.01 of the Revised Code. 108853

(3) "Physician" means an individual licensed under Chapter 108854  
4731. of the Revised Code to practice medicine and surgery or 108855  
osteopathic medicine and surgery. 108856

(4) "Physician assistant" means an individual licensed to 108857  
practice as a physician assistant under Chapter 4730. of the 108858  
Revised Code. 108859

(B) During the period beginning on the effective date of this 108860  
section and ending October 1, 2022, and notwithstanding any 108861  
conflicting provision of the Revised Code, a first responder, 108862  
emergency medical technician-basic, emergency medical 108863  
technician-intermediate, and emergency medical 108864  
technician-paramedic may perform emergency medical services in any 108865  
setting, including in any area of a hospital, if the services 108866  
performed under the direction and supervision of one of the 108867  
following: 108868

(1) A physician; 108869

(2) A physician assistant designated by a physician; 108870

(3) An advanced practice registered nurse designated by a 108871

physician. 108872

(C) A first responder, emergency medical technician-basic, 108873  
emergency medical technician-intermediate, and emergency medical 108874  
technician-paramedic is not liable in damages in a civil action 108875  
for injury, death, or loss to person or property resulting from 108876  
the individual's performance of emergency medical services as 108877  
authorized by this section, unless the services are performed in a 108878  
manner that constitutes willful or wanton misconduct. 108879

**Section 749.10.** Not later than ninety days following the 108880  
effective date of the amendments made by this act to section 108881  
4927.01 of the Revised Code, the Public Utilities Commission shall 108882  
amend its rules to the extent necessary to bring them into 108883  
conformity with that section. 108884

**Section 751.10.** (A) There is hereby created the Task Force on 108885  
Streamlining County Level-Information Access to make 108886  
recommendations on how county departments of job and family 108887  
services, child support enforcement agencies, public children 108888  
services agencies, and county OhioMeansJobs centers can streamline 108889  
access to information across information technology systems. 108890

(B) The Task Force shall consist of twenty-one members as 108891  
follows: 108892

(1) Two members, appointed by the Speaker of the House of 108893  
Representatives, shall be members of the House of Representatives, 108894  
with one member from the majority party and one member from the 108895  
minority party; 108896

(2) Two members, appointed by the President of the Senate, 108897  
shall be members of the Senate, with one member from the majority 108898  
party and one member from the minority party; 108899

(3) The Director of Job and Family Services, or the 108900  
Director's designee; 108901

- (4) The Medicaid Director, or the Director's designee; 108902
- (5) The Director of Administrative Services, or the 108903  
Director's designee; 108904
- (6) Three representatives of the Ohio Job and Family Services 108905  
Director's Association, appointed by the Association, with one 108906  
representative each from a small, medium, and large county, 108907  
respectively; 108908
- (7) Three representatives of the Public Children Services 108909  
Association of Ohio, appointed by the Association, with one 108910  
representative each from a small, medium, and large county, 108911  
respectively; 108912
- (8) Three representatives of the Ohio Child Support 108913  
Enforcement Agency Director's Association, appointed by the 108914  
Association, with one representative each from a small, medium, 108915  
and large county, respectively; 108916
- (9) Three representatives of the County Commissioners 108917  
Association of Ohio, appointed by the Association, with one 108918  
representative each from a small, medium, and large county, 108919  
respectively; 108920
- (10) Two representatives of the Ohio Workforce Association, 108921  
appointed by the Association, with one representative from a rural 108922  
workforce area and one representative from a metro workforce area. 108923
- (C) Not later than October 8, 2021, the Task Force shall hold 108924  
its first meeting. Members shall elect a chairperson at the first 108925  
meeting. 108926
- (D) For each meeting, each Director or Director's designee 108927  
shall select an appropriate subject matter expert from their 108928  
respective departments, as necessary, to attend the meetings and 108929  
inform the discussions. 108930
- (E) A majority of the members constitutes a quorum for the 108931

conduct of meetings. The Task Force shall comply with public 108932  
records and open meetings requirements as described in sections 108933  
121.22 and 149.43 of the Revised Code. 108934

(F) The Task Force shall do all of the following: 108935

(1) Identify barriers to efficient operations between 108936  
information technology systems that affect both department and 108937  
agency operations and services to clients; 108938

(2) For each identified barrier, explore the feasibility of 108939  
allowing county employees access to more than one information 108940  
technology system to provide better service to clients, including 108941  
by analyzing the flexibility provided and prohibitions under 108942  
federal law, regulation, guidance, and waivers; 108943

(3) Prioritize which barriers should be addressed first based 108944  
on the outcomes and efficiencies to be gained by improved 108945  
streamlining processes and information sharing. 108946

(G) Not later than February 1, 2022, the Task Force shall 108947  
submit to the General Assembly a report detailing its findings and 108948  
recommendations. The Task Force ceases to exist on the submission 108949  
of its report. 108950

**Section 751.20.** (A)(1) If a foster caregiver or prospective 108951  
foster caregiver began continuing training or preplacement 108952  
training required under sections 5103.031 to 5103.033 of the 108953  
Revised Code between 2019 and 2021, the Department of Job and 108954  
Family Services shall extend the certification deadlines for the 108955  
foster caregivers and prospective foster caregivers to December 108956  
31, 2021. 108957

(2) The deadline extension described under division (A)(1) of 108958  
this section shall not apply to foster caregivers or potential 108959  
foster caregivers whose certification deadline is after December 108960  
31, 2021. 108961

(B)(1) Except as permitted under division (B)(2) of this section, the Department shall not require the foster caregiver or prospective foster caregiver described under division (A) of this section to repeat training or requirements for certification that the caregiver has previously completed.

(2) The Department may require the foster caregiver or prospective foster caregiver to undergo a new background check and home inspection.

**Section 753.10.** (A) The Governor may execute one or more Governor's Deeds in the name of the State conveying to one or more Purchasers, their heirs, successors and assigns, to be determined in the manner provided in division (C) of this section all of the State's right, title, and interest in the following described real estate:

Commence at the westerly intersection of Roberts Mill Road (Township Road 96) and Old Springfield Road (County Road 13), thence westerly along the centerline of Old Springfield Road (CR 13) 893.82 feet to Place of Beginning, thence northwesterly 1585 +/- feet to the southeast corner of lands now or formerly owned by Mabel Marie Nibert (Madison County Parcel Number 29-00453.000) thence, northerly, with the east line of said Nibert parcel and the west line of lands now or formerly owned by the State of Ohio (Madison County Parcel Number 29-00789.000) to the south line of lands now or formerly owned by Bruce A. Roberts, Trustee, (Madison County Parcel Number 29-00363.000), thence, easterly along the south line of said Roberts parcel to an angle point in said south line, thence, northerly, continuing along the said south line of said Roberts parcel to an angle point in said south line, thence northeasterly, continuing along the said south line of said Roberts parcel 1090 +/- feet to a fence corner, thence, southeasterly, through the said State of Ohio lands and along a

fence line, 1730 +/- feet to the west side of a farm drive that 108993  
runs along a drainage ditch, thence southwesterly along said farm 108994  
drive 3452 +/- feet to a point in the center of the drainage ditch 108995  
that is on the extension of the west line of a farm drive 108996  
projected from the south, thence southerly on the west line of the 108997  
said farm drive to the center of Old Springfield Road, thence 108998  
westerly, along the centerline of Old Springfield Road to the 108999  
beginning containing approximately 312 acres out of Madison County 109000  
Parcel Number 29-00363.000. 109001

Begin at the easterly intersection of Roberts Mill Road and 109002  
Old Springfield Road, thence easterly along the center of Old 109003  
Springfield Road 8320 +/- feet to the east line of lands now or 109004  
formerly owned by the State of Ohio (Madison County Parcel Number 109005  
29-00789.000) and the west line of lands now or formerly owned by 109006  
Gilbert F. Goodheil (Madison County Parcel Number 30-00054.000), 109007  
thence southerly along the said east line of said State of Ohio 109008  
parcel 2465 +/- feet to the north line of the Pennsylvania Lines 109009  
LLC, railroad right of way, thence westerly, along the north line 109010  
of the Pennsylvania Lines LLC, railroad right of way 7610 +/- feet 109011  
to the center of Roberts Mill Road, thence with the center of 109012  
Roberts Mill Road to the beginning containing approximately 455 109013  
acres. 109014

Begin at the intersection of the Pennsylvania Lines LLC, 109015  
south right of way line and the centerline of Roberts Mill Road, 109016  
thence easterly with the Pennsylvania Lines LLC south right of way 109017  
line, 7285 +/- feet to the northwest corner of land now or 109018  
formerly owned by John R. Dunkle (Madison County Parcel Number 109019  
31-03570.000), thence southerly along said Dunkle parcel 430 +/- 109020  
feet to a corner, thence westerly along other parcels now or 109021  
formerly owned by John R. Dunkle 1125 +/- feet to a corner, thence 109022  
southerly along the west line of said Dunkle parcel 1500 +/- feet 109023  
to an angle point in said line, thence easterly along said Dunkle 109024

lands 210 +/- feet to an angle point, thence southerly along said 109025  
Dunkle lands 1150 +/- feet to the northeast corner of State of 109026  
Ohio Highway Garage lands (Madison County Parcel Number 109027  
29-00777.000), thence westerly along said Highway Garage lands and 109028  
lands now or formerly owned by Tyrone J. Leach (Madison County 109029  
Parcel Number 29-00569.000) and Kirkwood Cemetery (Madison County 109030  
Parcel Numbers 29-00776.000 and 29-00816.000), 2000 +/- feet to a 109031  
point on the east line of the State of Ohio Firearms Range 109032  
(Madison County Parcel Number 29-000816.000), thence northerly 109033  
along the said east line of the State of Ohio Firearms Range 1390 109034  
+/- feet to a fence line projected from the east, thence easterly 109035  
along said fence line 690 +/- feet to the west side of a farm 109036  
drive, thence northwesterly following along the west side of the 109037  
farm drive 280 +/- feet, 200 +/- feet and 280 +/- feet to a fence 109038  
line projected from the west, said fence line being the north line 109039  
of the State of Ohio Firearms Range, thence westerly along the 109040  
said fence line and the north line of the State of Ohio Firearms 109041  
Range 2115 +/- feet to the northwest corner of said State of Ohio 109042  
Firearms Range thence, southerly along the west line of the State 109043  
of Ohio Firearms Range, 860 +/- feet to a fence line, thence 109044  
westerly along the fence line 955 +/- feet to the centerline of 109045  
Roberts Mill Road, thence with the center of Roberts Mill Road to 109046  
the beginning containing approximately 330 acres. 109047

Begin at the southeast corner of lands now or formerly owned 109048  
by Tom Farms, Inc. (Madison County Parcel Number 05-00066.000) 109049  
said corner also being the northwest corner of State of Ohio lands 109050  
(Madison County Parcel Number 05-00542.000) and also being in the 109051  
center of Marysville-London Road (SR 38), thence southerly along 109052  
the center of Marysville-London Road (SR 38) 2145 +/- feet to an 109053  
angle point in said road thence continuing with said road 109054  
southerly 290 +/- feet to the southeast corner of State of Ohio 109055  
lands (Madison County Parcel Number 05-00199.000) and the 109056  
northeast corner of lands now or formerly owned by the City of 109057

London (Madison County Parcel Number 31-03614.000), thence 109058  
southwesterly along the south line of said State of Ohio lands, 109059  
the north line of said City of London and the lands now or 109060  
formerly owned by the London City School District (Madison County 109061  
Parcel Number 31-03614.001) 1886 +/- feet to the north west corner 109062  
of said London City School district parcel and the northeast 109063  
corner of lands now or formerly owned by GCSquared LLC (Madison 109064  
County Parcel Number 31-01156.000), thence westerly along the 109065  
north line of said GCSquared parcel 145 +/- feet to a fence 109066  
corner, thence northwesterly, crossing said State of Ohio parcels 109067  
and following said fence line 2000 +/- feet to a point where the 109068  
east edge of a farm drive projected intersects, thence continuing 109069  
northwesterly and along the east edge of the farm drive 338 +/- 109070  
feet, 280 +/- feet, 130 +/- feet, 305 +/- feet and 1025 +/- feet 109071  
to a point where a projected south line of a parcel now or 109072  
formerly owned by Tom Farms, Inc. (Madison County Parcel Number 109073  
30-00030.000) and the north line of State of Ohio lands (Madison 109074  
County Parcel Number 30-00199.000) intersect, thence westerly 109075  
along lands now or formerly owned by Tom Farms, Inc. (Madison 109076  
County Parcel Numbers 30-00030.000, 24-00340.000, 05-00066.001 and 109077  
05-00066.000) and the north line of State of Ohio lands (Madison 109078  
County Parcel Number 30-00199.000, 24-06140.000 and 05-00542.000) 109079  
2850 +/- feet to the beginning containing approximately 150 acres. 109080

The foregoing legal description may be corrected or modified 109081  
by the Department of Administrative Services to a final form if 109082  
such corrections or modifications are needed to facilitate 109083  
recordation of the deed or deeds to define the description of the 109084  
real estate identified as no longer obligatory by the state. 109085

(B)(1) The conveyance includes improvements and chattels 109086  
situated on the real estate, and is subject to all easements, 109087  
covenants, conditions, and restrictions of record; all legal 109088  
highways and public rights-of-way; zoning, building, and other 109089

laws, ordinances, restrictions, and regulations; and real estate 109090  
taxes and assessments not yet due and payable. The real estate 109091  
shall be conveyed in an "as-is, where-is, with all faults" 109092  
condition. 109093

(2) The deed for conveyance of the real estate may contain 109094  
restrictions, exceptions, reservations, reversionary interests, 109095  
and other terms and conditions the Director of Administrative 109096  
Services determines to be in the best interest of the State. 109097

(3) Subsequent to the conveyance, any restrictions, 109098  
exceptions, reservations, reversionary interests, or other terms 109099  
and conditions contained in the deed may be released by the State 109100  
or the Department of Rehabilitation and Correction without the 109101  
necessity of further legislation. 109102

(4) The deed or deeds shall contain restrictions prohibiting 109103  
the grantee or grantees from occupying, using, or developing, or 109104  
from selling, the real estate such that the use or alienation will 109105  
interfere with the quiet enjoyment of neighboring state-owned 109106  
land. 109107

(5) The real estate described in division (A) of this section 109108  
shall be conveyed only if the Director of Administrative Services 109109  
and the Director of the Department of Rehabilitation and 109110  
Correction first have determined that the real estate is surplus 109111  
real property no longer needed by the state and that the 109112  
conveyance is in the best interest of the state. 109113

(C)(1) The Director of Administrative Services and the 109114  
Director of Rehabilitation and Correction shall offer the sale of 109115  
the real estate in the manner described in divisions (C)(2) or 109116  
(C)(3) of this section. 109117

(2) The Director of Administrative Services may offer the 109118  
sale of the real estate to a purchaser or purchasers to be 109119  
determined, through a negotiated real estate purchase agreement or 109120

agreements. 109121

Consideration for the conveyance of the real estate shall be 109122  
at a price and at terms and conditions acceptable to the Director 109123  
of Administrative Services and the Director of Rehabilitation and 109124  
Correction. The consideration shall be paid at closing. 109125

(3) The Director of Administrative Services shall conduct a 109126  
sale of the real estate by sealed bid auction or public auction, 109127  
and the real estate shall be sold to the highest bidder at a price 109128  
acceptable to the Director of Administrative Services and the 109129  
Director of Rehabilitation and Correction. The Director of 109130  
Administrative Services shall advertise the sealed bid auction or 109131  
public auction by publication in a newspaper of general 109132  
circulation in Madison County, once a week for three consecutive 109133  
weeks before the date on which the sealed bids are to be opened. 109134  
The Director of Administrative Services shall notify the 109135  
successful bidder in writing. The Director of Administrative 109136  
Services may reject any or all bids. 109137

The purchaser or purchasers shall pay ten percent of the 109138  
purchase price to the Director of Administrative Services not 109139  
later than five business days after receiving the notice the bid 109140  
has been accepted and shall enter into a real estate purchase 109141  
agreement, in the form prescribed by the Department of 109142  
Administrative Services. Payment may be made by bank draft or 109143  
certified check made payable to the Treasurer of State. The 109144  
purchaser or purchasers shall pay the balance of the purchase 109145  
price to the Director of Administrative Services within sixty days 109146  
after receiving notice the bid has been accepted. A purchaser who 109147  
does not complete the conditions of the sale as prescribed in this 109148  
division shall forfeit as liquidated damages the ten percent of 109149  
the purchase price paid to the state. If the purchaser fails to 109150  
complete the purchase of the real estate, the Director of 109151  
Administrative Services may accept the next highest bid, subject 109152

to the foregoing conditions. If the Director of Administrative Services rejects all bids, the Director may repeat the sealed bid auction or public auction or may use an alternative sale process that is acceptable to the Director of Administrative Services and the Director of Rehabilitation and Correction.

The Department of Rehabilitation and Correction shall pay advertising costs incident to the sale of the real estate.

(D) The real estate described in division (A) of this section may be conveyed as an entire tract or as multiple parcels as determined by the Director of Administrative Services and the Director of Rehabilitation and Correction. The real estate described in division (A) of this section may be conveyed to a single purchaser or multiple purchasers as determined by the Director of Administrative Services and the Director of Rehabilitation and Correction.

(E) Except as otherwise specified in this section, the purchaser or purchasers shall pay all costs associated with the purchase, closing and conveyance, including surveys, title evidence, title insurance, transfer costs and fees, recording costs and fees, taxes, and any other fees, assessments, and costs that may be imposed.

(F) The proceeds of the conveyance of facilities and interest in real estate sale or sales shall be deposited into the state treasury to the credit of the Adult and Juvenile Correctional Facilities Bond Retirement Fund in accordance with section 5120.092 of the Revised Code.

(G) Upon payment of the purchase price, and receipt of written notice from the Director of Administrative Services, the Auditor of State, with the assistance of the Attorney General, shall prepare a Governor's Deed or Deeds to the real estate described in division (A) of this section. The deed or deeds shall

state the consideration and shall be executed by the Governor in 109184  
the name of the State, countersigned by the Secretary of State, 109185  
sealed with the Great Seal of the State, presented in the Office 109186  
of the Auditor of State for recording, and delivered to the 109187  
purchaser or purchasers. The purchaser or purchasers shall present 109188  
the Governor's Deed for recording in the Office of the Madison 109189  
County Recorder. 109190

(H) This section shall expire three (3) years after its 109191  
effective date. 109192

**Section 753.20.** (A) The Governor may execute a Governor's 109193  
Deed in the name of the State conveying to a Grantee to be 109194  
determined ("Grantee"), and its successors and assigns, in the 109195  
manner provided in division (D) of this section all of the State's 109196  
right, title, and interest in the following described real estate: 109197

Situated in Section 6, Township 3 East, Range 3 North and 109198  
Section 36, Township 4 East, Range 3 North, M.R.S., Township of 109199  
Turtlecreek, County of Warren, State of Ohio and being part of 109200  
1001.93 acres of real estate conveyed to The State of Ohio by deed 109201  
recorded in Deed Book 124, Page 109 (all deed references to deeds, 109202  
microfiche, plats, surveys, etc., refer to records of the Warren 109203  
County, Ohio Records office, unless noted otherwise) and being 109204  
more particularly bounded and described as follows: 109205

Commencing at the southeast corner of Section 6 said point 109206  
also being in the centerline of State Route 63; 109207

Thence North 05° 34' 03" East, leaving said centerline of 109208  
State Route 63 and along said section line, 30.40 feet to a point 109209  
in the existing right of way of said State Route 63; 109210

Thence North 84°36' 48" East, along the existing right of way 109211  
of State Route 63, 1055.70 feet to the south east corner of a 109212  
120.0002-acre tract of land conveyed to Warren General Property 109213

Co., LLC by O.R. Volume 5725, Page 443 and an iron pin found, 109214

Thence North 05° 17' 35" East, along the east line of said 109215  
Warren General Property Co., LLC, 30.00 feet to the TRUE PLACE OF 109216  
BEGINNING; 109217

Thence North 05° 17' 35" East, continuing along the ease line 109218  
of said Warren General Property Co., LLC, 2003.73 feet to an iron 109219  
pin found at the northeast corner of said Warren General Property 109220  
Co., LLC; 109221

Thence North 84° 42' 29" West, along the northerly line of 109222  
said Warren General Property Co., LLC, 2633.41 feet to an iron pin 109223  
found at the northwest corner of said Warren General Property Co., 109224  
LLC and being in the easterly line of a 57.157-acre tract of land 109225  
conveyed to Frick Real Estate Ltd., by O.R. Volume 2373, Page 996; 109226

Thence North 20° 05' 20" East, along the west line of said 109227  
State of Ohio Lands and the east line of lands of said Frick Real 109228  
Estate Ltd., a 44.687-acre tract conveyed to S.S. Hempsted, LLC., 109229  
by Deed Document #2020-021965 and the east line of a 60-acre tract 109230  
conveyed to the Solid Rock Ministries International by O.R. Volume 109231  
5082, Page 417, 3399.01 feet to an iron pin set in the southerly 109232  
line of lands of a 16.00-acre tract deed to the Board of Warren 109233  
County Commissioners by Deed Book 418, Page 93 and the northerly 109234  
line of said State of Ohio lands; 109235

Thence S 84° 05' 40" East, along the northerly line of said 109236  
State of Ohio lands and being the southerly lines of lands of said 109237  
Board of Warren County Commissioners, a 101.354-acre tract 109238  
conveyed to Jeff and Shannon Wieland by Deed Document #2018-017173 109239  
and a 208.0348-acre tract conveyed FRL Real Estate, LLC. by Deed 109240  
Document #2018-003275, 2464.24 feet to a north easterly corner of 109241  
said State of Ohio lands, Said corner being referenced by an iron 109242  
pin found 1.47 feet North 06° 06' 09" East from said corner; 109243

Thence South 06° 06' 09" West, along an easterly line of said 109244

State of Ohio lands and the westerly line of a 159.6665-acre tract 109245  
conveyed to Grand Communities, LLC. (F.K.A. Grand Communities, 109246  
LTD.) by O.R. Volume 5045, Page 910, 1400.13 feet to an iron pin 109247  
found at a corner of said State of Ohio land and a corner of said 109248  
Grand Communities, LLC. land; 109249

Thence South 84° 19' 23" East, along a north line of the 109250  
State of Ohio lands and a south line of said Grand Communities, 109251  
LLC. land, 582.71 feet to an iron pin found at a north easterly 109252  
corner of said State of Ohio Lands and a corner of said Grand 109253  
Communities, LLC., land; 109254

Thence South 06° 06' 50" West, along an east line of said 109255  
State of Ohio and a west line of said Grand Communities, LLC. 109256  
land, passing an iron pin found at 1794.45 feet at a corner of 109257  
said State of Ohio lands and a corner of said Grand Communities, 109258  
LLC. lands thence continuing on a new line through the State of 109259  
Ohio lands a total distance of 3636.78 feet to an iron pin set; 109260

Thence North 84° 50' 55" West, on a new line through the 109261  
State of Ohio Lands, 170.39 feet to an iron pin set; 109262

Thence South 51° 04' 44" West, on a new line through the 109263  
State of Ohio Lands, 114.36 feet to an iron pin set; 109264

Thence South 04° 59' 19" West, on a new line through the 109265  
State of Ohio Lands, 145.54 feet to an iron pin set; 109266

Thence North 84° 33' 59" West, on a new line through the 109267  
lands of the State of Ohio, 957.94 feet to the TRUE PLACE OF 109268  
BEGINNING. 109269

The above described area contains 295.9888 acres of land more 109270  
or less, of which the present road occupies 0.000 acres of land 109271  
more or less (87.5466 acres in section 6) and (208.4422 acres in 109272  
section 36). Subject to all recorded easements and right of ways 109273  
and an ingress egress easement described below. 109274

This description was prepared for the Ohio Department of Transportation under the direction of William H. Helmick, Ohio Registered Surveyor No. 8030. Based on a survey performed in November of 2019. All iron pins set are 5/8" diameter and 30" in length and have a plastic cap marked "ODOT DIST 8". Bearings are Ohio State Plane South Zone (3402)(2011) as established by the ODOT VRS. To the best of my knowledge this description and the accompanying plat is a true and accurate representation of the conditions at that time.

The survey plat of which is filed in Volume 152, Plat 50 of the Warren County Engineer's record of land surveys.

(B) The land shall be conveyed subject to the following easement to provide ingress and egress to the Ohio Department of Correction sewer treatment plant, which encompasses the existing drive to said plant.

INGRESS-EGRESS EASEMENT

Commencing at the southeast corner of Section 6 said point also being in the centerline of State Route 63;

Thence North 05° 34' 03" East, leaving said centerline of State Route 63 and along said section line, 30.40 feet to a point in the existing right of way of said State Route 63;

Thence South 84° 36' 48" East, along the existing right of way of State Route 63, 1055.70 feet to the south east corner of lands conveyed to Warren General Property Co., LLC by O.R. Volume 5725, Page 433 and an iron pin found,

Thence North 05° 17' 35" East, along the east line of said Warren General Property Co., LLC, 30.00 feet to a point;

Thence South 84° 33' 59" East, along a new split line through said State of Ohio lands, 770.98 feet to the TRUE PLACE OF BEGINNING;

Thence N 59° 25' 46" E, along a new line through the lands of State of Ohio, 92.53 feet to a point;

Thence N 78° 33' 02" E, continuing a new line through the lands of State of Ohio, 44.89 feet to a point;

Thence S 84° 38' 05" E, continuing a new line through the lands of State of Ohio, 68.62 feet to a point in the west line of the sewer treatment plant;

Thence S 04° 59' 19" W, along the west line of the sewer treatment plant, 30.00 feet to a point;

Thence N 84° 38' 05" W, on a new line through the lands of State of Ohio, 64.38 feet to a point;

Thence S 78° 33' 02" W, continuing a new line through the lands of State of Ohio, 35.40 feet to a point;

Thence S 59° 25' 46" W, continuing a new line through the lands of State of Ohio, 46.20 feet to a point;

Thence N 84° 33' 59" W, along a split line through the lands of State of Ohio, 51.03 feet to the TRUE PLACE OF BEGINNING.

The above described area contains 0.1212 acres of land more or less, of which the present road occupies 0.000 acres of land more or less.

The foregoing legal description may be corrected or modified by the Department of Administrative Services to a final form if such corrections or modifications are needed.

(C)(1) The conveyance includes improvements and chattels situated on the real estate, and is subject to all easements, covenants, conditions, and restrictions of record: all legal highways and public rights-of-way; zoning, building, and other laws, ordinances, restrictions, and regulations; and real estate taxes and assessments not yet due and payable. The real estate shall be conveyed in an "as-is, where-is, with all faults"

condition. 109335

(2) The deed for conveyance of the real estate may contain 109336  
restrictions, exceptions, reservations, reversionary interests, or 109337  
other terms and conditions the Director of Administrative Services 109338  
determines to be in the best interest of the State. 109339

(3) Subsequent to the conveyance, any restrictions, 109340  
exceptions, reservations, reversionary interests, or other terms 109341  
and conditions contained in the deed may be released by the State 109342  
or the Department of Rehabilitation and Correction without the 109343  
necessity of further legislation. 109344

(4) The deed shall contain restrictions prohibiting the 109345  
purchaser from occupying, using, developing, or selling the real 109346  
estate if the occupation, use, development, or sale will interfere 109347  
with the quiet enjoyment of neighboring state-owned land. 109348

(5) The real estate described in division (a) of this section 109349  
shall be conveyed only if the Director of Administrative Services 109350  
and the Director of Rehabilitation and Correction first have 109351  
determined that the real estate is surplus real property no longer 109352  
needed by the state and that the conveyance is in the best 109353  
interest of the state. 109354

(D) The Director of Administrative Services shall offer the 109355  
real estate to the Grantee through a real estate purchase 109356  
agreement. Consideration for the conveyance of the real estate 109357  
shall be at a price and at terms and conditions acceptable to the 109358  
Director of Administrative Services and the Director 109359  
Rehabilitation and Correction. 109360

(E) The real estate described in division (A) of this section 109361  
shall be sold as an entire tract and not in parcels. 109362

(F) Grantee shall pay all costs associated with the purchase, 109363  
closing and conveyance of the real estate, including surveys, 109364  
title evidence, title insurance, transfer costs and fees, 109365

recording costs and fees, taxes, and any other fees, assessments, 109366  
and costs that may be imposed. 109367

The net proceeds of the sale shall be deposited into the 109368  
state treasury to the credit of the Adult and Juvenile 109369  
Correctional Facilities Bond Retirement Fund in accordance with 109370  
section 5120.092 of the Revised Code. 109371

(G) Upon payment of the purchase price, and receipt of 109372  
written notice from the Director of Administrative Services, the 109373  
Auditor of State, with the assistance of the Attorney General, 109374  
shall prepare a Governor's Deed to the real estate described in 109375  
division (A) of this section. The Governor's Deed shall state the 109376  
consideration and shall be executed by the Governor in the name of 109377  
the State, countersigned by the Secretary of State, sealed with 109378  
the Great Seal of the State, presented in the Office of the 109379  
Auditor of State for recording, and delivered to the Grantee. The 109380  
Grantee shall present the Governor's Deed for recording in the 109381  
Office of the Warren County Recorder. 109382

(H) This section shall expire June 30, 2022. 109383

**Section 753.30.** (A)(1) Notwithstanding division (A)(5) of 109384  
section 123.01 of the Revised Code, the Director of Administrative 109385  
Services may execute a perpetual easement in the name of the state 109386  
granting to the owner of the real property located at 60 East 109387  
Broad Street, Columbus, Ohio 43215 a perpetual easement. The 109388  
easement may be granted for the purpose of maintaining the wall 109389  
for which a forty-year easement was granted to The Railroad 109390  
Savings and Loan Company by the Ohio Building Authority in 1974 109391  
and burdening the following described real estate, as described in 109392  
the 1974 easement: 109393

Situated in the State of Ohio, County of Franklin, City of 109394  
Columbus and being a part of Inlot No. 449 Parcel No. I. 109395

Beginning at a P.K. nail at the southeast corner of Inlot Lo. 109396  
449; thence North ( $87^{\circ}-43'-30''$ ) West, along the southerly line of 109397  
said Inlot No. 449, a distance of one and twelve hundredths 109398  
(1.12') feet to a point; thence North ( $02^{\circ}-15'-00''$ ) East, 109399  
thirty-one and no hundredths (31.00) feet to a point; thence South 109400  
( $87^{\circ}-43'-30''$ ) East, a distance of one and twelve hundredths 109401  
(1.12') feet to a point in the easterly line of Inlot No. 449; 109402  
thence South ( $02^{\circ}-15'-00''$ ) West, thirty-one and no hundredths 109403  
(31.00') feet to the place of beginning and containing 34.72 109404  
square feet more or less. The rights granted on the land described 109405  
above include permission to construct a Refacing Wall over the 109406  
Ohio Building Authority, State Office Tower and attached to the 109407  
westerly side of the Railroad Savings and Loan Building at 60 East 109408  
Broad Street, Columbus, Ohio. The plans to be used for said 109409  
Refacing prepared by Brubaker/Brandt Inc., Architects-Planners. 109410

Parcel No, II 109411

Beginning at a point in the easterly property line of Inlot 109412  
No. 449 that is located North ( $02^{\circ}-15'-00''$ ) East, twenty-seven 109413  
and no hundredths (27 .00) feet from the southeast corner of said 109414  
Inlot; thence North ( $02^{\circ}-15'-00''$ ) East, along said easterly 109415  
property line, sixty-six and no hundredths (66.00) feet to a 109416  
point; thence North ( $87-43'-30''$ ) West, zero and five tenths 109417  
(0.5'') feet to a point on the east face of the new Ohio Building 109418  
Authority State Office Tower; thence South ( $02^{\circ}-15'-00''$ ) West, 109419  
along the east face of said building sixty-six and no hundredths 109420  
(66.00') feet to a point; thence South ( $87^{\circ}-43'-30''$ ) East, zero 109421  
and five tenths (0.5') feet to the place of beginning and 109422  
containing 33.0 square feet more or less. The rights granted as 109423  
described above include aerial rights only with permission to 109424  
attach to the above mentioned State Office Tower a Gutter and 109425  
Flashing as shown on plans Prepared by Brubaker/Brandt Inc., 109426  
Architects-Planners. 109427

(2) The legal description in division (A)(1) of this section 109428  
may be corrected or modified by the Department of Administrative 109429  
Services as necessary in order to facilitate recording of the 109430  
perpetual easement or to account for changes in circumstances 109431  
since the 1974 easement was granted. 109432

(B) Consideration for granting the perpetual easement is \$1. 109433

(C) The Director of Administrative Services, with the 109434  
assistance of the Attorney General, shall prepare the perpetual 109435  
easement document. The perpetual easement shall state the 109436  
consideration and the terms and conditions for granting the 109437  
perpetual easement. The perpetual easement shall be executed by 109438  
the Director of Administrative Services in the name of the state, 109439  
presented in the Office of the Auditor of State for recording, and 109440  
delivered to the owner of the real property at 60 E. Broad St., 109441  
Columbus, Ohio 43215. The owner shall present the perpetual 109442  
easement for recording in the Office of the Franklin County 109443  
Recorder. The owner shall pay the recording costs and fees. 109444

(D) This section expires three years after its effective 109445  
date. 109446

**Section 755.10. DIESEL EMISSIONS REDUCTION GRANT PROGRAM** 109447

There is hereby established in the Highway Operating Fund 109448  
(Fund 7002), used by the Department of Transportation, a Diesel 109449  
Emissions Reduction Grant Program. The Director of Environmental 109450  
Protection shall administer the program and shall solicit, 109451  
evaluate, score, and select projects submitted by public and 109452  
private entities that are eligible for the federal Congestion 109453  
Mitigation and Air Quality (CMAQ) Program. The Director of 109454  
Transportation shall process Federal Highway 109455  
Administration-approved projects as recommended by the Director of 109456  
Environmental Protection. 109457

In addition to the allowable expenditures set forth in 109458  
section 122.861 of the Revised Code, Diesel Emissions Reduction 109459  
Grant Program funds also may be used to fund projects involving 109460  
the purchase or use of hybrid and alternative fuel vehicles that 109461  
are allowed under guidance developed by the Federal Highway 109462  
Administration for the CMAQ Program. 109463

Public entities eligible to receive funds under section 109464  
122.861 of the Revised Code and CMAQ shall be reimbursed from 109465  
moneys in Fund 7002 designated for the Department of 109466  
Transportation's Diesel Emissions Reduction Grant Program. 109467

Private entities eligible to receive funds under section 109468  
122.861 of the Revised Code and CMAQ shall be reimbursed, at the 109469  
direction of the local public agency sponsor and upon approval of 109470  
the Department of Transportation, through direct payments. These 109471  
reimbursements shall be made from moneys in Fund 7002 designated 109472  
for the Department of Transportation's Diesel Emissions Reduction 109473  
Grant Program. Total expenditures from Fund 7002 for the Diesel 109474  
Emissions Reduction Grant Program shall not exceed \$10,000,000 in 109475  
both fiscal year 2022 and fiscal year 2023. 109476

Any allocations under this section represent CMAQ program 109477  
moneys within the Department of Transportation for use by the 109478  
Diesel Emissions Reduction Grant Program by the Environmental 109479  
Protection Agency. These allocations shall not reduce the amount 109480  
of such moneys designated for metropolitan planning organizations. 109481

The Director of Environmental Protection, in consultation 109482  
with the Director of Transportation, shall develop guidance for 109483  
the distribution of funds and for the administration of the Diesel 109484  
Emissions Reduction Grant Program. The guidance shall include a 109485  
method of prioritization for projects, acceptable technologies, 109486  
and procedures for awarding grants. 109487

**Section 755.20.** (A) The Director of Transportation, in 109488

consultation with the chief executive officers and legislative 109489  
authorities of the municipal corporations of Strongsville, North 109490  
Royalton, and Brunswick, shall conduct a traffic safety study for 109491  
the roads and highways in those municipal corporations. The 109492  
traffic safety study shall examine how to improve those highways 109493  
in ways that increase the safety and convenience of the traveling 109494  
public through those municipal corporations. The Director of 109495  
Transportation shall use up to \$100,000 in fiscal year 2022 from 109496  
the Highway Operating Fund (Fund 7002), through funding available 109497  
under the federal flexible spending program, to pay for the costs 109498  
of the study. This amount is hereby appropriated. 109499

(B)(1) Not later than December 31, 2022, the Director shall 109500  
complete the study and submit a report of the study's findings to 109501  
all of the following: 109502

(a) The Governor; 109503

(b) The Speaker of the House of Representatives; 109504

(c) The President of the Senate; 109505

(d) The chairpersons of the committees of the House of 109506  
Representatives and the Senate pertaining to transportation; 109507

(e) The chief executive officer and the legislative authority 109508  
of Strongsville, North Royalton, and Brunswick respectively. 109509

(2) The Director may include in the report solutions for the 109510  
traffic safety concerns found during the study. 109511

**Section 755.30.** The Director of Transportation, in 109512  
consultation with the county engineers of Miami County and Darke 109513  
County, shall conduct a traffic study for the intersection of 109514  
United States Route number thirty-six and State Route number seven 109515  
hundred twenty-one. The traffic study shall examine how to improve 109516  
the intersection in ways that increase the safety and convenience 109517

of the traveling public, particularly examining if installing a traffic control signal will result in such an increase. The Director shall complete the traffic study not later than August 1, 2022.

**Section 757.10.** The State of Ohio does not intend to collect tax on unemployment compensation reported to unsuspecting victims of fraud on an Internal Revenue Service form 1099-G from the Ohio Department of Job and Family Services consistent with Internal Revenue Service Information Release 2021-24. The State of Ohio also strongly encourages victims of fraud to report that fraud to the agency that issued the 1099-G to avoid potential billings and assessment from the Internal Revenue Service.

The Director of Job and Family Services and the Tax Commissioner shall cause information to be published on the web sites of their respective agencies informing Ohio residents about fraudulent misrepresentations made to obtain unemployment compensation. This information shall include a description of the penalties for such misrepresentations prescribed in section 4141.35 of the Revised Code, any recommended preventive measures to assist a resident in avoiding unemployment compensation fraud, and any actions recommended when a resident suspects or detects such fraud. The information shall be published as soon as practicable after the effective date of this section and remain on the applicable web site until June 30, 2023.

**Section 757.20. BUSINESS INCENTIVE TAX CREDITS**

In order to facilitate an understanding of business incentive tax credits, as defined in section 107.036 of the Revised Code, the following table provides an estimate of the amount of credits that may be authorized in each fiscal year of the 2022-2023 biennium, an estimate of the credits expected to be claimed in

each fiscal year of that biennium, and an estimate of the amount 109548  
of credits authorized that will remain outstanding at the end of 109549  
that biennium. In totality, this table provides an estimate of the 109550  
state revenue forgone due to business incentive tax credits in the 109551  
2022-2023 biennium and future biennium. 109552

Biennial Business Incentive Tax Credit Estimates 109553  
109554

Estimate of total value Estimate of tax Expected 109555  
of tax credits credits issued/claimed Outstanding  
authorized credits

(All figures in 109556  
thousands of dollars)

Tax FY 2022 FY 2023 FY 2022 FY 2023 End of 109558  
Credit Biennium

109559

Job \$105,000 \$110,000 \$130,000 \$130,000 \$950,000 109560  
Creation  
Tax  
Credit\*

109561

Job \$ 0 \$ 0 \$38,071 \$33,351 \$47,900 109562  
Retention  
Tax  
Credit

109563

Historic \$60,000 \$60,000 \$70,000 \$75,000 \$155,000 109564  
Preservation  
Tax  
Credit

109565

Motion \$40,000 \$40,000 \$47,500 \$42,500 \$85,000 109566  
Picture

|                                                                    |           |           |           |           |             |        |
|--------------------------------------------------------------------|-----------|-----------|-----------|-----------|-------------|--------|
| Tax                                                                |           |           |           |           |             |        |
| Credit                                                             |           |           |           |           |             | 109567 |
| New                                                                | \$10,000  | \$10,000  | \$9,850   | \$9,500   | \$43,500    | 109568 |
| Markets                                                            |           |           |           |           |             |        |
| Tax                                                                |           |           |           |           |             |        |
| Credit                                                             |           |           |           |           |             | 109569 |
| R&D Loan                                                           | \$0       | \$0       | \$1,450   | \$1,450   | \$5,000     | 109570 |
| Tax                                                                |           |           |           |           |             |        |
| Credit                                                             |           |           |           |           |             | 109571 |
| InvestOhio                                                         | \$2,250   | \$2,000   | \$1,500   | \$1,500   | \$3,250     | 109572 |
| Tax                                                                |           |           |           |           |             |        |
| Credit                                                             |           |           |           |           |             | 109573 |
| Ohio                                                               | \$0       | \$0       | \$11,250  | \$11,250  | \$22,500    | 109574 |
| Rural                                                              |           |           |           |           |             |        |
| Business                                                           |           |           |           |           |             | 109575 |
| Ohio                                                               | \$25,000  | \$25,000  | \$20,000  | \$20,000  | \$0         | 109576 |
| Opportunity                                                        |           |           |           |           |             |        |
| Zone                                                               |           |           |           |           |             |        |
| Estimate                                                           | \$242,250 | \$247,000 | \$329,621 | \$324,551 | \$1,312,150 | 109577 |
| Total                                                              |           |           |           |           |             |        |
| *The Job Creation Tax Credit (JCTC) estimate of credits            |           |           |           |           |             | 109578 |
| outstanding represents the estimated potential value of            |           |           |           |           |             | 109579 |
| certificates to be issued under the program in the future with the |           |           |           |           |             | 109580 |
| existing portfolio of approved and active incentives. The estimate |           |           |           |           |             | 109581 |
| assumes that the companies receiving credits will continue to meet |           |           |           |           |             | 109582 |
| the performance objectives required to continue receiving the      |           |           |           |           |             | 109583 |
| credit.                                                            |           |           |           |           |             | 109584 |

**Section 757.30.** (A) The Department of Insurance and the 109585  
Department of Medicaid shall complete a joint study analyzing the 109586  
following: 109587

(1) Whether allowing an incentive such as a tax credit or 109588  
other incentive based on the cost an individual incurs to purchase 109589  
long-term care insurance would increase the number of Ohioans that 109590  
purchase such insurance; 109591

(2) Whether employers or other group insurance plan providers 109592  
should be able to purchase long-term care insurance policies for 109593  
their employees or members, and whether allowing an incentive such 109594  
as a tax credit or other incentive to such employers or providers 109595  
would increase the number of Ohioans with such insurance; 109596

(3) Whether hybrid life insurance policies should be included 109597  
in the state long-term care partnership program, as that term is 109598  
defined in section 3923.41 of the Revised Code. 109599

(B) On or before June 30, 2022, the Departments shall issue 109600  
this study to the General Assembly, in accordance with division 109601  
(B) of section 101.68 of the Revised Code, and the Governor. The 109602  
study shall recommend incentive options and a range of incentive 109603  
amounts, if any, that could achieve the goals described in 109604  
divisions (A)(1) and (2) of this section. 109605

**Section 757.40.** (A) The amendment or enactment by this act of 109606  
Section 29 of H.B. 197 of the 133rd General Assembly and this 109607  
section are remedial in nature and apply to any municipal income 109608  
tax withholding obligation incurred, and any qualifying wages 109609  
earned, between January 1, 2021, and December 31, 2021. 109610

(B) If an employer withheld and remitted municipal income tax 109611  
from an employee's qualifying wages earned between March 9, 2020, 109612  
and December 31, 2021, to the municipal corporation in which the 109613  
employee's principal place of work is located, the employer shall 109614

not be assessed any tax, penalty, or interest by any other 109615  
municipal corporation for failure to situs or apportion those 109616  
wages to the other municipal corporation for municipal net profit 109617  
tax purposes or for failure to withhold municipal income tax from 109618  
such wages to the other municipal corporation. 109619

(C) Division (C) of this section applies to taxes withheld 109620  
and remitted on and after January 1, 2021, and before December 31, 109621  
2021. 109622

(1) Division (C)(16)(b) of section 718.01 of the Revised Code 109623  
does not apply to qualifying wages for which an employer withheld 109624  
and remitted municipal income tax to the municipal corporation in 109625  
which the employee's principal place of work is located in 109626  
accordance with Section 29 of H.B. 197 of the 133rd General 109627  
Assembly, either as enacted or as amended by this act, unless the 109628  
employee obtains a refund from that municipal corporation with 109629  
respect to such qualifying wages. 109630

(2) Notwithstanding division (C)(1) of this section, with 109631  
regard to qualifying wages withheld to the municipal corporation 109632  
in which the employee's principal place of work is located in 109633  
accordance with Section 29 of H.B. 197 of the 133rd General 109634  
Assembly, as amended by this act, if the employee does not obtain 109635  
a refund from that municipal corporation with respect to such 109636  
qualifying wages, both of the following apply for purposes of 109637  
determining the amount of tax owed by the employee to the 109638  
municipal corporation in which the employee resides: 109639

(a) To the extent that the tax rate levied by the employee's 109640  
municipal corporation of residence is higher than the tax rate 109641  
levied by the municipal corporation in which the employee's 109642  
principal place of work is located, the municipal corporation of 109643  
residence may treat the employee's qualifying wages as income that 109644  
is not exempt income solely for the purpose of determining the 109645  
amount of tax owed to that municipal corporation because of its 109646

higher tax rate. 109647

(b) To the extent that the employee's municipal corporation 109648  
of residence, by ordinance or resolution, grants a credit of less 109649  
than one hundred per cent of the taxes that a resident paid to 109650  
another municipal corporation, the municipal corporation of 109651  
residence may treat the employee's qualifying wages as income that 109652  
is not exempt income solely for the purpose of determining the 109653  
amount of tax, less credits, that is owed to that municipal 109654  
corporation because the credit equals less than one hundred per 109655  
cent of the taxes paid to another municipal corporation. 109656

(D) Notwithstanding section 718.19 of the Revised Code, with 109657  
respect to any request for a refund of taxes withheld by an 109658  
employer from qualifying wages pursuant to Section 29 of H.B. 197 109659  
of the 133rd General Assembly, a tax administrator may not 109660  
require, as a condition for processing the request, any statement 109661  
or other documentation from the employer other than a statement 109662  
verifying the number of days the employee worked at the employee's 109663  
principal place of work during the taxable year and that the 109664  
employer did not refund any withheld taxes to the employee. 109665

**Section 757.50.** As used in this section, "qualified property" 109666  
means any property that satisfies the qualifications for tax 109667  
exemption under the terms of section 5709.12 or 5709.121 of the 109668  
Revised Code, that is owned by a nonprofit organization exempt 109669  
from federal taxation under section 501(a) of the Internal Revenue 109670  
Code as an organization described in section 501(c)(3) of the 109671  
Internal Revenue Code, and, before its conveyance to that 109672  
organization, was owned by a school district. 109673

Notwithstanding section 5713.081 of the Revised Code, when 109674  
qualified property has not received tax exemption due to a failure 109675  
to comply with Chapter 5713. or section 5715.27 of the Revised 109676  
Code, the property's owner, at any time on or before twelve months 109677

after the effective date of this section, may file with the Tax Commissioner an application requesting that the property be placed on the tax-exempt list and that all unpaid taxes, penalties, and interest on the property be abated.

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

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

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

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

application. 109710

**Section 757.60.** The Director of Development shall begin 109711  
accepting applications under section 122.151 of the Revised Code 109712  
for certification as a program two rural business growth fund not 109713  
later than thirty days after the effective date of this section. 109714

**Section 757.70.** (A) There is hereby created the Federally 109715  
Subsidized Housing Study Committee to be composed of the following 109716  
members: 109717

(1) Three members of the Senate, two of whom are members of 109718  
the majority party and one of whom is a member of the minority 109719  
party, appointed by the President of the Senate; 109720

(2) Three members of the House of Representatives, two of 109721  
whom are members of the majority party and one of whom is a member 109722  
of the minority party, appointed by the Speaker of the House of 109723  
Representatives; 109724

(3) One member from each of the following, appointed by the 109725  
Governor: 109726

(a) The Ohio Bankers League; 109727

(b) The Ohio Housing Council; 109728

(c) The Ohio Homebuilders Association; 109729

(d) Ohio REALTORS; 109730

(e) The Ohio Insurance Institute; 109731

(f) The County Auditors Association of Ohio; 109732

(g) The Ohio School Boards Association; 109733

(h) The County Commissioners Association of Ohio; 109734

(i) The International Association of Assessing Officers. The 109735  
person appointed from this Association shall be an Ohio resident; 109736

(j) The Ohio Society of CPAs. 109737

(B)(1) The Committee shall author a report making 109738  
recommendations about the valuation and valuation process of 109739  
federally subsidized residential rental property. 109740

(2) The Committee shall submit the report to the President of 109741  
the Senate, the Speaker of the House of Representatives, and the 109742  
minority party leaders of the Senate and the House of 109743  
Representatives not later than July 1, 2022. 109744

(C) Members of the Committee shall serve at the pleasure of 109745  
the appointing authority and without compensation. 109746

(D) The Committee shall dissolve upon the submission of the 109747  
report required under division (B) of this section. 109748

**Section 803.20.** The amendment by this act of sections 4303.26 109749  
and 4303.271 of the Revised Code applies to transfer and renewal 109750  
applications filed under those sections that are due on or after 109751  
February 1, 2022. 109752

**Section 803.30.** (A) If a qualifying parking garage, as 109753  
defined in division (G) of section 5709.121 of the Revised Code, 109754  
is subject to an exemption authorized under the enactment by this 109755  
act of that division for tax year 2020, an exemption application 109756  
for that tax year shall be filed with the Tax Commissioner on or 109757  
before the thirtieth day after the effective date of this section, 109758  
notwithstanding division (F) of section 5715.27 of the Revised 109759  
Code. Any taxes paid for a tax year for which such an exemption 109760  
application is approved under this section shall be regarded as an 109761  
overpayment of taxes for the tax year and shall be refunded in the 109762  
manner prescribed by section 5715.22 of the Revised Code, except 109763  
that no application need be made under that section in order for 109764  
the auditor to issue a refund. The county auditor and county 109765  
treasurer shall otherwise proceed as provided in that section in 109766

the same manner as for other overpayments of taxes. 109767

(B) If qualifying real property, as defined in section 109768  
727.031 of the Revised Code, as enacted by this act, is subject to 109769  
an exemption authorized under the amendment or enactment by this 109770  
act of that section or section 1710.06, 6101.48, or 6101.53 of the 109771  
Revised Code for tax year 2020, any assessments levied pursuant to 109772  
those sections and paid for that tax year on such qualifying real 109773  
property shall be regarded as an overpayment of such assessments 109774  
and shall be refunded in the manner prescribed by section 5715.22 109775  
of the Revised Code, except that no application need be made under 109776  
that section in order for the auditor to issue a refund. The 109777  
county auditor and county treasurer shall otherwise proceed as 109778  
provided in that section in the same manner as for other 109779  
overpayment of assessments. 109780

**Section 803.50.** The amendment of section 5726.20 of the 109781  
Revised Code is intended to clarify the law as it existed prior to 109782  
the enactment of this act and shall be construed accordingly. 109783

**Section 803.60.** The amendment or enactment by this act of 109784  
divisions (A)(5), (6), and (33) and (S)(5) of section 5747.01 of 109785  
the Revised Code is intended to clarify the law as it existed 109786  
before the enactment of this act and shall be construed 109787  
accordingly. 109788

**Section 803.70.** The amendment by this act of division (H) of 109789  
section 5747.08 of the Revised Code is intended to clarify the law 109790  
as it existed before the amendment by this act of that division 109791  
and shall be construed accordingly. The amendment applies to 109792  
taxable years beginning on or after January 1, 2016. 109793

**Section 803.90.** The amendment by this act of section 5705.19 109794

of the Revised Code applies to property tax questions considered 109795  
at any election held on or after the one hundredth day after the 109796  
effective date of this section. 109797

**Section 803.93.** The amendment by this act of sections 109798  
5739.01, 5739.02, and 5739.03 of the Revised Code applies on and 109799  
after the first day of the first month beginning after the 109800  
effective date of this section. 109801

**Section 803.97.** (A) The amendment or enactment by this act of 109802  
sections 5747.02, 5747.72, and 5747.73 of the Revised Code applies 109803  
to taxable years beginning on or after January 1, 2021. 109804

(B) The Tax Commissioner shall not make adjustments in 2021 109805  
to the income amounts in divisions (A)(2) and (3) of section 109806  
5747.02 of the Revised Code, as otherwise required by division 109807  
(A)(5) of that section, or make adjustments in 2021 or 2022 to the 109808  
personal exemption amounts prescribed in division (A) of section 109809  
5747.025 of the Revised Code, as otherwise required by divisions 109810  
(B) and (C) of that section. 109811

**Section 803.100.** The amendment by this act of sections 109812  
5727.80 and 5727.81 of the Revised Code is intended to clarify the 109813  
meaning of those sections as they existed prior to the effective 109814  
date of this section and is not intended to change the meaning in 109815  
any way. 109816

**Section 803.120.** The amendment by this act of sections 503.56 109817  
and 715.014 of the Revised Code is intended to clarify the law as 109818  
it existed prior to the enactment of this act and shall be 109819  
construed accordingly. 109820

**Section 803.130.** The amendment by this act of division (L) of 109821  
section 5747.08 of the Revised Code applies to taxable years 109822

beginning on or after January 1, 2021. 109823

**Section 803.150.** The amendment by this act of section 5709.17 109824  
of the Revised Code applies to tax year 2021 and every tax year 109825  
thereafter. 109826

**Section 803.170.** The amendment by this act of division 109827  
(F)(2)(nn) of section 5751.01 of the Revised Code applies to any 109828  
excess surplus of the state insurance fund received by taxpayers 109829  
on and after January 1, 2022. 109830

**Section 803.180.** The enactment by this act of section 5747.75 109831  
of the Revised Code applies to taxable years beginning on or after 109832  
January 1, 2021. 109833

**Section 803.190.** The notification requirement prescribed by 109834  
the enactment by this act of section 5713.083 of the Revised Code 109835  
applies to tax year 2022 and every tax year thereafter. 109836

**Section 803.210.** The amendment by this act of sections 109837  
5709.40 and 5709.41 of the Revised Code applies to any proceedings 109838  
commenced or ordinances adopted after the amendment's effective 109839  
date, and, so far as the amendment supports the actions taken, 109840  
also applies to proceedings that, on that effective date, are 109841  
pending or in process, notwithstanding the applicable law 109842  
previously in effect. Any proceedings pending or in progress on 109843  
that effective date shall be deemed to have been taken in 109844  
conformity with that amendment. 109845

**Section 803.220.** The amendment by this act of division (E) of 109846  
section 5709.121 of the Revised Code applies to tax year 2021 and 109847  
every tax year thereafter. 109848

**Section 803.230.** The Attorney General shall begin to accept 109849  
applications for licenses to conduct electronic instant bingo 109850  
under Chapter 2915. of the Revised Code, as amended by this act, 109851  
on January 1, 2022, and shall begin to issue those licenses on 109852  
April 1, 2022. 109853

**Section 806.10. SEVERABILITY** 109854

The items of law contained in this act, and their 109855  
applications, are severable. If any item of law contained in this 109856  
act, or if any application of any item of law contained in this 109857  
act, is held invalid, the invalidity does not affect other items 109858  
of law contained in this act and their applications that can be 109859  
given effect without the invalid item of law or application. 109860

**Section 809.10. NO EFFECT AFTER END OF BIENNIUM** 109861

An item of law, other than an amending, enacting, or 109862  
repealing clause, that composes the whole or part of an uncodified 109863  
section contained in this act has no effect after June 30, 2023, 109864  
unless its context clearly indicates otherwise. 109865

**Section 812.10. SUBJECT TO REFERENDUM** 109866

Except as otherwise provided in this act, the amendment, 109867  
enactment, or repeal by this act of a section is subject to the 109868  
referendum under Ohio Constitution, Article II, section 1c and 109869  
therefore takes effect on the ninety-first day after this act is 109870  
filed with the Secretary of State or, if a later effective date is 109871  
specified below, on that date. 109872

The amendment of sections 102.02, 183.021, and 183.33 and the 109873  
repeal of sections 183.12, 183.13, 183.14, 183.15, 183.16, and 109874  
183.17 of the Revised Code by this act take effect December 30, 109875  
2021. 109876

The amendment of section 127.13 of the Revised Code by this act takes effect January 1, 2022. 109877  
109878

The amendment of section 1907.15 of the Revised Code by this act takes effect January 1, 2022. 109879  
109880

The amendment of section 3313.411 of the Revised Code by this act takes effect July 1, 2022. 109881  
109882

The enactment of section 5163.52 of the Revised Code by this act takes effect January 1, 2022. 109883  
109884

**Section 812.20.** The amendment, enactment, new enactment, or repeal by this act of the sections listed below is exempt from the referendum under section 1d of Article II, Ohio Constitution, and therefore takes effect immediately when this act becomes law or, if a later effective date is specified below, on that date. 109885  
109886  
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Sections 3302.043, 3302.103, 3313.905, 4301.43, 5165.15, 5165.151, 5165.25, 5165.26, 5165.36, 5751.02, and 5751.03 of the Revised Code. 109890  
109891  
109892

The amendments to divisions (A)(1)(a)(ii) to (iv) of section 3310.03 of the Revised Code. 109893  
109894

**Section 812.23.** Sections of this act prefixed with numbers in the 200s, 300s, 400s, and 500s and Sections 701.60, 733.70, 755.30, and 757.10 of this act are exempt from the referendum under Ohio Constitution, Article II, Section 1d, and therefore take immediate effect when this act becomes law. 109895  
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**Section 820.10.** The General Assembly, applying the principle stated in division (B) of section 1.52 of the Revised Code that amendments are to be harmonized if reasonably capable of simultaneous operation, finds that the following sections, presented in this act as composites of the sections as amended by the acts indicated, are the resulting versions of the sections in 109900  
109901  
109902  
109903  
109904  
109905

effect prior to the effective date of the sections as presented in 109906  
this act: 109907

Section 109.572 of the Revised Code as amended by both H.B. 109908  
263 and S.B. 260 of the 133rd General Assembly. 109909

Section 111.16 of the Revised Code as amended by both H.B. 31 109910  
and H.B. 133 of the 132nd General Assembly. 109911

Section 121.22 of the Revised Code as amended by both H.B. 109912  
263 and H.B. 341 of the 133rd General Assembly. 109913

Section 149.43 of the Revised Code as amended by both S.B. 4 109914  
of the 134th General Assembly and S.B. 284 of the 133rd General 109915  
Assembly. 109916

Section 1322.10 of the Revised Code as amended by both H.B. 109917  
133 of the 134th General Assembly and H.B. 263 of the 133rd 109918  
General Assembly. 109919

Section 1901.31 of the Revised Code as amended by both H.B. 109920  
49 and S.B. 25 of the 132nd General Assembly. 109921

Section 2151.421 of the Revised Code as amended by H.B. 24, 109922  
H.B. 33, and H.B. 166, all of the 133rd General Assembly. 109923

Section 3302.036 of the Revised Code as amended by both H.B. 109924  
64 and H.B. 70 of the 131st General Assembly. 109925

Section 3302.20 of the Revised Code as amended by both 109926  
Section 101.01 and Section 120.10 of H.B. 59 of the 130th General 109927  
Assembly. 109928

Section 3310.03 of the Revised Code as amended by both H.B. 109929  
436 and S.B. 89 of the 133rd General Assembly. 109930

Section 3314.03 of the Revised Code as amended by H.B. 123, 109931  
H.B. 164, H.B. 166, H.B. 409, H.B. 436, S.B. 68, and S.B. 89, all 109932  
of the 133rd General Assembly. 109933

Section 3319.31 of the Revised Code as amended by both H.B. 109934

|                                                               |        |
|---------------------------------------------------------------|--------|
| 123 and H.B. 263 of the 133rd General Assembly.               | 109935 |
| Section 3326.11 of the Revised Code as amended by H.B. 123,   | 109936 |
| H.B. 164, H.B. 166, H.B. 436, and S.B. 68, all of the 133rd   | 109937 |
| General Assembly.                                             | 109938 |
| Section 3328.24 of the Revised Code as amended by H.B. 123,   | 109939 |
| H.B. 164, H.B. 166, H.B. 436, and S.B. 68, all of the 133rd   | 109940 |
| General Assembly.                                             | 109941 |
| Section 3333.31 of the Revised Code as amended by both H.B.   | 109942 |
| 16 and S.B. 40 of the 133rd General Assembly.                 | 109943 |
| Section 4731.22 of the Revised Code as amended by H.B. 263,   | 109944 |
| H.B. 442, and S.B. 260, all of the 133rd General Assembly.    | 109945 |
| Section 5126.05 of the Revised Code as amended by both H.B.   | 109946 |
| 158 and H.B. 483 of the 131st General Assembly.               | 109947 |
| Section 5540.02 of the Revised Code as amended by H.B. 627 of | 109948 |
| the 121st General Assembly and H.B. 74 of the 134th General   | 109949 |
| Assembly.                                                     | 109950 |
| Section 5727.75 of the Revised Code as amended by both H.B. 6 | 109951 |
| and H.B. 166 of the 133rd General Assembly.                   | 109952 |
| Section 5747.01 of the Revised Code as amended by H.B. 18,    | 109953 |
| H.B. 197, S.B. 26, and S.B. 276, all of the 133rd General     | 109954 |
| Assembly.                                                     | 109955 |
| Section 5751.01 of the Revised Code as amended by H.B. 150,   | 109956 |
| H.B. 197, S.B. 201, and S.B. 276, all of the 133rd General    | 109957 |
| Assembly.                                                     | 109958 |